

SCHEDULE A: Applications with Recommendation

13/0574

Item No: 21

Date of Committee: 15/11/2013

Appn Ref No:
13/0574

Applicant:
Mr Neil Griffiths

Parish:
Carlisle

Date of Receipt:
29/07/2013

Agent:

Ward:
Stanwix Urban

Location:

58 Longlands Road, Carlisle, CA3 9AE

Proposal: Erection Of First Floor Extension Above Existing Garage To Provide Bedroom And Balcony To Rear (Revised/Part Retrospective Application)

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Extension Is Appropriate To The Dwelling
- 2.2 Impact On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.3 The Impact On The Hadrian's Wall World Heritage Site Buffer Zone

3. Application Details

The Site

- 3.1 58 Longlands Road is a detached 2 storey dwelling constructed from facing brick under a tiled roof. The property is set back from the frontage with a driveway leading to an attached garage. There is a small garden area to the front with a more substantial terraced garden to the rear which agricultural land beyond which lies Rickerby.
- 3.2 The property is within a Primary Residential Area with dwellings on 3 sides of the site.

Background

- 3.3 Planning permission was granted in 2012 for the erection of first floor extension above the existing garage to provide a bedroom and balcony to the rear.

The Proposal

- 3.4 Following the grant of planning consent, work commenced on site but alterations were made to the extension that deviates from the approved drawings, namely:
- increase in size of dormer window to the front elevation and alteration of window style;
 - increase in ridge height of the extension of 350 mm;
 - increase in height of roof lights on the side elevation by 200 mm;
 - removal of roof pitch from the rear elevation;
 - increase in wall height of 400 mm on the front elevation;
 - alteration to the scale and design of the balcony on the rear elevation.
- 3.5 The application seeks planning permission for the erection of the 2 storey extension to regularise the development. With the exception of the balcony, the alterations have been completed. The balcony would be rectangular and would occupy the width of the extension. The structure would project 1.5 m from the rear elevation and enclosed by a stainless steel and glazed screen. Along the north-east side would be a 1.8 metre high obscurely glazed screen.

4. Summary of Representations

- 4.1 This application has been advertised by means of direct notification to the occupiers of 4 of the neighbouring properties. In response, 1 letter of objection has been received and the main issues raised are summarised as follows:
1. the unauthorised development has already commenced and is not sympathetic to its surroundings;
 2. the development will present a disjointed and unwelcome intrusion into the immediate and open setting of the neighbouring property;
 3. the increased area of the balcony would be visually intrusive and have an adverse impact on the neighbouring property;
 4. the proposal will result in a serious and unacceptable loss of amenity and privacy to the neighbouring property with a number of principal rooms and garden being visible from the extension;
 5. the increased size of the balcony would no longer see the vast majority of the development being enclosed within the applicant's dwelling and will result in increased noise and disturbance for the occupiers of the neighbouring property;
 6. the proposal is therefore contrary to Policies CP5, CP6 and H11 of the

Local Plan.

- 4.2 Following the further consultation with interested parties of the applicant's supporting information, 1 letter of objection has been received and the main issues raised are summarised as follows:

1. the design of the balcony is "external" which is out of keeping with the character of the area;
2. balcony is of a size that will allow the positioning of tables and chairs resulting in addition noise close to the neighbouring curtilage;
3. the fact that planning permission has previously been granted is irrelevant as the current proposal is materially different and does not benefit from consent;
4. the previous scheme was acceptable on the basis that the balcony was integrated within the building whereas the revised application has a negative effect on the neighbouring property;
5. the photographs shows the balcony from the applicant's property but not from the neighbouring garden where it can be seen from all aspects and several rooms;
6. the north-east elevation shows some screening is very poor aesthetically but any screening on the balcony would sufficiently resolve the issues;
7. the construction differs from the approved scheme such that the rear elevation windows above the doors are not constructed; the balcony has altered from partial to total exterior; the roof lights have been increased in size and changed position; the east elevation drawing number 4 clearly shows that the reach of the balcony has extended from 0.65 metres to 1.49 metres.

5. Summary of Consultation Responses

English Heritage - North West Region: - the proposal would not impact directly on any archaeological remains. The proposal would not harm the setting of the World Heritage Site;

Hadrians Wall Heritage Limited: - comments awaited.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF) together with Policies CP2, CP5, H11 and LE7 of the Carlisle District Local Plan 2001-2016. The Supplementary Planning Document (SPD) "Achieving Well Designed Housing" is also of relevance. The proposal raises the following planning issues.

1. Whether The Extension Is Appropriate To The Dwelling

- 6.2 The development would be visible from the neighbouring properties. The extension would be reasonable in scale being built above the existing garage

and the footprint of the extension would not be forward of either the front or rear elevations. The detached property is situated within a large plot and the extension would be of an acceptable scale and balance the existing building.

- 6.3 With the exception of the balcony, the remaining alterations from the approved scheme are small in scale and do not significantly alter the character or appearance of the extension. The design remains appropriate and is not obtrusive and does not detract from the character or appearance of the area. The use of the proposed materials to match the existing property would be appropriate.
- 6.4 The approved drawings show that the French doors leading from the first floor extension to the balcony would have been recessed from the rear elevation and under the overhang of the roof. The balcony was proposed to be semi-circular and would have occupied the width of the extension with the eastern side of the balcony being behind a structural wall of the extension.
- 6.5 The structural framework of the balcony has been formed and occupies the width of the extension and is rectangular in area. The depth of the balcony from the elevation of the house is reduced from 1.7 metres to 1.5 metres although the floor area has increased due to the omission of curvature. A stainless steel and glazed balustrade would be formed along the rear elevation and a 1.8 metre high screen would be constructed on the north-east side.
- 6.6 Representations made on behalf of the occupier of the neighbouring property, state that the extension would not be sympathetic to the property and will present a disjointed and unwelcome intrusion into the immediate and open setting of the neighbouring property. Although the scale and design of the balcony has altered and would be visible from the neighbouring properties, there are limited wider public views of the property.

2. Impact On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

- 6.7 Whilst planning policies may allow the principle of development, policies also require that consideration is also given to the living conditions of the occupiers of neighbouring properties. There is one property immediately adjacent to the application site that would be affected by the development. The extension would be to the south-west of this property which has ground and first floor bay windows the sides of which face the application site. This property is separated by fencing, trellis and a shed on the boundary.
- 6.8 Although the extension will be 5.3 metres from the first floor corner window and 6 metres to the balcony, given the orientation of the application site with the adjacent properties, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties.
- 6.9 The approved scheme included a curved balcony that by design reduced the

available seating area, was partially under the overhang of the roof and was partially screened from the neighbouring property by a brick wall. The balcony proposed as part of this application, measures 4.15 metres in width by 1.5 metres in depth; the approved scheme measures 4.15 metres in width by 1.7 metres in depth.

- 6.10 Whilst the maximum dimensions of the current proposal are smaller, there is an additional floor area where the curves would have been and in assessing the impact on the occupier of the neighbouring property, comparison also has to be drawn to the physical context of the balcony insofar as it would have been set partially within the building with a solid brick wall adjacent to the boundary.
- 6.11 The revised scheme is more open in comparison and directly protrudes from the rear elevation with no recessed areas within the property; however, a 1.8 metre obscurely glazed screen is proposed on the side of the balcony that faces the neighbouring property and it would be appropriate to impose a planning condition securing its retention should planning permission be forthcoming.
- 6.12 Some areas of the neighbouring garden would be visible from the balcony; however, the obscurely glazed screen would serve to protect the privacy and amenity of the occupiers from overlooking when using their patio/ seating area. The garden area could be viewed presently from the bay windows of the applicant's property. It is not considered that the addition of the balcony, as suggested with the inclusion of a screen, would result in an increased potential for overlooking and loss of privacy over and above the existing potential, to such a degree that would detrimentally affect the living conditions of the occupiers of the neighbouring property. In this respect, the proposal is acceptable and does not conflict with current planning policies.

3. The Impact On The Hadrian's Wall World Heritage Site Buffer Zone

- 6.13 Policy LE7 of the Local Plan seeks to control development within the Hadrian's Wall World Heritage Site Buffer Zone to ensure that development which would have an unacceptable adverse impact on the character and/ or setting of the World Heritage Site will not be permitted. The extension has been built on the existing garage and has not therefore resulted in any ground disturbance. The proposal would not adversely affect the character or appearance of the Buffer Zone.

4. Biodiversity

- 6.14 The Council's GIS Layer has identified that the site has the potential for breeding birds, red squirrels and lizards to be present on the site. As the proposed development is within the curtilage of and adjacent to residential properties, it is not considered that the development would harm a protected species or their habitat. Natural England's standing advice states that in this instance, no protected species surveys are required but works should proceed with caution requires that an Informative should be included within the decision notice ensuring that if a protected species is found all work must

cease immediately and the Local Planning Authority informed.

5. The Impact On Human Rights

- 6.15 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 regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life".

- 6.16 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.

- 6.17 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

- 6.18 In overall terms, the principle of development is acceptable. The scale and design of the alterations are acceptable and the development would not adversely affect the character or appearance of the area. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring property, through loss of light or result in unreasonable overlooking. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

7. Planning History

- 7.1 Planning permission was granted in 2012 for the erection of a first floor extension above the existing garage to provide a bedroom and balcony to the rear.

8. Recommendation: Grant Permission

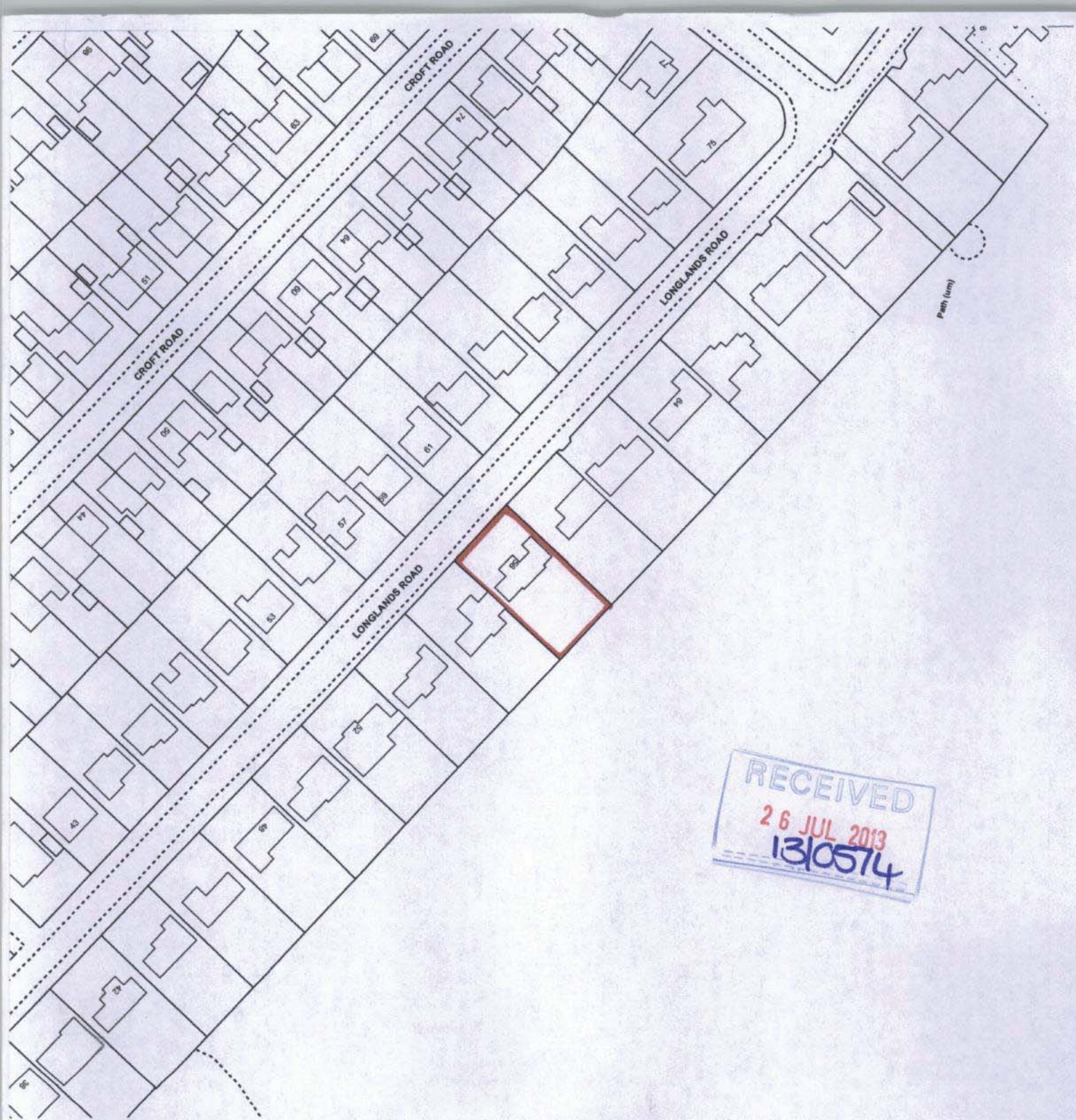
1. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 29th July 2013;
2. the Location Plan received 26th July 2013 (Drawing no. 00);
3. the Existing Block Plan received 26th July 2013 (Drawing no. 05);
4. the Proposed Block Plan received 26th July 2013 (Drawing no. 06A);
5. the Existing Plans received 26th July 2013 (Drawing no. 01);
6. the Existing Elevations received 26th July 2013 (Drawing no. 02);
7. the Proposed Plans received 26th July 2013 (Drawing no. 03B);
8. the Proposed Elevations received 26th July 2013 (Drawing no. 04B);
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

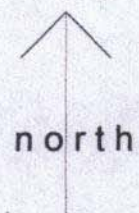
Reason: To define the permission.

2. The glazed screen on the north-east elevation of the balcony shall be obscurely glazed to factor 3 or above and shall be installed prior to the balcony being brought into use. The glazed screen shall not be altered or removed without the prior written consent of the Local Planning Authority.

Reason: To ensure that the living conditions of the occupier of the neighbouring properties are not adversely affected by the development in accordance with Policies CP5 and H11 of the Carlisle District Local Plan 2001-2016.



RECEIVED
26 JUL 2013
1310574



58, Longlands Road, Carlisle.

Location Plan 1 : 1250

DWG. 00

Do not scale from this drawing, use figured dimensions only
and check actual site dimensions where critical.

26 JUL 2013
13/0574

58 Longlands Road, Carlisle.

Existing Block Plan

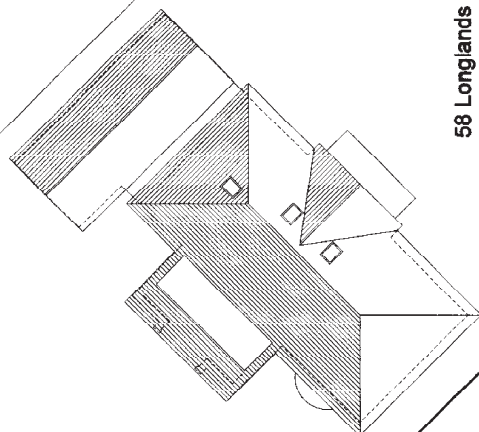
Scale 1:200@A3

DWG. 05

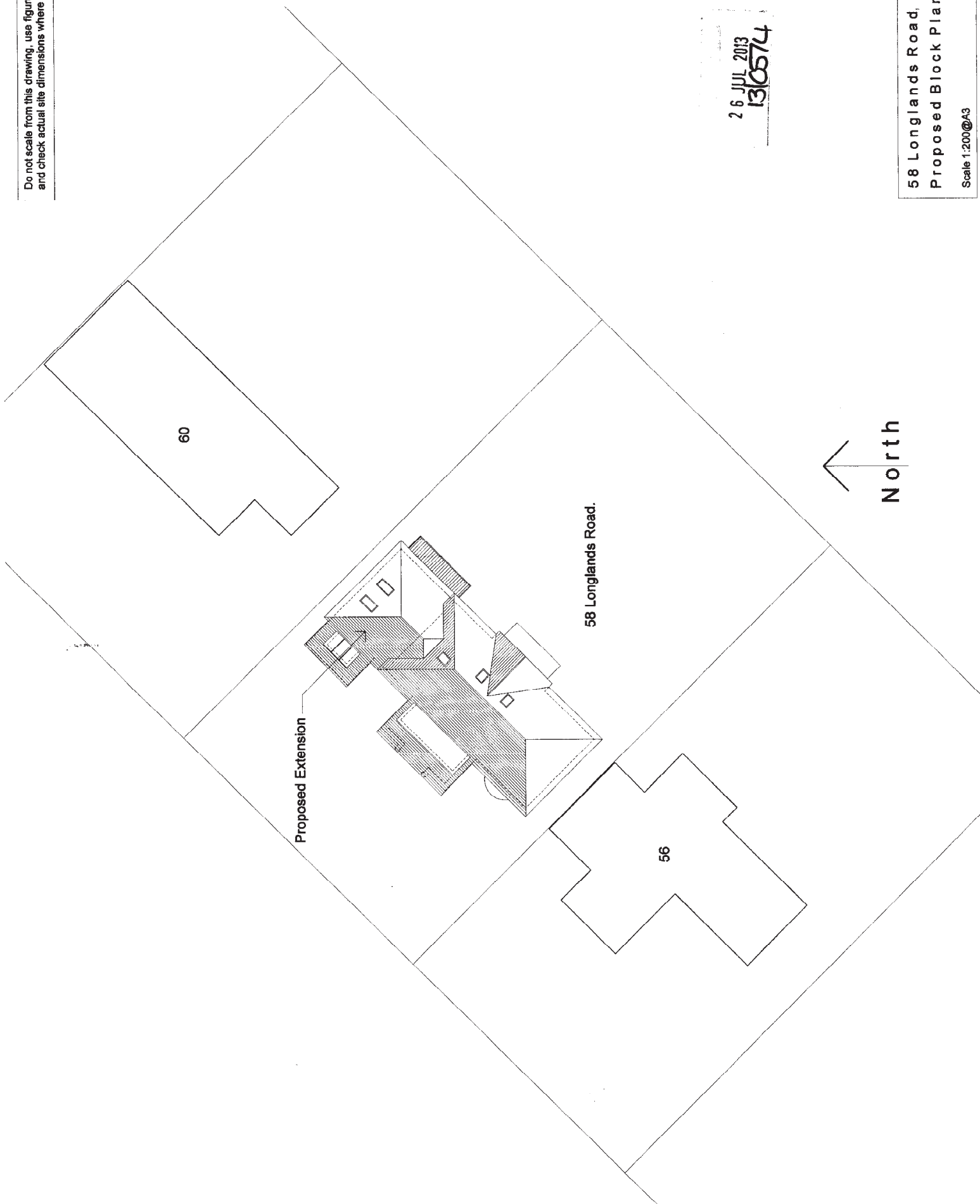
60

58 Longlands Road.

56



Do not scale from this drawing, use figured dimensions only
and check actual site dimensions where critical.



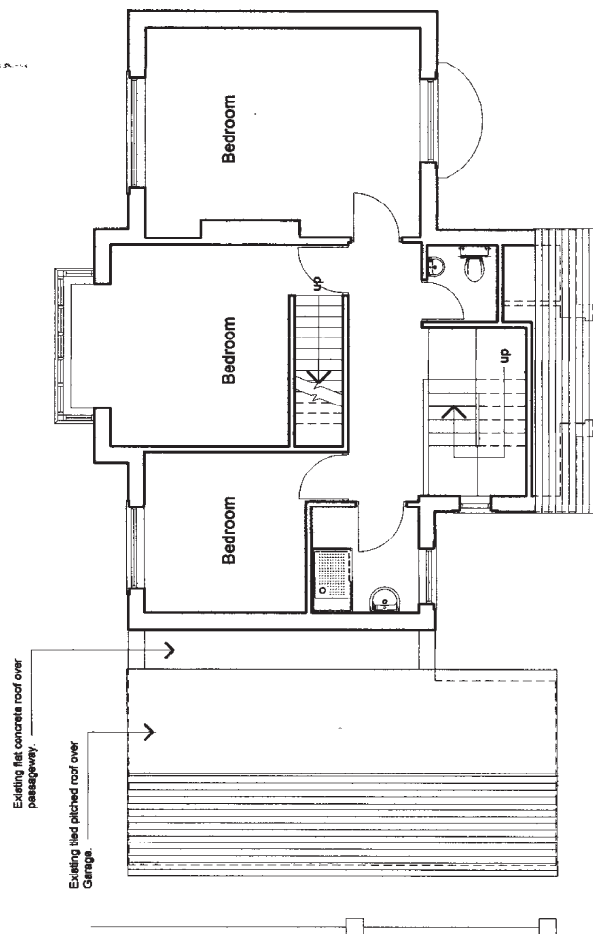
26 JUL 2013
13/0574

58 Longlands Road, Carlisle.
Proposed Block Plan

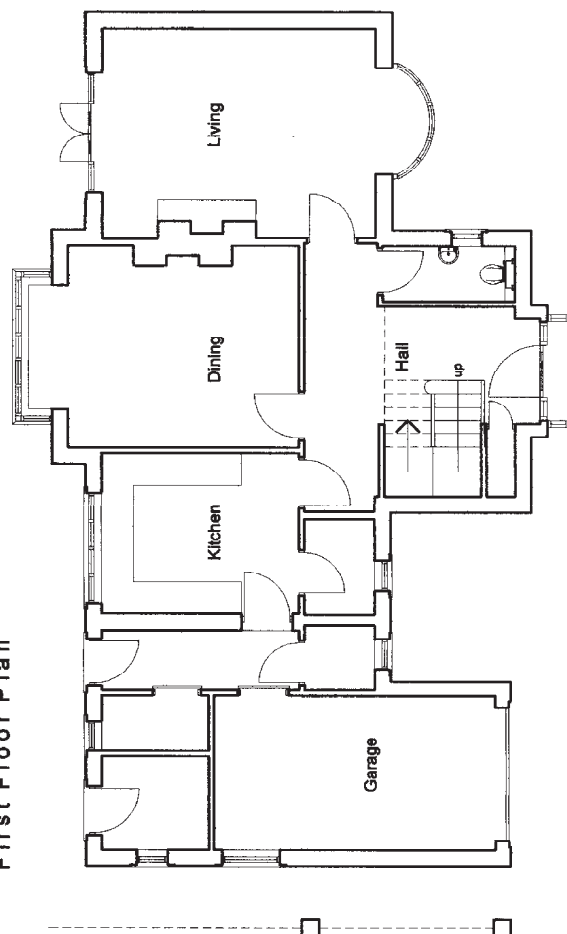
Scale 1:200@A3

DWG. 06A

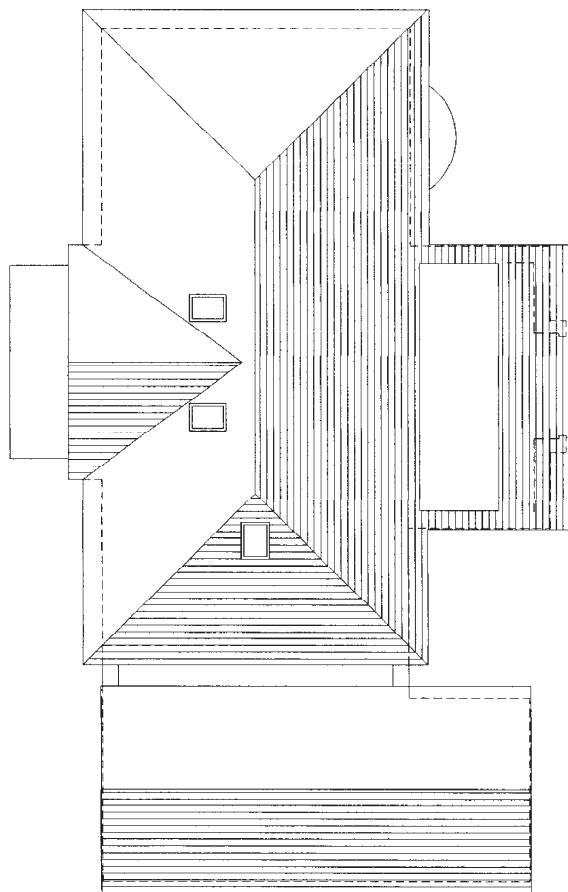
Do not scale from this drawing, use figured dimensions only
and check actual site dimensions where critical.



First Floor Plan



Ground Floor Plan

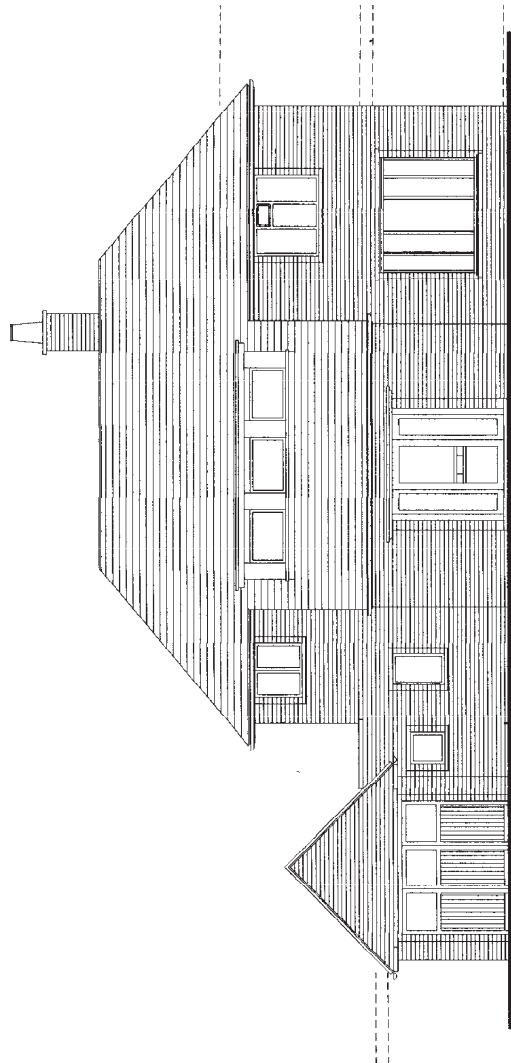


Roof Plan

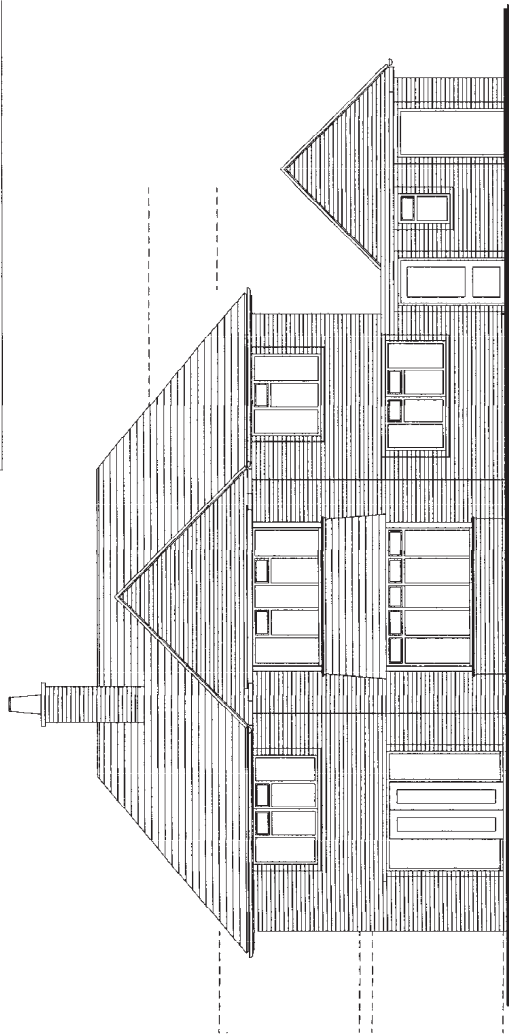
26 JUL 2013
13/05/14

North

Do not scale from this drawing, use figured dimensions only
and check actual site dimensions where critical.

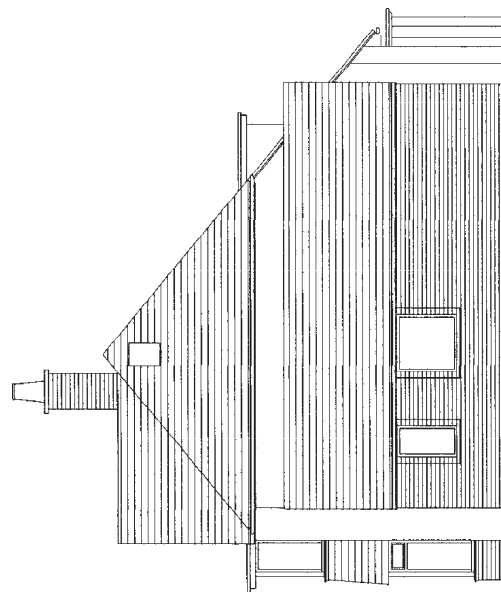


North West Elevation

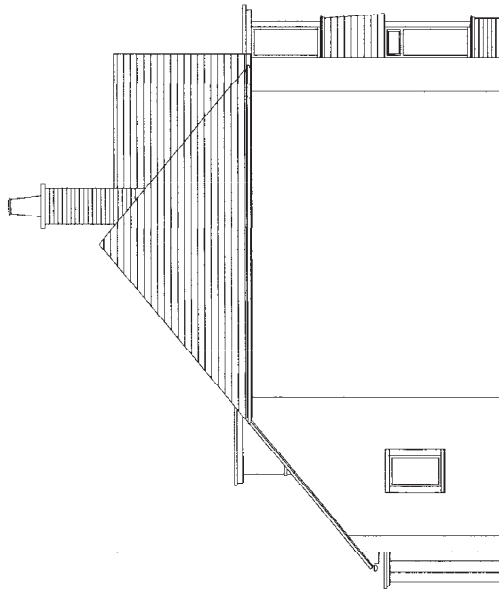


South East Elevation

26 JUL 2013
13/05/14

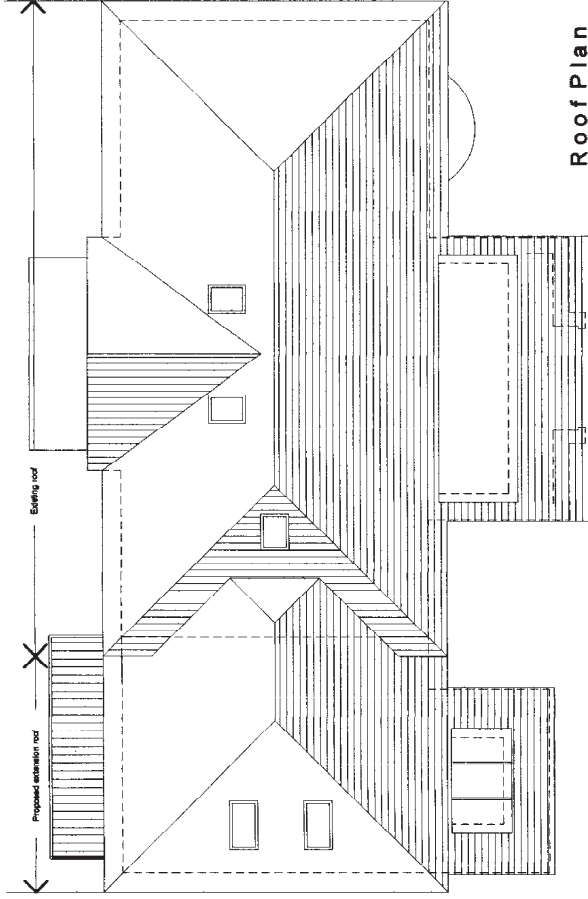


North East Elevation



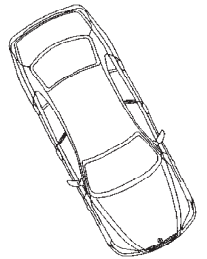
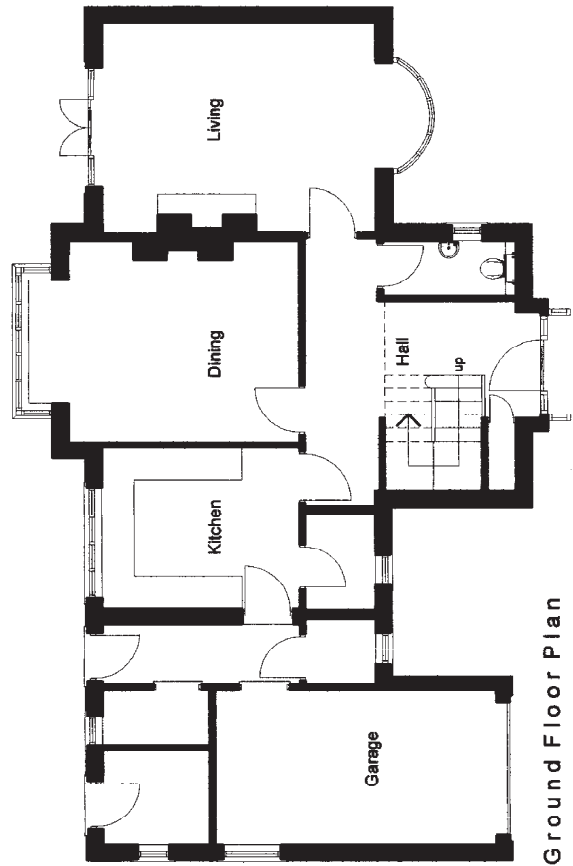
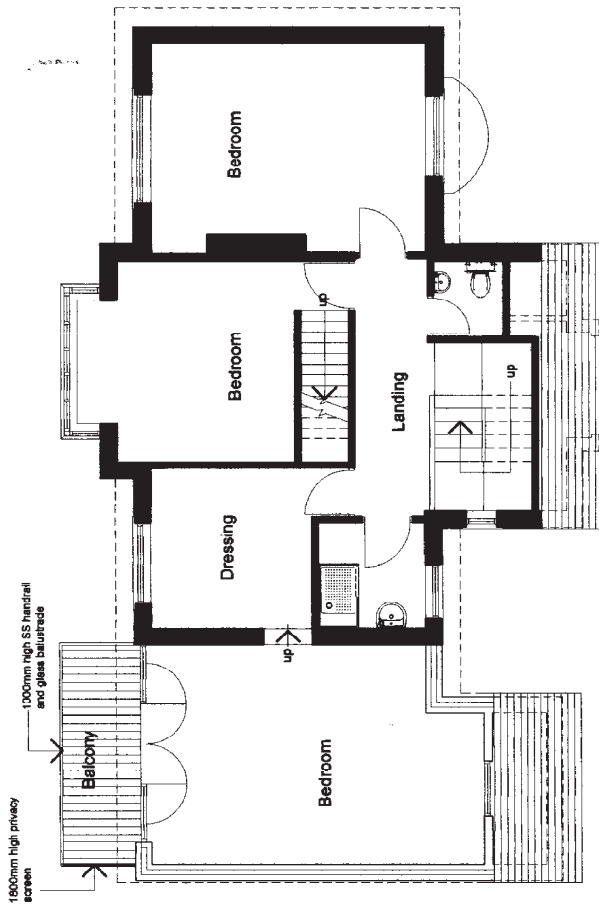
South West Elevation

Do not scale from this drawing, use figured dimensions only and check actual site dimensions where critical.

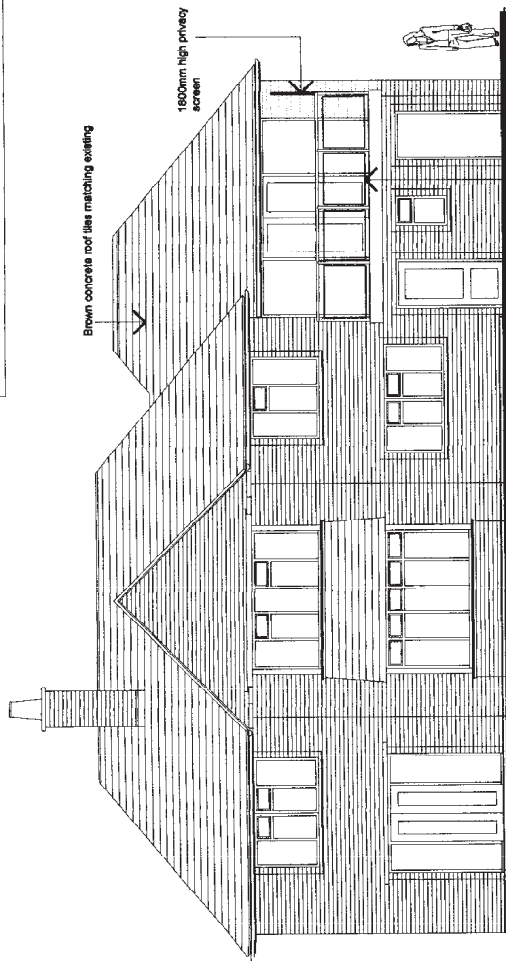


26 JUL 2013
13/05/4

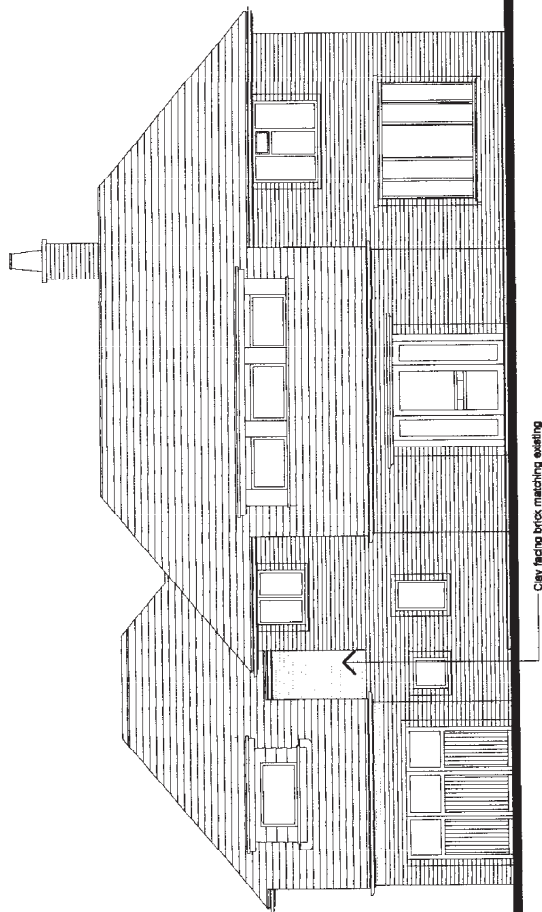
North



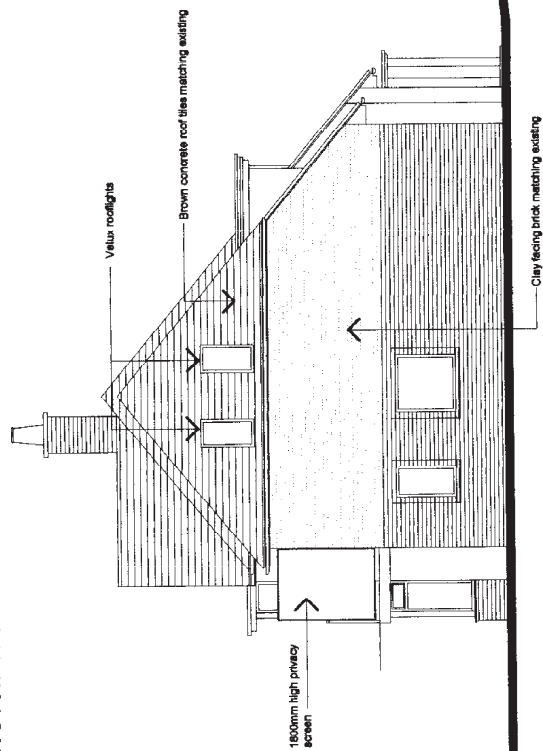
Do not scale from this drawing, use figured dimensions only and check actual site dimensions where critical.



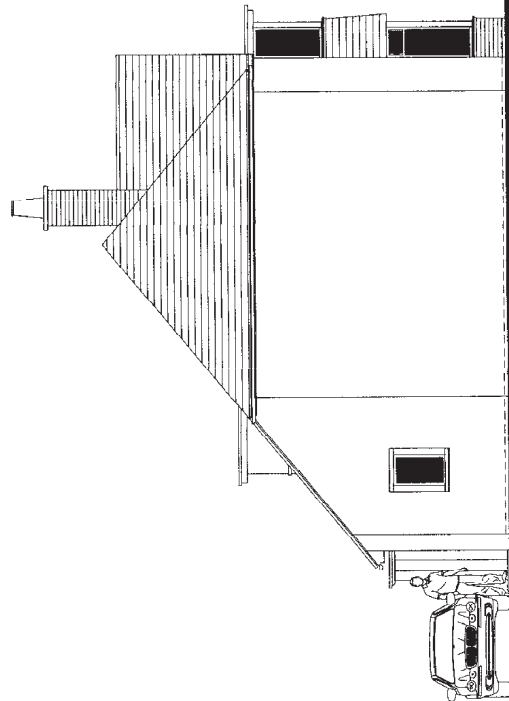
South East Elevation



North West Elevation



North East Elevation



South West Elevation

26 JUL 2013
13/0574