DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0582/18/HFUL
Proposal: Single storey ground floor kitchen/diner extension and alterations to existing windows and doors.
Location: 9 Central Avenue
South Shields
NE34 6AY

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 an east facing semi detached bungalow which occupies a plot on the corner of Central Avenue and Central Gardens in the established residential area of South Shields. The property has a garage to the north which is semi detached with the garage of No. 1 Central Gardens. The garage is linked to the main property by a single storey flat roof link. To the west of the main property and the link, and to the rear of No. 1's garage, there is a pathway, accessed only from the link, which leads to a yard area in the southwestern corner of the plot. No. 1 Central Gardens has a similar pathway to its eastern side which is approximately 0.5m lower than the pathway to the host property. The boundary between the two pathways is formed of a fence approximately 1m high (measured from the lower level of the passageway to No. 1 Central Gardens). In terms of the planning history of the site, the property gained planning permission for a lounge extension in January 1980.

This application seeks full planning permission to construct a single storey monopitched roof extension between the garage and the main property, following the demolition of the existing link.

Publicity / Consultations (Expiry date: 13/08/2018)

1) Neighbour responses

1no response received in objection to the proposal from No. 21 Rubislaw Drive, Bearsden, East Dumbartonshire, Scotland, stating the following issues:

- The submitted plans show an incorrect position of the boundary between No. 9 Central Avenue and No. 1 Central Gardens.
- The plans are significantly higher than the existing extension and would involve interference with the roof of the garage of No. 1 Central Gardens.
- The proposal would reduce the light afforded by No. 1 Central Gardens in breach of the BRE Guide 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'.
- The submitted plans misrepresent the boundary treatment as existing and also the height of the proposed 1.8m high wall due to differences in land levels. The occupier of No. 1 Central Gardens will not consent to the erection of a 1.8m high wall on their property.
- Issues regarding the disturbance of services eg. gas and electricity.
- Highlighting personal circumstances of the occupant of No. 1 Central Gardens.

2) Other Consultee responses

None

Assessment

Policy DM1 seeks to preserve residential and visual amenity.

SPD9 states that in assessing planning applications for all extensions and alterations to dwellings it is important that the following objectives are met:

A) that the visual impact of the proposal on the dwelling and its immediate neighbourhood is acceptable and that high standards of urban design are achieved;

B) that there is no unacceptable impact on the amenity of neighbours in relation to:
i) Privacy
ii) Outlook and Over Dominance
iii) Overshadowing

Furthermore, SPD9 notes that site-specific circumstances of the property will always be taken into account. The main matter for assessment in all cases will be that the proposals achieve the objectives set out above.

The proposed development involves the demolition of the link between the main dwelling and the garage, and erecting a single storey monopitched extension containing a utility room and a dining room.

The extension would abut the boundary with No. 1 Central Gardens to the west. Upon that boundary, the extension would be 2m high to its eaves (measured from the ground level of the host property). Its roof would slope upwards to the east, away from the boundary with No. 1. The existing link is 2.7m high to its flat roof although is set 0.7m from the boundary with No. 1. There are a number of windows to the eastern elevation of No. 1 Central Gardens which face the boundary; however, the presence of the existing host property and link significantly restrict the outlook from these windows and also overshadow these windows, particularly in the mornings. Given the presence of the existing link and given that the proposed extension would be lower than the existing link, albeit it would be set upon the boundary, it is not considered that the proposed extension would result in a significant further adverse impact upon the residential amenity of No. 1 Central Gardens than the existing link.

Concerns have been raised regarding the erection of a 1.8m high wall upon the boundary with No. 1 Central Gardens. The submitted plans do not show there to be a change in the boundary treatment between the host property and No. 1 Central Gardens, save for the erection of the 2m high wall of the extension upon the boundary. However, the rest of the boundary to the south would remain as existing. It should be noted however that the applicant could construct a 2m high solid wall (measured from the ground level of the host property) upon the boundary without planning permission.

The proposed development would have no significant adverse impact upon the residential amenity of any other surrounding properties.

In terms of design, the area contains a variety of architectural styles with many pitched roof extensions and additions. It is therefore not considered that the proposed extension would result in a significant adverse impact upon the visual amenity of the area.

Whilst the personal circumstances of the occupant of No. 1 Central Gardens, raised in the representation received from No. 21 Rubislaw Drive, Bearsden, East Dumbartonshire, have been taken into account in the determination of this application, it is not considered that the proposed development would result in a such significant reduction in the residential amenity of that property to warrant refusal.

Concerns have been raised regarding whether the plans are correct, with particular regard to the location of the boundary and the boundary treatments. Having carried out an inspection on site, the case officer is satisfied that the submitted plans are correct. Concerns have also been raised regarding the development disturbing service pipes: this would be dealt with via the building regulations. Concerns have been raised regarding the right to light but this is not a planning matter.

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. 303-842-LAYOUT Rev V2 received 14/06/2018
Dwg No. 303-842-2 Rev V2 received 14/06/2018
Dwg No. 303-842-4 Rev V2 received 20/07/2018

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 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: 15/08/2018

Authorised Signatory:
Date:

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