

APPLICATION NO PA/2012/0803

APPLICANT Mr D Lea

DEVELOPMENT Planning permission to erect a two-storey side extension

LOCATION 43 Malvern Road, Scunthorpe

PARISH **SCUNTHORPE**

WARD Kingsway and Lincoln Gardens

CASE OFFICER Andrew Law

SUMMARY **Grant permission subject to conditions**

RECOMMENDATION

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Councillor Wilson – public interest)

POLICIES

National Planning Policy Framework: Paragraph 56 states 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.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

Policy DS5 (Residential Extensions)

Supplementary Planning Guidance 1 (SPG1) (Design Guidelines for Home Extensions)

North Lincolnshire Core Strategy: Policy CS5 (Delivering Quality Design in North Lincolnshire)

CONSULTATIONS

Highways: No comments or objections.

PUBLICITY

Neighbouring properties have been notified and letters of objection have been received from 41 and 34 Malvern Road raising the following concerns:

- Paragraph 1.21 of SPG1 concerns loss of light and overshadowing on neighbouring properties and paragraph 1.23 states that 'two storey extensions abutting or close to a

curtilage boundary with a neighbouring property are likely to be refused planning permission’.

- The proposal is contrary to the guidelines in SPG1 as it is in breach of the 30 degree rule.
- Drawing number 30/438/2 is inaccurate as it gives the impression that the 41 and 43 Malvern Road have the same ridge heights. This is not the case as 43 has a higher ridge line than 41.
- The extension will close the gap between the existing properties by approximately 60%.
- The proposal would be contrary to policy DS5 of the North Lincolnshire Local Plan which states that residential extensions should ‘not unreasonably reduce sunlight or daylight or result in overshadowing, overbearing or loss of privacy to adjacent dwellings’ and ‘should not cause overshadowing as a result of the height and depth of extension blocking daylight and sunlight particularly in the case of two storey extensions located on or close to the boundary’.
- The only south-facing windows in 41 Malvern Road are in the lounge and master bedroom. These are the principal rooms in the house in which the majority of time is spent. The proposed extension would present a solid brick wall at the southern boundary of the house and reduce the gap between the properties by 60%, detracting from the amenity enjoyed in the house and also the quality of the street scene.
- The proposed two-storey side extension will increase the overshadowing effect on the south-facing elevation of 41 Malvern Road, acting like a prison wall, it would reduce the sun/daylight throughout the year and have an overbearing effect, making it unacceptable.
- The proposal would be contrary to policy DS1 of the North Lincolnshire Local Plan as it would not retain the amenity of open space and would detract from the surrounding environment.
- The attraction and appeal of houses in Malvern Road is the individual style and setting in reasonably sized plots, which enable gardens to be developed and enjoyed with a degree of privacy afforded from adjacent properties.
- The general character of Malvern Road is of spaciouly appointed properties, different from many examples of housing built elsewhere more recently, which are much closer together. The proposed extension would visually fill the gap between the properties and the effect on the aspect when viewed from 34 Malvern Road would be dramatic.
- The proposed extension would have an unacceptable effect on the generally spacious nature of Malvern Road, and we are concerned that, if permission were granted, it might serve to encourage further development, to the detriment of the environment.
- There are a number of detached dwellings in Malvern Road, none of which have two-storey side extensions and most of which have south-facing windows allowing sun and daylight into the properties without restriction.
- The proposed extension would result in a five-bedroom house, making it much larger than the modern trend. Is this not a case of over-development?

- The site location plan should show 45 Malvern Road outlined in blue as this property is owned by the applicant.
- Section 6 on the planning application forms suggests that the issue of light amenity has already been settled. However it is to be hoped that, given the requirements of due process, it is not possible for a planning officer to give the kind of advance approval that the applicant seems to be claiming.
- When the occupiers of 34 Malvern Road applied for planning permission for an extension to their property the plans had to be amended so that the neighbour's light amenity, as assessed by the 30 degree rule was not affected. It is obvious that the proposed extension fails the 30 degree test with regard to the southern aspect of number 41 and it should be the case that where objective tests for light amenity exist, they should be applied in an even-handed way.
- The applicant has provided pictures of existing two-storey extensions along Malvern Road. As the planning process must judge each case on its own merits, these examples cannot embody precedents, and each of the examples is different in nature to the proposal at number 43. It will also be noted that all of the examples relate to semi-detached properties and that none of the detached properties on Malvern Road have two-storey side extensions. Detached properties comprise a good proportion of properties on Malvern Road, adding to the general impression of spaciousness.

ASSESSMENT

This application was discussed at the planning committee meeting held on 19 September 2012 and was deferred for a site visit in order for members to fully assess the merits of the case.

The application site is a two-storey detached house on Malvern Road in Scunthorpe. It is located within the development boundary for the settlement and is not within any designated conservation area. Malvern Road is a residential street comprising a mixture of detached and semi-detached two-storey dwellings. The application site is bounded by residential properties on all sides. 43 Malvern Road has a private driveway running along the northern boundary of the site and a detached garage to the rear, close to the northern boundary. There is a mix of design and type of property along Malvern Road, but they are all generally two-storey frontage dwellings with large, spacious rear gardens.

This application seeks planning permission for the erection of a two-storey side extension on the northern elevation of 43 Malvern Road. This extension is proposed to be constructed on the existing driveway serving the property and will comprise a garage and utility at ground floor level and a bathroom and bedroom at first floor. The proposed extension is approximately 3.8 metres wide by 9.9 metres deep by 5.4 metres to eaves height and 9.1 metres in height to the ridge line. The extension is proposed to be constructed 0.1 metre from the party boundary and will leave a gap of approximately 2.5 metres between 43 and 41 Malvern Road to the north.

The main issues to consider in the determination of this application are whether the proposed extension would have an unacceptable impact upon the residential amenity of the neighbouring dwelling to the north and whether the proposed extension would be harmful to the character and appearance of the area.

Malvern Road is a residential street within Scunthorpe that is typified by two-storey frontage properties with large, spacious rear gardens. The properties along Malvern Road are of a mix of different designs and styles and a number of these properties have been extended or altered in one way or another. The proposed extension will increase the size of the dwelling as viewed from the street and will fill in 3.8 metres of the 6.3 metre gap currently between 41 and 43 Malvern Road. However, should the extension be approved there would still be a gap of approximately 2.5 metres between the two dwellings. This separation distance is sufficient to clearly distinguish the two detached dwellings and prevent a terracing effect along this area of Malvern Road. Furthermore, a number of properties along Malvern Road have been extended in the past, including single-storey and two-storey side extensions. As a result of this the gaps between properties vary in size along the street. Therefore, the proposed development would not be out of keeping with the street scene and would not have a harmful impact upon the character and appearance of the surrounding area.

Should the proposed extension be approved, this would not set a precedent for future development along Malvern Road. As with any planning application, any future development proposals will be assessed on their own merits. Conversely, the fact that a neighbouring dwelling has previously been refused planning permission for a two-storey side extension does not mean that the proposed extension should be refused. Each case must be judged on its own merits.

Furthermore, it should be noted that there are examples of two-storey extensions along Malvern Road on both detached and semi-detached dwellings and not just on semi-detached dwellings as has been suggested. Malvern Road has a significant amount of large detached properties and as such, although the dwelling may be larger than many modern dwellings being constructed, the applicant property as extended would not be out of keeping with the area. Additionally, due to the size of the site, the proposal will not result in a cramped form of development or result in over-development of the site.

The adjacent dwelling to the north (41 Malvern Road) has four windows in its southern elevation, which face the application site. These windows serve the lounge for the dwelling at ground floor (two windows) and the master bedroom at first floor (two windows). Should the extension be approved, these windows would be approximately 2.5 metres from the new blank gable wall of 43 Malvern Road. These windows in the southern elevation of 41 Malvern Road are secondary windows, set in the corners of the lounge and bedroom. Both the ground floor lounge and the first floor master bedroom are open, through rooms and have large windows serving them in the eastern and western elevations of the dwelling (front and back). Due to the size of the windows in the southern elevation of 41 Malvern Road, their narrowness and location in the corners of the rooms that they serve, it is considered that they are secondary windows serving the living room and bedroom. The main windows serving these rooms are the much larger windows in the front and rear elevations of the dwelling and these are the primary light sources into the rooms.

Due to the proximity of the proposed extension to the southern elevation of 41 Malvern Road (2.5 metres), the extension will result in an increased level of overshadowing and loss of light to the four windows within this elevation. The occupiers of 41 Malvern Road have raised the objection that the proposed extension fails the 30 degree test as set out in the North Lincolnshire Local Plan, when applied to these windows in their southern elevation. Due to its two-storey nature and its proximity to these southern-facing windows in number 41, the extension significantly fails the 30 degree test in SPG1. It should also be noted that the existing structure of 43 Malvern Road fails the 30 degree test when applied to these windows in the southern elevation. However, the windows in the eastern and western elevations of 41 Malvern Road are the main windows serving the lounge and master

bedroom. The guidance set out in SPG1, which is designed to aid the local planning authority in assessing potential loss of light, states that the 30 degree test, which measures the acceptable height of extensions, should be measured from the nearest main room window in the neighbouring dwelling. Consequently, as the windows in the southern elevation of 41 Malvern Road are secondary windows the 30 degree test should not be applied from these windows. The east and west-facing windows are the main light sources into the lounge and bedroom and are the nearest main windows in 41 Malvern Road. Therefore, although the proposed extension will result in additional overshadowing of the windows in the southern elevation of 41 Malvern Road, due to the size and secondary nature of these windows, there will be no significant loss of light to this property as a result of this overshadowing.

The proposed extension fails the 30 degree test when applied from the windows on the front and rear (east and west) of 41 Malvern Road. However, it is only the parts of the extension that will protrude beyond the front and rear elevations of 41 Malvern Road that have the potential to impact upon these windows. As 43 Malvern Road is a deeper property, the proposed extension will protrude slightly to the front and rear of 41 Malvern Road. The extension will be forward of the front elevation of 41 Malvern Road by approximately 1.1 metres and will protrude beyond the rear elevation of this property by approximately 2.4 metres. This is a minimal protrusion considering the distance between the windows in the east and west walls of 41 Malvern Road and the nearest point of the extension. Consequently, although the extension does fail the 30 degree test as set out in SPG1 when applied to 41 Malvern Road to the north, because the extension only protrudes minimally to the front and rear of this property and there is a gap of 2.5 metres between the properties, there will not be significant loss of light to this property as a result of the proposed development.

SPG1 does state that two-storey extensions close to a curtilage boundary are likely to be refused planning permission. However this document provides guidance on how to assess loss of light and notwithstanding this guidance each planning application must be assessed on its own merits. There are situations, particularly with detached properties, where two-storey extensions can be built close to curtilage boundaries without resulting in unacceptable or significant loss of light to neighbours. In this instance the proposed extension does fail the 30 degree test set out in the guidance, however it will not result in significant loss of light to neighbouring dwellings and as such the proposed development complies with policy DS5 of the North Lincolnshire Local Plan, which is the most relevant planning policy.

One of the objectors refers to the plans submitted with the planning application and states that they are inaccurate as they show 41 and 43 Malvern Road with an identical ridge height, when in effect 43 has a higher ridge line than 41. The applicant property does have a higher ridge line than the adjacent property to the north. However the applicant property (43 Malvern Road) is shown accurately on the plans and the applicant has confirmed that the ridge height of the neighbouring property was estimated and it is this which is inaccurate. Both properties are at the same elevation (ground level) and as such the fact that the neighbouring property's ridge height is not accurately displayed on the plans does not affect the tests for loss of light whatsoever. The extension is no higher than the applicant's existing property and due to the distance that will be retained between the dwellings (2.5 metres) the proposed extension will not be unacceptably overbearing on the adjacent dwelling to the north.

Section 6 on the planning application forms relates to pre-application advice. Pre-application advice is a service which the local planning authority encourages applicants to

make use of. This is because it allows any issues that may arise on a planning application to be flagged up and dealt with at an early stage, thereby making the planning application process more efficient. Any advice given prior to an application being submitted is informal and represents the opinion of the individual planning officer. As such pre-application advice does not prejudice the local planning authority to make any formal recommendation once an application has been received. This is something which is made clear when the advice is given. Therefore, no decision was made before the application was received and the proposal has not been pre-determined in any way.

Whether or not the applicant owns number 45 Malvern Road to the south is not relevant to the determination of this application. The proposed extension is on the northern elevation of 43 Malvern Road and in no way impacts upon number 45.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 30/438/1 and 30/438/2.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

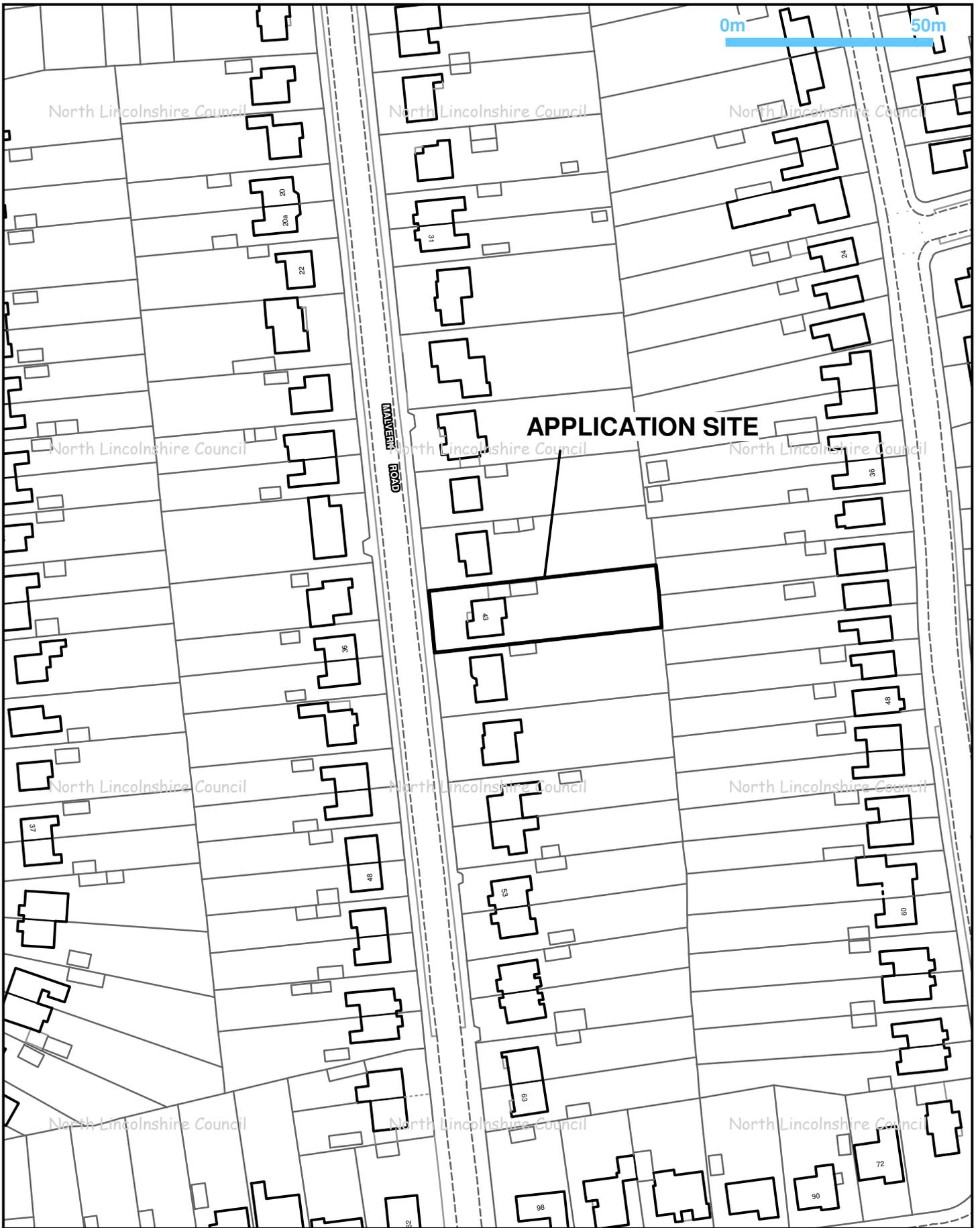
The materials and finishes of the new areas of brickwork shall match the remainder of the building in colour and texture.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are DS1, DS5 and SPG1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.



Title: PA/2012/0803

Drawn by: Sue Barden

Date: 28/08/2012

Scale: 1:1250

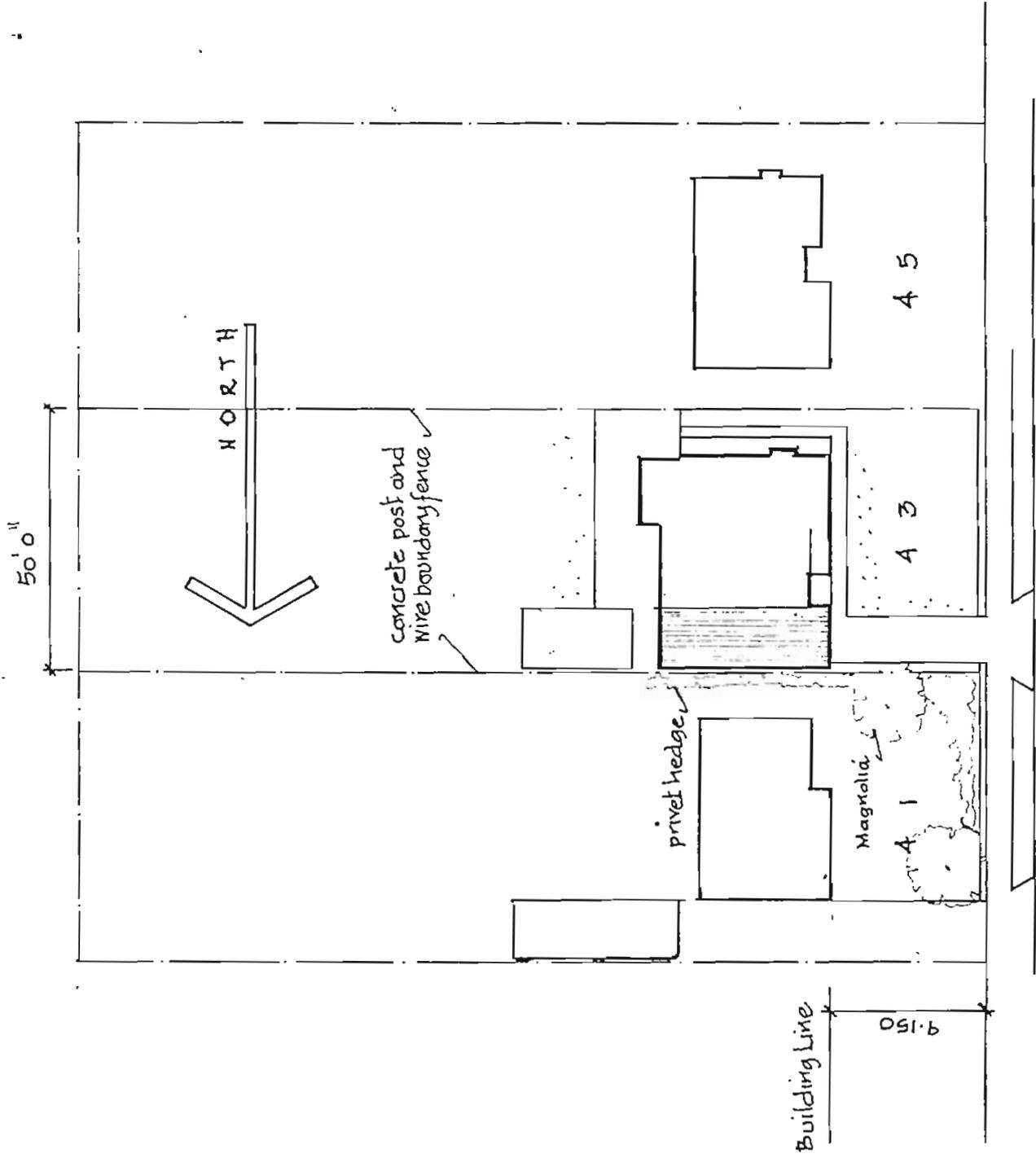


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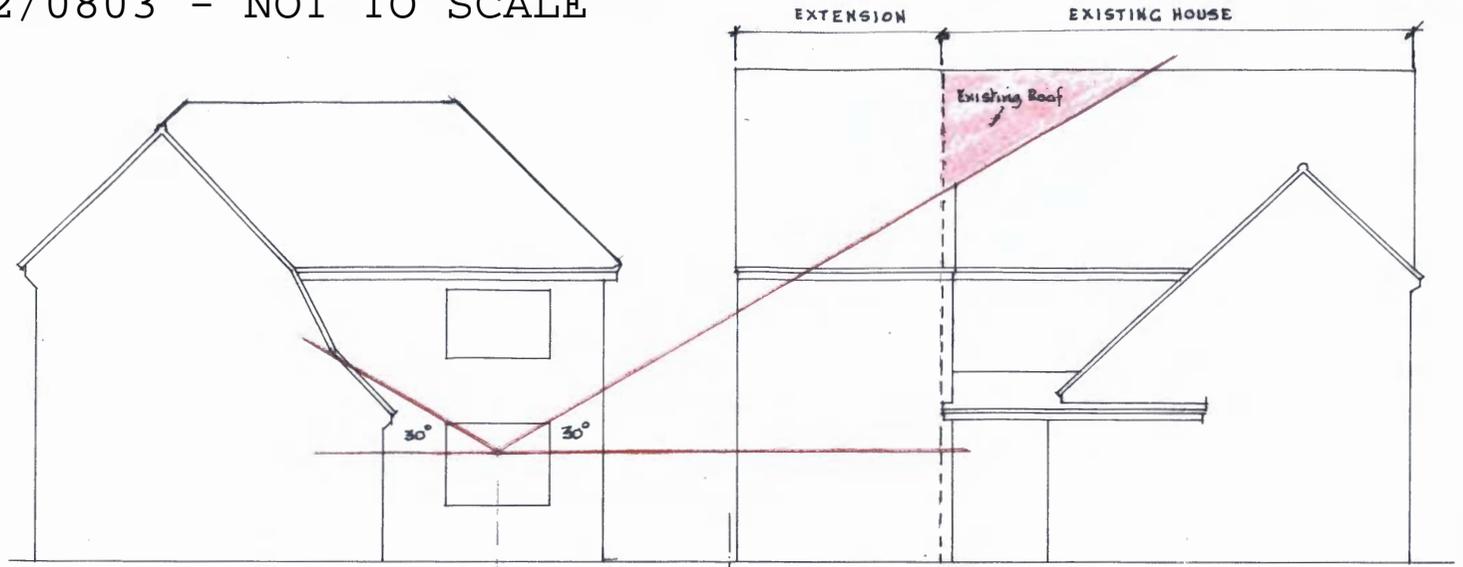


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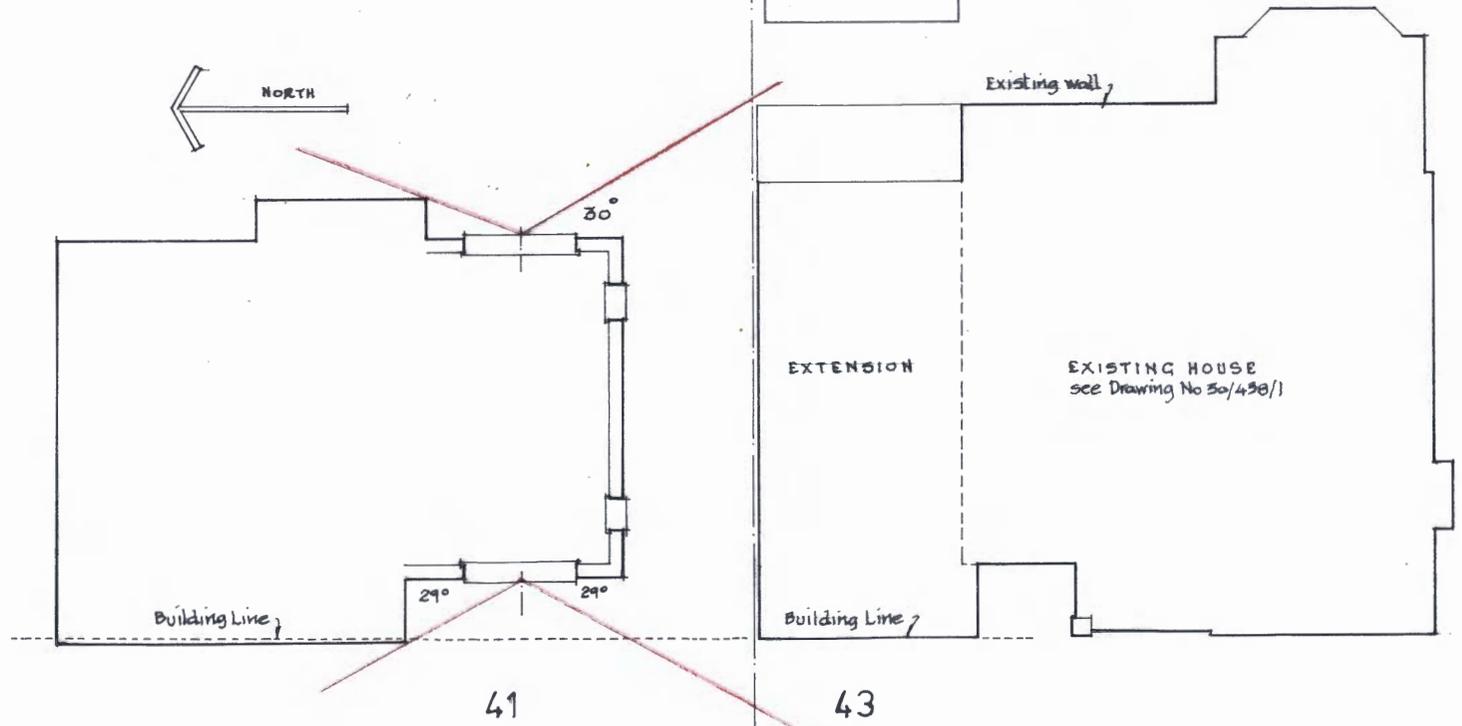
2012/0803 - PROPOSED LAYOUT



M A L Y E R N R O A D



NO 41 AND NO 43 WEST ELEVATION



Drawing No 30/438/3 A Proposed Extension and Alterations at 43 Malvern Road, Scunthorpe, for Mr David Lea

Scale 1:100



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