DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/1032/18/HFUL
Proposal: Demolish existing dining room offshot, conservatory and detached garage. Remove shed and construct new single storey rear extension with alterations to side windows and new detached garage.
Location: 12 St. Peters Avenue
South Shields
NE34 6NN

Site Visit Made: 10/12/2018

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 north facing detached bungalow in the established residential area of South Shields. The dwelling has a hipped roof. To the rear there is a hipped roof offshoot, which is an original part of the dwelling, with a conservatory to its rear. To the eastern side of the property there is a driveway which leads to a detached garage located within the property's rear garden. To the rear of that garage there is a shed.

This application seeks full planning permission to construct a single storey rear extension and detached garage following the demolition of the existing garage, shed, offshot and conservatory. The rear extension would project 6m from the main rear elevation of the host property and would have a hipped roof which would be 5.8m high to the ridge and 3.1m high to the eaves. The proposed garage would be set 1m to the rear of the property and would also have a hipped roof with an eaves height of 2.3m and a ridge height of 3.5m.

The application has been amended to reduce the size of the extension. The description has been amended to omit reference to specific rooms within the proposed extension. It was not considered to be necessary to re-notify neighbours about the changes, having regard to our Statement of Community Involvement because the changes would not materially affect neighbouring properties' amenity relative to what they were consulted upon and since the changes have made the proposal smaller.

Publicity / Consultations (Expiry date 14/12/2018)

1) Neighbour responses

1no. letter of objection received from 14 St. Peter's Avenue in relation to the originally submitted plans stating the following issues:

- The scale and massing of the extension is completely out of proportion to the size of the house.
- The proposal is contrary to SPD9 being a significant detriment to the outlook of No. 14 and also being overly dominant upon No. 14.
- Overlooking of No. 14 as a result of the two non-obscured windows in the side elevation, including overlooking into the garden room of No. 14.

1no. letter of objection received from 14 St. Peter's Avenue to the amended plans stating the following issues:

- The amended plans are an improvement with regard to the scale of the extension and the height of the roof.
- Overlooking of No. 14/loss of privacy to No. 14 as a result of the windows to the side elevation of the proposal.

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. LDF Policy DM1 seeks to preserve residential and visual amenity.

Proposed Rear Extension

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. In some situations the distances that a proposed extension is set off the side boundary may help to make a proposal acceptable.

The proposed extension would be located 2.7m from the boundary with No. 14 St. Peter's Avenue to the east. It would project 6m from the main rear elevation of the property. The combined projection of the existing offshoot and conservatory also project 6m and so the proposed extension would project no further than this. The eaves of the roof of the extension would be 3.1m high - this would be the same height as the eaves of the existing offshoot and 0.8m higher than the eaves of the conservatory. The ridge of the extension's roof would be 5.8m high and so would be 1m higher than the ridge of the existing offshot's roof and 2.8m higher than the conservatory roof's ridge. However, the hipped roof would slope away from the boundary with No. 14. Furthermore, No. 14 is set 1m from the shared boundary and the extension would project 2.4m beyond the rear of No. 14's rear extension. SPD9 notes that the planning system cannot protect an outlook that may have created by placing a window on a common boundary, such as that of the garden room to the rear of No. 14. Consequently it is not considered that the rear extension would result in a significant level of overshadowing or loss of outlook to No. 14 St. Peter's Avenue.

There would be three windows and a door to the eastern side elevation of the proposal facing towards No. 14; the two most northerly of the windows and the window within the door would be obscurely glazed. The southernmost window would be clearly glazed. In the existing offshoot there is a large clearly glazed window in the side elevation which faces the boundary, and the eastern elevation of the conservatory is clearly glazed. There would therefore be a reduction in the amount of clearly glazed windows facing the boundary towards No. 14 as a result of the proposal. Consequently there would be no significant further loss of privacy to No. 14 than as present as a result of the proposal.

The proposed rear extension would be set 4.5m from the boundary to the west with No. 7 Armstrong Avenue. Given this distance, it is not considered that the proposed rear extension would result in such a significant loss of outlook or overshadowing to warrant refusal. There would be no windows in the western elevation of the proposal. Two obscurely glazed windows would be inserted into the western elevation of the existing host property. Consequently there would be no significant loss of privacy to No. 7 Armstrong Avenue as a result of the proposal.

Having regard for the above, although the projection of the rear extension would be greater than that which is set out to be acceptable in SPD9, it would be acceptable on balance.

Proposed Garage

SPD9 states that detached garages should be subordinate to and reflect the character of the existing dwelling. The garage should be located to minimise impact on the street scene. Where possible, detached garages should be located to the side of the dwelling and set back from the front wall of the existing dwelling. The garage should be sited so as to retain a minimum driveway length of 5.5 metres between the garage door and the boundary edge of the adopted highway or shared service road verge, or 5.0 metres where a roller shutter garage door is used.

The proposed garage would be built partly upon the footprint of the existing garage. It would be set 150mm from the boundary with No. 14 St. Peter's Avenue to the east. The front elevation of the garage would be set 3.6m to the south of the rear building line of No. 14's rear extension; 1.4m further away than the existing garage. Given the distance from No. 14, it is not considered that the proposed garage would result in a significant reduction in residential amenity to No. 14. The garage would be located 1m from the rear boundary of the site with No. 9 Armstrong Avenue. That property has a garage at this point upon the boundary. Consequently it is not considered that the proposal would result in significant harm to the residential amenity of that property. The garage would not reduce the length of the driveway and therefore there would be no reduction in car parking as a result of the proposal.

The hipped roof design of the different elements of the proposal would be in keeping with the character and appearance of the host property and surrounding properties. The proposal would be of an appropriate scale and massing in relation to the host property. Consequently it is considered that the design of the proposal would be acceptable.

Summary

In conclusion it is considered that the proposal would have an acceptable impact upon the residential amenity of neighbouring properties and the visual amenity of the area. The proposal would therefore accord with all relevant local and national planning policy and consequently the application is recommended for approval.

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:

Drg No. 1 Rev E received 17/12/2018
Drg No. 2 Rev C received 17/12/2018
Site/Roof Plan Proposed Rev C received 17/12/2018

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 British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should bats or signs of bats (such as droppings or dead bats) be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.

3 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: 03/01/2019

Authorised Signatory:
Date:

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