



Northumberland County Council

Castle Morpeth Local Area Council 14th January 2019

Application No:	18/04025/FUL		
Proposal:	Rear First Floor Extension		
Site Address	39 Howard Terrace, Morpeth, NE61 1HT		
Applicant:	Mr David Towns 39 Howard Terrace, Morpeth, NE61 1HT	Agent:	Mr Tony Carter 13 Telford Court, Morpeth, NE61 2DB
Ward	Morpeth North	Parish	Morpeth
Valid Date:	15 November 2018	Expiry Date:	10 January 2019
Case Officer Details:	Name: Mr Connor Willis Job Title: Planning Technician Tel No: 01670 622637 Email: Connor.Willis@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

- 1.1 Under the Council's current Scheme of Delegation, the application falls to be determined by the Local Area Committee as the application has been submitted by or on behalf of an elected Member of the Council.

2. Description of the Proposals

- 2.1 Planning permission is sought for a first floor rear extension to the dwelling at 39 Howard Terrace, Morpeth.
- 2.2 The footprint of the proposed extension would be sited above an existing extension to the ground floor, and would measure 2.40 metres in projection and 4.09 metres in width. The height of the proposed extension would measure 5.0 metres from ground level to the eaves, or 2.40 metres as measured from the roof of the existing ground floor extension below the proposed.
- 2.3 The proposed extension would feature a flat roof with felt finish and 1 no. South (rear) facing window, with no fenestration proposed to the side elevations. The footprint of the existing roof terrace to the second floor would be retained as existing with no extension of the terrace over the proposed first floor extension, although the proposed plans do include the provision of new glazed panel boundary treatment around the terrace.
- 2.4 The application site is comprised of a three storey end-terrace dwelling in a residential setting and is bounded by the Howard Terrace public highway to the North (front), adjacent neighbouring dwellings to the East and West, and a back lane to the South (rear).

3. Planning History

Reference Number: CM/75/D/427

Description: Demolition of bathroom kitchen & coalhouse & erection of utility kitchen & bathroom (as amended by plans received 15th august 1975)

Status: Permitted.

Reference Number: CM/85/D/266

Description: Construction of roof garden on flat roof of dwelling and erection of aluminium frame glazed garden room

Status: Permitted.

4. Consultee Responses

Morpeth Town Council	No comment.
----------------------	-------------

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	10
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

None received.

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PI70T8QSK9Y00>

6. Planning Policy

4.1 Development Plan Policy

Morpeth Neighbourhood Plan (2016):

DES1 - Design Principles;

SET1 - Settlement Boundaries;

SUS1 - Sustainable Development Principles.

Castle Morpeth District Local Plan (2003):

C1 - Settlement Boundaries;

H14 - Improvements to Existing Housing.

4.2 National Planning Policy

National Planning Policy Framework (2018);

National Planning Practice Guidance (2014, as updated).

4.3 Other Documents/Strategies

N/A

7. Appraisal

7.1 The main issues for consideration in the determination of the application are as follows:

- Principle of the development;
- Design;
- Impact on residential amenity.

Principle of the development

7.2 Planning law stipulates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration. Relevant development plan policy for the application

at hand includes the provisions of the Morpeth Neighbourhood Plan (MNP) and the saved policies of the Castle Morpeth District Local Plan (CMDLP).

- 7.3 Policy SET1 of the MNP states that development proposals within settlement boundaries, as defined on the MNP Proposals Map, will be supported subject to being in accordance with other relevant development plan policies. Similar provisions are also made in Policy C1 of the CMDLP.
- 7.4 The application proposes an extension to an existing dwelling contained within the settlement boundary for Morpeth, as defined in the MNP and CMDLP proposals maps. Accordingly, the principle of the development can be considered acceptable in accordance with MNP Policy SET1 and CMDLP Policy C1.

Design

- 7.5 MNP Policy SUS1 states that proposals should demonstrate principles of good quality design which respects the appearance and character of the setting of the development and the surrounding area. Policy DES1 outlines the principles of good design, such as ensuring that the development would respect or enhance the character of the site and its surroundings in terms of proportion, form, massing, density, height, size, scale, materials and detailed design features.
- 7.6 In the CMDLP, Policy H14 states that proposals to alter, extend or improve existing dwellings will be permitted provided that there would be no adverse impact on the appearance of the host dwelling or the street scene, the materials would match or complement the existing dwelling, no terracing effect would be introduced into the street scene, and sufficient space would remain within the curtilage of the dwelling for the parking of a vehicle.
- 7.7 The proposed extension would be in keeping with the scale, form and design of the existing dwelling. The development would only be visible from the back lane to the rear of the site and would cause no adverse visual impact on the surroundings. There would also be no detrimental impact on vehicle parking provision within the curtilage. As such, it has been considered that the proposed extension would be acceptable in terms of design and visual amenity in accordance with MNP Policies DES1 and SUS1, CMDLP Policy H14, and the provisions of the NPPF.

Impact on residential amenity

- 7.8 Policy DES1 also states that developments should not cause an unacceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties. Likewise, similar provisions are made within CMDLP Policy H14 which states that proposals for extensions to existing dwelling should cause no adverse impact on the amenity of nearby residents.
- 7.9 Principal considerations in the assessment of residential amenity include the impacts of the proposed development on matters such as daylight, privacy and outlook. The proposed extension would cause no significant loss of light or outlook to rear windows or outdoor amenity spaces of the adjacent

neighbouring dwellings and the proposed rear window would overlook the adjacent back lane without causing any loss of privacy. As such, it has been considered that the proposed extension would be acceptable with respect to the amenity of neighbouring properties with regard to Policy DES1 of the MNP, Policy H14 of the CMDLP, and the provisions of the NPPF.

Other matters

Equality Duty

- 7.10 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.11 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 7.12 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.13 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.14 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making

process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The proposed first floor rear extension to the existing dwelling at 39 Howard Terrace would be considered appropriate in scale and design to the host property and the appearance and character of the wider surroundings. In addition, the development would cause no loss of residential amenity for the occupiers of adjacent neighbouring dwellings with regard to daylight, outlook or privacy. Accordingly, the Officer considers that the proposed extension would be acceptable in accordance with Policies DES1 and SUS1 of the MNP, saved Policy H14 of the CMDLP, and the provisions of the NPPF.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall be carried out in complete accordance with the approved plans:

Drawing No. 001 - Block Plan / Site Survey Information (received 21st November 2018);

Drawing No. 005 Rev. A - Existing and Proposed 1st Floor Plans (received 21st November 2018);

Drawing No. 006 Rev. A - Proposed North Elevation (received 21st November 2018);

Drawing No. 007 Rev. A - Proposed East Elevation (received 21st November 2018);

Drawing No. 008 Rev. A - Proposed West Elevation (received 21st November 2018);

Drawing No. 009 Rev. A - Existing and Proposed Roof Plans (received 21st November 2018).

Reason: For the avoidance of doubt, and in the interests of proper planning.

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy DES1 of the MNP.

Date of Report: 21 December 2018

Background Papers: Planning application file(s) 18/04025/FUL