DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0366/19/HFUL
Proposal: Demolish existing single storey rear conservatory and kitchen extension and construct new part single storey / part two storey rear kitchen/dining room, bedroom and bathroom extension with minor alteration to existing bathroom window arrangement.
Location: 218 Mowbray Road
South Shields
NE33 3BE

Site Visit Made: 04/06/2019

Relevant policies/SPDs

1 DM1 - Management of Development (A and B)

2 SPD9 - Householder Developments

Description of the site and of the proposals

The application property is a semi-detached dwelling located on the southern side of Mowbray Road. The neighbour to the west is a semi-detached dwelling (216 Mowbray Road) and is attached to the application property. To the east of the application property is a semi-detached dwelling (220 Mowbray Road). Beyond the rear gardens of these properties to the south are dwellings situated on St. Vincent Street.

Following discussions with the agent relating to the impact of the development on the amenity of the adjoining neighbour (216 Mowbray Road), amended plans were submitted on 9 July 2019 to provide the first floor element of the rear extension set in one metre from the boundary with this neighbour. The ground floor of the extension would retain the originally proposed three metre projection on the boundary.

The proposal seeks permission to demolish an existing single storey conservatory and extension, and erect a part single storey / part two storey rear extension to the boundary with 216 Mowbray Road. The proposal would extend the full width of the property, protruding three metres from the rear of the original property, with the ridge height of the two storey element measuring 6.9 metres and the eaves height 5.2 metres. The materials proposed would also match those on the original property. The proposal also seeks permission to remove the ground floor principal elevation bathroom window.

Having regard to the council's Statement of Community Involvement and the reduced scale of the extension resulting from the revision, the changes were not considered to have a material impact on neighbouring amenity; and it was not considered necessary to re-notify neighbours in this instance.

Publicity / Consultations (Expiry date 19/06/2019)

1) Neighbour responses

One letter of objection received (220 Mowbray Road) to the original proposal raising the following:

-The proposed rear extension by virtue of its set back position compared to number 220 would be an overly dominant development. It would significantly reduce the outlook and light to the first floor bedroom window, the south facing kitchen window and the side kitchen window would be greatly affected by loss of daylight by the proposed side elevation. The evening sunlight will be vastly reduced and the shade increased on our rear patio.

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 determination of this application are the:

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

Design / visual amenity

Given the nature of the proposal, only the removal of the principal elevation ground floor window, and a small proportion of the two storey element of the rear extension would be visible from the public domain. The proposed materials including the brickwork, roof tiles, and uPVC windows and doors would match those on the existing dwelling. It is considered that the whole proposal would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials and is acceptable in terms of its design and also local visual amenity.

A condition is suggested with regards to the materials of the proposed extension being of a similar appearance to those used in the host dwelling and in this respect the proposal would accord with LDF Policy DM1 (A) and the guidance contained within SPD9.

Impact on residential amenity

The proposal would not harm the amenities of the neighbours to the north and south due to the level of spacing between them and those neighbours, with the distance to the neighbours south of the site measuring approximately 22 metres, exceeding the 14 metres distance as set out within SPD9.

In terms of the adjoining neighbour to the west (216 Mowbray Road), the proposal would extend three metres from the existing rear elevation to the boundary at ground floor level with the rainwater goods marginally overhanging the boundary, set in by one metre at first floor level. It is noted doors are located at ground floor level of the adjoining property adjacent to the boundary.

Due to the hipped roof design of the ground floor element, the development would measure 2.5 metres in height to the boundary with 216 Mowbray Road. Given the proposed projection of three metres, this is not considered to be of an oppressive or overbearing visual impact, nor would it form a very dominant feature when looking out from these ground floor doors, and a reasonable outlook would be maintained.

To the first floor of 216 Mowbray Road it appears the window closest to the boundary accommodates a bedroom. However, this window is offset with its centre point approximately 1.5 metres from the boundary. The first floor element of the extension is also set in one metre from the boundary. In this regard the extension is not considered to form a very dominant feature when looking out from this window, and a reasonable outlook from this window is considered to be maintained.

In respect of overshadowing, it is acknowledged the development would increase overshadowing to the closest doors and window at 216 Mowbray Road during the morning hours at ground and first floor levels. Additionally, the existing two storey offshot at the neighbouring property will cause overshadowing within the afternoon hours to these same doors and window. However, this is an existing arrangement, and the extent to which the development will increase overshadowing to these doors and window in the morning hours is not considered to be of a significant effect given the orientation of the properties and the design of the extension.

It is noted no side windows are proposed which would directly face this neighbour from the application site and given the above, the proposal would have no materially harmful impacts on the amenity and privacy of the occupiers of 216 Mowbray Road.

In terms of the neighbour to the east (220 Mowbray Road), concerns have been raised from this neighbour in respect of the proposal being overly dominant, with a reduced outlook and light to a first floor bedroom window, and ground floor side and rear kitchen windows, along with an increase in shade to the patio area.

The original rear building line of this neighbour is marginally set in from the original rear building line of the application property, however 220 Mowbray Road has constructed a single storey rear extension. This would result in the proposed rear extension at the application site protruding approximately two metres beyond the rear building line of the single storey extension at 220 Mowbray Road.

The spacing between the two properties would be maintained, at a distance of approximately three metres, and no windows are proposed within the side elevation of the development facing this neighbour, nor would windows directly face the development from this neighbour. It is also noted the side windows in the neighbouring property already directly face the gable elevation of the original existing property, and the side bedroom window is located to the corner of the principal elevation and benefits from windows to its principal elevation which appear to serve as the primary windows for this room.

The closest habitable room windows within the rear elevation of this neighbouring property are approximately 3.5 metres from the boundary at ground floor level and approximately seven metres from the boundary at first floor level. Taking into account these distances, and the spacing between the properties, it is not considered the two storey extension would be of an oppressive or overbearing visual impact, nor would it form a very dominant feature when looking out from the closest ground and first floor habitable windows of this neighbouring property. A reasonable outlook would be maintained from the closest neighbouring habitable room windows at 220 Mowbray Road.

In respect of overshadowing to the rear patio area of 220 Mowbray Road, it is acknowledged this would likely occur in the afternoon hours. However SPD9 outlines that the overshadowing of outdoor spaces is given less weight than impact within the dwelling, and it is also acknowledged a large remainder of the rear garden would continue to receive sunlight. Given all of the above, it is considered that the proposal would have no materially harmful impacts on the amenity and privacy of the occupiers of 220 Mowbray Road.

The minor alteration to the principal elevation by removing the ground floor bathroom window is not considered to materially affect the amenity or privacy of any neighbouring property.

Therefore the proposal would be acceptable in relation to the consideration of the residential amenities of the surrounding neighbours and would be in accordance with LDF Policy DM1 (B).

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

Proposed Site & Roof Plan Rev A Rec 09/07/2019
Drg No 0779/0089/221 Rev A - 1st Flr Rec 09/07/2019
Drg No 1 Rev A - 1st Flr Rec 09/07/2019

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 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 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-authorit

3 UNIQUE NOTE TO APPLICANT

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 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: Nick Graham
Signed:
Date: 10/07/2019

Authorised Signatory:
Date:

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