

SCHEDULE A: Applications with Recommendation

19/0018

Item No: 04

Date of Committee: 26/04/2019

Appn Ref No:
19/0018

Applicant:
Mr Karol Pietruszka

Parish:
Carlisle

Agent:

Ward:
Stanwix Urban

Location: 8 Knowe Park Avenue, Carlisle, CA3 9EJ

Proposal: Erection Of Two Storey Side And Single Storey Rear Extension To Provide Office, Utility, WC And Kitchen On Ground Floor With 1no. Bedroom And Bathroom Above (Revised Application)

Date of Receipt:
16/01/2019

Statutory Expiry Date
13/03/2019

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

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

2. Main Issues

- 2.1 The principle of development;
- 2.2 Whether the proposal is appropriate to the dwelling and impact upon the existing street scene;
- 2.3 Impact of the proposal on the living conditions of neighbouring residents;
- 2.4 Highway impacts;
- 2.5 Impact upon biodiversity; and
- 2.6 Other matters.

3. Application Details

The Site

- 3.1 Number 8 Knowe Park Avenue is a two storey semi-detached property located on the western side of Knowe Park Avenue in Stanwix, Carlisle. The property is constructed rendered walls under a tiled roof and is surrounded

by two storey residential properties on all orientations.

Background

- 3.2 In July 2018 Members of the Development Control Committee granted full planning permission for the erection of a two storey side extension (attached to the southern side of the property) and a single storey rear extension to provide a kitchen, utility, WC and office on the ground floor with extended bedroom and bathroom above (reference 18/0396). The development was to be constructed from materials to match those of the existing dwelling and in order to provide the proposed extensions an existing single storey rear off shoot was to be demolished.
- 3.3 Since application 18/0396 was approved work has commenced on site and it has transpired that the building work undertaken is not in accordance with the approved plans. In such circumstances the applicant has been invited to submit an application to regularise the unauthorised works.

The Proposal

- 3.4 The current application in comparison to the previously approved application seeks the following changes to the proposed two storey side extension and single storey rear extension:
1. The walls of the two storey side extension set back 0.34 of a metre from the front elevation as opposed to 0.5 of a metre;
 2. Additional number of quoins, insertion of window surrounds and a down pipe on the front elevation of the proposed side extension;
 3. Removal of quoins on the side elevation of the two storey side extension and removal of the first floor bathroom window;
 4. Guttering and roof on the side elevation of the two storey side extension stepped in to reduce over hang;
 5. Removal of quoins on the rear elevation of the existing property and proposed rear extensions;
 6. Alterations to the design and size of opening of the first floor bathroom window on the rear elevation;
 7. Single storey rear extension to be 0.5 of a metre longer in length with a roof overhang of 0.5 metres;
 8. Removal of 3no.sky lights on the single storey rear extension, installation of an additional french window and alterations to the design of the ground floor kitchen window;
 9. Installation of down pipes on the rear elevation; and,
 10. Installation of a flue on the single storey rear extension to serve a new boiler.

4. Summary of Representations

- 4.1 This application has been advertised by means of notification letters sent to 10 neighbouring properties. In response to the consultation undertaken 6 objections and two comments have been received. Members should be

aware that one of the objections and one of the comments are however from the same household.

4.2 The objections cover a number of matters which are summarised as follows:

1. over looking and loss of privacy to neighbouring properties from first floor rear windows;
2. query as to why unauthorised building works has been allowed to continue;
3. object to an office being located within the extension;
4. applicant is running a building/joinery business from the premises;
5. existing parking problem in street from applicants van and cars;
6. concern that there will not be sufficient off-road parking on the site especially if gates have to open inwards;
7. applicant should be made to knock the building down as he has not adhered to the first plans;
8. impact of renovations to the property on the living conditions of neighbouring residents;
9. damage to trees in street by lorries and the applicant;
10. note that the applicant would have to pay to have lamp post in street removed;
11. design and external appearance of the building (in terms of render positioning and style of guttering, quoins, fenestration details, flue, gates and fencing, window surrounds, landscaped areas and metre box etc) is out of character with the existing street scene;
12. over development of the plot;
13. extension is not set back 0.5 of a metre from front elevation as requested;
14. rear extension is 1 metre deeper than approved plans;
15. allegations that rear extension breaches the boundary between no.6 and 8 Knowe Park Avenue;
16. side extension has no soffits which allows extension to be built wider;
17. overshadowing/loss of light to No.10 Knowe Park Avenue from scale, mass and proximity of side extension;
18. allegations that applicants fence has been built on land not within the applicants ownership;
19. allegations that applicant has illegally accessed neighbouring land to construct extension;
20. side extension cannot be finished without applicant accessing onto neighbouring land;
21. concern if application is granted applicant will not adhere to any approved plans;
22. application is not in accordance with Policies HO8 and SP6 of the Carlisle District Local Plan 2015-2030;
23. disregard for planning permission and ongoing work directly infringes Human Rights Act;
24. applicant has installed a flue on single storey rear extension which is not in keeping with property or landscape character;
25. concern that building work has been allowed to progress which is not in accordance with original plans; and
26. query how any further amendments on site will be treated and whether a visit will be made to neighbouring properties prior to the committee

meeting.

4.3 The comments received are summarised as follows:

1. roof levels do not meet and is out of character with street scene;
2. damage to trees in street by skip lorry and applicants van;
3. applicant has constructed a flue at the rear projecting 2-3ft out from the roof tiles.

4.4 One anonymous letter has also been received which states that the design of the extension is not in keeping with the avenue.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection subject to the imposition of one condition to ensure that access gates are hung to open inwards only away from the highway. Standing advice received regarding dropped kerbs, highway permits and surface water drainage.

Northern Gas Networks: - no objection, standing advice received.

6. Officer's Report

Assessment

6.1 Section 70(2) 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 are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP6, H08 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing' is also a material planning consideration in the determination of this application.

6.3 The proposal raises the following planning issues:

1. The Principle Of Development

6.4 The principle of a two storey side extension and single storey rear extension to No.8 Knowe Park Avenue to provide a kitchen, utility, WC and office on the ground floor with extended bedroom and bathroom above has already been assessed and established as acceptable under application reference 18/0396. Accordingly this application raises no issues with regard to the principle of a two storey side and rear extension therefore what Members have to consider under the current application is whether the proposed changes (as outlined in paragraph 3.4 of this report) are acceptable having regard to the scale and design of the proposed extensions, impact upon the

existing street scene and the living conditions of the occupiers of neighbouring properties. All of these issues are discussed in the following paragraphs of this report.

2. Whether The Proposal Is Appropriate To The Dwelling And Impact Upon The Existing Street Scene

- 6.5 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that planning 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. The NPPF also indicates that planning decisions should not attempt to impose architectural styles or particular tastes. It is however proper to promote or reinforce local distinctiveness.
- 6.6 The relevant design policies of the CDLP seek to ensure that proposals respond to the local context in terms of height, scale and massing and by using appropriate materials and detailing. Local landscape character should be respected and development should be fully integrated into its surroundings.
- 6.7 Policy H08 of the CDLP (which relates to house extensions) confirms that house extensions and alterations should be designed to complement the existing building and be visually subservient. Policy H08 goes on to state that proposals should maintain the established character and pattern of the existing street scene and be a positive addition as well as retain gaps between buildings where they are characteristic of the area and contribute to the existing street scene.
- 6.8 The City Council's Achieving Well Designed Housing SPD reiterates the objectives of Policy H08 by seeking to ensure that extensions are clearly subordinate to the original dwelling. A set back of around 500mm is suggested from the face of the original dwelling to the face of the new extension. To avoid the 'terracing effect' in a row of semi-detached properties which has first floor extensions above garages, the SPD suggests that extensions should be set well back from the original dwelling.
- 6.9 No.8 Knowe Park Avenue is a semi-detached property, with projecting bay windows, located on the western side of Knowe Park Avenue. The street is characterised by pairs of semi-detached properties constructed from a mixture of brick/rendered walls under tiled roofs. Some of the properties have garages set back towards the rear of the plots others have single storey garages flush with the front elevation. A number of properties along the street have been extended since they were originally built with extensions comprising of either single or two storey side/rear extensions. It is appreciated that some of the extensions to the properties on Knowe Park Avenue are set back from the front elevation (such as the single storey side extension to No.10 and the two storey side extension at No.14) however there are other two storey side extensions flush with the front elevation (such

as the extension at No. 24).

- 6.10 The two storey side extension approved for No.8 Knowe Park Avenue under application 18/0396 was to have the same eaves and ridge height of the original dwelling however the walls of the side extension were to be stepped in approximately 0.5 metres from the front elevation. As outlined in paragraph 3.4 of this report the walls of the side extension proposed under the current application are now to be stepped in 0.34 of a metre from the front elevation. The guttering and eaves on the side elevation of the two storey extension are to be stepped in from the side of the property reducing the original proposed overhang. This results in the eaves and guttering on the side elevation now being higher than the eaves and guttering on the front/rear elevation.
- 6.11 As the walls of the proposed two storey side extension are still to be stepped in from the front elevation the extension will still appear as a subservient feature to the host dwelling and will not dominate the prominence of the principle elevation within the existing street scene. The development will also not create a 'terracing effect' as the extension is still set back from the front elevation with a sufficient gap retained between the side extension and the two storey gable of the property to the south (No.10 Knowe Park Avenue).
- 6.12 The installation of window surrounds on the front elevation of the two storey side extension and the additional number of quoins corresponds with the design of the existing host property. Although there is a downpipe installed on the front elevation this is not an uncommon feature within the existing street scene. The removal of the quoins on the side and rear elevation of the two storey side extension and the raised gutter and eaves on the two storey side extension does not detract from the overall design and is acceptable.
- 6.13 The proposed rear extension is now to project 3.5 metres from the rear elevation of the property (opposed to 3 metres) and will have a hipped roof with a 0.5 metre overhang. The rear extension is still appropriate in terms of scale and design to the existing dwelling and would still appear as a subservient feature. The installation of the flue on the single storey rear extension is also of an acceptable scale and does not detract from the overall appearance of the dwelling. The alterations to the fenestration details on the single storey rear extension and on the rear elevation of the side extension are acceptable and will correspond with the fenestration details on the host dwelling as well as other properties within the existing street scene.
- 6.14 It is appreciated that objectors have raised concerns regarding the use of the external insulated render system on the proposed development however it is noted that render is featured on the majority of properties within Knowe Park Avenue and on other residential dwellings within Stanwix. The applicant has rendered the whole of the existing property under Household Permitted Development Rights and the materials of the proposed extensions will therefore correspond with the materials of the existing dwelling. Although No.8 Knowe Park Avenue will be the only property within the existing street that is wholly rendered it is not considered that the materials significantly detract from the existing street scene given that the majority of properties along the street have some rendered features.

- 6.15 Overall the proposed changes to the previous planning approval are comparable in terms of scale and design to the existing property and would not have an adverse impact upon the existing street scene. The development would be constructed from materials to match the existing dwelling and would employ similar detailing. Accordingly, there is no conflict with the relevant policies of the Development Plan in terms of design.

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

- 6.16 The City Council's SPD 'Achieving Well Designed Housing' outlines minimum distances between primary facing windows together with primary windows and walls serving habitable rooms in order to protect against loss of amenity and privacy i.e. 21 metres between primary facing windows and 12 metres between primary windows and walls. The proposed changes to the previous planning approval will still be compliant with these distances and will therefore not give rise to any undue overlooking.
- 6.17 The residential property to the south of the site (No.10 Knowe Park Avenue) has a ground and first floor window on the gable which would face towards the proposed side extension. The property also has a single storey side extension (set back from the front elevation of the property) which has velux windows within the roof space. The ground floor window on the gable of No.10 Knowe Park Avenue serves a landing and the first floor window is obscured. The velux windows on the side extension serve a store/shower room which was granted planning approval in 2004. None of the aforementioned windows are considered to be primary windows as they do not serve habitable rooms. In such circumstances and taking into account that these windows already face the original two storey gable of No.8 Knowe Park Avenue, coupled with the orientation of the application site, it is not considered that the proposed changes from the previous planning approval would have a significant adverse impact upon the occupiers of No.10 Knowe Park Avenue in terms of loss of light or over dominance sufficient to warrant refusal of the application on this basis.
- 6.18 The residential property attached to the application site (No.6 Knowe Park Avenue) has a ground floor bay living room window situated in close proximity to the proposed rear extension as well as a single storey rear off-shoot.
- 6.19 When assessing the impact of the proposed changes to planning approval 18/0396 on No.6 Knowe Park Avenue it was evident from the Officer Site visit for application 18/0396 that there was a hedge approximately over 2 metres in height delineating the boundary of the two properties. It is also appreciated that the majority of the proposed rear extension (except the overhang and the part attached to the proposed side extension furthest away from No. 6 Knowe Park Avenue) could be built under Householder Permitted Development Rights. Part of the hedge between the two properties has been removed since work has commenced however in relation to the aforementioned matters coupled with the orientation of the application site it is not considered that the proposed changes to the rear extension would cause a significant adverse

impact upon the living conditions of No.6 Knowe Park Avenue in terms of loss of light/over dominance over and above what took place as existing and what could take place under Householder Permitted Development Rights to warrant refusal of planning permission.

- 6.20 Given the positioning of all other residential properties that surround the site in relation to the proposed extension, the proposal would also not have an adverse impact upon the living conditions of the occupiers of any neighbouring properties in terms of loss of light or over dominance.

4. Highway Impacts

- 6.21 The property will still remain a 3 bedroom dwelling as a result of the proposed development. Objectors have raised concerns under the previous application and the current application regarding the number of vehicles the applicant owns and that the proposal will increase on-street parking as a result of the proposed side extension. Allegations have also been made that the applicant is running a business from the property and that the proposed office on the ground floor will result in more callers to the property.
- 6.22 Members will recall that the applicant confirmed under the previous application that the proposed office is for domestic purposes only therefore application 18/0396 had to be considered on its own merits which is for a two storey side and single storey rear domestic extension. This applies for the current application. It is not possible to dictate how many vehicles a resident can have at a property however the allegations that the applicant is running a business from the dwelling is being looked into as a separate matter by the City Council's Enforcement Officer.
- 6.23 The Cumbria Development Design Guide (adopted in 2017) seeks to ensure that 2 parking spaces are provided for 2/3/4 bedroom dwellings on minor developments (less than 10 houses). The Highway Authority has been consulted on the proposed development and has raised no objections to the proposal as they consider that sufficient curtilage parking spaces for the number of bedrooms at the property will still be retained. The Highway Authority has however noted that the applicant has existing gates to the property which open inwards and outwards and has suggested the imposition of a condition ensuring that the access gates open inwards only. A relevant condition has therefore been imposed. As there are no objections from the statutory consultee it is not considered that the proposal would have an adverse impact upon existing highway conditions as sufficient parking spaces can still be provided on site for the number of bedrooms.

5. Impact Upon Biodiversity

- 6.24 The Council's GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. Given the scale and nature of the proposal it is unlikely that the development would harm a protected species or their habitat.

6. Other Matters

- 6.25 Some of the objectors have reiterated concerns that the proposal would be over development of the site particularly as the applicant already has single storey detached outbuildings to the rear. The available planning records indicate that the outbuildings were constructed under Householder Permitted Development Rights. The proposed block plan illustrates that there would still be sufficient garden space retained as a result of the development. The proposal would therefore not constitute over development of the site.
- 6.26 Objectors have also alleged that the proposed development and existing boundary fences are not wholly on land owned by the applicant. The applicant has signed certificate A confirming that he owns all the land to which the application relates. This dispute is therefore a civil matter and cannot be dealt with under Planning Legislation. If Members approve the application it is recommended that an informative is included within the Decision Notice reminding the applicant of their duties under the Party Wall Act 1996.
- 6.27 Objectors have also raised concerns regarding access over third party land to render the proposed side elevation. Again this is a civil matter which cannot be dealt with under planning legislation.
- 6.28 Objectors have also made allegations that the applicant was told to continue with building work. City Council Officers made it clear to the applicant that if works not in accordance with the previous planning approval continue on site this is entirely at the applicants own risk.
- 6.29 Objectors have also alleged that damage to existing trees within the highway have occurred from the applicants vehicles and that the existing access gates are often left open outwards onto the highway. Any damage to trees would be dealt with the Highway Authority as the responsible authority. Any obstruction of the highway from the existing access gates opening outwards onto the highway would also be a matter for the Police/Highway Authority.
- 6.30 No.8 Knowe Park Avenue has two existing vehicular accesses into the site which do not require planning permission. Standing advice has been received from the Highway Authority regarding permits to cross the highway and any works required to trees. This standing advice will be included within the decision notice as an informative.
- 6.31 It is appreciated that the flue on the rear elevation serves a new domestic gas boiler. Building Control have confirmed that they are still awaiting GPS notification from a gas safe registered installer. If there was to be a significant detrimental effect on neighbours from fumes from the gas boiler this would be dealt with under Environmental Health legislation.
- 6.32 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularize any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life".

6.33 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.

6.34 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

6.35 The principle of a two storey side and rear extension to No.8 Knowe Park Avenue has already been assessed and established as acceptable under the previous planning approval ref 18/0396. The proposed changes sought under the current application are appropriate in terms of scale and design to the existing dwelling and will not have a detrimental impact upon the character/appearance of the surrounding area or the living conditions of the occupiers of any residential properties. The development will also not have an adverse impact upon highway safety or biodiversity. Overall, the proposal is compliant with the objectives of the relevant Development Plan Policies and approval is recommended.

7. Planning History

7.1 In 2018 planning permission was granted by Members of the Development Control Committee for the erection of a two storey side and single storey rear extension to provide office, utility, WC and kitchen on ground floor with 1no.bedroom and bathroom above (reference 18/0396).

8. Recommendation: Grant Permission

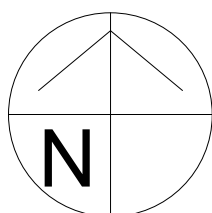
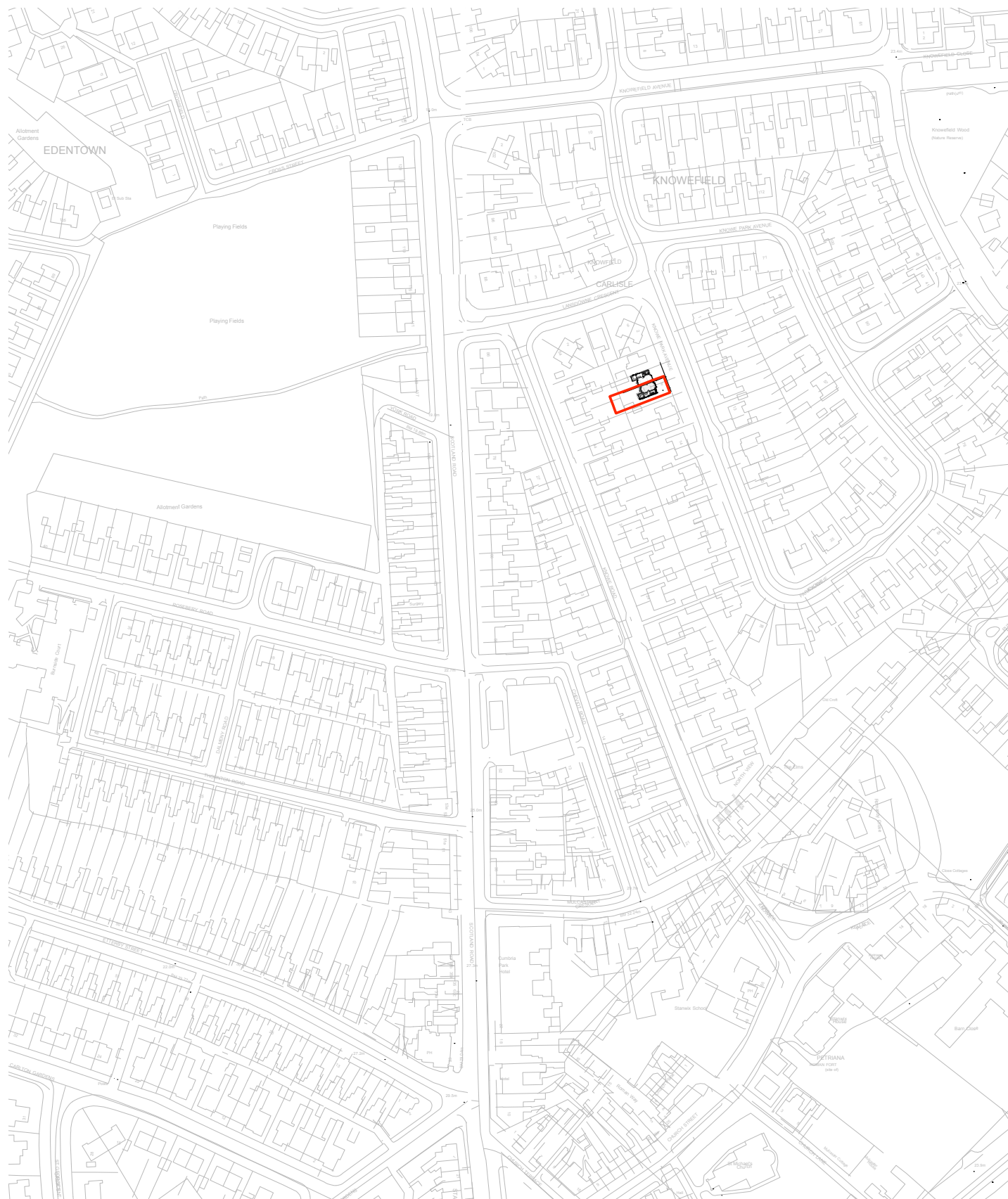
1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form received 11th January 2019;
 2. the site location plan received 21st February 2019 (Drawing No.0001);
 3. the proposed block plan received 21st February 2019 (Drawing No.PA004F);
 4. the proposed floor plans received 19th March 2019 (Drawing

- No.PA005G);
5. the proposed elevations received 19th March 2019 (Drawing No.PA006G);
 6. the Notice of Decision; and
 7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

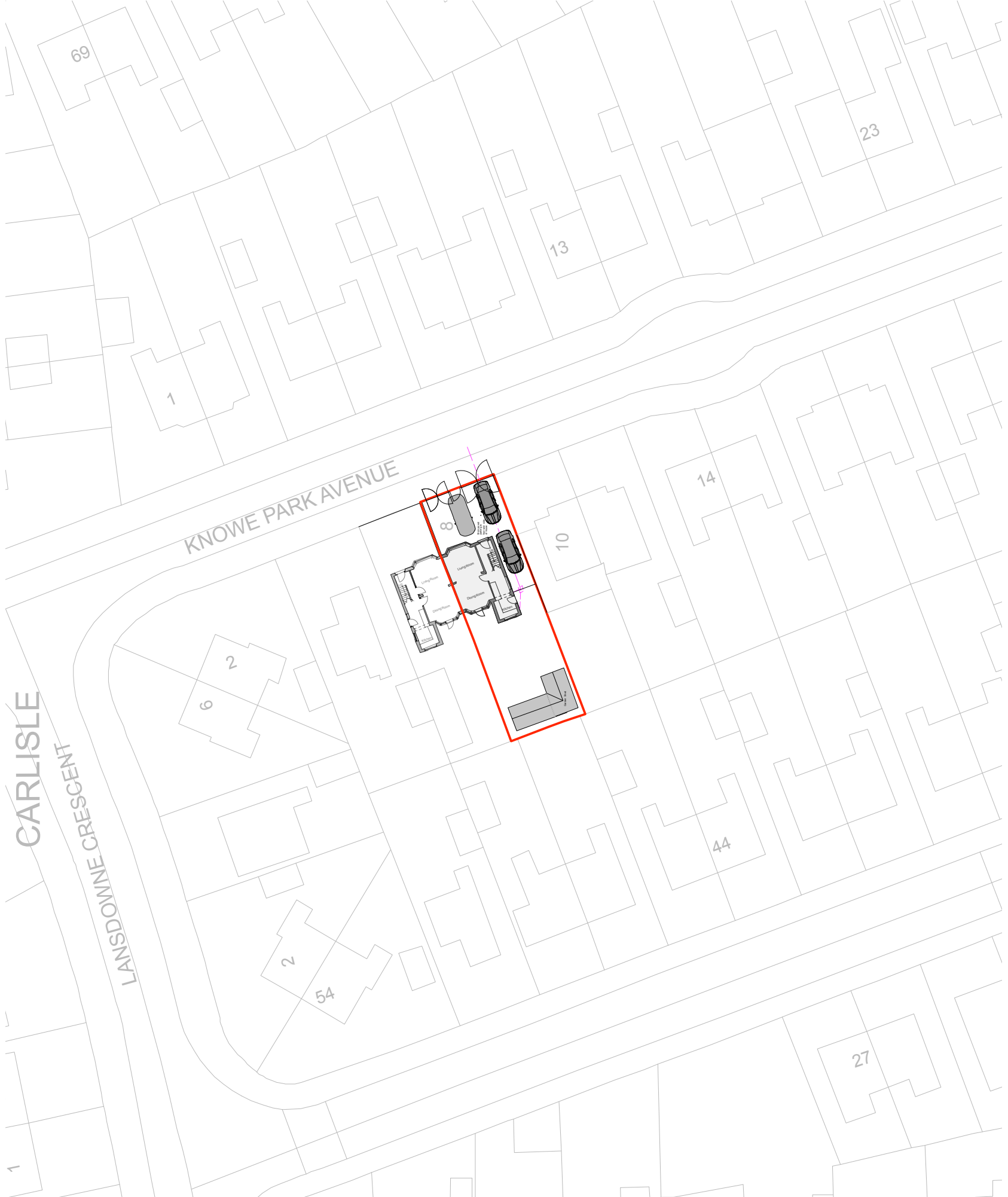
Reason: To define the permission.

2. Access gates, if provided, shall be hung to open inwards only away from the highway.

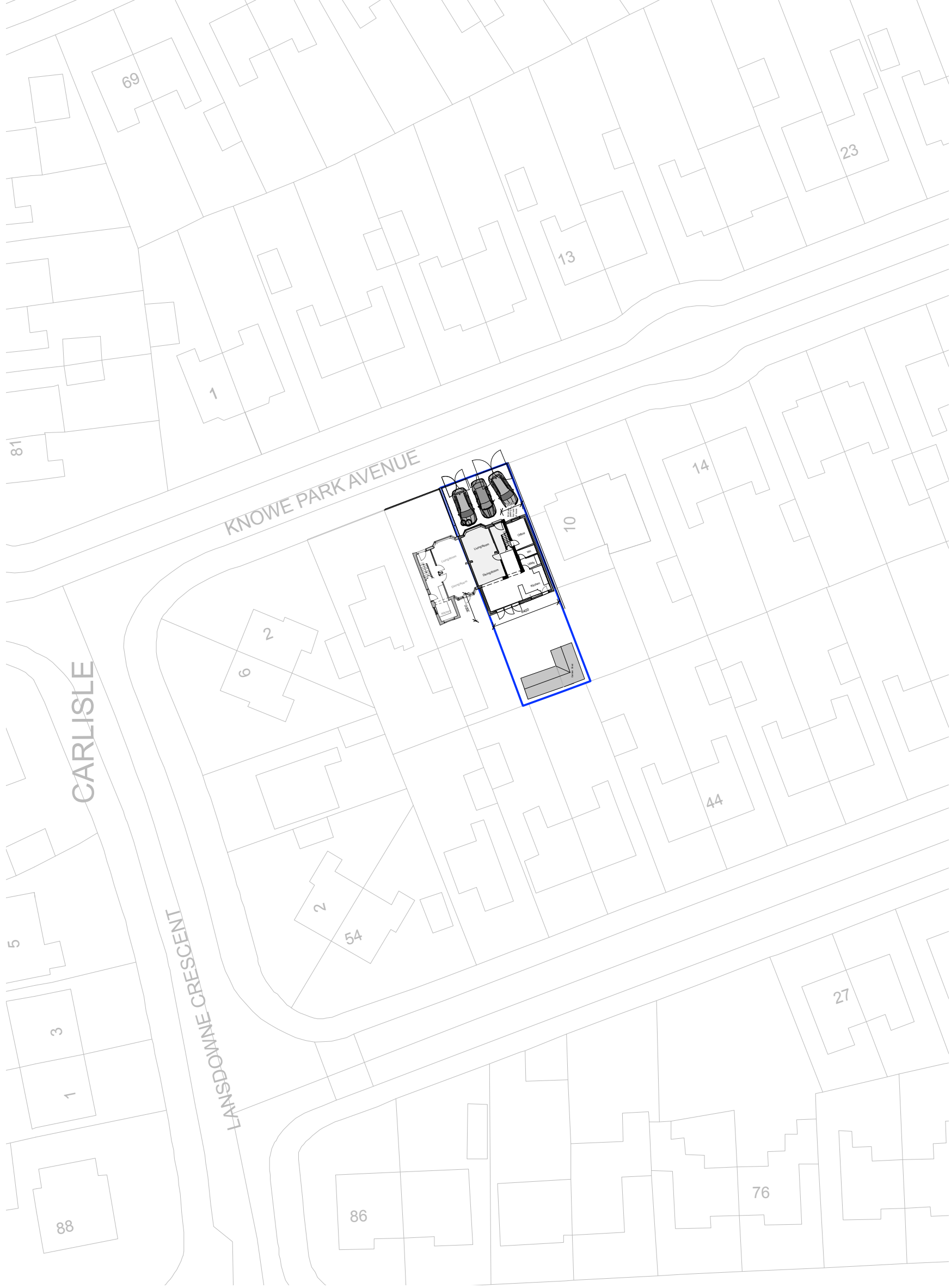
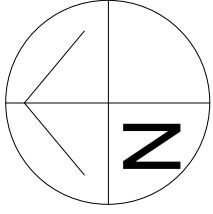
Reason: In the interests of highway safety. To support Local Transport Plan Policies LD7 and LD8.



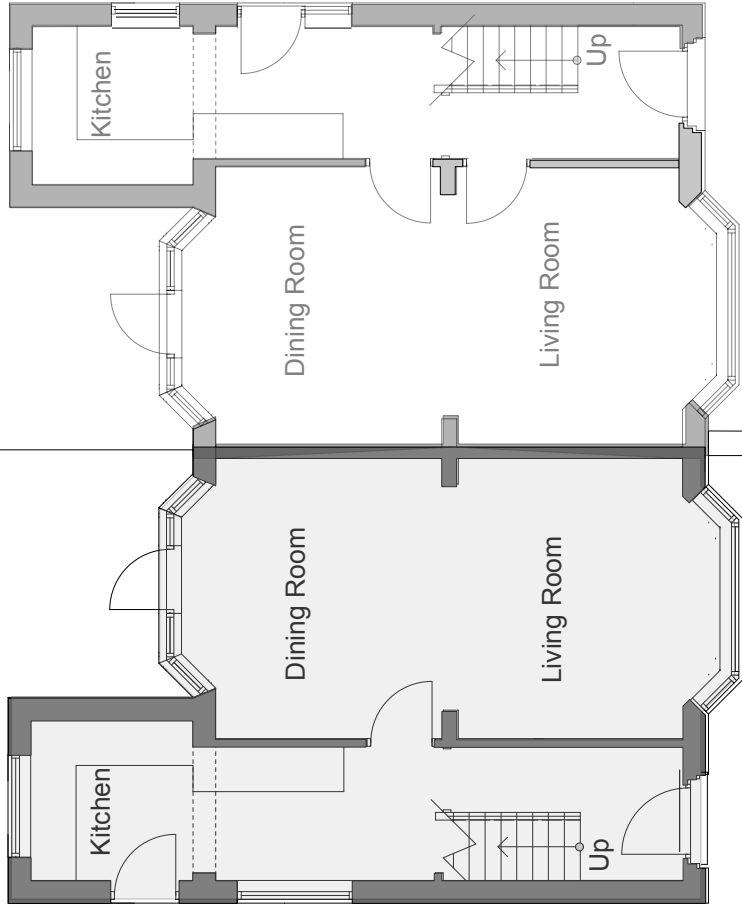
8 Knowe Park Avenue, Carlisle
Drawing: 0001
Site Location Plan
Scale: 1:1250 @ A4



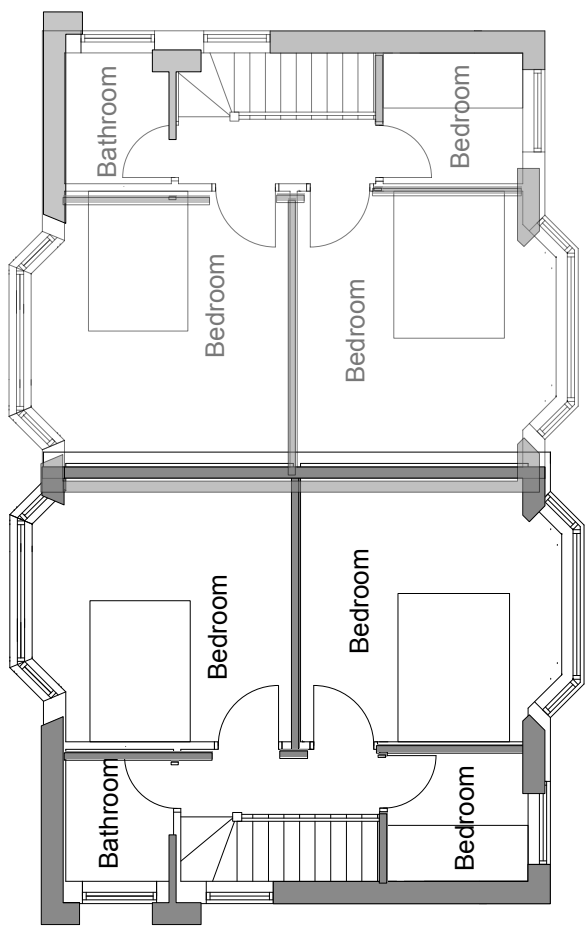
8 Knowe Park Avenue, Carlisle
Drawing: PA001D
Existing Block Plan
Scale: 1:250@A1 / 1:500@A3



8 Knowe Park Avenue, Carlisle
Drawing: PA004F
Proposed Block Plan
Scale: 1:250@A1 / 1:500@A3

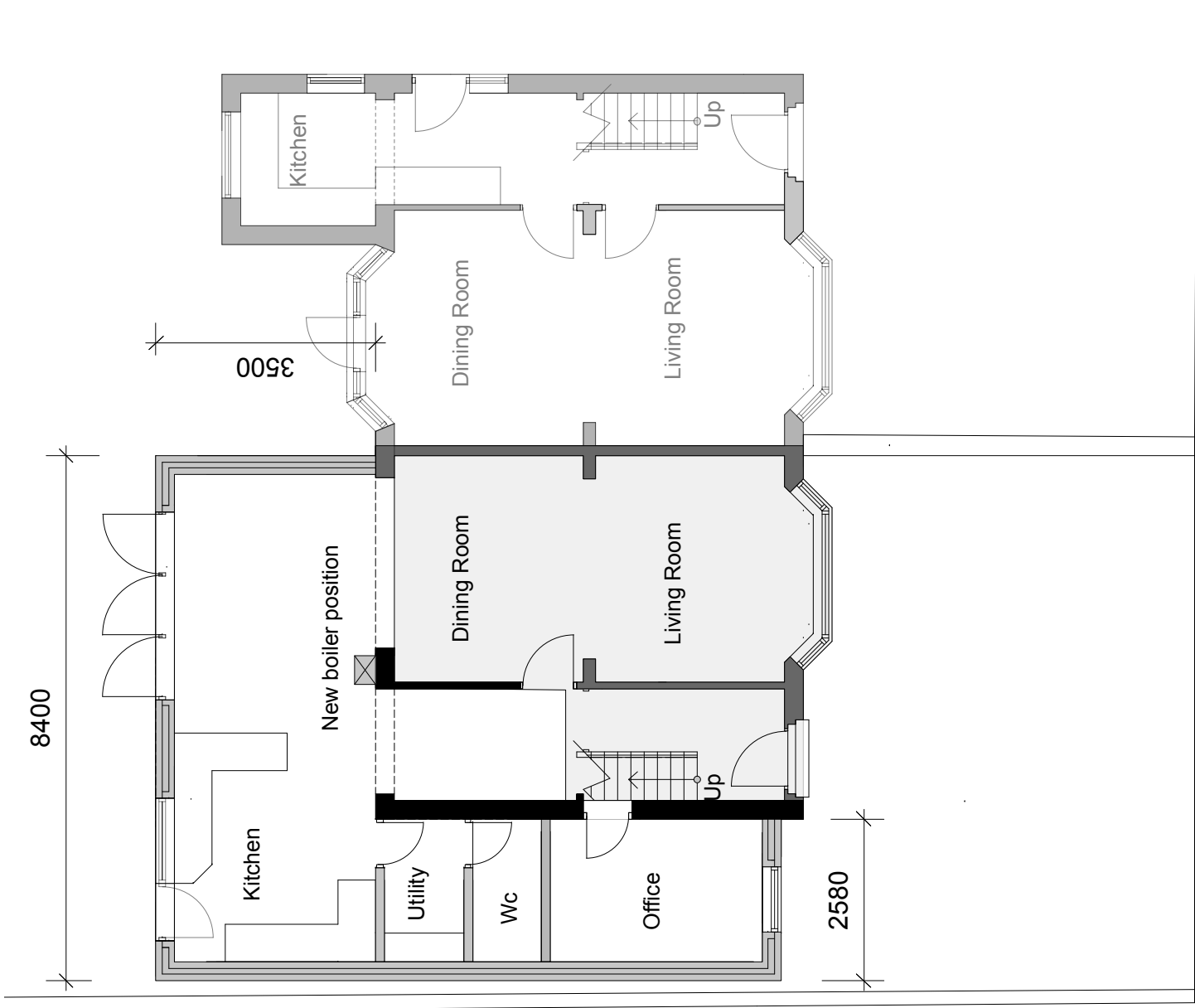


GROUND FLOOR PLAN

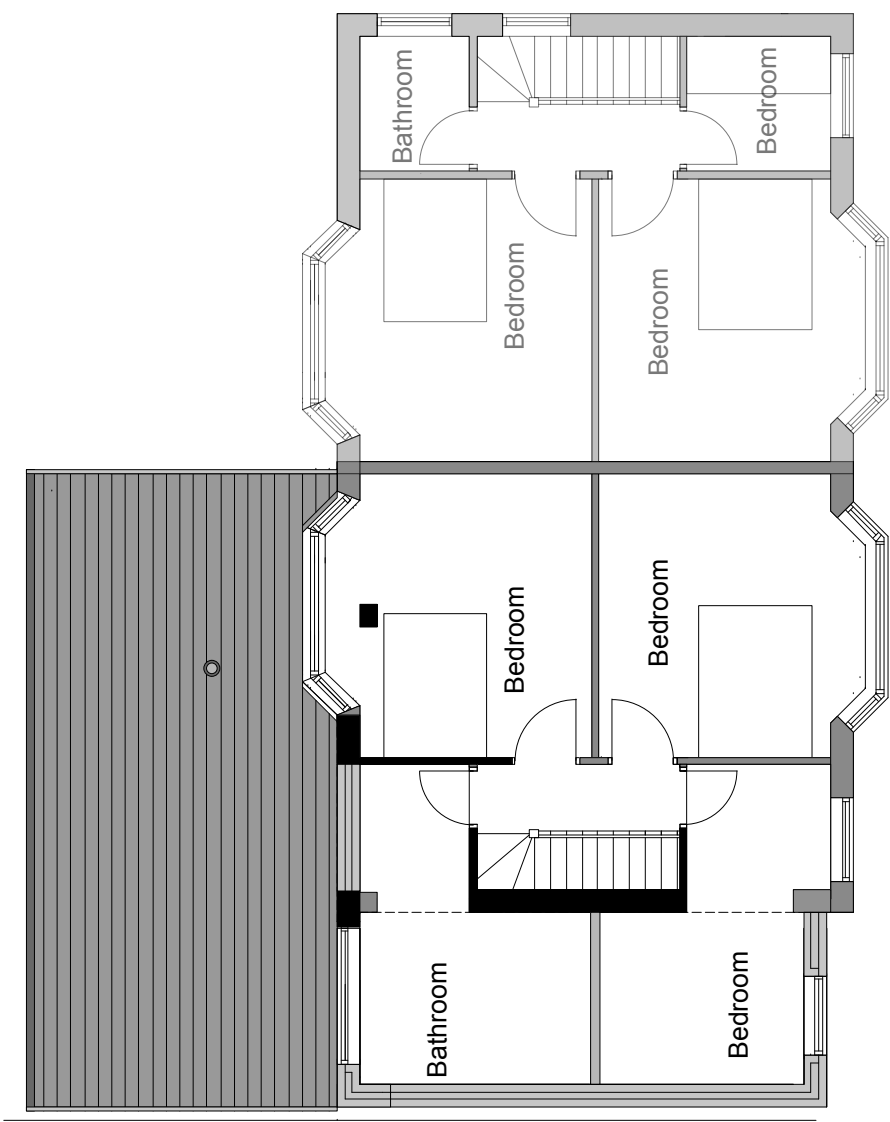


FIRST FLOOR PLAN

8 Knowe Park Avenue, Carlisle
Drawing: PA002
Existing Plans
Scale:1:50@A1 /1:100@A3

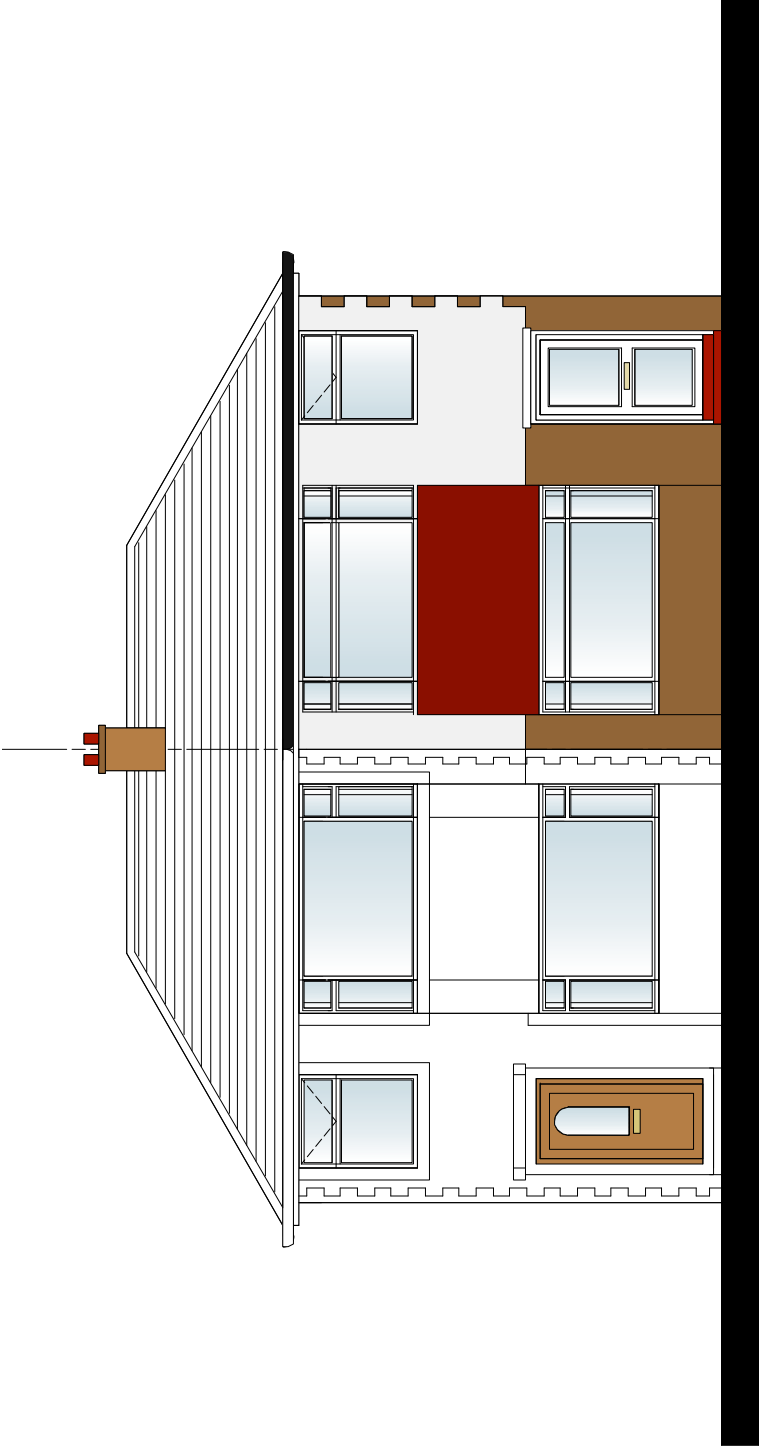


GROUND FLOOR PLAN

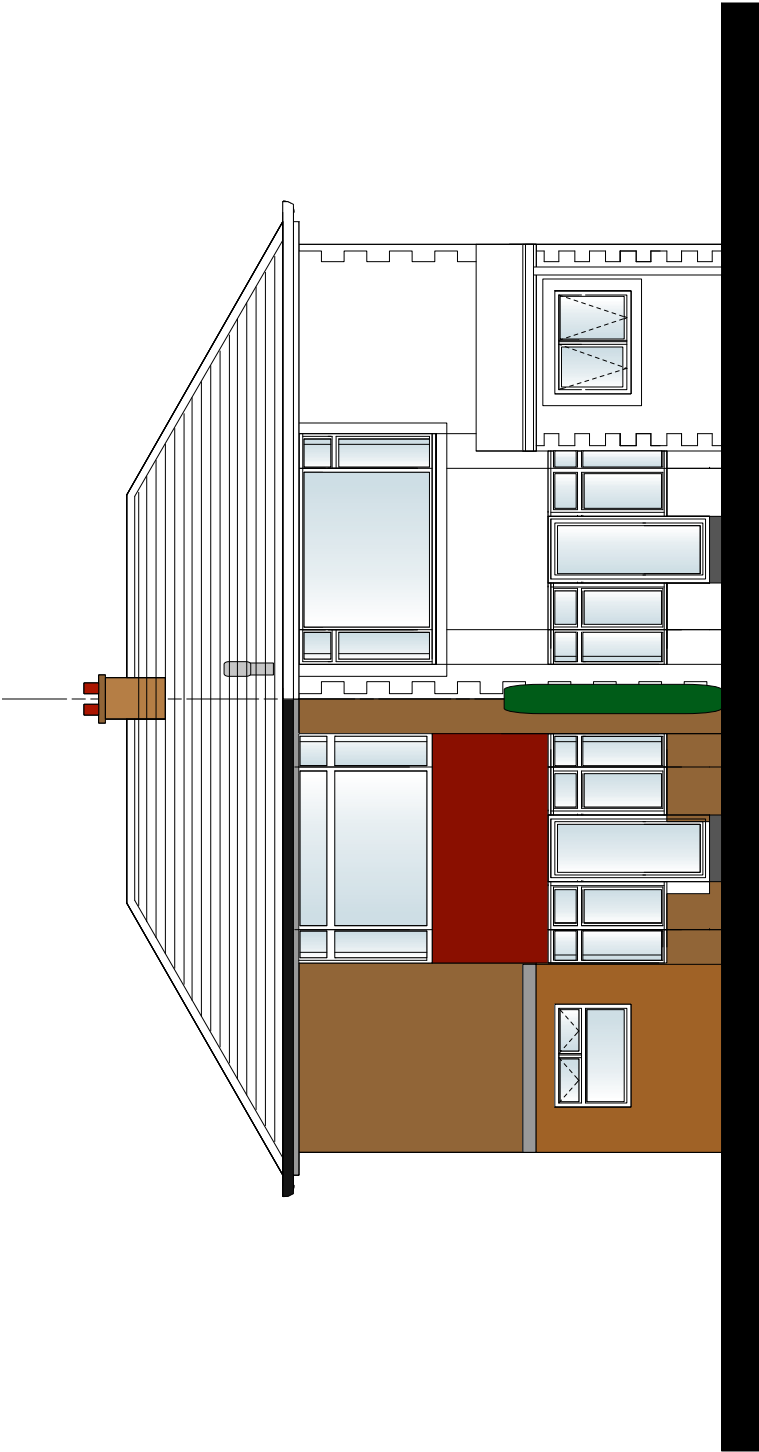


FIRST FLOOR PLAN

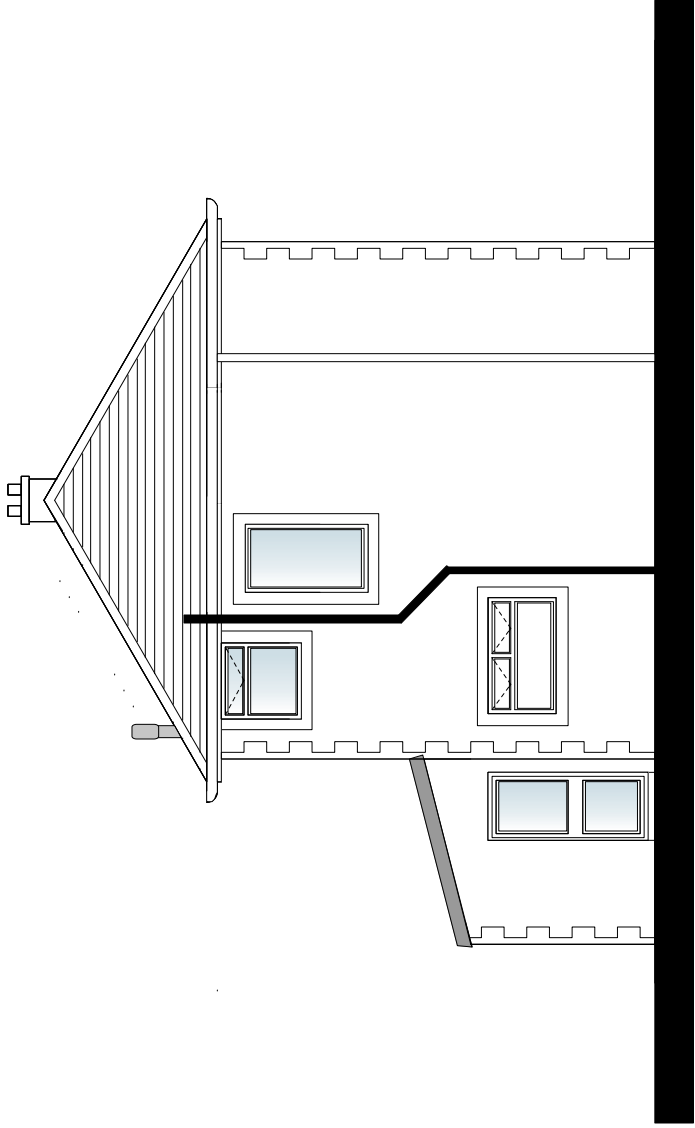
8 Knowe Park Avenue, Carlisle Drawing: PA005G Proposed Plans Scale:1:50@A1/1:100@A3



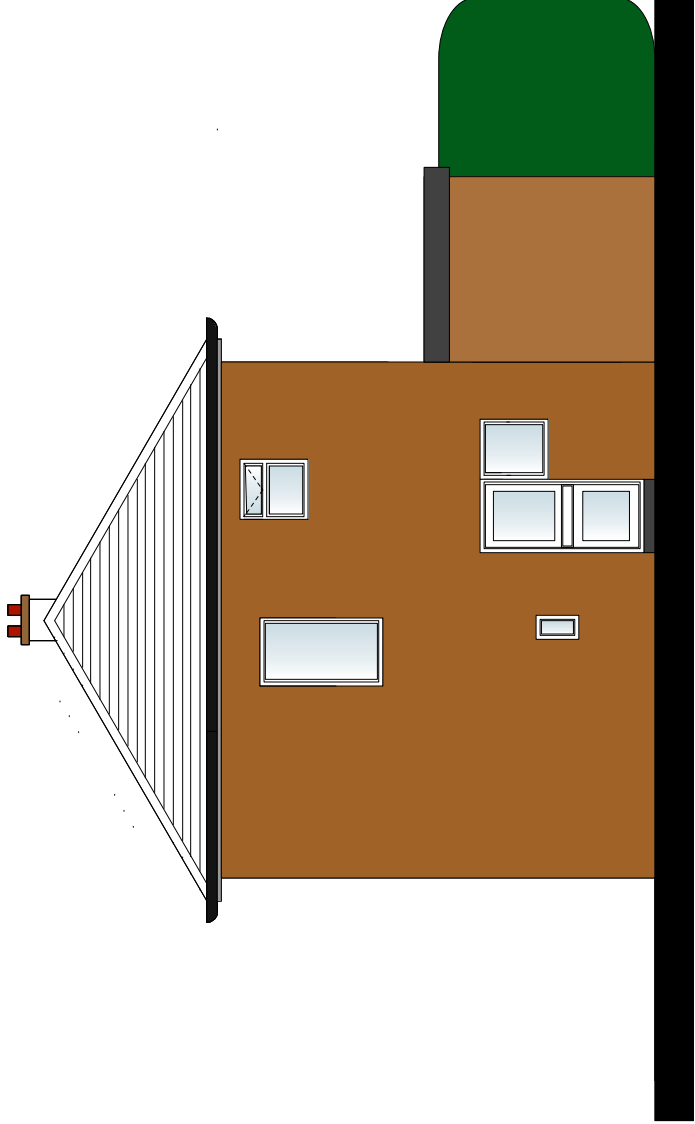
FRONT ELEVATION



REAR ELEVATION

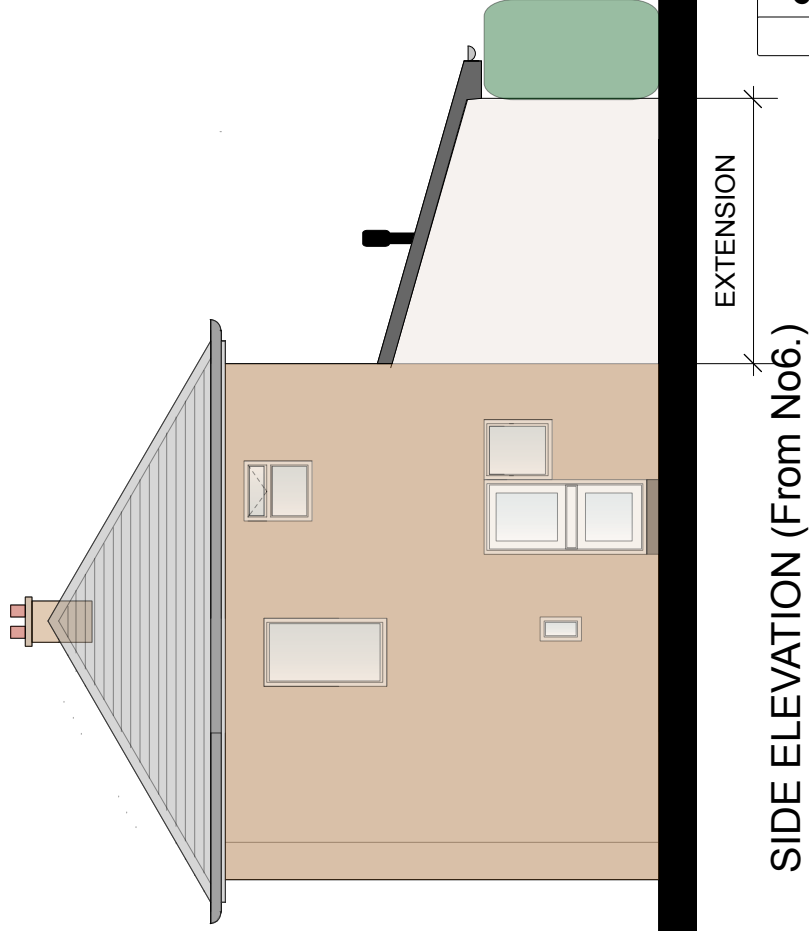
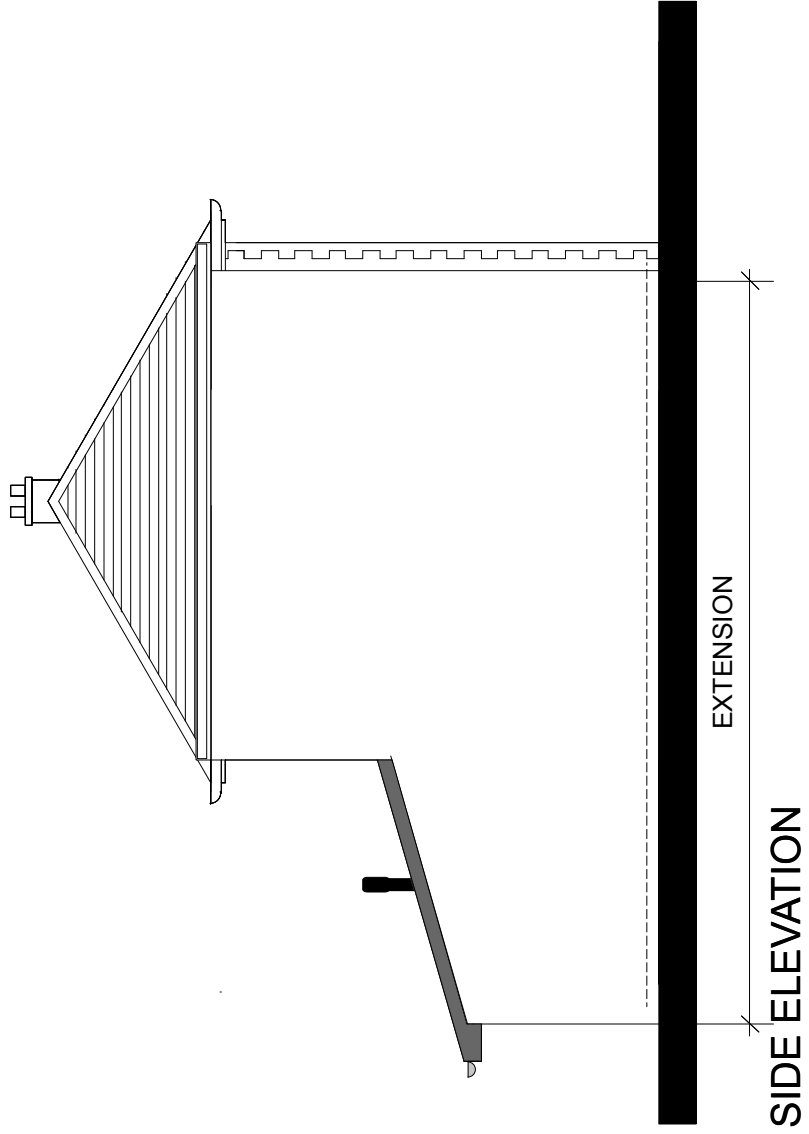
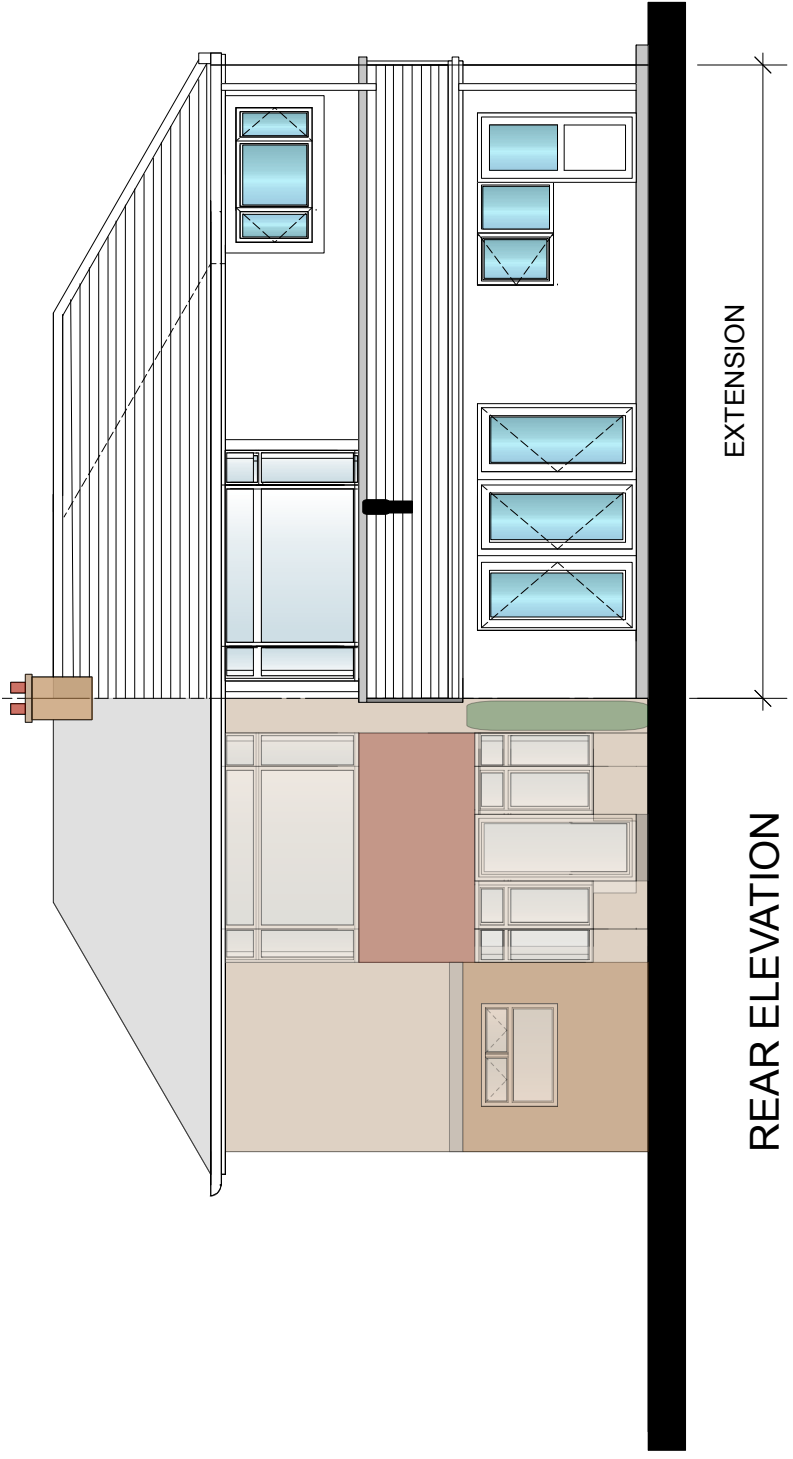
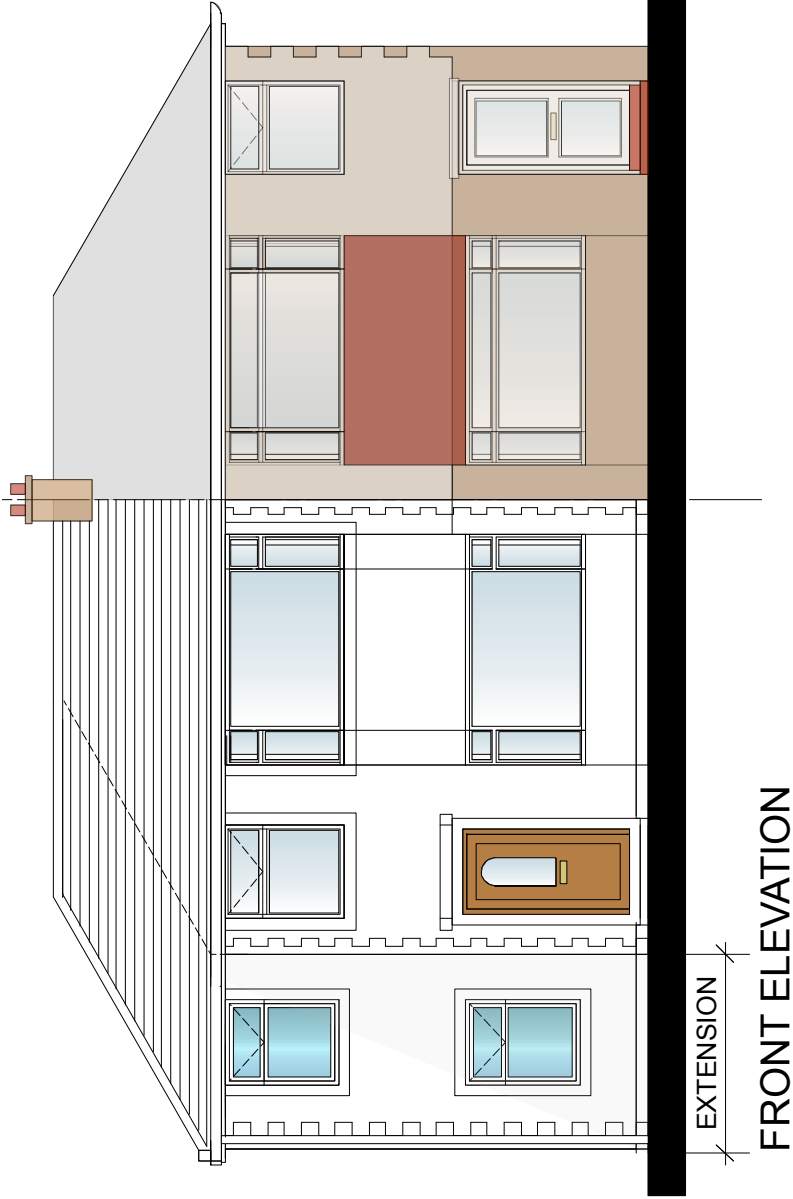


SIDE ELEVATION



SIDE ELEVATION

8 Knowe Park Avenue, Carlisle
Drawing: PA003C
Existing Elevations
Scale:1:50@A1/1:100@A3



8 Knowe park Avenue. Carlisle Drawing: PA006G Proposed Elevations Scale:1:50@A1/1:100@A3