DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/1133/17/HFUL
Proposal: Replace existing rear sun room with a larger kitchen extension. Horizontal cedar cladding to the walls of the existing detached garage. Erection of a 2 metre high brick boundary wall to side with no. 34 Moore Avenue.
Location: 32 Moore Avenue
SOUTH SHIELDS
NE34 6AA

Site Visit Made: 05/01/2018

Relevant policies/SPDs

1 DM1 - Management of Development (A and B)

2 SPD9 - Householder Developments

Description of the site and of the proposals

32 Moore Avenue is a semi-detached dwelling located within a residential area of South Shields. The property has previously been extended to the rear; including the addition of a sun room and a detached garage. The detached garage was granted planning permission in 2014 (reference: ST/0823/14/HFUL), as well as for a front boundary wall and piers, and a side (west) boundary fence (adjacent to No. 34 Moore Avenue). That application also included new hardstanding to the front, side and rear of the dwelling.

Planning permission is now sought to replace the existing rear sun room with a larger kitchen extension, horizontal cedar cladding to the walls of the existing detached garage and the erection of a 2 metre high brick boundary wall to side with no. 34 Moore Avenue.

Amended plans were submitted on 6 February omitting a proposed roof terrace from the plans and altering the rear extension to a flat roof design. The new French doors at first floor level were also omitted from the proposals. Although originally stated to be 1.8 metres in height on the planning application form; the new brick boundary treatment along the common boundary with 34 Moore Avenue was confirmed to be 2 metres in height. Neighbours were re-notified by letter of the amended plans and revised description.

Publicity / Consultations (Expiry date 05/01/2018)

1) Neighbour responses

One letter of objection was received from the neighbouring property of 34 Moore Avenue raising a number of concerns, with regards to the original proposals. They have commented:

I am concerned that the proposed roof terrace will reduce my privacy as those on the terrace will be able to see directly into my kitchen.
It appears to me that the cladding of the garage has been started despite the statement on the planning application. This links to me to a concern about the time it has taken for the current work to reach its state of completion. Is there a reasonable limit that can be put on the time to complete any new works?
I am concerned about the height and materials proposed for the boundary wall. This boundary is very close (approximately 1m) from the two windows on the side of my house. I am concerned

about light and drainage given the proposed height and use of brick. The proposed height is greater than the existing fence (and higher than I would prefer) and given the gradient of the Avenue and the plan to extend hard landscaping I am concerned about drainage. I can see good reason to have a 1.8m wall some 5m long in the middle of timber fencing at the front and rear of the boundary line particularly when it will be some 1m from the two windows I have on this side of my house.

An additional representation was received from 34 Moore Avenue following re-notification, commenting:

"See my previous comments which continue to apply and in particular the height of the boundary fence/wall and the fact that part of the rear boundary will be a solid brick wall 2m high and some 1m from my rear windows."

Planner comments on representations:

The roof terrace has now been removed from the proposed plans.

Under permitted development rights a wall or fence can be constructed (in the location proposed by the planning application) up to a height of 2m without requiring planning permission.

With regards to the cladding, it is not an offence to undertake works without planning permission; although it is always advisable to obtain planning permission first as otherwise works are undertaken at an applicant's own risk. Whether or not works have already been undertaken, a planning application must still be assessed on its merits.

While there is a standard three year time limit with regards to the commencement of development as set out under the Town and Country Planning Act 1990, there is no defined time limit by which the works must be completed.

2) Other Consultee responses

None

Assessment

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

The main issues relevant to the assessment of this proposal are the;

- Design of the proposal and its impact on visual amenity; and
- Impact on residential amenity

Design and Impact on Visual Amenity

The facing materials and architectural detailing of the rear extension, as amended, would reflect the design of the host dwelling, conserving the character of the property.

Taking into account the footprint of the existing building and size of the rear garden, as well as the size of the sunroom to be replaced; the single storey extension would appear as a subordinate addition and would not result in the overdevelopment of the site. Its position within the rear garden would also limit its visibility when viewed from the public road.

The timber cladding of the detached garage would be carried out to elevations within the rear garden of the property, with the facing materials of external elevation along Moore Lane remaining unchanged from its original permission in 2014.

The height of the boundary wall would largely screen the cladding from public view, while the footprint of the building would remain unaltered. As such, it is not considered that the use of timber cladding would result in material harm to visual amenity.

The new brick boundary treatment would be positioned to the side of the property, set back from the public road; and behind the existing front boundary wall and gates. It would not exceed the maximum height of the existing boundary treatment and would not result in harm to the character of the street scene.

For these reasons, it is judged that the development would convey sensitive consideration of its surroundings, having regard to scale and proportions, use of materials and architectural detailing; and would accord with LDF Policy DM1 (A) and the guidance contained within Supplementary Planning Document 9.

Residential Amenity

The proposed single storey extension would have a projection of 5 metres from the rear wall of the host dwelling and would be set back from the side boundary of the site by 1.8 metres. It would replace the existing sun room at the property, which has a projection of 4.2 metres. The neighbouring property of 34 Moore Avenue has an existing single storey offshoot of a comparable size, set off the shared boundary with no. 32 alongside the position of the proposed extension. The neighbour also has a detached, flat roof garage positioned along the common boundary.

Having regard to the existing arrangement at the site; and the position and scale of the proposed extension, it is not considered that the extension would cause unacceptable harm to the outlook or appear overbearing. Although the offshoot at no. 34 has a high level window to its side elevation facing the applicant property, SPD 9 makes clear that the planning system could not protect an outlook that may have been created by placing a window on a common boundary.

The single storey rear extension, as amended, would have a roof light, as well as a window facing out onto the rear garden of the application property. No windows are proposed which would directly overlook the habitable room windows of any surrounding dwelling.

Concern was raised by the occupier of 34 Moore Avenue that the new boundary wall would cause harm to light levels. The neighbouring property has windows to the side elevation facing the application site (and existing timber boundary fence), some of which are likely to serve habitable rooms. However, these windows do not provide the main outlook for the property; and will have always faced the common boundary, at a distance of approximately 1 metre, where there are typically high boundary treatments. Additionally, a fence (or other boundary treatment) which is not adjacent to a highway used be vehicles can be constructed up to 2 metres in height under permitted development (i.e. works not requiring planning permission).

Taking into account the height of the existing boundary treatment, fall-back position possible under permitted development rights; and the position of the windows in relation to the applicant property, it is not judged that the works would cause significant harm to the amenity of the neighbour through a loss of light.

For these reasons, it is not considered that the development would result in significant harm to the amenity of surrounding residents; and would accord with LDF Policy DM1 (B) as well as the

requirements of the NPPF, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

Although concern was expressed by the occupier of 34 Moore Avenue about drainage at the site, the means of rainwater and foul water drainage would be controlled separately under Part H (Approved Document H – Structure) of the Building Regulations.

Additionally, the area of block paving shown within the curtilage of the property would include provision to direct run-off water from the hard surface to a porous, grassed area within the rear garden of the dwelling. The previous 2014 planning approval (which included the block paving) also made provision for a soakaway (gravel pit type) and drainage channel within the front garden of the property. These works therefore meet the conditions of Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 with regards to surface water run-off and would be considered permitted development. They remain unaltered from the previous planning approval. For information, an informative is proposed to draw this requirement to the attention of the applicant.

Conclusion

It is considered that the development would be in accordance with LDF Policy DM1 (A and B), the associated Supplementary Planning Document (SPD) 9 'Householder Developments', and the requirements of the NPPF.

Recommendation

Grant Permission Householder with Conditions

Conditions

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drawing number: Rev: 02B Proposed Plans and Elevations received on 06/02/2018

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The external surfaces of the single storey extension hereby permitted shall be of similar appearance to those used in the construction of the exterior of the existing building on which the extension will form part. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

3 Your attention is drawn to the Party Wall Etc. Act 1996, which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.

The Act is separate from obtaining planning permission or building regulations approval and you can find out more about it at:
https://www.gov.uk/party-wall-etc-act-1996-guidance

4 In order for new hardstanding to be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, the hard surface situated on land between a wall forming the principal elevation of the dwellinghouse and the highway must be either made of porous materials, or provision must be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Case officer: Josh Kenolty
Signed:
Date:

Authorised Signatory:
Date:

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