

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 2015.

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 Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director Economy and Place

1.

North
Sunderland

Reference No.: 18/00385/FUL Full Application

Proposal: **Erection of a timber fence to the front and a brick wall to the rear boundary. (retrospective)**

Location: 21 Liddell Court Sunderland SR6 0RH

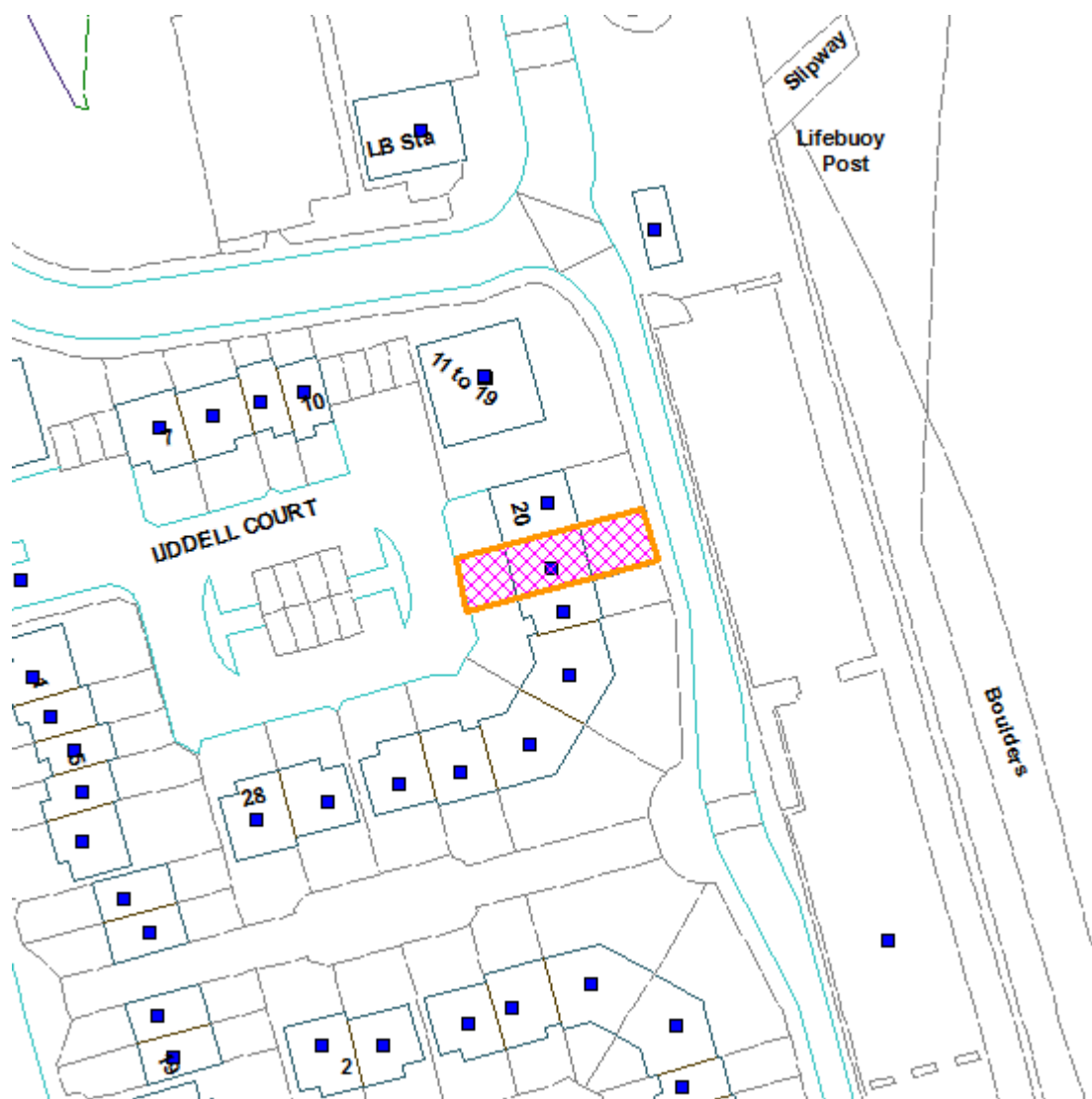
Ward: St Peters

Applicant: Mr Fowler

Date Valid: 5 March 2018

Target Date: 30 April 2018

Location Plan



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PROPOSAL:

SITE DESCRIPTION

The host property is located in Liddell Court which is one of a number of courtyard style developments within the North Haven Estate. The host property fronts onto an open plan courtyard, whilst the rear elevation backs onto Marine Walk, with a car park and the seafront beyond.

Permitted development rights have been removed from the North Haven Estate. As such, the undertaking of any physical alterations or extensions within the curtilage of these properties must be approved by the City Council acting in its capacity as Local Planning Authority (LPA). This condition was imposed because of the tight nature of the development and enables the assessment of any additions, with a view to preserving the existing character and developing the attractive and prominent architectural features of the estate.

PROPOSAL

Retrospective planning permission is sought for the installation of a brick boundary wall adjacent to 22 Liddell Court to the rear of the property and close boarded fence adjacent to 22 Liddell Court to the front.

The wall to the rear has a height of 2.06 metres immediately adjacent to the rear of the house before reducing to a height of 1.1 metres. The fence to the front of the property is 1.6 metres adjacent to the front of the property before reducing in height to 1 metre.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management
St Peters - Ward Councillors Consultation

Final Date for Receipt of Representations: **28.03.2018**

REPRESENTATIONS:

One Letter of Support was received from the neighbouring property at 20 Liddell Court. The resident fully supports the application and state that the occupiers of 21 Liddell court 'have engaged in a constant process of upgrading their property, which must surely be to the good of the immediate area'.

One objection was received from the neighbouring property at 22 which outlines the following issues:-

- Impact fence will have on the 'open and welcoming courtyards' within the estate.
- Precedence being set for further fences to be erected impacting on 'the overall character of the estate'
- The fencing blocks natural light to their bathroom and makes the entrance feel 'small and enclosed'

- The negative effect on the value of their property.
- Blocking access to drain preventing maintenance.

Having considered the above points the council as Local Planning Authority would offer the following comments:-

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 property value is not one which can be given material weight in the determination of this planning application.

With regard to the blocked access to the drain, this would be a civil matter and not something that would be a material consideration in the determination of this application.

The other concerns are considered to be material considerations and will be addressed within the following report.

POLICIES:

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

B2 - Scale, massing layout and setting of new developments

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

POLICY BACKGROUND

One of the 'core principles' of the NPPF is that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, whilst paragraph 56 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 64, meanwhile, 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.

On a local level, policy B2 of the Council's adopted UDP requires new development to respect visual amenity and maintain an acceptable standard of amenity to existing dwellings. The Council's adopted 'Household Alterations and Extensions' Supplementary Planning Document provides more detailed guidance in respect of domestic development; it encourages a high standard of design to such proposals and reiterates policy B2's requirement that visual amenity and the amenity of existing dwellings is respected.

Section 9 of the council's Supplementary Planning Document for Household Alterations and Extensions (SPD) states that all forms of boundary enclosure should take account of the character of the area and follow the design of other boundary treatments in the vicinity.

With regard to the above relevant policy, it is therefore considered that the main issues to consider in the determination of this application are the impact of the development on visual and residential amenity.

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

The main issues to consider in the determination of the application are-

- o The impact of the development on residential amenity.
- o The impact of the development on the prevailing street scene and character of the North Haven Estate.
- o The impact on highway and pedestrian safety

CONSIDERATION

With regard to the wall to the rear of the property it is considered that the materials used and the design of the wall is in keeping with the surrounding area, and is a height which would not be considered to appear overbearing or increase overshadowing in relation to 22 Liddell Court to a degree that would warrant a refusal in this instance.

It is also noted that generally, under part 2, Class A, (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015, a fence to the rear between properties could be constructed to two metres above ground level and the proposal is only marginally higher than this before reducing in size to 1.1 metres.

With regard to the fence to the front of the property it does not appear out of keeping with the surrounding area and wider estate, where a number of boundary walls and fences to the front of properties are evident. The fencing in question is therefore not considered to harm the character and appearance of the host property.

With regard to residential amenity the occupier of 22 Liddell Court has stated that the fence 'blocks natural light into their bathroom' and makes their entrance feel 'small and enclosed'. It is acknowledged that there would be an impact on the glazed window adjacent to the fence, which is presumed to serve the aforementioned bathroom area. However, the impact would be on a secondary window rather than a main living area window and would therefore not be considered sufficient to warrant a refusal in this instance.

The fence is marginally higher toward the front of the property however, it reduces in height to 1 metre and it is not considered that it appears overbearing in relation to 22 Liddell Court to a degree that would warrant a refusal in this instance.

With regard to highway safety the Councils Highways Section has provided no objection to the proposal. The development would not impact upon car parking provision or the highway network and raises no pedestrian safety concerns. The proposal is therefore considered to be acceptable and in accordance with UDP policy T14.

CONCLUSION

The proposal is in accordance with the NPPF, UDP policies B2 and T14, and section 9 of the SPD. It is considered to be an acceptable form of development which would not cause

unacceptable harm to the amenities of the occupiers of the adjoining properties or the street scene or highway safety.

The proposal is therefore recommended for approval.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to-

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: APPROVE, subject to conditions below.

Conditions:

1 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location plan, received 05.03.18

Proposed fence plan, received 05.03.18

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

Reference No.: 18/00446/FUL Full Application

Proposal: **Erection of first floor side extension and single storey extension to the rear.**

Location: 2A Martindale Avenue Sunderland SR6 8NT

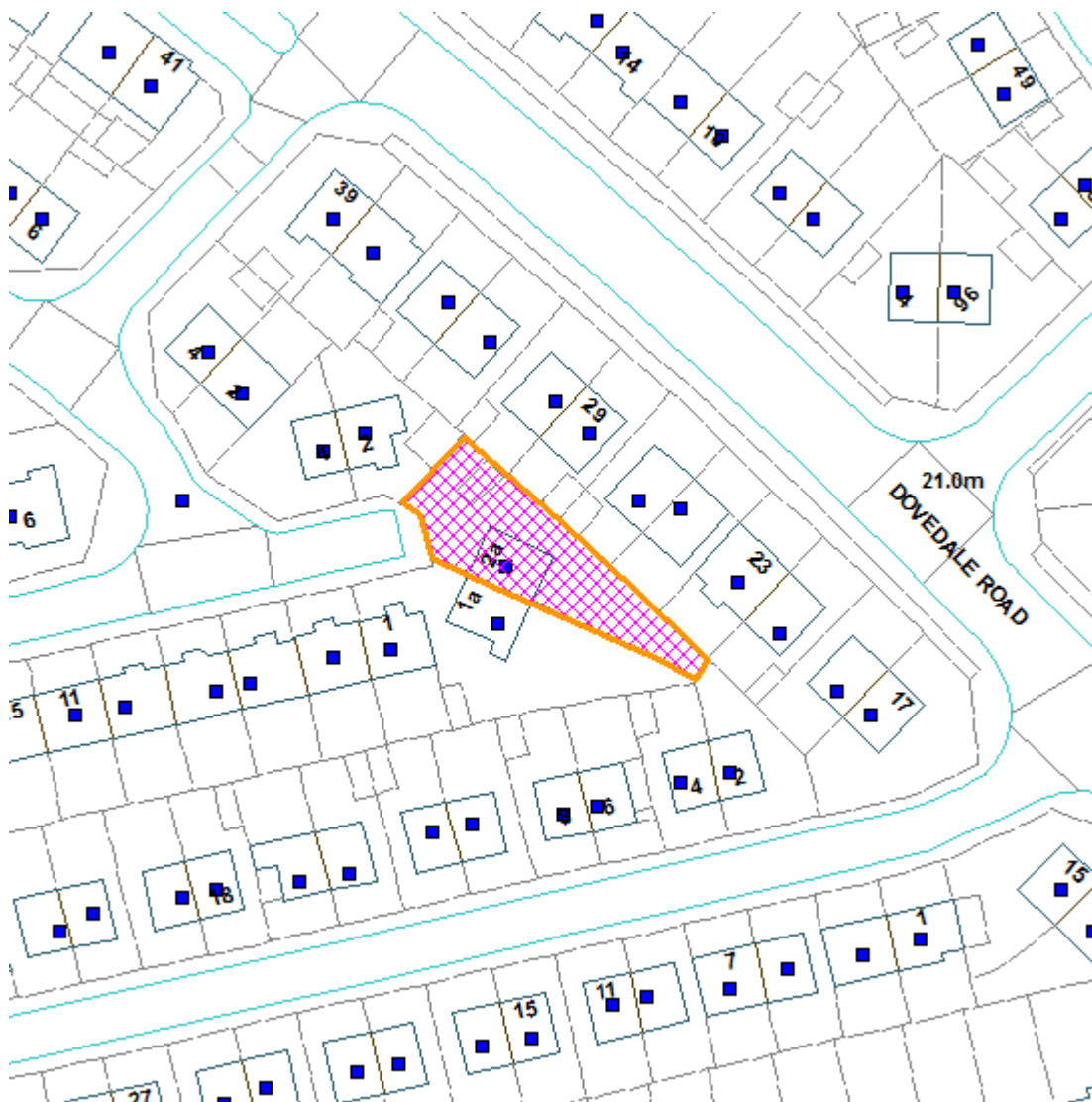
Ward: Fulwell

Applicant: Mr Andy Place

Date Valid: 14 March 2018

Target Date: 9 May 2018

Location Plan



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PROPOSAL:

The application seeks full planning permission for extensions at 2A Martindale Avenue, Seaburn. The site lies within a predominantly residential area and the dwelling house itself comprise one half of a two storey semi-detached unit. The dwelling house has been previously extended with a single storey extension to provide a garage and kitchen / utility room (ref: 03/01006/FUL). The proposed extensions would be a two storey side extension to provide a fourth bedroom with a dressing room and single storey extension to the dining room at the rear.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management
Fulwell - Ward Councillor Consultation

Final Date for Receipt of Representations: **10.04.2018**

REPRESENTATIONS:

There has been one objection from a local resident on the grounds that there would be a loss of day light and sun light.

POLICIES:

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

Supplementary Planning Document: Household Alterations and Extensions (2010)

B2 - Scale, massing layout and setting of new developments

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

T22 - Parking standards in new developments

COMMENTS:

Amenity

The proposed single storey extension to the rear would project from the back wall by around 5 metres and would have a height to the eaves of circa 2.25 metres and to the ridge approximately 3.5 metres. The adjoining half of the semi-detached house has a glazed single storey extension close to the common boundary. Officers are of the opinion that the height of the proposed extension combined with the projection from the back wall would lead to a loss of daylight and an overbearing impact upon the adjoining property. The proposal would be contrary to the adopted Residential Alterations and Extensions Supplementary Planning Document (SPD) which states that for rear extensions

"One of the key objectives is to avoid overshadowing or having an overbearing or oppressive effect on the neighbouring property, thus adversely affecting residential amenity"

The proposed two storey extension would be circa 7-8.5 metres from the main windows on the adjoining property to the north east (no. 29). The SPD, at Appendix 1, specifies a spacing standard of a minimum of 14 metres. Officers would therefore have concern that the proposed extension would lead to a loss of day light and an overbearing impact upon the adjoining property. The proposal would be contrary to the adopted SPD which states that

"if it is considered that an extension would have an overbearing or oppressive effect over neighbouring dwelling, this may result in the application being refused".

Officers would also draw to attention, as a material consideration, the provisions of paragraph 17 of the National Planning Policy Framework which states that

"planning should ensure a good standard of amenity for existing and future occupants of land and buildings."

Officers therefore consider that, in terms of amenity, the proposal would be contrary to the provisions of the adopted SPD and paragraph 17 of the Framework. There are not any other material considerations that indicate a decision should be made otherwise.

Design

The proposed single storey rear extension would be subservient to the dwelling house and would accord with the provisions of UDP policy B2.

The SPD, at 7.3, states that

"two storey side extensions should usually have a ridgeline which is lower than that of the host property and a front wall set back by not less than 1m from that of the original building, at least at first floor level".

Officers would have concern that the proposed two storey extension would be flush with the front of the dwelling house at first floor level. The roofline of the proposed extension would also not be entirely set down from the ridge of the existing dwelling house. Officers would therefore have concern that the proposed two storey extension would not be subservient to the dwelling house. The proposal would be contrary to UDP policy B2 which states that

"Extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality."

Officers therefore consider that, in terms of design, the proposal would be contrary to the provision of UDP policy B2 and the adopted SPD. There are not any material considerations that indicate a decision should be made otherwise.

Highway

The proposed development would retain parking space within the garage and driveway. The Highway Authority have raised no objections and the proposal can be given consideration as being in accordance with UDP policies T14 and T22.

Conclusion

Officers would conclude that the proposed development would lead to a loss of day light and would have an overbearing and oppressive impact upon the adjoining properties which would be contrary to the provisions of the adopted Residential Alterations and Extensions Supplementary Planning Documents and paragraph 17 of the National Planning Policy Framework.

Officers would also conclude that the proposed development would not be subservient to the existing dwelling house and would be contrary to Unitary Development Plan policy B2.

In the absence of any material considerations to the contrary, officers would recommend refusal of the application.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to-

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: REFUSE, for the reasons set out below:

1 The proposed single storey extension to the rear would be very close to the common boundary with the adjoining dwelling house and would have a projection from the rear wall of circa 5 metres and a height of approximately 2.25 metres to the eaves and 3.5 metres to the ridge. These arrangements would lead to an overbearing and oppressive impact for the occupiers of the adjoining property which would be contrary to the adopted Residential Alterations and Extensions Supplementary Planning Document which states that for rear extensions "One of the key objectives is to avoid overshadowing or having an overbearing or oppressive effect on the neighbouring property, thus adversely affecting residential amenity". These arrangements would also be contrary to the provisions of the National Planning Policy Framework which states, at paragraph 17, that "planning should ensure a good standard of amenity for existing and future occupants of land and buildings." There are not any other material considerations that indicate a decision should be made otherwise.

2 The proposed two storey extension to the side would be around 7-8.5 metres from the dwelling house to the north (no. 29 Dovedale). These arrangements would lead to a loss of day light and an overbearing impact upon the adjoining property which would be contrary to the adopted Residential Alterations and Extensions Supplementary Planning Document which states that "if it is considered that an extension would have an overbearing or oppressive effect over neighbouring dwelling, this may result in the application being refused". These arrangements would also be contrary to the National Planning Policy Framework which states, at paragraph 17, that "planning should ensure a good standard of amenity for existing and future occupants of land and buildings." There are not any other material considerations that indicate a decision should be made otherwise.

3 The proposed two storey side extension would be flush with the front of the dwelling house at first floor level and would have a roof line that would not entirely be set down from the ridge of the existing dwelling house. These arrangements would lead to a form of development that would not be subservient to the existing dwelling house and would be contrary to Unitary Development Plan policy B2 which states that "Extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality." There are not any material considerations that indicate a decision should be made otherwise.

