DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0581/18/HFUL
Proposal: Ground floor single storey rear extension with roof terrace balcony
Location: 16A North Avenue
South Shields
NE34 6BB

Site Visit Made: 09/08/2018

Relevant policies/SPDs

1 DM1 - Management of Development (A and B)

2 SPD9 - Householder Developments

Description of the site and of the proposals

This application relates to a west facing detached property in the established residential area of South Shields. To the rear the property has a large rear garden. There is a conservatory to the rear elevation of 4.9m projection. There is no relevant planning history.

This application seeks full planning permission to construct a single storey rear extension with a balcony above to the southern portion of the rear elevation. The extension's roof would extend to form a canopy to the northern portion of the rear extension. The existing conservatory would be demolished.

Publicity / Consultations (Expiry date 14/08/2018)

1) **Neighbour responses** - None

2) **Other Consultee responses** - None

Assessment

Policy DM1 seeks to preserve residential and visual amenity. In relation to rear extensions, SPD9 states that single storey rear extensions that would extend beyond the rear wall of the original dwelling house by up to 4 metres in respect of detached houses will generally be acceptable. SPD9 notes that the introduction of a balcony to a property can raise issues of overlooking, and loss of privacy; those features that would unreasonably affect the amenities of neighbouring residents by way of loss of privacy will not be considered favourably.

The proposed rear extension would project 4.6m from the main rear elevation of the host property. This would be in excess of SPD9, however given that the projection of the existing conservatory is 4.9m, and given the large size of the property and the rear garden, this projection would be acceptable on balance.

The extension would be set between 0.4 and 0.8m from the boundary with No. 16 North Avenue to the south. The rear elevation of that property is set considerably further to the west than the main rear elevation of the host property. Given this, given the orientation of the two properties, and given the projection of the existing conservatory, it is not considered that the proposed extension would result in a significant loss of outlook, or overshadowing, to No. 16. SPD9 notes that balconies can result in the loss of privacy to neighbouring properties. Amended plans have been submitted to include a privacy screen to the southern elevation of the balcony. This would ensure that there would be no significant loss of

privacy which would be detrimental to the residential amenity of No. 16 North Avenue to the south. Two windows are proposed in the southern elevation of the extension to the south. These windows would directly face the boundary with No. 16 and such would impact upon the privacy of that property. However, the existing conservatory has significantly more windows facing the boundary than the proposed extension and so it is not considered that these two windows would result in a significant further loss of privacy to No. 16. As such it would be inappropriate to refuse the application upon such grounds.

The canopy part of the proposal would be set adjacent with the site's northern boundary with No. 18 North Avenue. It would project 4m from the main rear elevation at a height of 2.8m. Given that a rear extension of this size could be built along the boundary under permitted development rights and given that the canopy would only be 0.2m higher than the existing boundary treatment (a 2.6m high wall), this would be acceptable. No. 18 is set at least 15m from the boundary and so it is not considered that the proposal would have a significant adverse impact upon the residential amenity of that property. The balcony would be set 4.4m from the boundary with No. 18. It is therefore not considered that the balcony would lead to a significant loss of privacy to that property.

The proposal would be set 11.8m from the boundary to the east with No. 2 Glenhurst Grove. That property has a blank gable end facing the boundary and so it is not considered that the proposed balcony would result in a significant loss of privacy to that property.

In terms of design, as the proposal would be located to the rear of the property it would not be highly visible from the public domain. Nevertheless its contemporary flat roof design is considered acceptable.

In conclusion, it is considered that the proposal would have no significant adverse impact upon the residential amenity of any neighbouring properties or the visual amenity of the area. Having regard for all of the above, it is considered that the proposal complies with all relevant local and national planning policy and so is therefore recommended for approval.

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

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

Dwg No. 303-841-1 Rev V2 received 14/06/2018
Dwg No. 303-841-3 Rev V3 received 20/08/2018
Dwg No. 303-841-9 Rev V2 received 19/07/2018
Dwg No. 303-841-LAYOUT2 Rev V2 received 14/06/2018

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 development 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 to seek to approve applications for sustainable development where possible.

2 ALL HOUSEHOLDER DEVELOPMENTS IN COAL MINING DEVELOPMENT REFERRAL AREAS

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Case officer: Seán Gallagher
Signed:
Date: 22/08/2018

Authorised Signatory:
Date:

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