

## SCHEDULE A: Applications with Recommendation

16/0384

Item No: 03

Date of Committee: 21/10/2016

**Appn Ref No:**  
16/0384

**Applicant:**  
Canvas Strecher Bars

**Parish:**  
St Cuthberts Without

**Agent:**  
Concept

**Ward:**  
Dalston

**Location:** Land to the rear of Stribers, 23 Newbiggin Road, Durdar, Carlisle, CA2 4UJ

**Proposal:** Proposed Demolition Of Existing Garage And Erection Of 1no. Dwelling

**Date of Receipt:**  
29/04/2016 13:00:13

**Statutory Expiry Date**  
24/06/2016 13:00:13

**26 Week Determination**  
30/10/2016

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### REPORT

**Case Officer:** Barbara Percival

#### Update

As Members are aware, this application was deferred by Members at the Development Control Committee Meeting of the 16th September 2016. The reason for deferral being:

*"to allow Officers to negotiate amendments with the applicant and to await a further report on the application at a future meeting of the Committee".*

Since the Committee Meeting the Agent has confirmed that the Applicant wishes Members to consider the scheme as submitted. The Project Manager has submitted a statement in support of the scheme which has been reproduced in the Schedule.

One of the issues raised is a procedural matter in respect of the Right to Speak Scheme. The Applicant's Project Manager has stated that there was no opportunity for the Applicant/Agent to address Members of the Development Control Committee. This was not the case, the Agent was contacted by e-mail and by telephone to advise that a third party had registered their Right to Speak and to offer him the opportunity to respond; however, the offer was declined.

In terms of the planning merits of the application the Minutes show that Members raised a number of issues, namely: overshadowing of the adjacent property, questioned the reason for the revised application in light of the fact that the applicant has an extant permission and referred to the means of foul drainage.

In respect of overshadowing of the adjacent property, number 14 The Willows, paragraph 6.16 acknowledges that due to the proposed relationship of the buildings it would be inevitable that there would be some over-shadowing of the adjoining rear garden. However, the extent of over-shadowing would change at differing times of the year and would not be detrimental to the occupiers of the dwelling. Accordingly, a judgement has to be made as to whether the extent of the over-shadowing would be so significant to warrant a refusal of the application.

In respect of the relocation of the dwelling within the plot to that of the extant permission. As Members are aware each application is dealt with on its own merits, therefore, Members have to determine the application currently before them. Nevertheless, the extant permission was for the erection of two dwellings located within the domestic curtilage of Stribers whilst this application seeks permission for one dwelling within the rear garden of Stribers.

In respect of the proposed foul drainage arrangements, paragraphs 6.19 and 6.20 have been revised in respect of the method of foul and surface water drainage.

## **1. Recommendation**

- 1.1 It is recommended that this application is approved with conditions.

## **2. Main Issues**

- 2.1 Whether the principle of development is acceptable
- 2.2 Whether the scale and design of the dwelling is acceptable
- 2.3 Impact of the proposal on the living conditions of neighbouring residents
- 2.4 Impact of the proposal on highway safety
- 2.5 Whether the method of disposal of foul and surface water are appropriate
- 2.6 Impact of the proposal on biodiversity
- 2.7 Other matters

## **3. Application Details**

### **The Site**

- 3.1 The Stribers, 23 Newbiggin Road is a detached bungalow set within a large curtilage located on the northern side of the U1128 Durdar to the Golden Fleece Roundabout county highway. Located within the curtilage of the property is a double garage and several other domestic outbuildings. Vehicular access is directly onto Newbiggin Road; however, the property is also served by a wider vehicular access and parking area off The Willows which affords access to the detached double garage.

### **Background**

- 3.2 In March 2014, Full Planning Permission was granted for the demolition of the existing bungalow and erection of 2no. dwellings (application reference 14/0035).

### **The Proposal**

- 3.3 The proposal seeks Full Planning Permission for the demolition of the existing garage and the erection of 1no. dwelling. The block plan, submitted as part of the application, illustrates the retention the detached bungalow and the subdivision of its curtilage with the proposed new dwelling located to the north of Stribers. Access would be via The Willows with the boundaries of the site delineated by 1.8 metre high timber fences.
- 3.4 The proposed dwelling would have a ridge height of 8.59 metres with a maximum width of 13.6 metres including the garage and external chimney. The accommodation provided would consist of a living/kitchen/family room, hall, w.c., study/office, living room, utility and garage on the ground floor with 1no. ensuite bedroom, 3no. bedrooms and bathroom above. There would also be an en-suite master bedroom in the roof space. The proposed materials would be facing brickwork with sandstone features with slate roofs.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of six neighbouring properties and the posting of a Site Notice. In response, five representations of objection have been received in respect of the originally submitted drawings.
- 4.2 The representations identifies the following issues:
1. design not in keeping with other in The Willows.
  2. no overall objection to the development of the site; however the design and location of the property would adversely affect the adjacent dwelling.
  3. potential overlooking and loss of privacy.
  4. overdominance of the property to neighbouring properties.
  5. impact of the proposal on surface water.
  6. disappointed that no consultation has taken place prior to the submission of the application.
  7. condition should be imposed in respect of working hours and deliveries.
  8. the development of this site and the potential adjacent site would result in nearby and adjacent properties virtually 'living on a building site' for some

considerable time.

9. the entrance of The Willows should be kept free of building materials and equipment whilst under construction.
  10. the property is a three storey dwelling adjacent two storey dwellings.
  11. potential overshadowing due to height and position of proposed dwelling.
  12. development of the site should not be piecemeal.
  13. the double garage would come forward of the main dwelling which has resulted in the dwelling being moved back.
  14. potential to exacerbate existing sewage problems.
- 4.3 Revised drawings were subsequently received and third parties notified. Five representation of objection have been received in respect of the revised drawings.
- 4.4 The representations on the revised drawings identifies the following issues:
1. revised plans do not address previous objections and all previous issues raised valid.
  2. the dwelling should be in keeping with others within The Willows.
  3. would the dwelling be subject to the same covenant as others within The Willows.
  4. potential highway obstruction during any building works.
  5. dwelling would set a precedent for any future dwelling within the curtilage of Striders.
  6. the garage is immediately adjacent to the shared boundary and will result in loss of light and overshadowing. This is out of keeping with the rest of the estate and should be relocated in the south east corner of the garden as originally approved.
  7. potential overshadowing due to height and position of proposed dwelling.
  8. the foul sewage should be connected directly into the main sewerage system and not into the secondary foul waste outlet which runs through the adjacent property.

## **5. Summary of Consultation Responses**

Cumbria County Council - (Highways and Lead Local Flood Authority): - following the receipt of revised drawings now raise no objections subject to

the imposition of a condition requiring the boundary treatments to be retained as approved;

St Cuthberts Without Parish Council: - do not wish to make any representation on the revised proposal;

Northern Gas Networks: - no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact United Utilities directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable.

## **6. Officer's Report**

### **Assessment**

#### **Reason For Recommending Delegated Power Decision**

- 6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2. The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Policies DP1, CP1, CP2, CP5, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016 and Policies SP1, GI1, GI3, SP6, IP6, CC5, HO2 and IP3 of the emerging Carlisle District Local Plan 2015-2030. A further material consideration is the Supplementary Planning Document 'Achieving Well Designed Housing'.
- 6.3 Carlisle's emerging new Local Plan 'The Carlisle District Local Plan 2015 - 2030' was submitted to the Secretary of State on 22nd June 2015 under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 6.4 Paragraph 216 of the National Planning Policy Framework identifies that:

*"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

  - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*

Carlisle City Council resolved at their meeting of the 10th February 2015, with

regards to the emerging Local Plan, that *“once published for consultation, weight be given to the Carlisle District Local Plan (2015–2030) as a material consideration when exercising Development Management policy decisions, in accordance with paragraph 216 of the National Planning Policy Framework”*.

6.5 In exercising a decision on the proposal regard has therefore been had to the relevant policies and proposals within the emerging Carlisle District Local Plan 2015-2030. The particular weighting afforded to policies and proposals of relevance has been arrived at by considering each in turn and by way of reference to the provisions of paragraph 216 of the NPPF.

6.6 The emerging Carlisle District Local Plan 2015-2030 (submission draft and proposed modifications) is now at an advanced stage having received the Inspector's report and is now progressing through the Council's processes towards adoption by the Full Council on the 8th November 2016. As such, in view of the advanced stage of plan preparation, these policies carry significant weight.

6.7 The proposal raise the following planning issues:

**1. Whether The Principle of Development Is Acceptable**

6.8 The principle of development of the site has been established since 2014 by the granting of Full Planning Permission for the demolition of existing bungalow and erection of 2no. dwellings (application 14/0035).

**2. Whether The Scale And Design Of The Dwelling Is Acceptable**

6.9 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy CP5 of the Local Plan and Policy SP6 of the emerging Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.

6.10 Objections have been raised in respect of the scale, design and massing of the proposed dwelling and that it does not respect dwellings within The Willows. However, when assessing the character of the area, it is evident that whilst the majority of the dwellings within The Willows are of similar appearance some have been extended, thereby, providing a contrast to the original scale and design of the dwellings. Furthermore, paragraph 60 of the NPPF outlines that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

6.11 In consideration of the proposal, the submitted drawings illustrate that the

proposed dwelling would incorporate features found in the adjoining properties within The Willows i.e. staggered frontages with two storey gabled projections whilst aiming to achieve an individual dwelling through the use of sandstone on sections of the dwelling and garage with slate roofs.

- 6.12 The proposed dwelling incorporates a master en-suite bedroom in the roof space resulting in the dwelling being approximately 0.79 metres higher than its neighbours; however, in mitigation it would be viewed against the gable elevation of the adjoining property, 14 The Willows, and have a similar footprint.
- 6.13 In overall terms, the proposed dwelling would harmonise with neighbouring properties whilst retaining its own identity. Adequate amenity space and incurtilage parking/turning provision can be achieved, thereby ensuring that the development does not appear cramped or overdeveloped. The resultant impact of the development on the streetscene would not be obtrusive or be detrimental to the character of the area. In summary, the scale and massing of the proposed dwelling is comparable to the existing properties within the vicinity. Accordingly, the development would not form a discordant feature within the street scene.

### **3. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.14 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in Local Plan policies together with the City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should be achieved.
- 6.15 Objections have been received in respect of overlooking and loss of privacy; however, the proposed dwelling would be so orientated so as to not only meet but are well in excess the minimum distances as outlined in the aforementioned SPD. A further objection raised by a neighbour is the location of the dwelling within the plot which results in the double garage coming forward of the building line of 14 The Willows and projecting 2.6 metres past its rear elevation. The objector citing overdominance and over-shadowing from the proposed dwelling.
- 6.16 The views of the objector are respected, in mitigation the garage would be partially obscured by a 1.8 metre high timber fence and the roof would slope away from the adjacent property. Although the dwelling would be approximately 0.79 metre higher than the adjacent dwelling it would be stepped off the shared boundary by 2 metres with the majority of the dwelling located adjacent to the garage of its neighbour. Given the orientation of the dwelling in respect of the adjacent dwelling it would be inevitable that there would be some over-shadowing of the adjoining property's rear garden; however, the proposed dwelling would not be so dominant or result in such a

significant over-shadowing of the neighbouring garden to warrant a refusal of the application on these grounds.

- 6.17 Further objections raised by neighbours are the impact of the development in respect of construction noise and delivery times. It is inevitable that there would be noise resulting from construction works and deliveries. To order to safeguard the living conditions of the occupiers of neighbouring properties a condition is recommended that would restrict both construction hours and delivery times.

#### **4. Impact Of The Proposal On Highway Safety**

- 6.18 The originally submitted drawings illustrated the erection of an attached double garage with parking/turning provision within the site utilising an existing vehicular access. Cumbria County Council was consulted and raised concerns in respect of the adequacy of parking provision within the site, the proposed boundary treatment and that the garage should be set back 2.4 metres from the existing boundary wall. These issues have been raised with the Agent and revised drawings received upon which the Highway Authority has been consulted. The Highway Authority has removed its original objections subject to the imposition of a condition requiring the boundary treatments to the site to be retained in accordance with the approved drawings.

#### **5. Whether The Method of Disposal of Foul And Surface Water Are Appropriate**

- 6.19 In order to protect against pollution, Policy CP12 of the Local Plan and Policies IP6 and CC5 of the emerging Local Plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form, submitted as part of the application, outlines that foul sewage would be to the foul sewer whilst surface water would be to a soakaway. The objector raised concerns at the previous meeting of this committee that the foul drainage would pass through his curtilage; however, the mains infrastructure already passes through his garden and the proposal would connect into this. As such, the proposal is acceptable and would not result in any adverse effect on the neighbours. No formal response had been received from United Utilities (UU), therefore, in line with current practices it was assumed that they raised no objections to the foul drainage methods as proposed. Nevertheless, in light of the concerns of the objectors UU has subsequently been contacted to discuss this matter. UU raise no objections to the foul drainage discharging into the foul pumping station; however, require that foul and surface water should be drained on separate systems. The Lead Local Flood Authority do not foresee any issues with the disposal of foul and surface water subject to connecting to UU system.
- 6.20 To ensure adequate foul and surface water disposal can be achieved. Conditions are recommended ensuring that foul and surface water are drained on separate systems and the submission of foul and surface water drainage details prior to commencement of any development.



## **6. Impact Of The Proposal On Biodiversity**

- 6.21 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative will be included within the decision notice, should Members approve the application, ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

## **7. Other Matters**

- 6.22 Objections have been raised in respect of the piecemeal development of the site. The objections are noted; however, each application is dealt with on its own merits and the application before Members is for the erection of one dwelling.
- 6.23 A further objection is that no informal consultations were undertaken by the applicant with neighbours. Pre-application consultation is not a requirement under planning legislation.

## **Conclusion**

- 6.24 In overall terms, subject to overcoming the concerns of the Highway Authority, the proposal accords with the objectives of the relevant Local Plan and emerging Local Plan Policies and the application is recommended for approval.

## **7. Planning History**

- 7.1 In 1984, Full Planning Permission was granted for a bathroom extension (application reference 84/0181).
- 7.2 In 2007, Full Planning Permission was refused to demolish existing bungalow, replace with one 4 bed house and two 3 bedroom link houses (application reference 07/1058).
- 7.3 In 2008, an application for Outline Planning Permission was withdrawn for the demolition existing bungalow, replace with one 4 bed house and two 3 bedroom link houses (application reference 08/0780).
- 7.4 In 2014, Full Planning Permission was granted for demolition of existing bungalow and erection of 2no. dwellings (application reference 14/0035).

## **8. Recommendation: Grant Permission**

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 31st August 2015;
2. the Desk Top Study received 29th April 2016;
3. the site location plan received 29th April 2016 (Drawing No. 16-12-03);
4. the as proposed floor plans, elevations and sections received 31st August 2016 (Drawing No. 16-12-01 Rev B);
5. the as existing & proposed site (block) plans received 31st August 2016 (Drawing No. 16-12-02 Rev C);
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the dwelling have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development, thereafter, shall be completed in accordance with the approved details.

**Reason:** To ensure that materials to be used are acceptable and in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. Prior commencement of development details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed development and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented before the dwelling is occupied.

**Reason:** To ensure that materials to be used are acceptable in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Foul and surface water shall be drained on separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

6. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be

constructed and completed in accordance with the approved plans prior to the occupation of the dwelling.

**Reason:** To ensure a satisfactory means of surface water disposal and in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016 and Policy CC5 of the Carlisle District Local Plan 2015-2030.

7. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to the pumping station has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme prior to occupation of the dwelling.

**Reason:** To prevent pollution of the water environment in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016 and Policy IP6 of the Carlisle District Local Plan 2015-2030.

8. The boundary treatments shown on drawing numbers 16-12-02 Rev C 16-12-03 Rev A received 2nd September 2016 shall be constructed prior to the occupation of the dwelling hereby approved and shall be retained as approved thereafter unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow so as to obstruct visibility when emerging from the site.

**Reason:** In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order), no additional windows above ground floor level shall be inserted on the northern and southern elevations of the dwelling without the prior consent of the Local Planning Authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours and 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and Policy SP6 of the Carlisle District Local Plan 2015-2030.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016 and Policy CM5 of the Carlisle District Local Plan 2015-2030.

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# **SUBMISSION TO DEVELOPMENT CONTROL COMMITTEE**

## **PROPOSED DEMOLITION OF EXISTING GARAGES AND ERECTION OF 1 NO. DETACHED DWELLING ON LAND TO THE REAR OF “STRIBERS”, 23 NEWBIGGIN ROAD, DURDAR, CARLISLE [APPLICATION REFERENCE: 16/0384]**

### **BACKGROUND**

The information set out in this submission has been prepared in response to the manner in which the application was reported, considered and subsequently deferred by Members at the Committee at its' meeting held on 16<sup>th</sup> September.

Although the applicant was represented at that meeting no opportunity was accorded to respond to a presentation made by an adjoining occupier under the Council's "Right to Speak Policy" and so factually incorrect statements contained in those submissions were not able to be rebutted.

That highly unsatisfactory state of affairs was, further, compounded by the fact that the Case Officer and her Section head [both of whom have very detailed knowledge of the application and the series of modifications made to since it was lodged] were not in attendance when the Committee met.

Understandably, and without any intended slight to him, the Planning Officer substituting for the Case Officer was not sufficiently familiar with the proposal to correct, in particular, the accusation that the applicant was unresponsive to requests for variations to the proposals as initially submitted. The reality is that since the application was lodged in April 2016, revised proposals have been submitted on 5 occasions, all amendments being made to address any relevant concerns that were raised by Planning Officers and/or which had arisen through the consultation/publicity measures undertaken by the Council.

The Minute of the Committee discussion records that a Committee Member specifically asked the Officer presenting the application on the day to explain the relevant policy guidance that would assist the Committee when considering "proximity and overshadowing of applications". In responding that the Council relied upon its Supplementary Planning Document which stipulated "distances of separation in relation to windows and gables" the

Officer regrettably did not then inform the Committee that the submitted proposal fully complies with that guidance.

The Minute of the Committee meeting further records that the Officer, in elaborating on this matter, "acknowledged that the proposed dwelling's proximity to the adjacent property was an issue". However, that cannot logically be the case: the dwelling that is presented for the Committee's approval is actually positioned further from the gable of the objector's house than is the case with the dwelling for which planning permission on this specific plot was approved in 2014 [a permission which remains extant]. That increase in "separation" distance is demonstrated on the drawings attached.

The proposed house is also intended to be sited further from the property boundary with the neighbouring dwelling than the currently "approved" dwelling; consequently, it is unclear how the Officer could suggest that "proximity" is an issue when the spacing between the properties is actually greater than would be the case if the current approval was to be implemented.

That was not made clear to the Committee and, by being advised that "proximity" was an issue, the proposal was wrongly, and adversely, portrayed to Members of the Committee. In relation to the clarification sought the Committee should, instead, have been told that since the proposed house would be sited further away from the objector's living area, and also the boundary with his property, it would have a lesser impact in comparison with the permission that currently exists.

To avoid any doubt in relation to privacy, the Committee should also be aware that there is also no effect on the neighbour's privacy since the northern gable of the proposed dwelling contains one small window serving a habitable room, in this instance a ground floor study/office. That window would face directly onto the 1.8m high screen fence which forms the boundary with the neighbouring property: thus, there is no inter-visibility. The proposals also incorporate two landing windows inserted at higher levels in the northern gable. These are to admit natural light to stair accesses: both would be fixed lights i.e. not openable and would be obscurely glazed to safeguard the privacy of future occupiers of the proposed dwelling.

The objector's representations alluded to overshadowing and, in responding to this matter, the Planning Officer correctly advised the Committee that "overshadowing was determined

on a case by case basis". However, it is unfortunate that the objector's reference to the proposed dwelling being sited "2.6m behind his property" did not properly explain to Members the precise relationship between the proposal, his house and living conditions.

It is, in fact, the rear wall of the objector's substantial garage that the proposed dwelling would adjoin and would be set 2.6m back from [not his house and living space as might have been suggested]. That garage is itself positioned with its' rearmost wall set slightly back behind the rear wall of the objector's house. The actual distance between the gables of the two houses [as opposed to the neighbour's garage] would be approximately 11 metres.

A further consideration, which has been ignored to date, is that the footprint of the proposed house and garage [103 m<sup>2</sup> and 34.1m<sup>2</sup> respectively when measured externally] is, in overall terms, less than the equivalent footprint of the "approved" house and garage on this plot [119.5m<sup>2</sup> and 39.6m<sup>2</sup> respectively]. Members may also wish to note that the objector's house and garage are actually larger than what is proposed [159.4m<sup>2</sup> and 42.8m<sup>2</sup> respectively].

Despite the objector asserting that the proposed siting of the dwelling would result in a "significant loss of sunlight and over-shadowing", Planning Officers will confirm that for the purposes of assessing overshadowing and loss of sunlight, the appropriate Daylight/ Sunlight Indices issued by the BRE, require that any such perceived impact has to be in relation to the position of walls containing habitable windows.

That does not apply in the present circumstances: as stated earlier the closest wall of the objector's domestic accommodation would be in the order of 11 metres distant from the northern wall of the proposed house. In addition, that nearest "house" wall of the objector's home contains no windows serving habitable rooms i.e. the rooms against which the Daylight/Sunlight Indices should be assessed. Overshadowing which may or may not be caused to a garden is, put simply, not relevant.

Reference to the positioning of the proposed dwelling being 2.6m behind the objector's property may have mis-led Committee Members to think that the siting of the proposed house would seriously and unacceptably affect the living conditions of the neighbouring occupiers. It is hoped that Members now fully appreciate the relationship between the application proposals and the neighbouring dwelling and can conclude that this would demonstrably not be the case.

The other remaining "issue" expressed in the objector's written and verbal objections relates to the disposal of sewage and surface water. Both of these are regulated by the appropriate

statutory authorities and, as with all applications, it is for the applicant to satisfactorily demonstrate that suitable connections to existing services can be provided and to secure the necessary consents under appropriate legislation.

In common with the extant planning approval, which stated that foul waste will be discharged to the foul sewerage system, the applicant intends to connect to the existing foul sewer which passes through the application site.

This sewer was installed consequential to the sale by a previous owner of the “Stribers” of a substantial area of land to the rear of his home to the developer who assembled, with other parcels of land, the overall site upon which “The Willows” housing development, which lies to the north and east of the application site, was subsequently built. The agreement for the sale of the land to facilitate “The Willows” development provided for sewerage from “Stribers” to be connected to the new trunk sewer that was to be provided to serve “The Willows” and so there is no legal impediment to the landowner exercising the right to connect to the sewer his predecessors facilitated.

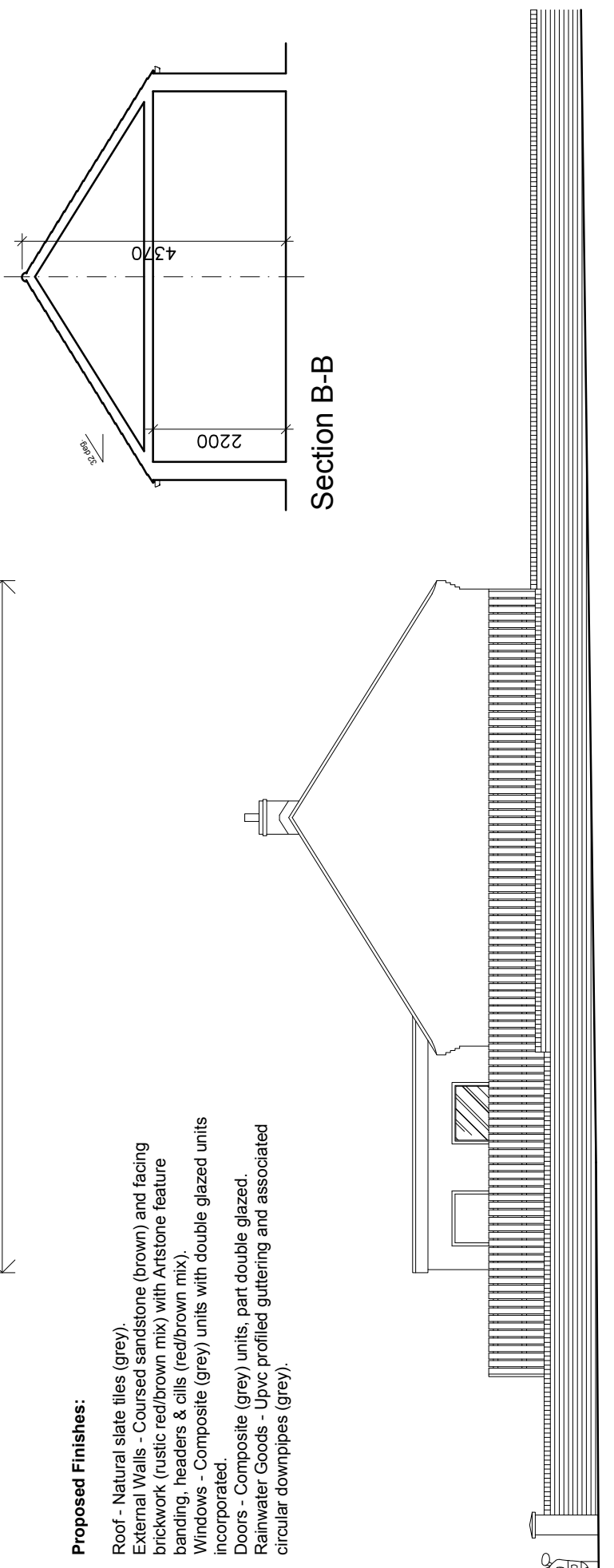
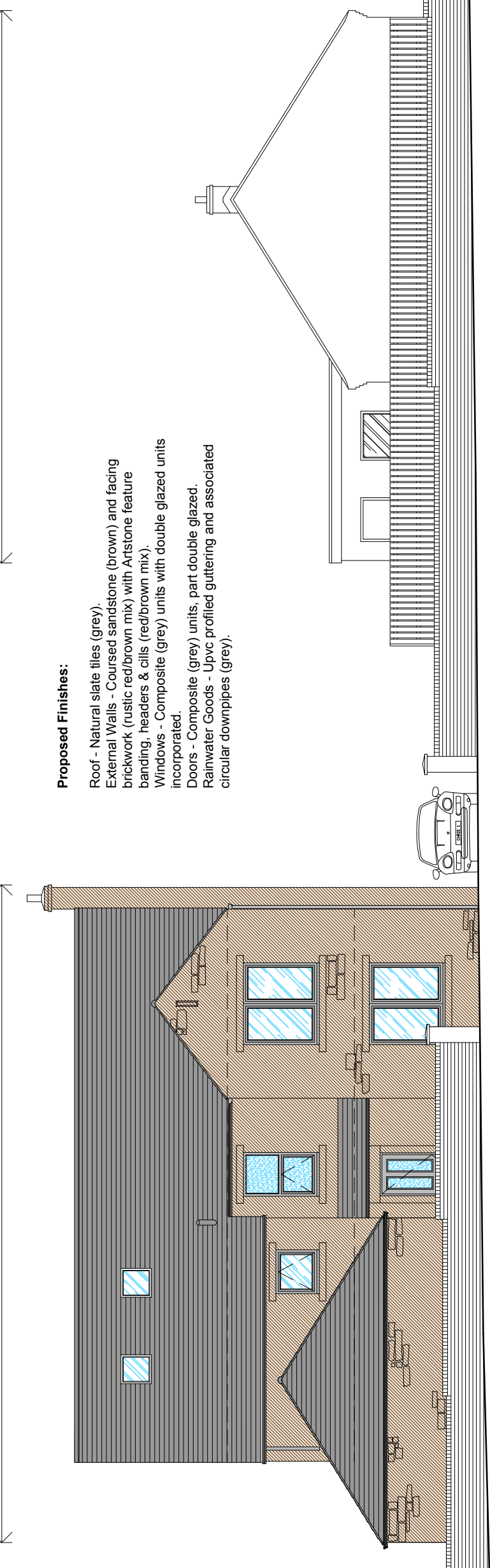
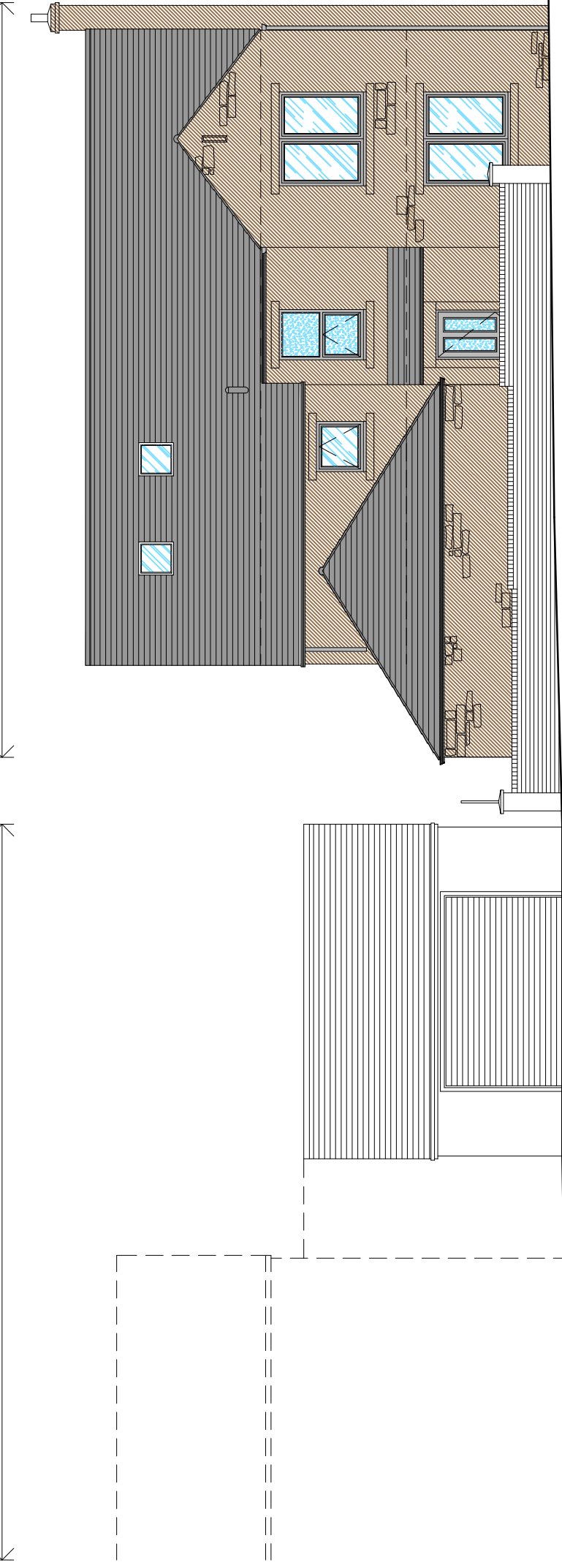
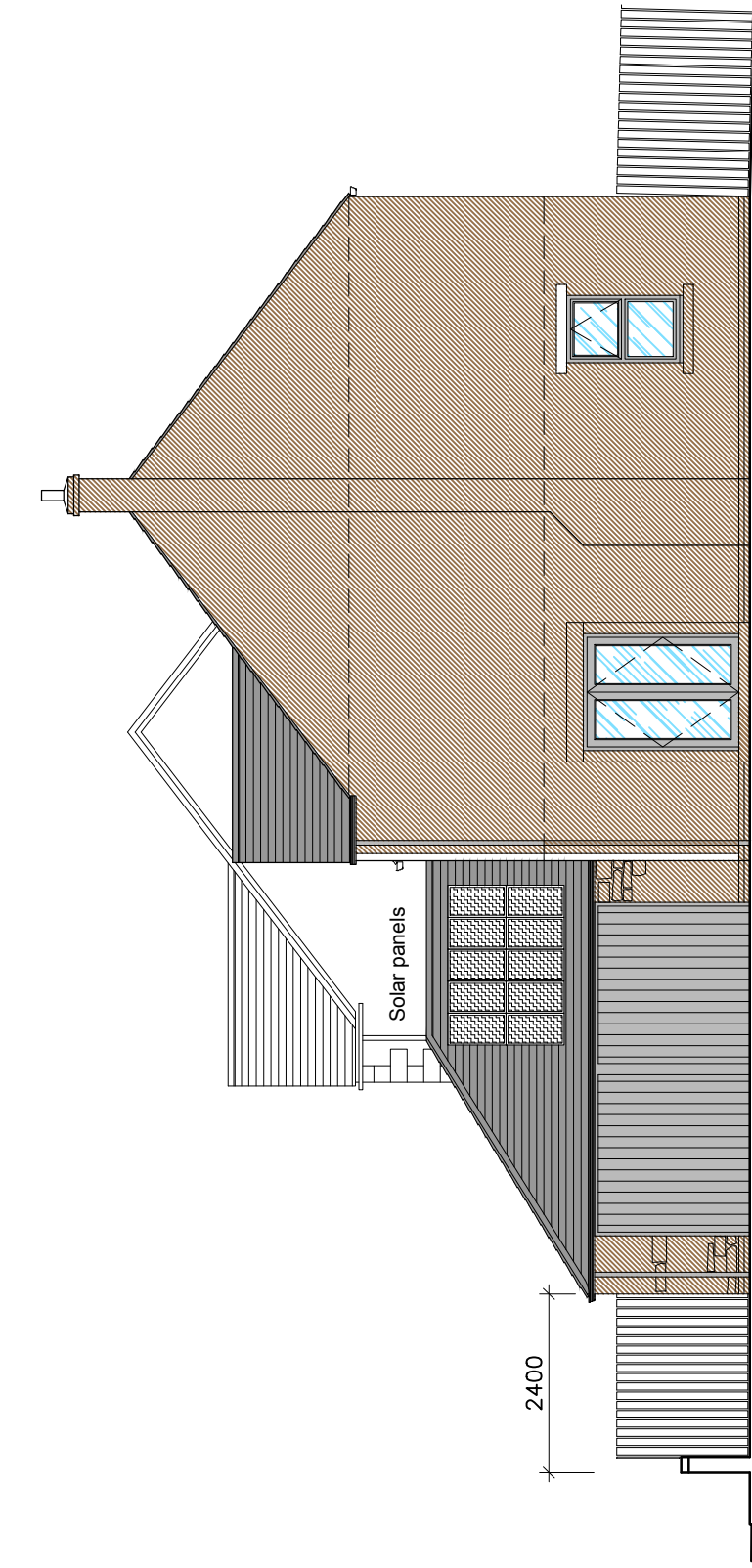
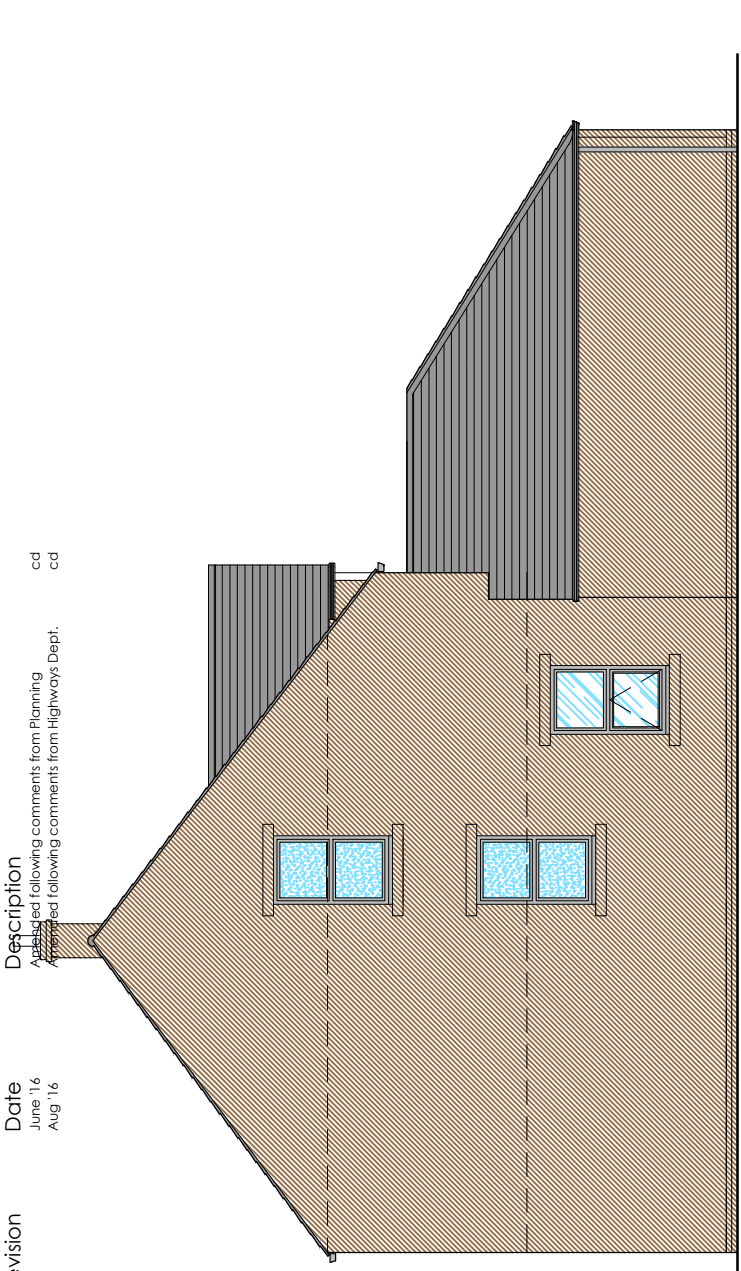
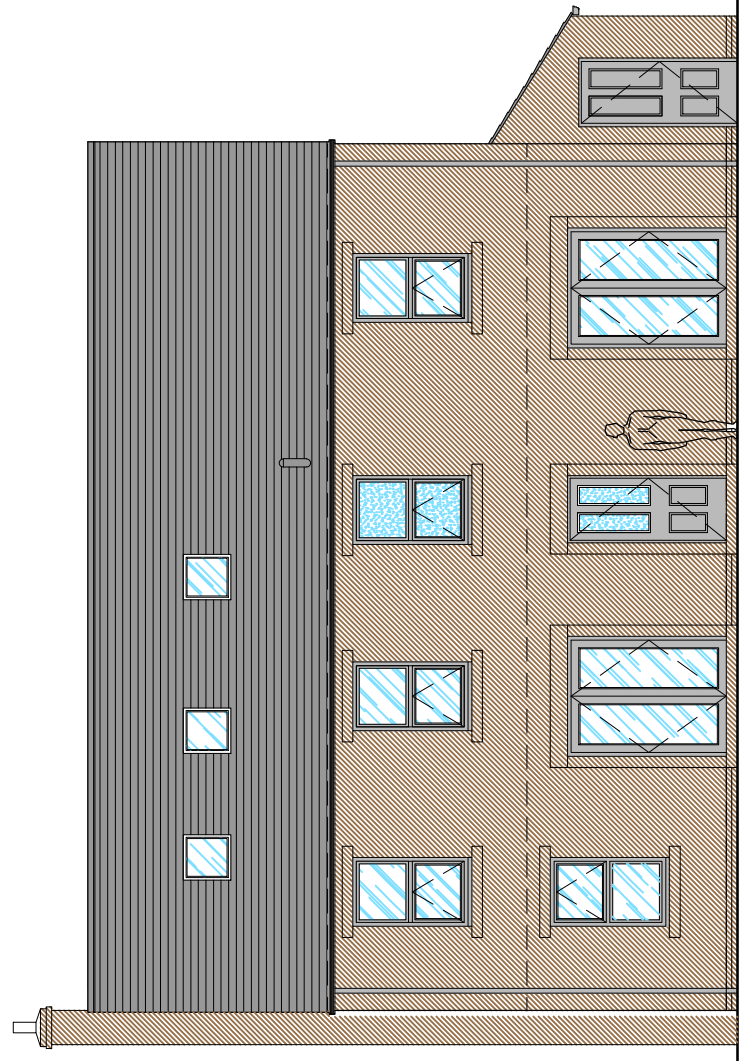
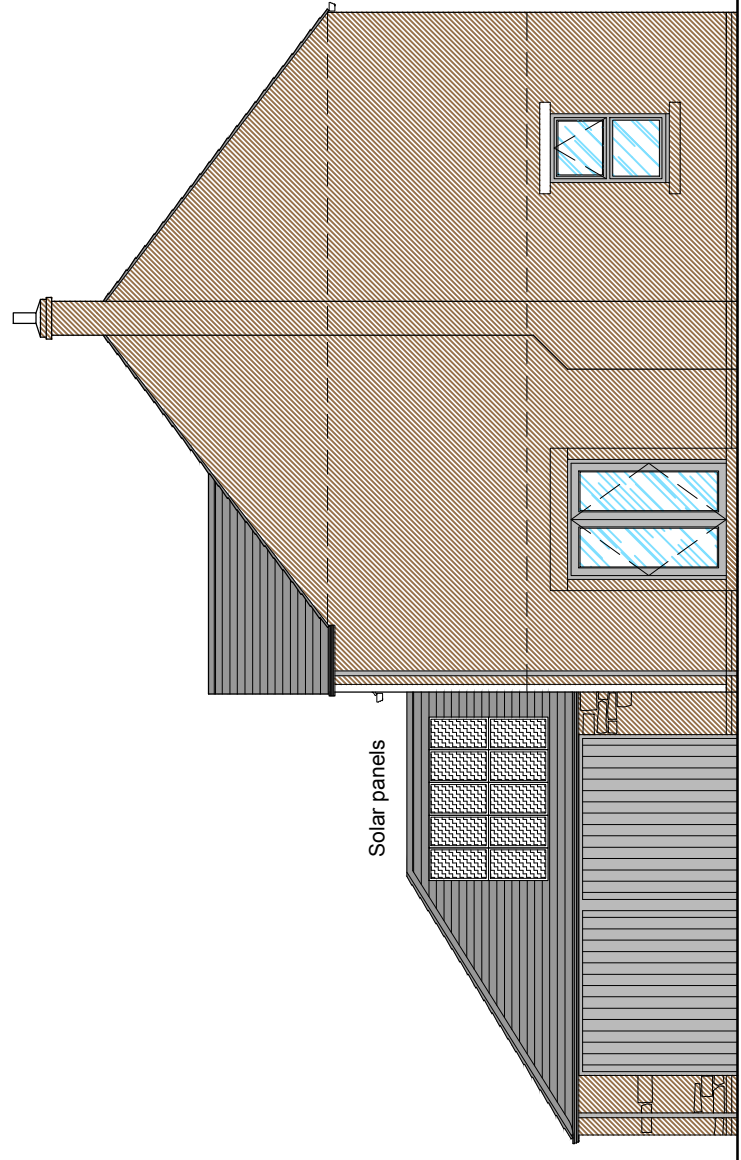
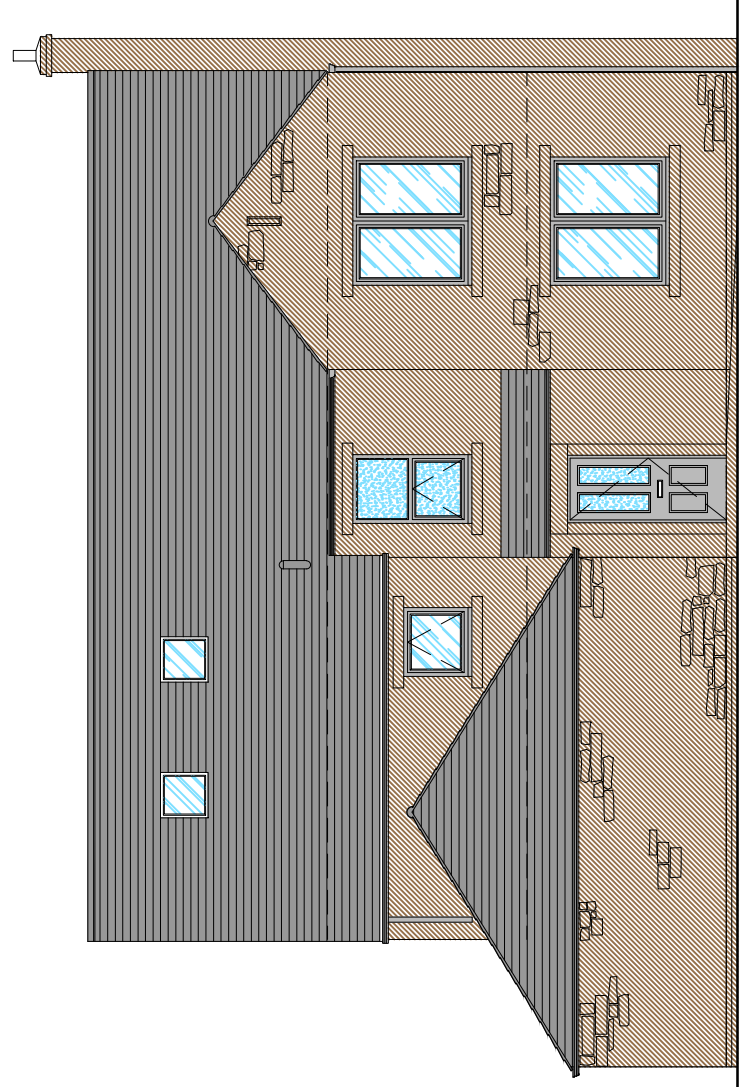
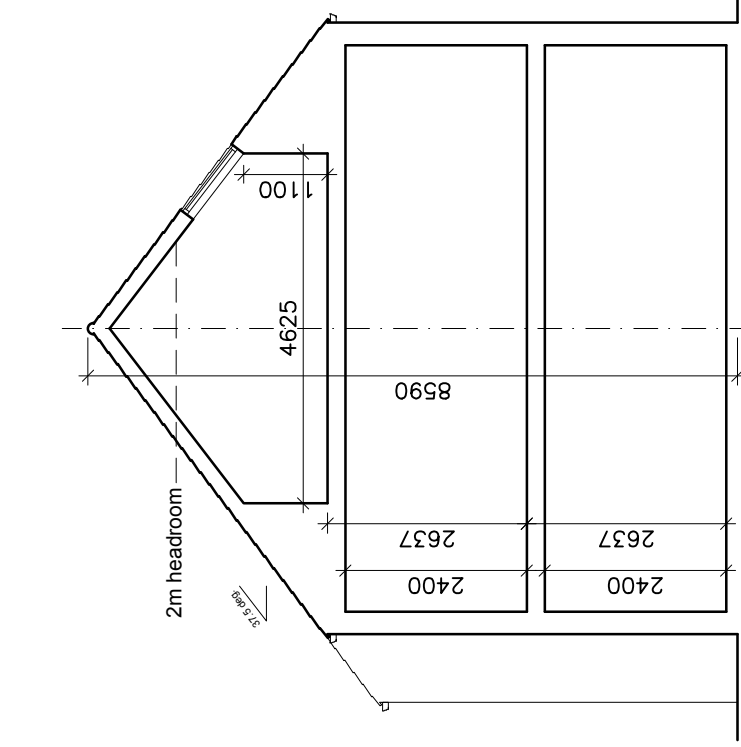
Similarly, the applicant wishes to discharge surface water to an appropriate adopted receiving system. The Building Control submission, which would follow the grant of planning permission, will fully detail the surface water drainage scheme to ensure it will comply with the guidance provided by the statutory authority to achieve that in the most effective and efficient manner. The applicant is, nonetheless, happy for submission to, and approval by the Council, of the details of the precise proposals for foul and surface water drainage to be subject of a planning condition.

In conclusion, the applicant believes that the proposals would provide a well-designed, modest family home the design of which will complement neighbouring houses with no detrimental effect on the living conditions or environmental quality of the locality. In this regard it is particularly noted that there is no objection from the Parish Council.

RTM Consultancy

5th October 2016

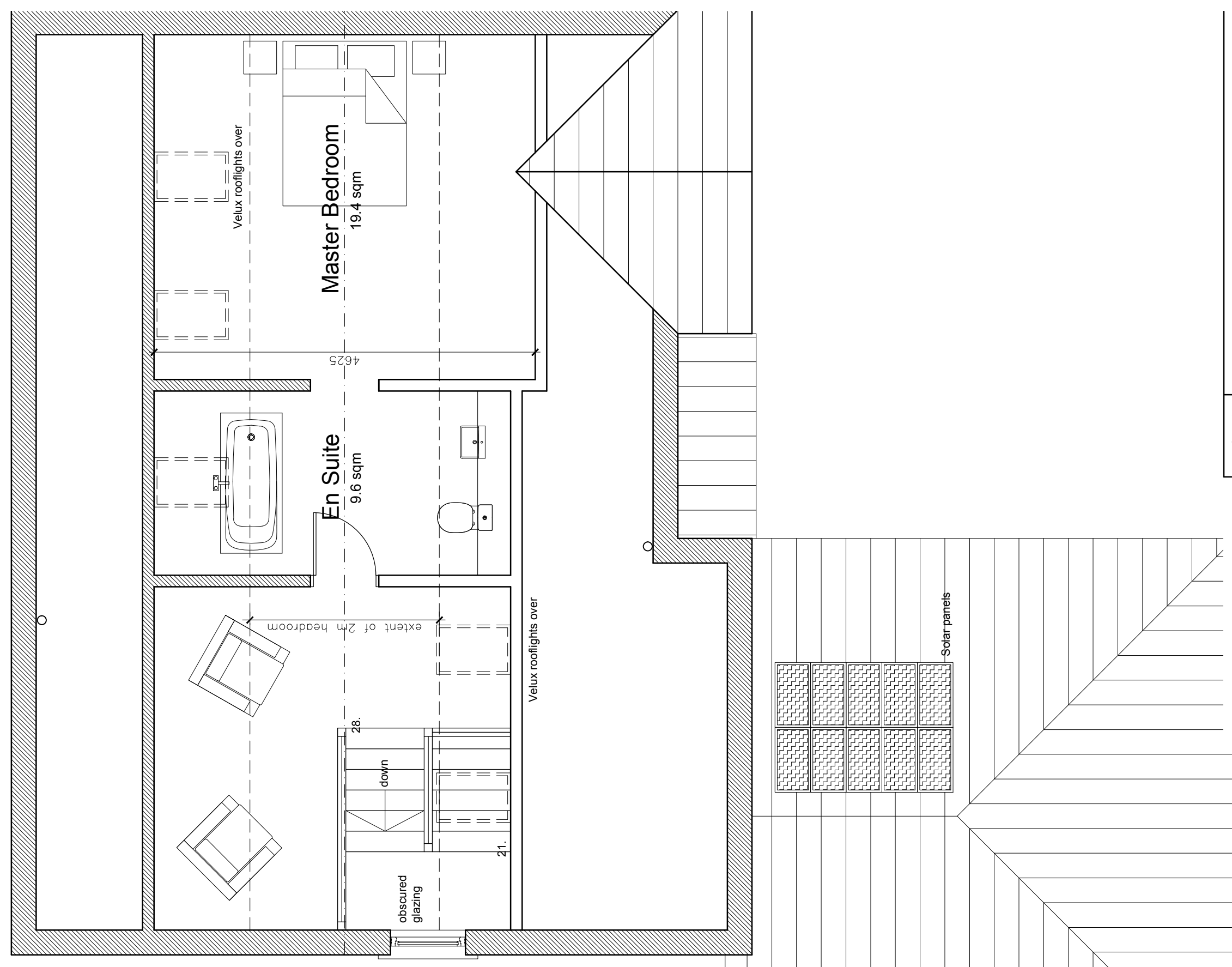
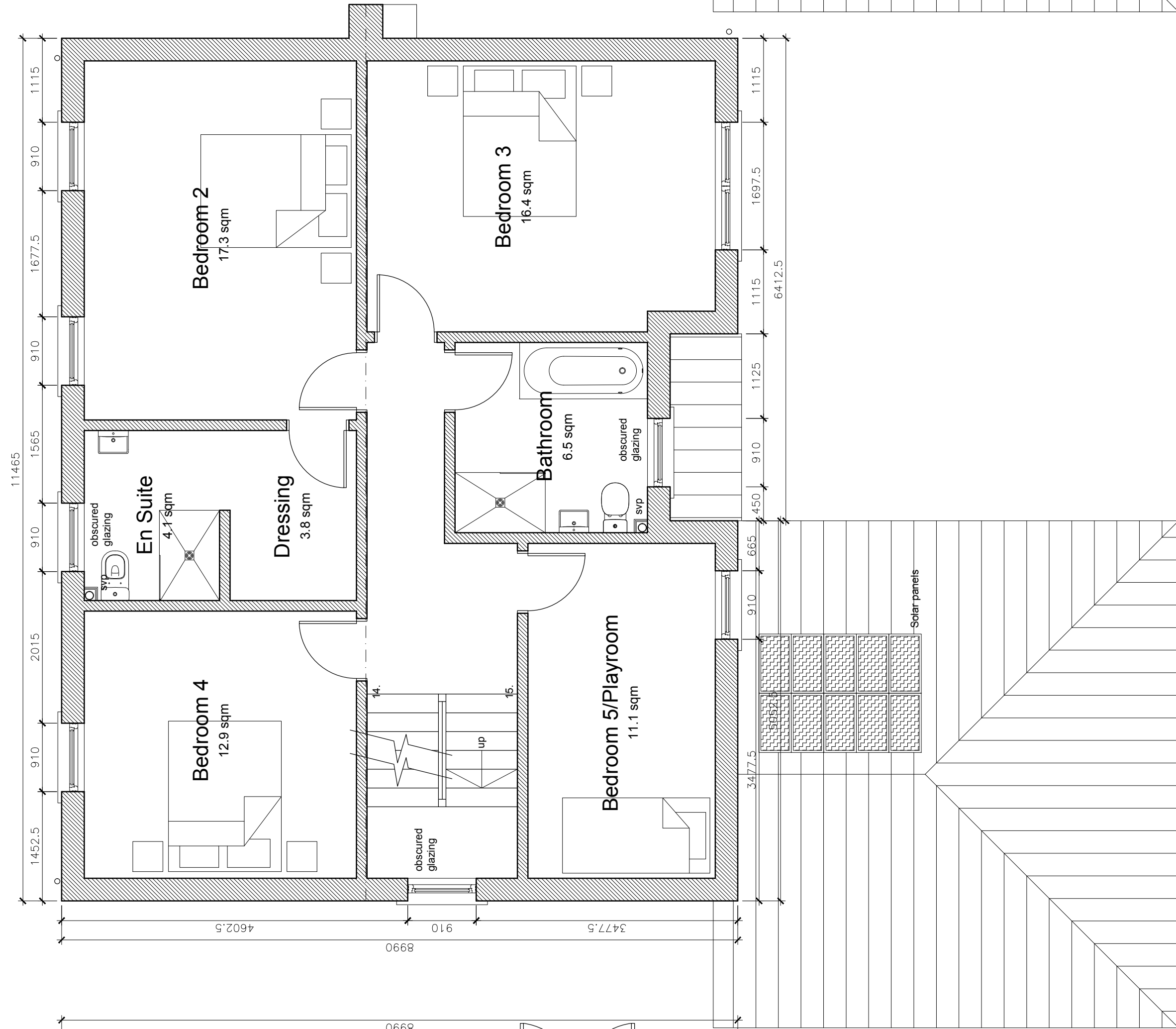
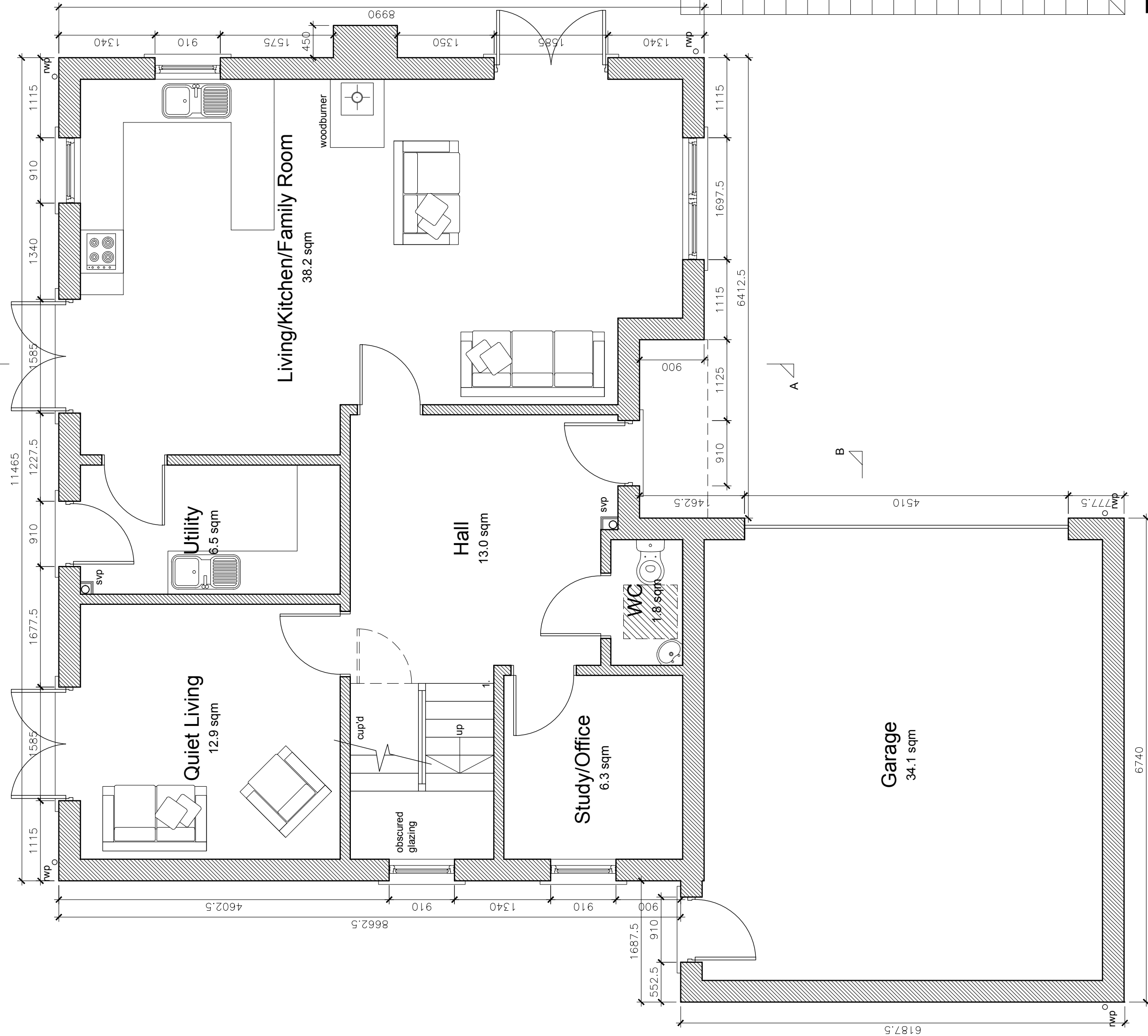




**Proposed Finishes:**

- Roof - Natural slate tiles (gray).
- External Walls - Course sandstone (brown) and facing brickwork (rustic red/brown mix) with Aristotle feature banding, headers & cills (red/brown mix).
- Windows - Composite (gray) units with double glazed units incorporated.
- Doors - Composite (gray) units, part double glazed.
- Rainwater Goods - Upvc profiled gutting and associated circular downpipes (gray).

### Proposed Side (South) Elevation Showing Relationship To Neighbouring Property (no. 14 'The Willows') & Site Boundary



Project	Proposed Detached Dwelling - Land To Rear Of 'Stribers', 23 Newbiggin Road, Durdar, Carlisle, CA2 4UJ						
Drawing	As Proposed Floor Plans, Elevations & Sections.						
Dwg No.	16 - 12 - 01	Scale	1:50/120 @A	Date	Apr '16	Rev.	B
This drawing is to be used for the purpose of the application only. It is not to be taken from this, and used elsewhere, without the permission of the author. Any discrepancy must be reported to the Designer immediately.							



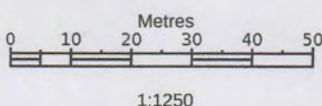






Produced 13 Apr 2016 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



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 database rights 2016 OS 100038864  
 Reference: OI984583  
 Centre coordinates: 340767 551022



23, Newbiggin Rd, Durdar, Carlisle  
 CA2 4UJ

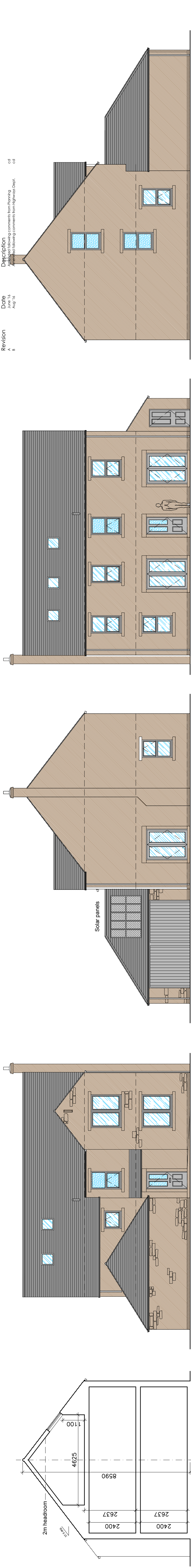
16-12-03

LOCATION PLAN  
 (REV. A)









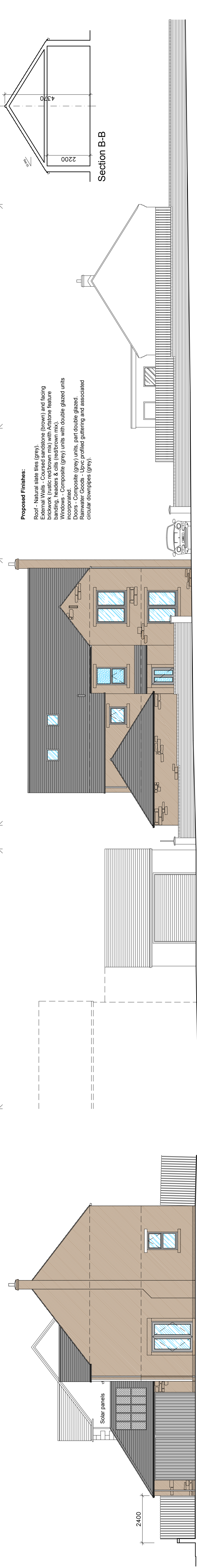
Section A-A

Proposed Front (West) Elevation

Proposed Side (South) Elevation

Proposed Rear (East) Elevation

Proposed Side (North) Elevation

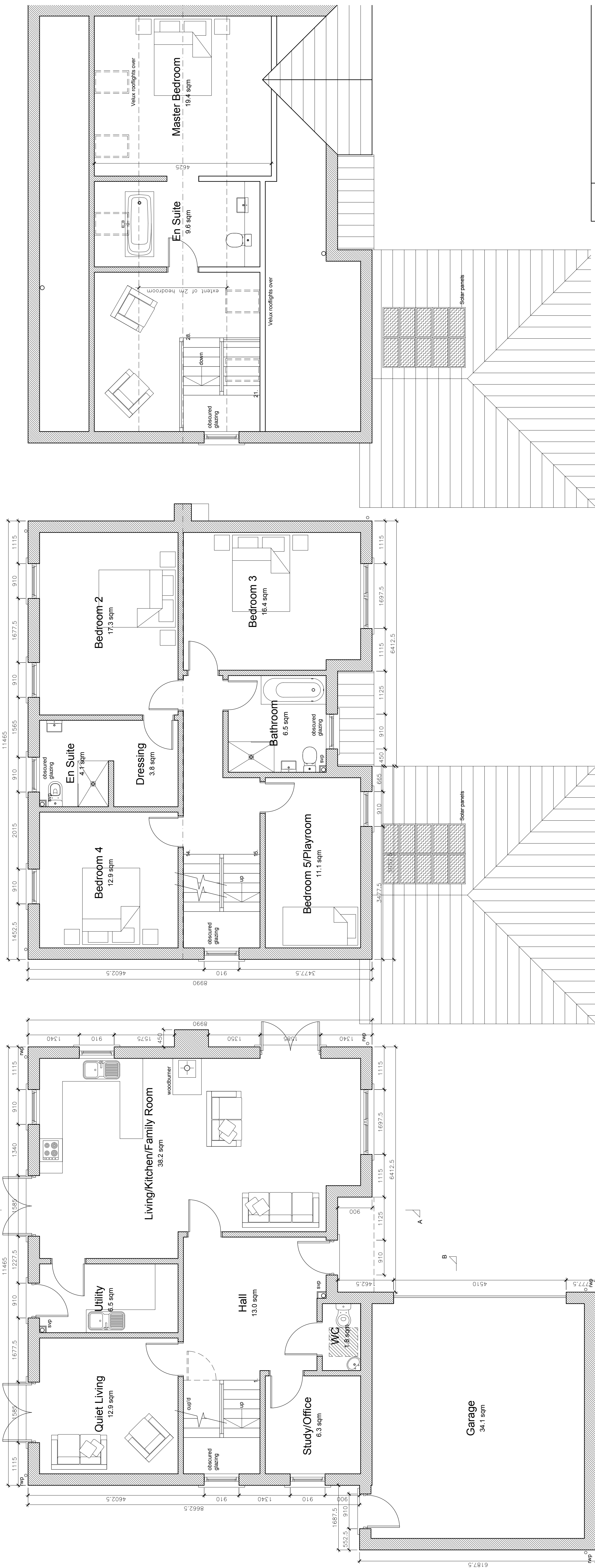


**Proposed Finishes:**  
Roof - Natural slate tiles (grey).  
External Walls - Coursed sandstone (brown) and flaring  
sandstone (grey) with decorative feature  
banding. Headers & cills (red/brown mix).  
Windows - Composite (grey) units with double glazed units  
incorporated.  
Internal Walls - Composite (grey) units, part double glazed.  
Rainwater Goods - Upvc profiled gutters and associated  
circular downpipes (grey).

Section B-B

Proposed Side (South) Elevation Showing Relationship To Neighbouring Property (no. 14 'The Willows') & Site Boundary

Proposed Road (The Willows) Elevation



Ground Floor Plan

First Floor Plan

Second Floor Plan

Project	Proposed Detached Dwelling - Land To Rear Of Stribers', 23 Newbiggin Road, Durdar, Carlisle. CA2 4UJ		
Drawing	As Proposed Floor Plans, Elevations & Sections.		
Dwg No.	16-12-01	Scale	1:50/100 @ A1
Date	15/07/09	Rev.	B
To be taken from the attached work where possible. Any discrepancies must be reported to the Designer immediately.			