

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/

Ms. Irene Lucas CBE
Chief Executive

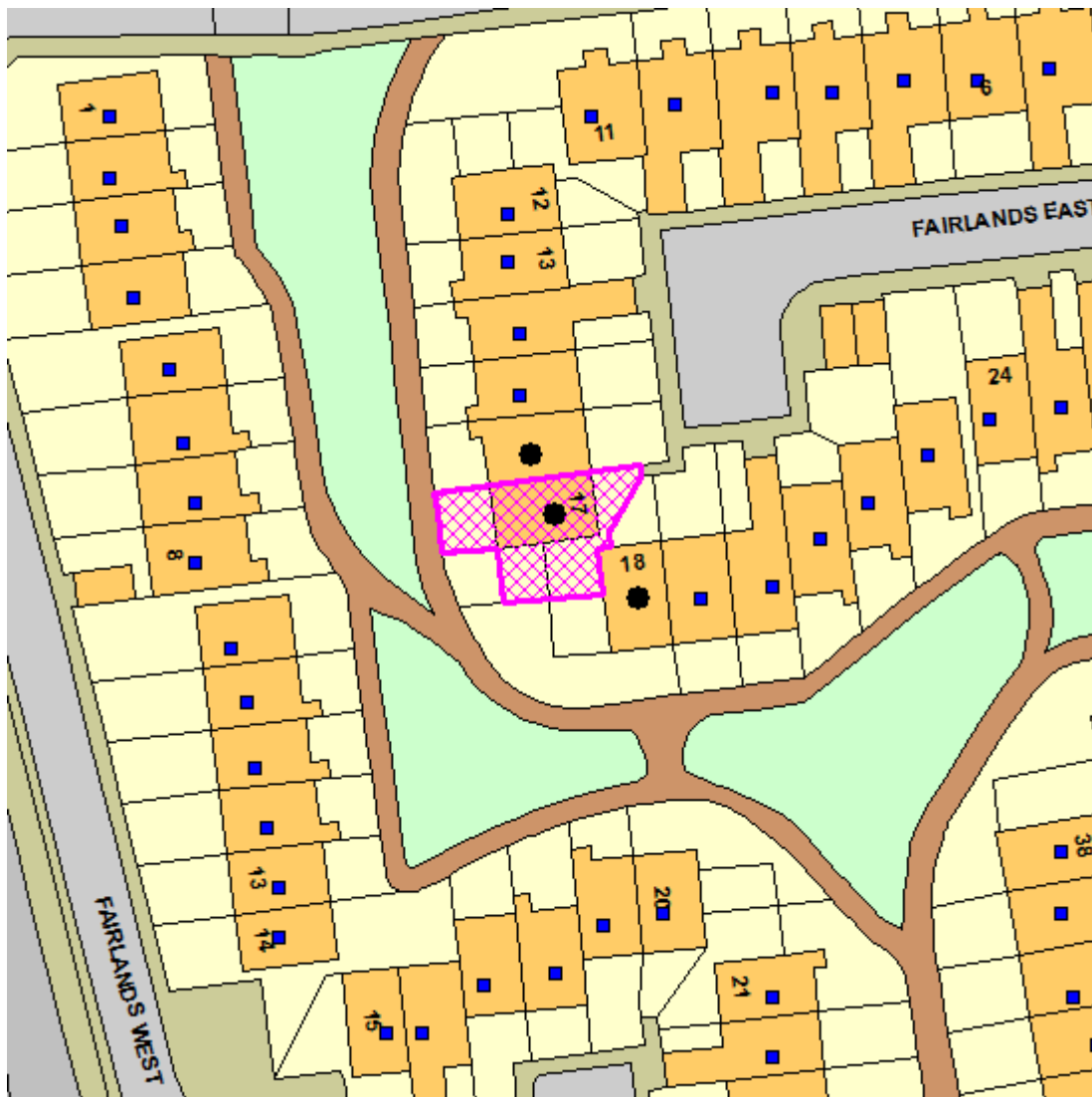
Reference No.: 16/02053/FU4 Full Application (Reg 4)

Proposal: **Change of use from open space to private garden and erection of a single storey extension to side.**

Location: 17 Fairlands East Sunderland SR6 9QX

Ward: St Peters
Applicant: Mrs Claire Shovelin
Date Valid: 17 November 2016
Target Date: 12 January 2017

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

PROPOSAL:

Planning permission is sought to change the use of an approximately 18sq.m area of public open space to extend the private garden of No.17 Fairlands East. The resultant garden would be enclosed by a 1.9m high brick wall. Planning permission is also sought to erect a single storey orangery extension to the side of the property which would be 4.2m high, 3.8m wide and 3.8m long.

The application site exists as an area of grassed open space which is currently under the ownership of the Council. The land borders a public footway which runs along the front of properties in Fairlands East and provides pedestrian links to numerous residential streets in the locality. The site is situated on the inside of a bend to the side of 2no. Two-storey terraced dwellings. These dwellings are orientated perpendicular to one another and benefit from relatively small private gardens to their sides, whilst their vehicular accesses are located to the rear. Members may wish to note that the neighbouring property, No. 18 Fairlands East is the subject of a similar proposal and is another item on this agenda, please see ref. 16/02054/FU4.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Peters - Ward Councillors Consultation
Network Management
DC North Chair and Vice Chair Consultation

Final Date for Receipt of Representations: **27.12.2016**

REPRESENTATIONS:

No neighbour objections have been received.

The Council's Network Management (Transportation) have no objection to the proposal.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_3_Protection of public/ private open space (urban green space)
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The main issues to consider in assessing the application are the principle of the proposed change of use, visual and residential amenity and highway/ public safety.

The site in question comprises part of an existing housing estate and is governed by Unitary Development Plan (UDP) Policy EN10. This policy requires that new development proposals should be compatible with the principal use of the neighbourhood.

Policy B2 of the UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should "respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy", whilst Policy B3 relates to the protection of public and private open space from development that would have a serious adverse effect on its amenity, recreational or neighbour conservation value.

Another relevant policy is T14, which sets out that proposals should not compromise highway safety or the free passage of traffic.

In terms of supplementary guidance to local planning policy, section 7.3 of the Household Alterations and Extensions Supplementary Planning Document (SPD) advises that any side extension should be designed to maintain the character of the existing property and the street scene. This form of extension should also have a minimal impact upon the residential amenity of neighbouring properties and will normally be required to incorporate a roof design to match that of the existing property.

The application site is situated within an established residential area and, given that the proposal constitutes the extension of the curtilage of an existing residential property, the proposal is considered to accord with UDP policy EN10.

The properties in Fairlands East, including the host dwelling, generally have open-plan frontages onto the public footway with the exception of a small number of properties that have enclosed front gardens. It is considered that this open aspect, together with the planting and wider open nature of the locality provides a particularly pleasant environment along the public footway.

Nevertheless, given the limited size of the enclosure of the existing open space it is not considered that the proposal would unacceptably compromise the open aspect and nature of the immediate vicinity, and subject to matching brickwork in terms of the proposed boundary wall it is not considered that the proposal would be harmful to the character or amenity of the locality. In terms of pedestrian considerations, given the distance of the proposed boundary wall to the footway it is not considered that it would impact negatively on pedestrian safety.

The proposed orangery is of a size and design that is not considered to impact negatively on the visual or residential amenity of the area to the extent that would warrant a refusal in this instance. It is considered to be a subordinate extension that relates appropriately to the existing property.

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.

Conclusion

For the reasons given above, it is not considered that the proposal would compromise visual/residential amenity or highway/ public safety, in accordance with policies B2, B3, EN10 and T14 of the adopted UDP and section 7.3 of the adopted Household Alterations and Extensions SPD. It is therefore recommended that Members grant consent under Regulation 4 of The Town and Country Planning General Regulations 1992, subject to the conditions set out below.

RECOMMENDATION: Members are recommended to **Grant Consent** under Regulation 4 of The Town and Country Planning General Regulations 1992, subject to the conditions set out below.

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Location plan, received 25.10.16
- Existing site plan, received 25.10.16
- Proposed floor plan and elevations, drawing number SHOV03, received 17.11.16
- Existing site plan and elevations, drawing number SHOV01, received 17.11.16
- Proposed elevations and site plan, drawing number SHOV02, received 17.11.16

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.

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

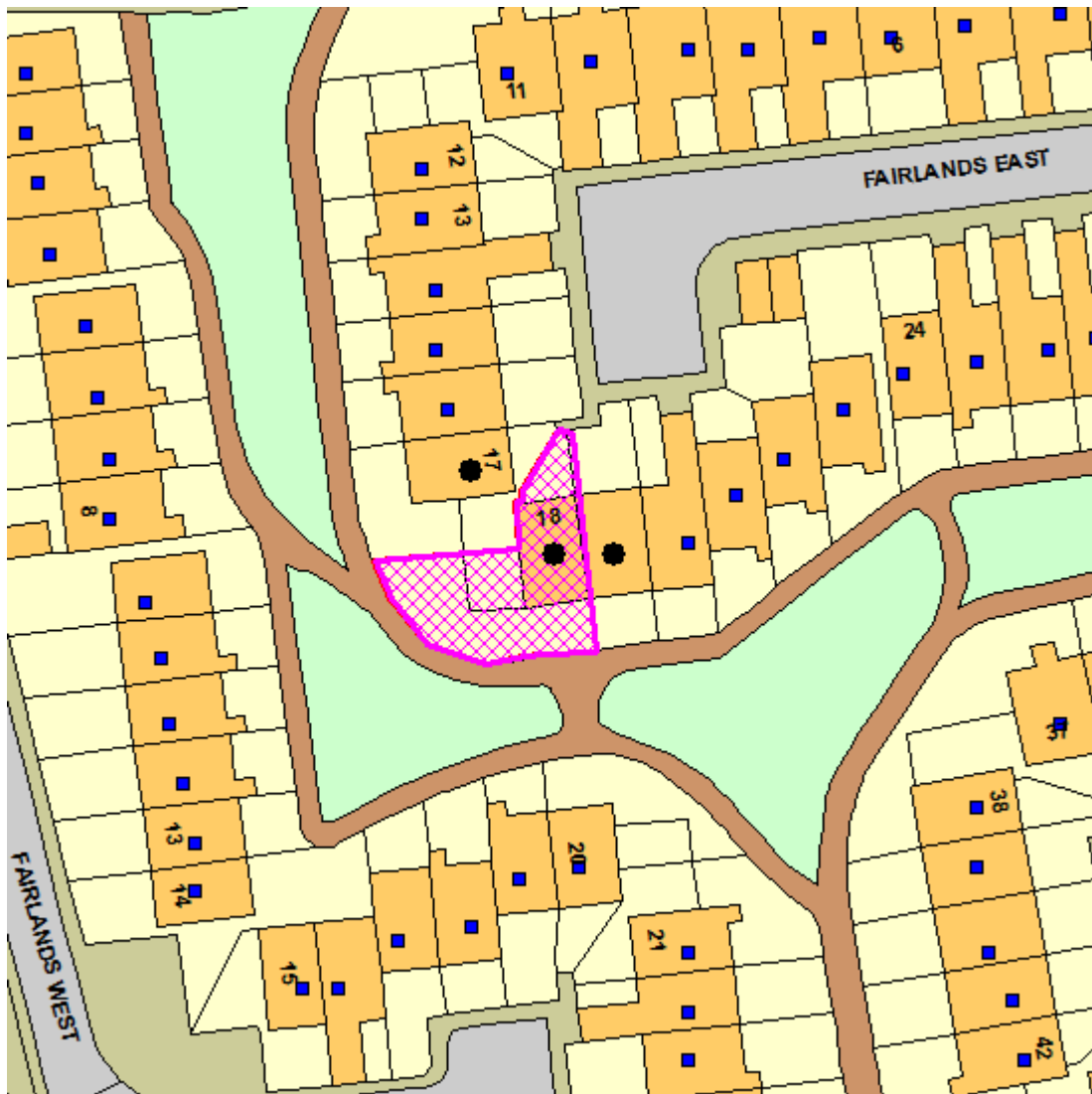
Reference No.: 16/02054/FU4 Full Application (Reg 4)

Proposal: **Change of use from open space to private garden and erection of a single storey extension to side (Amended plan received 29.11.16)**

Location: 18 Fairlands East Sunderland SR6 9QX

Ward: St Peters
Applicant: Mr Geoffrey Field
Date Valid: 25 October 2016
Target Date: 20 December 2016

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

PROPOSAL:

Planning permission is sought to change the use of an approximately 23.5sq.m area of public open space to extend the private garden of No.18 Fairlands East. The resultant garden would be enclosed by a 1.9m high brick wall. Planning permission is also sought to erect a single storey orangery extension to the side of the property which would be 4.3m high, 5.0m wide and 3.8m long.

The application site exists as an area of grassed open space which is currently under the ownership of the Council. The land borders a public footway which runs along the front of properties in Fairlands East and provides pedestrian links to numerous residential streets in the locality. The site is situated on the inside of a bend to the side of 2no. two-storey terraced dwellings. These dwellings are orientated perpendicular to one another and benefit from relatively small private gardens to their sides, whilst their vehicular accesses are located to the rear.

There are two trees on the site in question. One is situated to the south and would not be removed as part of the application. The other tree, which is proposed to be removed, is situated to the west. Members may wish to note that the neighbouring property, No. 17 Fairlands East is the subject of a similar proposal and is another item on this agenda, please see ref. 16/02053/FU4.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
St Peters - Ward Councillors Consultation
DC North Chair And Vice Chair Consultation

Final Date for Receipt of Representations: **14.12.2016**

REPRESENTATIONS:

No neighbour objections have been received.

The Council's Network Management (Transportation) have offered no objection to the development proposal.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_3_Protection of public/ private open space (urban green space)
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

The main issues to consider in assessing the application are the principle of the proposed change of use, visual and residential amenity and highway/ public safety.

The site in question comprises part of an existing housing estate and is governed by Unitary Development Plan (UDP) Policy EN10. This policy requires that new development proposals should be compatible with the principal use of the neighbourhood.

Policy B2 of the UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should, "respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy", whilst Policy B3 relates to the protection of public and private open space from development that would have a serious adverse effect on its amenity, recreational or neighbour conservation value. Lastly, another relevant policy is T14, which sets out that proposals should not compromise highway safety or the free passage of traffic.

In terms of supplementary guidance to local planning policy, section 7.3 of the Household Alterations and Extensions Supplementary Planning Document (SPD) advises that any side extension should be designed to maintain the character of the existing property and the street scene. This form of extension should also have a minimal impact upon the residential amenity of neighbouring properties and will normally be required to incorporate a roof design to match that of the existing property.

In terms of supplementary guidance to local planning policy, section 7.3 of the Household Alterations and Extensions Supplementary Planning Document (SPD) advises that any side extension should be designed to maintain the character of the existing property and the street scene. This form of extension should also have a minimal impact upon the residential amenity of neighbouring properties and will normally be required to incorporate a roof design to match that of the existing property.

The application site is situated within an established residential area and, given that the proposal constitutes the extension of the curtilage of residential properties, the proposal accords with UDP policy EN10.

The properties in Fairlands East, including the host dwelling, generally have open-plan frontages onto the public footway with the exception of a small number of properties that have enclosed front gardens. It is considered that this open aspect, together with the planting and wider open nature of the locality provides a particularly pleasant environment along the public footway. In considering the application the Officer requested amendments to the initially submitted scheme as there were concerns that the proposed boundary treatment would protrude beyond the front building line of the host dwelling and incur too far into the open plan area of the estate. Therefore it was requested that the Applicant amend their scheme so that the boundary treatment would not extend further than the building line to the front of the host property. An amendment to this effect was received on the 29 November 2016 and it is this scheme that is now before Members for their determination.

Given the amendment it is considered that the proposal would now not unacceptably compromise the open aspect and nature of the immediate vicinity and subject to matching brickwork in the proposed boundary wall it is not considered that the proposal would be harmful to the character or amenity of the locality.

In terms of pedestrian considerations, given that the proposed boundary wall is at an obtuse angle at its closest point to the public footway and given the distance of the wall to the footway it is not considered that it would present a blind corner. Furthermore, the land would still be afforded natural surveillance by other dwellings in Fairlands East.

The proposed orangery is of a size and design that is not considered to impact negatively on the visual or residential amenity of the area to the extent that would warrant a refusal in this instance. It is considered to be a subordinate extension that relates appropriately to the existing property. It is noted that the existing tree to the west of the site would be removed as part of the proposal. Whilst the Council, acting in its capacity as Local Planning Authority, does have the power to protect trees by the making of Tree Preservation Orders (TPO) this would be subject to the tree being of significant quality. In this particular instance as there are a number of other trees within the area it is considered that this specimen could be removed without detriment to amenity. It is not considered that the tree warrants a TPO in this instance.

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.

Conclusion

For the reasons given above, it is not considered that the proposal would compromise visual/residential amenity or highway/ public safety, in accordance with policies B2, B3, EN10 and T14 of the adopted UDP and section 7.3 of the adopted Household Alterations and Extensions SPD. It is therefore recommended that Members grant consent under Regulation 4 of The Town and Country Planning General Regulations 1992, subject to the conditions set out below.

RECOMMENDATION: Members are recommended to **Grant Consent** under Regulation 4 of The Town and Country Planning General Regulations 1992, subject to the conditions set out below

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Location plan, received 25.10.16
- Existing site plan, received 25.10.16
- Existing site plan and elevations, drawing number FIELD02, received 25.10.16
- Proposed elevations and site plan, drawing number FIELD01, received 29.11.16

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.

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.