DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0362/19/HFUL
Proposal: External staircase to rear of property.
Location: 2 Station Road, East Boldon, NE36 0LD

Site Visit Made: 04/06/2019

Relevant policies/SPDs

1 DM1 - Management of Development (A & B)
2 DM6 - Heritage Assets and Archaeology
3 SPD9 - Householder Developments
4 SPD15 - East Boldon Conservation Area Management Plan - Adopted April 2009

Description of the site and of the proposals

Planning permission is sought for an external staircase including a raised platform / landing to the rear of 2 Station Road in East Boldon. The proposal would project to the rear of an extension granted planning permission in 2017, which was also subject to a non-material amendment in 2018 (see planning history below). This planning permission has been only part implemented. However the part to which the proposed raised platform and staircase would attach has been constructed.

Application details state that the proposed raised platform and staircase would be constructed in steel, with black powder coated metal railings, balusters, framing etc. All dimensions can be scaled from submitted drawings.

The application site is located within the East Boldon Conservation Area. In relation to the application dwelling, the East Boldon Conservation Area Character Appraisal (February 2006) states:

> "*On the north side, No. 2 Station Road is well positioned in relation to No. 1 (South View, discussed above) and the pair turn the corner impressively from Front Street to Station Road. Both are fine double-front houses with an authentic feel, set in mature gardens. Red-brick No. 2 has a square sandstone porch and bays, plus paired window surrounds above. Replacement windows and three large rooflights to the front detract from its otherwise traditional feel.*"

It should be noted that the proposal is screened from the main part of the East Boldon Conservation Area by the existing dwelling. It is also screened from the lane to the north (which is outside of the East Boldon Conservation Area) by high boundary treatment (excepting where the access gates into the site have been removed – presumably to enable the construction works. Even though the impact on the East Boldon Conservation Area is assessed below, it was not considered necessary to consult the Council's Historic Environment Officer, or publicise the application by way of a site notice and press notice. This is because the proposal would not affect the character or appearance of the East Boldon Conservation Area.

Planning history

2017 – Planning permission granted for various extensions and alterations to the application dwelling (Ref: ST/0405/17/HFUL). The application description was:

> "*Refurbishment of the existing house fabric including the replacement of the existing windows to the front, side and rear of the property, the replacement and repositioning of the roof windows to the front, replacement and enlargement of the existing roof windows to the attic at the rear and the insertion of an additional 2no. roof windows to the rear, single storey extension to the side and rear with screen wall / pergola to the steps, two storey extension to rear to replace the existing single storey extension, new garden store to the west of the property at the front,*

demolition of existing garage and walling and construction of new garage with associated hard standing/forecourt to rear lane."

2018 – Application for a non-material amendment approved (Ref: ST/0351/18/NMA) in relation to the above planning permission. Amendments related to a change to windows/doors to the extension to rear and garden elevation (North).

Publicity / Consultations (Expiry date 12/06/2019)

1) Neighbour responses

Owner / occupier of 3 Station Road, East Boldon - Objection

Privacy and overlooking

- The height of the window (subject of planning permission Ref: ST/0405/17/HFUL and the subsequent application for a non-material amendment Ref: ST/0351/18/NMA) means that anyone standing at the rear has a direct view into a seating area to the rear of our garden. That view currently extends across approximately 50% of our garden – shown in photographs.
- Objections were not raised at the time of the non-material amendment application, since revised drawings did not show any staircase, and the internal area was not shown as a kitchen / diner as subsequently built.
- The end of our dwelling is an outhouse which has a lower roofline than the rest of the dwelling.
- The proposal would be a staircase running the entire length of the main off-shot, with the landing 1200mm deep. Firstly the landing extends the usable space of the kitchen / diner to four feet from the rear of the property – which would increase overlooking to approximately 65-70% of our garden (affecting the most private part of our garden) and into other neighbouring properties. Secondly it would provide sufficient space to provide a raised seating area – this use and any associated adverse issues would have a sustained impact rather than simply allowing access to the garden. The application dwelling already has access into their garden from the north western corner.
- Any increased screening on the north western boundary would cast a shadow over the rest of the garden for a considerable part of the day. Any attempt to mitigate the impact on amenity and privacy would overshadow our property.

Case Officer Comments: Neighbours were not notified on the application for the non-material amendment – given the nature of this type of application.

Noise

- The size of the landing area would be a main social and entertaining area, positioned four feet further into the garden. If people are able to stand or sit it the landing area, this would mean that noise would project to all neighbouring properties.
- The raised landing area would be very close to sleeping accommodation to the rear of the house which is used as a nursery. The sound buffer currently offered by our boundary wall due to the difference in height between that window and the garden level of No. 2 would be seriously compromised.

Security

- Whilst there would be a gap between the end of the proposed staircase and our boundary wall, the combined height would pose security concerns for access from the handrail onto the roof, and then either into the garden or the house via the nursery window (which is often open for ventilation)

Precedent

- The application would set a precedent for similar applications – which would materially increase overlooking issues and impact on the amenity of houses in the are

2) Other Consultee responses

None received

Assessment

The main issues to be considered in the assessment of this application are:

- Design and visual impact including on the character and appearance of the East Boldon Conservation Area; and
- Impact on residential amenity

Design and Visual Impact including on the Character and Appearance of the East Boldon Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal would be screened from the public domain. It is considered that it would preserve the character and appearance of the East Boldon Conservation Area, and would convey sensitive consideration to its surroundings having regard to its scale and proportion. External materials would be acceptable. A condition is recommended to control that external materials be as specified in the application. Subject to compliance with this condition, in relation to design and visual impact it is considered that the proposal would accord with adopted South Tyneside Local Development Framework (LDF) Development Management Policies DM1 (A) and DM6, and the associated Supplementary Planning Document (SPD) 9 'Householder Developments' and SPD 15 'East Boldon Conservation Area Management Plan'.

Residential Amenity

The proposal would be positioned closest to 3 Station Road. This neighbouring property has off-shots positioned along the common boundary shared with the application site, including a single storey off-shot adjacent to the proposal. The owner / occupier of this neighbouring property has objected to the application including on the basis that the proposal would have an unacceptable impact on their residential amenity in relation to privacy and noise impacts.

The proposed raised platform would only project 1.2 metres, and the objector's property has a rear off-shot which is approximately 5 metres in height for a projection distance of approximately 3 metres beyond the existing rear wall of the application dwelling (and so approximately 1.8 metres beyond the proposed raised platform). The neighbouring off-shot then continues to project approximately 2.8 metres further down the garden, albeit at a lower height. In addition the common boundary shared with the application site angles away from the proposal after the off-shot which is approximately 5 metres in height.

Whilst the concerns of the objector are noted, the proposed raised platform and staircase would not cause any direct overlooking due to the position of the neighbouring off-shot. Instead any overlooking of neighbouring outdoor space would be towards the rear of the objector's garden, and this would be over a distance – mitigated by the angle of the common boundary between the two properties. For example, any overlooking of the objector's seating area shown in their submitted photographs would be over a distance in excess of 20 metres. In addition first floor windows to the rear of 4 Station Road already overlook parts of the rear garden of the objector's property to a far greater extent than the current proposal.

Given that the proposal would include only a small area of raised platform with the remaining part of the development being a staircase, and given the position of the off-shot to the rear of 3 Station Road and the position of the common boundary, it is considered that the proposal would have no unacceptable impacts on the amenity of the occupiers of this neighbouring property in relation to privacy. It would not cause any direct overlooking, including in relation to external garden space. Screening would not be necessary to mitigate the proposal.

The objector has raised concerns regarding noise impacts associated with the use of the raised platform. However the raised platform would provide limited space for standing and seating, and would likely only be used to provide access into the rear garden (given the position of the existing doors which would open outwards). A landing area immediately outside of the applicant's French doors is required for building control purposes – confirmed by the Council's Building Control Team. In any case it is considered that the use of the raised platform would have no material impacts on the amenities of the occupiers of the objector's property in relation to noise, over and above the use of the applicant's garden space.

Given the nature of the proposal and the position of the off-shot to the rear of the objector's property, it is considered that it would have no unacceptable impacts on the amenities of the occupiers of the objector's property in relation to outlook and over dominance, or overshadowing.

Given separation distances and the nature of the proposal, it is considered that it would have no unacceptable impacts on the amenities of the occupiers of any other properties in relation to privacy, outlook and over dominance, overshadowing, or noise.

In relation to residential amenity it is considered that the proposal would accord with adopted South Tyneside LDF Development Management Policy DM1 (B) and the associated SPD9.

Other Matters

Concerns raised by the objector not covered above are addressed as follows:

- A proposal of this nature would not cause any security concerns over and above the existing situation.
- Each planning application must be assessed on its merits, and so would not set a precedent.

Previous planning permissions at 2 Station Road have included a bat informative – to remind the applicant of the statutory protection afforded to bats. It is therefore recommended that the bat informative again be attached to any planning permission.

Summary

For the reasons articulated above, the proposal would accord with development plan policy, and so is considered to be an acceptable form of development.

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

- Drawing No. 1901 W1 received 29/04/2019
- Drawing No. 1901 W2 received 29/04/2019

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 as specified on Drawing No. 1901 W1, Drawing No. 1901 W2, and the planning application form all received 29/04/2019, unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development, to preserve the character and appearance of the East Boldon Conservation Area, and in the interests of visual amenity in accordance with adopted South Tyneside LDF Development Management Policies DM1 and DM6.

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 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 NOTE TO APPLICANT

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.

Case officer: David Rogerson
Signed: **Date:**

Authorised Signatory: **Date:**