

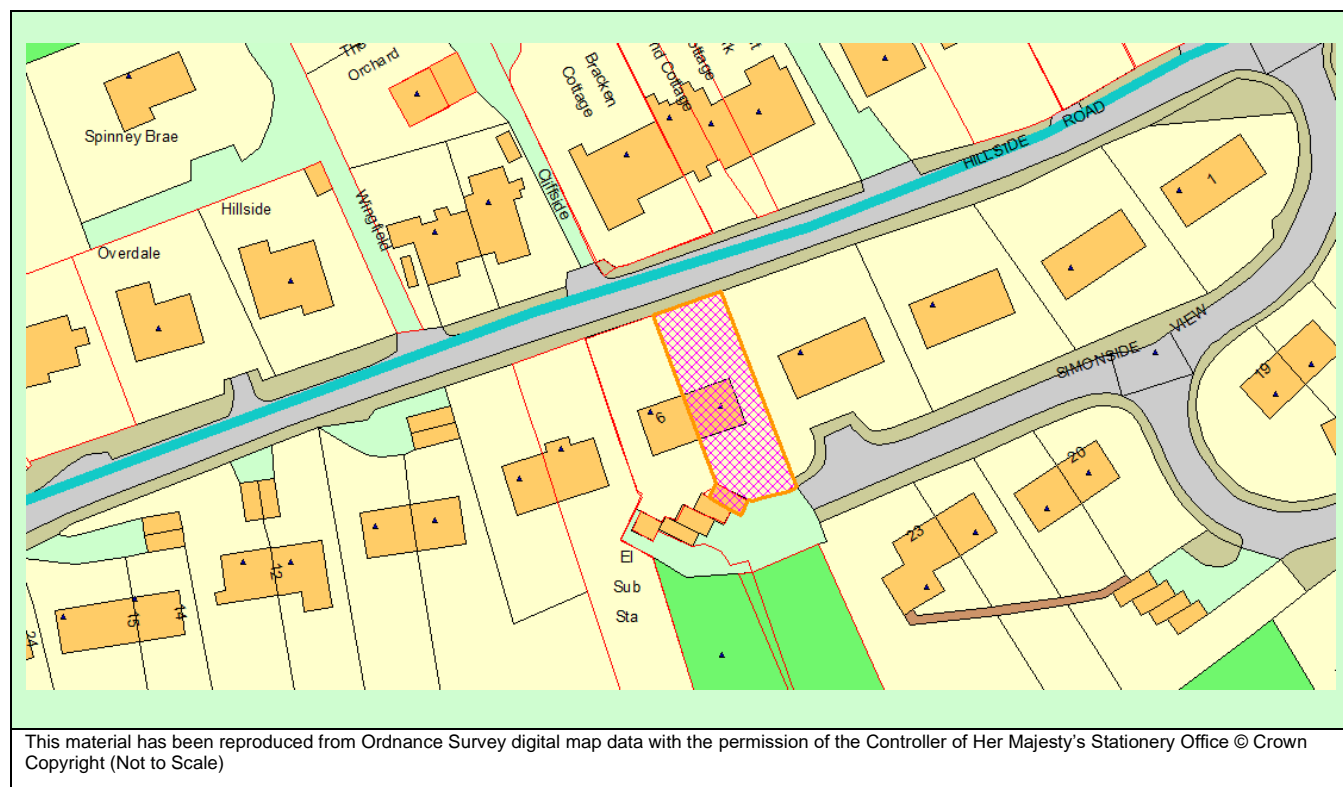


# Northumberland County Council

## North Northumberland Local Area Council 22 October 2020

|                              |  |                     |                   |
|------------------------------|--|---------------------|-------------------|
| <b>Application No:</b>       | 20/01928/FUL   |                     |                   |
| <b>Proposal:</b>             | Remove existing wooden balcony structure and construction of a single storey extension to the rear (south) elevation with a flat roof (to be used as a balcony). |                     |                   |
| <b>Site Address</b>          | 5 Simonside View, Rothbury, Morpeth, Northumberland<br>NE65 7YQ  |                     |                   |
| <b>Applicant:</b>            | Mr Gregory Gavin<br>5 Simonside View,<br>Rothbury, Morpeth,<br>Northumberland<br>NE65 7YQ  | <b>Agent:</b>       | None              |
| <b>Ward</b>                  | Rothbury   | <b>Parish</b>       | Rothbury          |
| <b>Valid Date:</b>           | 28 July 2020   | <b>Expiry Date:</b> | 22 September 2020 |
| <b>Case Officer Details:</b> | Name: Miss Amber Windle<br>Job Title: Planning Technician<br>Tel No: 01670 620447<br>Email: Amber.Windle@northumberland.gov.uk                                   |                     |                   |

**Recommendation:** That this application be GRANTED permission



## 1. Introduction

1.1. Under the provisions of the Council's current Scheme of Delegation this application falls to be determined by the North Northumberland Local Area Council as the applicant is a Senior Officer of the Council.

## 2. Description of the proposals

- 2.1. Planning permission is sought for the demolition of an existing balcony structure and the construction of a new single storey rear extension with balcony above at 5 Simonside View, Rothbury.
- 2.2. The proposed brick built extension would project 3.7m from the existing south elevation and would measure 4.4m in width. The extension would measure 2.5m to the eaves and the first floor balcony above would be secured by an additional 1.18m high brick and glass balustrade.
- 2.3. The application property is a semi-detached, two storey dwelling situated within a built-up residential part of Rothbury. Due to the gradient of the site, the front elevation of the property appears to be single storey when viewed from the public highway Hillside Road, to the north.

## 3. Planning History

**Reference Number:** A/74/A/108

**Description:** Erection of dwellinghouse

**Status:** REFUSED

## 4. Consultee Responses

|                            |   |
|----------------------------|---|
| Rothbury Parish Council    | No objections.  |
| Countryside/ Rights Of Way | No objection to the application on the condition that Public Footpath No.5 is protected throughout. |

## 5. Public Responses

### Neighbour Notification

|                               |   |
|-------------------------------|---|
| Number of Neighbours Notified | 5 |
| Number of Objections          | 0 |
| Number of Support             | 0 |
| Number of General Comments    | 0 |

### Notices

Site notice - Public Right of Way: 28th August 2020

Morpeth Herald: 16th July 2020

## Summary of Responses:

None received.

## **6. Planning Policy**

### 6.1 Development Plan Policy

Alnwick District Wide Local Plan (1997)

- BE8 Design in New Residential Developments and Extensions
- Appendix B Extensions to Existing Dwellings

Alnwick Core Strategy (2007)

- S16 General Design Principles

### 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2019)

PPG - Planning Practice Guidance (2019)

### 6.3 Emerging Development Plan Policy

Northumberland Local Plan - Publication Draft Plan (Reg 19) (Jan 2019) and proposed minor amendments, submitted 29th May 2019.

- QOP 1 - Design principles (Strategic Policy)
- QOP 2 - Good Design and Amenity
- HOU 9 - Residential development management

## **7. Appraisal**

7.1. In assessing the acceptability of any proposal, regard must be given to the policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the relevant development plans for this application are the Alnwick Core Strategy (2007) and the Alnwick District Wide Local Plan (1997) and the proposed works shall be considered in the light of the saved policies of these documents.

7.2. Paragraph 48 of the NPPF states that from the day of its publication, weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. The emerging Northumberland Local Plan is in its examination stage and the Authority are therefore affording appropriate weight to policies contained within the emerging plan which form a material consideration in determining planning applications alongside Development Plan Policies.

7.3. The main issues for consideration in the determination of this application are:

- Principle of the development
- Design and visual impact

- Impact on residential amenity
- Public Rights of Way

### Principle of the development

7.4. The application proposes works that are domestic in nature within residential curtilage. The principle of development is acceptable and in accordance with Policy S16 of the Alnwick LDF Core Strategy and the NPPF.

### Design and visual impact

7.5. The application property is a two storey semi-detached dwelling situated within a built up residential part of Rothbury. The proposed single storey extension and first floor balcony would adjoin the existing rear elevation of the property and would replace an existing timber balcony structure.

7.6. The proposed extension would project 3.7m from the existing south elevation and would measure 4.4m in width. The extension would measure 2.5m to the eaves and the first floor balcony above would be secured by an additional 1.18m high brick and glass balustrade. The proposed materials would match those of the existing dwelling. Due to the existing layout of the property, the development would allow for internal alterations to enlarge bedroom 3 at ground floor level and a larger balcony area off the open plan lounge/diner at first floor level.

7.7. It is considered that the proposed works would not have a significant adverse impact on the visual amenity of the dwellinghouse or street scene. Therefore, the proposal is considered acceptable in terms of design in accordance with Policy S16 of the Alnwick Core Strategy, Policy BE8 and Appendix B of the Alnwick District Wide Local Plan and the principles of the NPPF.

### Impact on Residential Amenity

7.8. The application property has two immediate residential neighbours, No.6 Simonside View to the west and No.4 Simonside View to the east. The proposed development would replace an existing balcony structure on a slightly larger scale and would retain sufficient separation distance from both neighbouring properties.

7.9. The proposals have been assessed and are not considered to have a significant impact on residential amenity. The proposals would not result in a loss of privacy or sunlight and would not result in an overbearing impact or significant loss of outlook to neighbouring properties. The proposals are therefore considered acceptable in this respect, in accordance with Policy S16 of the Alnwick Core Strategy, Policy BE8 and Appendix B of the Alnwick District Wide Local Plan and the principles of the NPPF.

### Public Rights of Way

7.10. A Public Right of Way passes to the north of the proposed development site. The Council's Countryside and Rights of Way Team has been consulted on this application and they have no objection subject to the Parish of Rothbury Public Footpath No.5 being protected throughout. The

proposed development would be set back and screened from Public Footpath No.5 and would not interfere with the footpath and would not disrupt its use. Therefore, the proposed development would therefore not adversely affect the Public Right of Way.

### Equality Duty

7.11. 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

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

### Human Rights Act Implications

7.13. 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.

7.14. 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.

7.15. 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. It is considered that the proposal will result in an acceptable form of development that will be consistent with the appearance and character of the existing dwelling without causing unacceptable detriment on amenity levels or on the appearance of the surrounding area. As such the proposal is considered to be in accordance with the National Planning Policy Framework and saved Policies S16 of the Alnwick LDF Core Strategy and Appendix B of Policy BE8 of the Alnwick District Local Plan.

## 9. Recommendation

That this application be GRANTED subject to the following:

### Conditions/Reason

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 not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

- Location Plan (received 30<sup>th</sup> June 2020)
- Proposed Site Plan (received 7<sup>th</sup> July 2020)
- Proposed South Elevation V4 (received 28<sup>th</sup> July 2020)
- Proposed East Elevation V4 (received 28<sup>th</sup> July 2020)
- Proposed West Elevation V4 (received 28<sup>th</sup> July 2020)
- Proposed Ground Floor Layout V4 (received 28<sup>th</sup> July 2020)
- Proposed First Floor Layout V4 (received 28<sup>th</sup> July 2020)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with the details contained within 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 Policy S16 of the Alnwick Core Strategy and Policy BE8 and Appendix B of the Alnwick District Wide Local Plan.

**Background Papers:** Planning application file(s) 20/01928/FUL