



# Northumberland

## County Council

### Cramlington, Bedlington and Seaton Valley Local Area Council

17<sup>th</sup> November 2021

<b>Application No:</b>	20/03863/VARYCO		
<b>Proposal:</b>	Variation of conditions 2 (materials) and 3 (approved plans) pursuant to planning permission 18/00515/FUL in order to install a flat roof rather than a pitched roof		
<b>Site Address</b>	41A Southward, Seaton Sluice, Whitley Bay, Northumberland NE26 4DQ		
<b>Applicant:</b>	Mrs Elaine Burt 41A Southward, Seaton Sluice, Whitley Bay, Northumberland NE26 4DQ	<b>Agent:</b>	None
<b>Ward</b>	Hartley	<b>Parish</b>	Seaton Valley
<b>Valid Date:</b>	5 January 2021	<b>Expiry Date:</b>	23 July 2021
<b>Case Officer Details:</b>	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

**Recommendation:** That this application be REFUSED permission



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## **1. Introduction**

1.1 As the application generates significant planning issues, the Director of Planning confirmed that it should be determined at Local Area Council Meeting.

1.2 Members will recall this application was considered at the Cramlington, Bedlington and Seaton Vally Local Area Council on 21<sup>st</sup> July. To recap, the extension to 41A Southward had not been constructed in accordance with the approved plans and the application was seeking retrospective approval through a variation of condition planning application for the development, as built. However, the development did not accord with prevailing planning policy and was recommended for refusal. Members deferred the application until the November meeting to allow the applicants time to consider making changes to the built extension that would be acceptable on planning grounds. The intention was to have these changes reflected in a further submission of plans to bring to Members of the committee for their consideration. To date, the applicants have not been in contact with the planning department to discuss the scope for acceptable alternative amendments and no further plans have been submitted. As such, the application is being brought back to committee with an unchanged recommendation of refusal.

## **2. Description of the Site**

2.1 The application is seeking to vary condition 2 (materials) and 3 (approved plans) pursuant to planning permission 18/00515/FUL in order to install a flat roof rather than a pitched roof at 41A Southward, Seaton Sluice.

2.2 Application 18/00515/FUL approved a full width extension projecting 3.5m from the rear wall. The two storey element of the extension measured 5.6m along the rear wall and pitched roof with a ridge height of 6.6m high with the remaining part of the extension near the eastern shared boundary being reduced to single storey measuring 2.3m in width and a leant to roof of 3.7m high to the ridge.

2.3 The extension was not constructed in accordance with the approved plans and a full width two storey flat roof extension was built measuring 7.9m 5.6m high and projecting 3.56m from the rear wall. The application also includes an external staircase to the side elevation for a fire escape from the first floor.

2.4 The extension is in connection to application 20/03225/COU for the retrospective permission for partial change of use of downstairs of property to childcare in a domestic setting with proposed front driveway. The extension is therefore required to serve the current occupants as a dwelling and for additional space to serve the child minding business.

## **3. Planning History**

**Reference Number:** 18/00515/FUL

**Description:** Proposed two storey rear extension as amended by drawings received 13/03/18

**Status:** PER

**Reference Number:** 20/03225/COU

**Description:** Retrospective permission for partial change of use of downstairs of property to childcare in a domestic setting with proposed front driveway (amended 07.06.2021)

**Status:** PDE

**Reference Number:** 21/00164/FUL

**Description:** Create a drive for 2 cars.

**Status:** APPRET

#### 4. Consultee Responses

Seaton Valley Parish Council	No response received.
Forestry Commission	No comments
Strategic Estates	No response received.

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	0
Number of Support	0
Number of General Comments	0

##### Notices

No Site Notice Required.

No Press Notice Required.

##### Summary of Responses:

An objection from the adjacent neighbour to the west has concerns with the new side extension due to its position near the shared boundary; no guttering in place and the doorway obstructs access to neighbouring side access and bin storage. – The side extension is permitted development and no action can be taken. The works to the brickwork and guttering have not to be implemented until the planning permission has been determined. These issues will also be covered under building control regulation and the Party Wall Act that are separate to the planning system. The objection was submitted to the separate application on site Ref: 20/03225/COU (Retrospective permission for partial change of use of downstairs of property to childcare in a domestic setting with proposed front driveway) but has also been taken into consideration for this application for the external works.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QJW5M6QS0M800>

## **6. Planning Policy**

### **4.1 Development Plan Policy**

Blyth Valley Local Plan 1999  
Policy G5 Settlement Policy: The Villages

Blyth Valley Core Strategy (2007):  
Policy SS1 – Regeneration and Renaissance of Blyth Valley 2021: Integrated  
Regeneration and Spatial Strategy  
Policy SS2 – The Sequential Approach and Phasing  
Policy SS3 – Sustainability Criteria  
Policy C1 – Educational Facilities  
ENV2 - Historic and Built Environment

Blyth Valley District Local Development Framework: Development Control Policies  
Development Plan Document (DPD)(2007):  
DC1 - General Development; and  
DC28 - Extensions and Alterations of Residential Properties.

### **4.2 National Planning Policy**

National Planning Policy Framework (2019) (NPPF); and  
National Planning Practice Guidance (2019, as amended) (NPPG).

### **4.3 Emerging Planning Policy**

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as  
amended by proposed Main Modifications (June 2021)  
STP 1 - Spatial strategy (Strategic Policy);  
STP 2 - Presumption in favour of sustainable development;  
STP 3 - Sustainable development;  
HOU 9 - Residential development management;  
QOP 1 - Design principles (Strategic Policy);  
QOP 2 - Good design and amenity;  
TRA 4 - Parking provision in new development.

## **7. Appraisal**

### **Principle of Development**

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development comprises policies in the Neighbourhood plan and local plans as identified above. The National Planning Policy Framework (NPPF) (February 2019) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.3 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.4 This application is for a residential extension to an existing dwelling within an established residential area and within the settlement boundary of Seaton Sluice. The application is seeking to retrospectively vary the plans of application 18/00515/FUL for a two storey extension although the approved plans had also included a side extension. As such the principle of some type of extension at the property is considered to be in accordance with Policy DC1 Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document (2007) and policy STP 1 of the emerging Northumberland Local Plan 2017.

### Design and Residential Amenity

#### *Policy*

7.5 The application is seeking retrospective permission for a two storey full width flat roofed extension as it was not constructed in accordance with the approved plans on the original permission in 2018.

7.6 The NPPF promotes well-designed places and section 12 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards.

7.7 Policy ENV 2 of the Blyth Valley Core Strategy states that high quality design will be expected and developments and which in visual term would cause significant harm to the character or quality of the surrounding environment will be refused.

7.8 The relevant criteria of Policy DC1 General Development of the Blyth Valley Development Control Policies DPD states that developments must be of a high standard of design and landscaping which takes account of existing natural and built features, the surrounding area and adjacent land uses. Proposals should also have no adverse impact on the amenities of residents of nearby residential properties

7.9 Policy DC28 of the Blyth Valley Development Control Policies DPD is more specific to extensions and alterations of residential properties. Proposals to extend or otherwise alter existing dwellings will be permitted if it is well related to the existing building in terms of its design, siting, massing and the use of materials; the extension does not adversely affect the privacy or amenity of adjoining properties; and the use of flat roofs should be avoided and will not be permitted on two storey extensions.

7.10 Policy QOP 1 of the emerging NLP sets design principles and proposals will be supported where design:

- Makes a positive contribution to local character and distinctiveness

- Creates or contributes to a strong sense of place and integrates the built form of the development with the site overall, and the wider local area;
- Incorporates high quality aesthetics, materials and detailing;
- Protects general amenity;

7.11 Policy QOP 2 of the emerging NLP promotes developments to offer good design and amenity. It states that development will be required to provide a high standard of amenity for existing and future users of the development itself and preserve the amenity of those living in, working in or visiting the local area. Development which would result in unacceptable adverse impacts on the amenity of neighbouring uses, in terms of both individual and cumulative impacts, will not be supported.

In order to provide a high standard of amenity and minimise any adverse impacts on amenity, development proposals will need to ensure that:

a. The physical presence and design of the development preserves the character of the area and does not have a visually obtrusive or overbearing impact on neighbouring uses;

- The appropriate levels of privacy, according to the use of buildings and spaces, are incorporated into the design of the new development and are preserved in existing neighbouring development;
- Outlook from the development or resulting from the development, particularly in relation to principle viewpoints in habitable rooms or spaces, is not oppressive and design of the development responds to opportunities to deliver the best outcomes for outlook.

Developments will be required to relate positively to their locality, having regard to:

- a. Building heights;
- b. The form, scale and massing, prevailing around the site;
- c. The framework of routes and spaces connecting locally and more widely;
- d. The pattern of any neighbouring or local regular plot and building widths, and where appropriate, follow existing building lines.

7.12 Policy HOU9 of the emerging NLP relates to householder proposals which will only be supported where the enhancement:

- a. Is well-related and subordinate in size and massing to the existing dwelling, and in combination with the existing dwelling forms a visually indivisible single dwelling as a whole;
- b. Does not have a significant adverse impact on the amenity of adjoining properties in terms of structural proximity and unacceptable loss of daylight/sunlight, privacy and visual outlook;
- c. Respects and complements the style and character of the existing dwelling and its setting in terms of its design and use of materials.

### *Design*

7.13 The original permission for the two storey rear extension was approved as the design combined a two and single storey extension that included a pitched roofs and reducing the scale and mass along the shared boundary.

7.14 A two storey flat roof extension has been constructed along the full width of the rear wall and omitted the pitched roof and single storey element of the scheme. This

results in a design that is not in proportion or sympathetic to the style of host property and surrounding street scene.

7.15 Policy DC28 states that flat roofs should be avoided and will not be permitted on two storey extensions. It is considered that a pitched or hipped roof with matching roof tiles would be more in keeping with the appearance of the host. The current extension does not match the roof style of the existing property and creates an incongruous addition on the rear of the property and as part of a semi-detached dwelling.

7.16 The extension is clearly visible from the rear and is not consistent with the character and design of dwellings and extensions at two storey height within the surrounding street. The large, high flat roof fails to complement the existing slope of the pitched roof of the host and instead abruptly connects beyond the eaves which does not promote good design or remain sympathetic to the style and appearance of the property. The originally approved scheme offered a suitable pitched roof and provided an overall more balanced and proportioned design.

7.17 The inclusion of a first floor side door leading to an external staircase is not an appropriate feature to a residential property and more common on a commercial building. It is considered that this element of the application is not in keeping with the character of the property or surrounding residential area. The side extension is not part of the application but has been included in some of the proposed elevations. It is noted that the constructed side extension would constitute as permitted development and the proposed external render would be acceptable. It remains unfinished at present.

7.18 Having regard to the above, the proposal would have an unacceptable detrimental impact on the design, visual amenity and the character of the host dwelling and the surrounding area.

7.19 The proposed extension does relate well to the existing dwelling and does not respect or complement the style and character of the existing dwelling and its setting in terms of its design. As such, the proposal is deemed contrary to policies DC1 and DC28 Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document (2007), Policies HOU 9 and QOP 2 of the emerging Northumberland Local Plan 2017 and the NPPF.

### *Residential Amenity*

7.20 There is a general presumption against two storey and first floor rear extensions to semi-detached and terrace houses where the extension would adjoin or come close to the shared boundary with the adjoining house. This is to protect the occupiers of the adjoining property from any serious overshadowing. It is considered that by virtue of the proposed height, mass and projection of the proposed two storey side extension, this would result in an overbearing impact on the adjoining dwelling to the east. The two storey extension projecting 3.5m along the shared boundary would result in an overbearing sense of enclosure, loss of outlook, daylight and sunlight.

7.21 It was recognised during a site inspection that the extension directly blocked afternoon sunlight into the neighbouring rear garden and habitable rooms to the rear elevation. In addition, the extension would not meet the '*45 degree rule*' which is a recognised line of site criteria. This rule consists of drawing a line from the nearest neighbouring window at 45 degrees towards the directing of the extension. As the

extension interrupts this line, it is therefore an strong indication that the extension is too close to neighbouring window and there would be a loss of light. In addition, the neighbouring property has on obtrusive high brick wall which from an oppressive and overbearing feature from habitable rooms and the garden.

7.22 The inclusion of the side first floor door is not a design feature that is encouraged but in terms of amenity, obscure glazing should be imposed to protect privacy to the west.

7.23 Overall, it is considered that the proposal in the original permission was a more appropriate design that reduced the scale of the extension along the eastern shared boundary to offset the impact to the adjoining neighbour.

7.24 At present, there would be a significant adverse impact on the amenity of an adjoining property in terms of an unacceptable loss of daylight/sunlight, visual outlook, structural proximity and overbearing presence. Having regard to the above, in terms of impact on residential amenity the proposal is considered to be contrary policy DC1 and DC28 Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document (2007) and It would also be contrary to Policies HOU 9 and QOP 2 of the emerging Northumberland Local Plan 2017.

### Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

### Crime and Disorder Act Implications

These proposals have no implications in relation to crime and disorder.

### Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights



legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 By virtue of its size, mass and siting, the proposed extensions would have an unacceptable impact on the residential amenity of neighbouring dwellings. Furthermore, the proposed front extension would be an incongruous and over-dominant feature of the host dwelling and would have an unacceptable visual impact on the character and appearance of the application site and streetscene.

8.2 Having regard to the above, the proposal stands contrary to policies DC1 and DC28 Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document (2007) and Policies HOU 9 and QOP 2 of the emerging Northumberland Local Plan 2017.

## **9. Recommendation**

That this application be REFUSED permission subject to the following:

### Conditions/Reason

01. The two storey rear extension by virtue of its siting, scale, mass and design does not respect or complement the style or character of the existing dwelling and appears as an incongruous addition to the streetscene resulting in significant harm to the visual amenities of the locality. This would be contrary to Policy DC1 & DC28 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document (2007) Policy ENV2 of the Blyth Valley Core Strategy and the NPPF.

02. The two storey rear extension by virtue of its siting, scale, mass and height would result in a significant adverse impact on the amenity of an adjoining property in terms of an unacceptable loss of daylight/sunlight, visual outlook, structural proximity and overbearing presence to the occupiers of the neighbouring dwelling to the immediate east. This would be contrary to Policy DC1 & DC28 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document (2007) and the NPPF.

**Date of Report: 07.07.2021**

**Background Papers:** Planning application file(s) 20/03863/VARYCO