

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE**

AGENDA

**Extraordinary Meeting to be held in Committee Room No. 2 on
Tuesday 6th March, 2012 at 5.00 p.m.**

| ITEM | | PAGE |
|------|---|------|
| 1. | Receipt of Declarations of Interest (if any) | |
| 2. | Apologies for Absence | |
| 3. | Applications made under the Town and Country Planning Acts and Regulations made thereunder | 1 |
| | Report of the Deputy Chief Executive (copy herewith). | |

**E. WAUGH,
Head of Law & Governance.**

Civic Centre,
SUNDERLAND.

24th February, 2012

Contact: **Matthew Jackson, Governance Services Officer** Tel: 561 1055
Email: matthew.jackson@sunderland.gov.uk

Information contained in this agenda can be made available in other languages on request.

**Development Control (South Sunderland)
Sub-Committee**

06 March 2012

REPORT ON APPLICATIONS

REPORT BY THE DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Deputy Chief Executive for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

South & City Centre Area

1. 1 Longridge Square, Sunderland, SR2 9HJ

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or the Technical Manager (Development Control) (561 1552) email address dc@sunderland.gov.uk

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

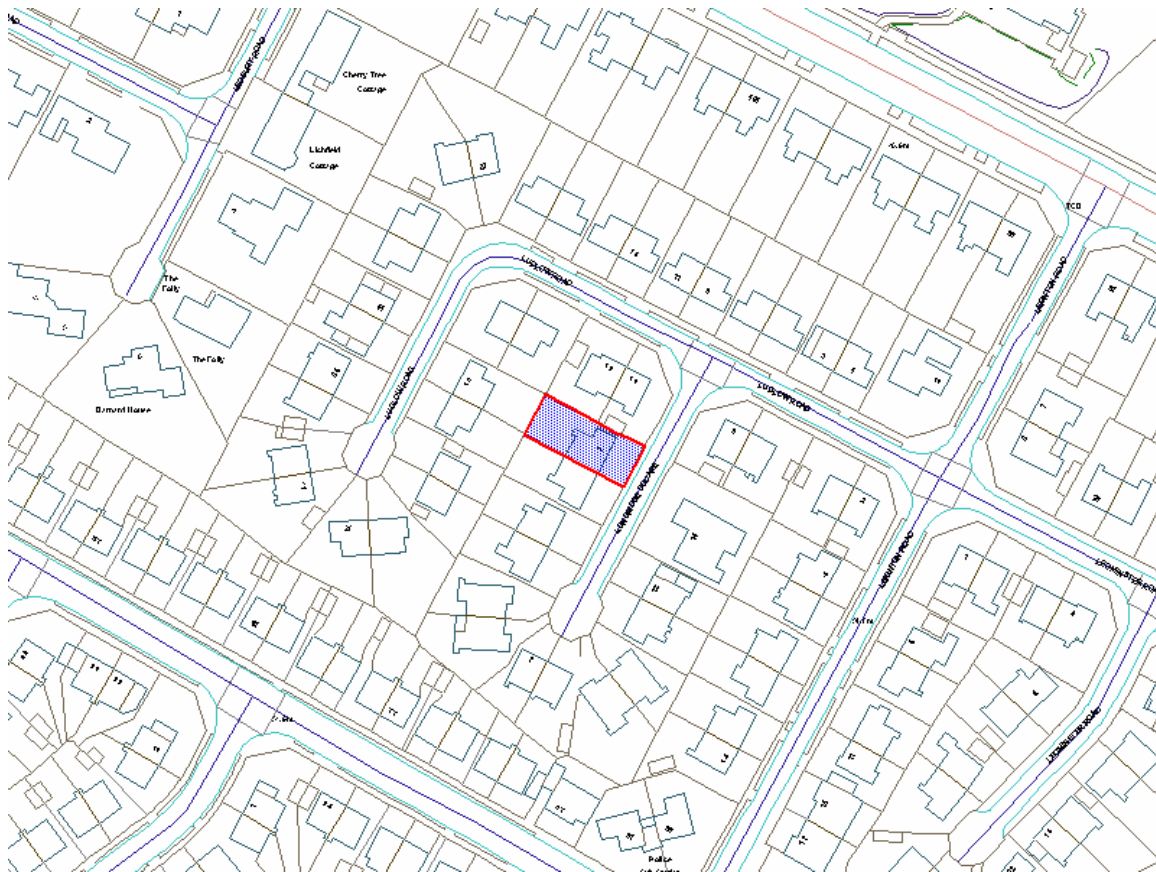
Reference No.: 11/03633/FUL Full Application

Proposal: **Erection of a two storey extension to the front and rear, single storey extension to side and rear and decking to rear (Partially retrospective) (Amended description 10.02.2012)**

Location: 1 Longridge Square Sunderland SR2 9HJ

Ward: St Michaels
Applicant: Andrew Bailey
Date Valid: 9 December 2011
Target Date: 3 February 2012

Location Plan



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PROPOSAL:

The application seeks to obtain planning permission for retrospective building works which have been carried out to the host property of 1 Longridge Square in Sunderland.

The development subject to consideration concerns the erection of a two storey extension to the front and rear and a single storey extension to the side and rear. The completed works have facilitated the creation of a new family room, utility room and enlarged kitchen at ground floor and a new bathroom and bedroom at first floor. The one element of the works that has not been constructed is the area of rear decking which is proposed to run across the rear elevation of the property

The two storey front extension which incorporates a street facing dormer window serving the new bathroom, integrates into the single storey side extension to provide a wrap around appearance to the front of the property. The single storey side element incorporates a large bay window to the front elevation and a bow window within the rear elevation. As is the case with the front elevation, the extension also wraps around the rear elevation of the property integrating into the ground and first floor elements. The two storey rear extension accommodates two bedroom windows, one an obscurely glazed window which has been installed in the side (northern) elevation and one which has been installed in the rear (western) elevation. An area of decking, which at the time of writing this report had not been erected, is proposed to extend from midway across the existing conservatory to a point just before the northern gable of the rear/side extension. The decking would have a maximum height (from existing rear garden level) of 500mm outside the new rear kitchen area, reducing to approximately 300mm outside the conservatory.

Site -

The host property is a traditionally styled two storey semi detached property situated within the inclining residential cul-de-sac of Longridge Crescent in Sunderland. The dwelling is located at the foot of the cul-de-sac sitting perpendicular to the lower lying semi detached properties of No's 10 and 12 Ludlow Road to the north. The remainder of the cul-de-sac, which principally contains similar styled semi detached dwellings, appears to be without any additional significant form of residential development although a two storey side extension approved at No.12 Longridge Square in 2003 is notable exception within the streetscene.

As is noted above, the host site sits on comparatively higher ground to No's 10 and 12 Ludlow Road with a variance of approximately 600mm apparent between the respective ground levels. During a site visit conducted on 13 January 2012, it was noted that a somewhat similar single storey wrap around extension was evident at No.18 Ludlow Road. Historical planning records show that this was approved in 1987 (Ref: 87/00178/F).

Background and historical context -

In January 2010 an agent, acting on behalf of the applicant's, sought pre-application advice from the City Council acting in its capacity as Local Planning Authority (LPA) for the proposed erection of a single storey extension to the side and rear, a two storey extension to the rear and raised decking to the rear.

Following consideration of the scheme the agent was advised by letter dated 18 February 2010 that the proposal (apart from the proposed area of raised decking) was permitted development and did not require planning permission. The agent, again acting on behalf of the applicants, subsequently applied for planning permission for a two storey front extension which included a street fronting

dormer window (Ref: 10/01224/FUL). This application was approved on 23 June 2010.

Building works started at 1 Longridge Crescent in mid September 2010 and were at an advanced stage when an Enforcement Officer visited in October 2010 following contact from a concerned member of the public.

Following the site visit, it was determined that the council's prior advice, which stated that the extensions were permitted development, was regrettably incorrect and that planning permission was in fact required for the works. The applicant's were subsequently informed of the situation in an email dated 20 October 2010.

The council's advice provided in the letter of 18 February 2010 was based on the council's then interpretation of householder permitted development rights set out in Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (GPDO), although the LPA have duly acknowledged that the projection of the side extension beyond the principal elevation of the host dwelling should have triggered the requirement for planning permission at this time and that this element was regrettably overlooked when the enquiry was considered.

In August 2010, after the letter was sent, Communities and Local Government (CLG), the government department that deals with planning matters, issued a document entitled 'Permitted development for householders Technical Guidance'. This document was commissioned by the CLG in order to provide greater clarification as to how the amended permitted development rules should be interpreted and applied in practice.

The new guidance has conflicted with the way that the council had previously interpreted some of the permitted development rules and, in this instance, the way they were applied to the applicants development. In light of the fact that the work started in September 2010, after the guidance was published, the council must have regard to this guidance when considering the conformity of the development with permitted development rules.

In this respect, the LPA's previous interpretation that the wrap around side/rear extension as outlined within the agents plans submitted on 18 February would benefit from permitted development is incorrect. The guidance now makes it clear that where a side extension projects beyond the rear of the dwelling and wraps around the rear, or is joined to an existing extension on the rear elevation, that the width of the side extension must also include these areas.

On the basis of the technical guidance, as the side/rear extension wraps around the rear of the property merging with the two storey rear extension and joining in to an older conservatory, the side/rear extension is thus more than half the width of the original dwelling and exceeds the permitted development limits set out in A.1 (h) (ii).

However, notwithstanding prior advice provided and the new guidance, it is also apparent that the applicants have made a number of undisclosed changes to the plans that were subject to the LPA's advice in February 2010 and these changes have further contributed to the developments non compliance with permitted development. A summary of these changes is outlined below:-

1. The height from ground level to eaves and ground level to ridge of the single storey side extension, as constructed, exceeds the permitted development height limits of respectively 3m and 4m by 100mm in both instances. (Section A.1 (g) of the GPDO stipulates that a development is not permitted if it would be within 2m of the boundary of the curtilage of the dwellinghouse and the height of the eaves would exceed 3m, whilst A.1 (h) stipulates that the height can not exceed 4m).
2. A substantial bow window which was not previously indicated on the submitted plan has been added to the front of the single storey side extension.
3. The size, profile and colour of the tiles used on the side extensions roof are different to those on the main roof of the dwelling. (Condition A.3 (a) stipulates that the external materials must be of a similar appearance to those used in the existing dwelling)
4. The hipped roof shown on the previously submitted plans, towards the rear of the single storey side/rear extension has been replaced with a gable. (This element has contributed to the height of the extension exceeding permitted development height limits)
5. An additional, side hung window has been inserted at first floor level within the northern (side) wall of the two storey rear extension. (Condition A.3 (b) stipulates that any upper floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be obscurely glazed, and non opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed).

In addition to the above, it is also evident that the two storey front extension which was granted planning consent on June 23 2010 has not been constructed in accordance with the approved plan as the street facing dormer window is notably wider and higher than was approved. Furthermore, as the two storey extension has been constructed integrally with the other extensions it is open to question as to whether the permission for a stand alone extension has been implemented regardless of the changes to the dormer window.

Based on historical context and site observations, it is apparent that the built extensions which form the basis of this application have been constructed integrally with each part physically and functionally linked. In this respect the clarification provided by the technical guidance is of particular importance as it is made clear that extensions which are functionally and physically linked must be considered as a whole and can no longer be broken down into smaller components for consideration against permitted development criteria. Essentially, if one part of a larger development fails to meet the criteria, then the whole development will require planning permission.

Whilst it is noted that certain elements of the completed development could be constructed in a comparable way utilising permitted development rights and that this fall back position is a material consideration in the determination of the application, it is the LPA's opinion that no part of the completed works can be physically or functionally divorced from each other and, as a consequence, no

parts of the development, taken in isolation, can benefit from permitted development rights.

In view of the above reasoning detailing the developments non-compliance with permitted development rights and non-compliance with planning approval (10/01224/FUL), the applicant has sought to regularise the whole development through the submission of this retrospective application.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

City Services - Network Management

Final Date for Receipt of Representations: **03.01.2012**

REPRESENTATIONS:

Two letters of representation have been received from the occupants of No's 12 and 16 Ludlow Road in response to the public consultation exercise undertaken.

The objection from No.12, has chronologically charted the sequence of events that have occurred from their perspective with dates of telephone conversations and written communications with Council officers provided for clarity. The letter also outlines why the objector does not believe the development works constitute permitted development.

In terms of the developments impact, the occupiers of No.12 have objected on the following grounds.

- The development represents overdevelopment of the site.
- The proposal fails to accord with UDP policy B2 as it does not 'respect and enhance the best qualities of nearby properties and 'retain acceptable levels of privacy'
- The size of the development dominates the original property
- The development impacts on the levels of privacy previously enjoyed by No.12 due to the presence of the first floor bedroom window which directly overlooks No.12's south facing bedroom window and the rear kitchen window which looks directly into No.12's rear garden area.
- The development overshadows No.12's ground floor rooms and a large proportion of their garden due to the respective orientations of the two dwellings.

- The development dominates the outlook from No.12's property having an overbearing effect. This is exacerbated due to the variances in ground levels between the properties.
- The development could have a negative impact on the value and saleability of No.12's property.

The objection from No.16 Ludlow Road relates to the following -

- The size of the development and the impact it has within the neighbourhood.
- The fact that the occupants of No.16 can no longer enjoy the view that was evident between the gap of the host dwelling and No's 10 and 12 Ludlow Road and the fact that the development cuts out natural light.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
 B_2_Scale, massing layout and setting of new developments
 T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

Issues -

The main issues to consider in the determination of this application are as follows:

- the principle of the proposed development;
- the impact of the proposed development on the residential amenity of neighbouring occupiers
- the impact of the proposed development on visual amenity and the character of the locality;
- the impact of the proposed development on highway and pedestrian safety;

The principle of the development -

The site is not allocated for any specific land use in the adopted Unitary Development Plan (UDP). Consequently, the development needs to be considered against policy EN10 which envisages that the existing land uses will remain but also seeks to ensure that all proposals for new development are compatible with the principle land use of the neighbouring area.

In this respect the development relates to the extension of an existing residential property in an established residential area. It is therefore considered that the principle of the proposed development is acceptable subject to the consideration of all other material considerations.

Private Interests -

It is noted that one of the objections from the occupier of neighbouring No.12 Ludlow Road relates to impact the development may have on the value and saleability of their property.

In this respect it should be noted that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can, on occasion, be difficult to distinguish between public and private interests but this may be necessary in some instances. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of the land and buildings which ought to be protected in the public interest.

In light of the above, the matter of value and saleability is not one which can be given material weight in the determination of this planning application.

The impact of the proposed development on residential amenity -

In assessing the impact of the development on the residential amenity of surrounding occupiers due consideration must be given to policy B2 of the City Council's adopted UDP.

Policy B2 seeks to ensure that the scale, massing, setting and layout of new developments respects and enhances the best qualities of nearby properties and the locality and retains acceptable levels of privacy for neighbouring properties.

Further to the above, in July 2010 the City Council adopted the Household Alterations and Extensions Supplementary Planning Document (SPD) which endeavours to complement and build on the aspirations of policy B2 through providing detailed design guidance on residential alterations and extensions.

In giving due regard to the above policy it is acknowledged that the development has no discerning impact on the residential amenity of the adjoining occupiers to the south, No.2 Longridge Square whilst adequate spacing is considered to be retained between the rear elevation of the two storey rear extension and the rear elevation of No.18 Ludlow Road to the west.

Although the front and side elements of the single storey extension run alongside the full width of the northern (rear) curtilage of No.10 Ludlow Roads rear garden, it was noted that the bulk of the extensions impact is mitigated to a large degree by the presence of a dual pitched detached garage which is located approximately 3.4m away from No.10's the rear elevation. As such, principal views from the ground floor of No.10 are onto the bricked side wall of their existing garage. In this respect, whilst limited views onto the side extension are

evident from certain positions within No.10's rear garden, the majority of the developments scale and massing does not, in the LPA's opinion, significantly reduce the quality of residential amenity that they currently receive. In terms of affect on residential amenity, the LPA's main concern is the impact the development has on the living conditions of No.12 Ludlow Road which adjoins No.10 to the north.

Privacy

As is noted in the site description, the host site sits on higher ground to No's 10 and 12 Ludlow Road with a variance of approximately 600mm apparent between the respective ground levels. The depth of No.12's rear garden is relatively shallow with spacing of approximately 6.1m evident between the original rear elevation and the rear shared boundary with the host property and 6.9m evident between the rear elevation and the gable of the side extension as built.

In addition to the above it was apparent during the site visit conducted on 13 January 2012 that No.12 Ludlow Road has an existing conservatory attached to the rear elevation. This conservatory appears to have been erected under permitted development and offers living space associated with the main dwelling. As such, the impact of the extension on the conservatory must be given due weight.

Appendix 1 of the Household Alterations and Extensions SPD outlines the recommended separation distances between dwellings. These guidelines are adjusted to account for land level differences and are considered to be a minimum standard unless it can be demonstrated through careful design that a lesser distance would be acceptable.

The guidance stipulates that where a side elevation of a dwelling (with a secondary window or no window) faces a main elevation of another dwelling, a separation of 14 metres is recommended and in such cases where there is a difference in ground level, an additional 2m should be added to the horizontal distance for every 1m in ground variance. In a situation where a main facing window faces a main facing window a distance of 21m will generally be expected to be achieved.

The side elevation of the host property's two storey rear extension faces directly onto the rear elevation of No.12 Ludlow Road presenting spacing between the respective first floor elevations of approximately 9.7m. At the time of the site visit it was apparent that the applicants had installed a side opening bedroom window within this elevation in order to provide a fire escape. Whilst it is acknowledged that this window is obscurely glazed, it is side opening and thus offers potential for overlooking into the opposing rear first floor bedroom window and garden area of No.12. This arrangement is considered to be unacceptable as it facilitates overlooking and impinges on the privacy of No.12.

However, the submitted plans indicate that the applicants propose to change the style of this window to an obscurely glazed, top hung window with the fire escape moved to the rear (western) elevation of the two storey extension which is understood to be acceptable from a building regulations perspective.

Although the top hung windows would still open, they would be sited more than 1.7m above floor level and thus could be installed within the side elevation of an

upper floor extension without the requirement of planning permission under the provisions of Condition A.3 (b) (ii) of the GPDO. In any case, the combination of the height at which the top opening windows would sit and the angle at which they would open would make direct overlooking extremely difficult with primary views being onto the tiled roof of the applicants single storey side and rear extension below.

This amendment would, in the LPA's opinion, largely negate the potential for any unreasonable level of overlooking to occur from this window and thus the privacy previously enjoyed by the occupants of No.12 should not be unduly compromised by virtue of the revised window detail. The LPA would however see fit to impose an appropriately worded condition to ensure this, should planning permission be approved.

Concern has also been raised over the impact the bow window installed within the rear elevation of the wrap around element has on the privacy of the occupants of No.12 due to the elevated position at which it sits. During the site visit external views out of this window were witnessed first hand and it was noted that clear and unrestricted outlook into No.12's garden could not be readily achieved without significant effort. The depth of the fitted sink and work tops make it difficult to get close up to the window without leaning forward and this largely precludes any unreasonable level of overlooking and loss of privacy on a day to day basis. In this respect the addition of the rear bow window is not considered to have any unreasonable impact on the privacy of the occupants of No.12.

The one element of the development works that are not retrospective is the erection of decking within the rear garden. Section 7.8 of the Household Alterations and Extensions SPD states that applications for raised platforms will be considered with close regard to their impact on the privacy of nearby residents and that these forms of development will not normally be approved if there is significant overlooking of a neighbouring garden/yard or main living room window.

The proposed decking would project 1.8m out from the rear elevation of the built extension running approximately 7.5m across the rear elevation. Due to the fall in gradient of the applicant's rear garden (south to north) the decking would sit between 300mm and 550mm above ground level. Whilst the section of elevated decking adjacent to the host property's conservatory is set sufficiently away from the boundary of No.12 Ludlow Road to negate any undue overlooking, the area closest to the boundary with No.12 Ludlow Road and sited directly under the rear bow window would, due to a combination of the height of the decking and the raised land upon which it sits, provide the opportunity for direct overlooking into No.12's rear garden area. This arrangement would directly conflict with the provisions of Section 7.8 of the SPD and would unduly impact on the residential amenity of the occupiers of No.12.

Outlook

Evidently, at just 9.7m, the spacing between the original rear elevation of No.12 and the original side gable of the host property falls short of the 14m that will generally be required on new developments. However, the addition of the single storey wrap around element, which sits at an elevated position directly in front No.12's conservatory, has reduced this spacing to approximately 6.9m, (around 3m between the conservatory and the side gable).

When standing within the rear garden of No.12 it was apparent that the rear single storey wrap around extension does have a significant impact on the living conditions of the occupants. As is noted above, the single storey side/rear extension sits within approximately 3m of the neighbouring conservatory whilst the eaves height of the extension sit approximately 3.7m above the ground level of the neighbours garden. This arrangement, coupled with the large expanse of brickwork found within the extension, combines to provide an overbearing and dominant form of development that appears visually obtrusive within the context of its setting. The above impact is considered to be of particular detriment to the living conditions experienced within the conservatory where the structure gives the fundamental impression of being one and half storeys in scale and significantly compromises outlook.

Impact on sun/daylight

Due to prevailing land levels, the orientation of the respective properties of 1 Longridge Square and 12 Ludlow Road and the siting of the built development, the LPA acknowledge that there is likely to be some level of overshadowing and loss of sunlight primarily affecting the conservatory of No.12 during the mid-morning to early afternoon periods. Such impacts are likely however to be most keenly felt during the winter months when the sun is at its lowest within the sky.

The impact of the proposed development on visual amenity and the character of the locality -

As has been referenced above in background and historical context, planning permission was granted for the erection of a two storey front extension, which included a single dormer window. The proposal was deemed to have no significant impact on the residential amenities of nearby dwellings or the visual qualities of the existing streetscene. In this respect the extension was considered to comply with UDP policy B2 and the relevant advice contained within the Supplementary Planning Guidance document (SPG) and the then draft Household Alterations and Extensions (SPD).

However, this application was approved on the basis of the plans that were submitted and it has subsequently transpired that the front extension has not been constructed in accordance with the approved plans.

Whilst much of the extension has been completed in line with the prior approval, the dormer window, which is an integral part of the extension, has not. The plans subject to the approval indicated that the dormer window was to be set down from the northern plane of the host property's hipped roof by approximately 200mm, presenting a total height of 2.01m and a width of 1.6m. The dormer window as constructed runs through level with the property's hipped roof, presenting a height of 2.2m and a width of 1.9m.

Section 7.5 of the Householder Alterations and Extensions (SPD) states on page 29 that -

"If the dormer proposed will be located to the front of the property, or highly visible from the street, careful attention must be given to its scale and design. Dormers that are overly dominant, top heavy or would create an obtrusive feature in the streetscene will not be permitted. As a general rule, dormer windows

should not occupy more than one third of the roof area to the front of the building”.

The LPA consider that the alterations made to the previously approved scheme have notably changed the scale and appearance of the dormer window from one which was suitably subservient to the host property through its size and positioning below the hipped ridgeline, to one which now appears top heavy, overtly dominant and obtrusive within the context of the front streetscene.

In this respect the dormer window as built does not comply with the provisions of the aforementioned SPD and fails to accord with policy B2 of the UDP.

The single storey side/front extension, which incorporates a large street fronting bow window, is considered to be relatively in keeping with the type of fenestration found within the prevailing streetscene. Whilst it is acknowledged that none of the remaining properties within the street have sought to replicate the fenestration in this manner, the overall visual appearance of side/fronting extension is considered to be of no material detriment to the streetscene. During the site visit it was noted that the size, profile and colour of the roofing materials used within the side extension are not particularly in keeping with those used within the main body of the host dwelling, however, in this respect it is not considered that the disparity is of such material visual detriment as to be unacceptable in this instance.

The remaining elements of the extension are largely located towards the rear of the host dwelling and thus do not adversely affect the visual qualities and character of the street.

Impact of the proposed development on highway and pedestrian safety -

The proposed plans indicate that the length of the applicants driveway has been reduced from approximately 6.2m to approximately between 5.1 and 5.3m due to the presence of the single storey fronting extension which incorporates the large bow window. Whilst reduced, the remainder of hardstanding is considered to provide an adequate level of in-curtilage parking and as such no observations or recommendations have been received following consultation with the Executive Director of City Services: (Network Management) The proposal is therefore considered to comply with UDP policy T14.

Summary -

In summary, as the development has been constructed integrally with each part physically and functionally linked, no part of the development is considered to benefit from permitted development.

As such, in both assessing and identifying the level of harm the development is perceived to have on the living conditions of No.12 Ludlow Road, the works have had to be considered as a whole.

To recap, the main elements of the built development which the LPA believe are currently having an adverse impact on the residential amenity of No.12 are:-

- The opening window within the side elevation of the first floor bedroom.
- The size, scale, massing and positioning of the single storey side and rear extension.

The first point has, in the LPA's opinion, been adequately addressed within the application through the proposed addition of a top hung obscurely glazed window which would replace the existing obscurely glazed side opening window. As such and subject to an appropriately worded condition, the LPA are satisfied that this element can be satisfactorily resolved.

The second element however remains a significant concern due to the unacceptable impact it is considered to have on the living conditions of No.12 and thus it conflicts with the requirements of UDP policy B2 and Section 7.3 of the Household Alterations and Extensions SPD.

In addition, the proposed erection of the external decking which has not been installed would not accord with the provisions of UDP policy B2 and Section 7.8 of the SPD as it would allow unacceptable levels of overlooking into the rear garden area of No.12 Ludlow Road.

From a streetscene perspective the street fronting dormer is considered to appear top heavy, overtly dominant and obtrusive within the context of the front streetscene and therefore does not comply with the provisions of UDP policy B2 and Section 7.5 of the SPD

In light of the above, the LPA consider that development as constructed and proposed represents an unacceptable form of development that does and will unduly impact on the residential amenity of No.12 Ludlow Road. In addition, the development introduces an obtrusive element into the streetscene to the detriment of visual amenity.

Remedial measures from an enforcement perspective -

In light of the identification of demonstrable harm to both the neighbouring property at No.12 Ludlow Road and the fronting streetscene it is necessary to consider what remedial measures would be necessary to reduce the harm to an acceptable level having regard to what could be constructed utilising existing permitted development rights.

Currently, the elements of built development which are identified as causing harm to residential amenity and the streetscene are -

1. The obscurely glazed side opening bedroom window located in the northern gable of the two storey rear extension.
2. The size, scale, massing and positioning of the single storey side and rear extension.
3. The size, scale and massing of the front dormer window.

It is considered that the overlooking and privacy concerns created by 1 can be readily resolved. The applicants have, within the application, outlined their intent to replace the existing window with a top hung obscurely glazed window. This

would satisfy the permitted development requirements of Condition A.3 (b) (ii) of the GPDO and remove the potential for any unreasonable level of overlooking and loss of privacy.

Based on the details provided it would appear that the side element of the extension could be brought in to line with permitted development if it were subject to the following modifications;

1. A reduction in the ridge height by approx 0.1m to achieve a height of 4 metres
2. A reduction in the eaves height by approx 0.1m to achieve a height of 3 metres
3. Removing the forward projecting element and setting it back to a point level with the dwellings original front building line.
4. Removing the wrap around rear element which currently contravenes the limits of Class A.1 (h) (iii) by setting the single storey extension back to a point level with the dwelling's original rear building line.

With regard to the above, it is considered that complying with the requirements of points 1 and 2 would be unreasonable. Reducing the height of the development by the margins indicated would have an insignificant impact on the level of outlook and light received by the occupiers of No.12 Ludlow Road and thus the extent of the building work required to facilitate these alterations would be significantly disproportionate to the overall benefit.

In respect of point 3, it is not considered that the front projection of the side extension has any undue impact on the residential amenity of the neighbouring properties, or streetscene therefore it would not be expedient to require that this element is removed.

In respect of point 4, it is considered that the main element of the extension which causes harm to the amenity of the neighbouring occupier (No.12 Ludlow Road) is the wrap around extension to the rear. As such, it is considered that removing the wrap around element through setting back the extension would significantly diminish the occupant's sense of enclosure, although not entirely alleviating the loss of outlook.

It should be noted however that this option would potentially create a situation whereby the privacy of No.12 could be impinged upon as the kitchen window within the relocated rear elevation would offer greater outlook across a larger proportion of No.12's rear conservatory and garden area than is currently the case. As such, in order to counteract the potential loss of privacy that this option would afford, it would be necessary to ensure that any rear facing window is obscurely glazed. In requiring that the rear window be obscurely glazed, it is recognised that a single storey side extension which falls within the parameters of permitted development could be erected with unrestricted fenestration in the rear elevation. However, as has been discussed at length, the development when taken as a whole does not constitute permitted development and enforcement action would be undertaken against this backdrop.

With regard to the dormer window to the front, there are concerns relating to its size, scale and obtrusive appearance within the streetscene. In this respect, the measures necessary to resolve the harm would be to either remove the dormer

and make good the roof, or reduce it in size to the dimensions set out in the planning approval granted under reference 10/01224/FUL.

It is therefore proposed to take enforcement action to secure the changes detailed above and the sub-committee is requested to endorse this action.

RECOMMENDATION: Refuse

Reasons:

- 1 The single storey side and rear extension would by virtue of its height, position and scale, unduly compromise the amenity afforded to 12 Ludlow Road by means of loss of outlook, its overbearing nature and by unacceptably reducing the amount of sunlight/daylight from entering the rear garden area, contrary to policy B2 of the adopted Unitary Development Plan and Section 7 of the adopted Household Alterations and Extensions Supplementary Planning Document.
- 2 The proposed decking to the rear is considered to be detrimental to the privacy amenities of adjacent residents of 12 Ludlow Road by reason of overlooking. As such, the development is contrary to policy B2 of the Unitary Development Plan and Section 7.8 of the adopted Unitary Development Plan and section 7 of the adopted Household Alterations and Extensions Supplementary Planning Document.
- 3 The dormer window, by reason of its size, scale, position and massing, would introduce an obtrusive form of development into the streetscene which would be out of character and detrimental to the visual amenities of the area and, as such, would be contrary policy B2 of the Unitary Development Plan, and section 7.5 of the adopted Household Alterations and Extensions Supplementary Planning Document.