DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0404/19/HFUL
Proposal: Alterations to existing rear conservatory including change in facing materials and new tiled roof. Construction of new rear extension to provide garden room with bi-fold doors and enclosed balcony over. Installation of new rear dormer window.
Location: 20 Holly Avenue
South Shields
NE34 7NR

Site Visit Made: 17/06/2019

Relevant policies/SPDs

1 DM1 - Management of Development (A, B, C and G)

2 SPD9 - Householder Developments

Description of the site and of the proposals

20 Holly Avenue is a semi-detached bungalow located within a well-established residential area of South Shields. The dwelling has hardstanding for off-street parking to its front elevation; and benefits from a substantial rear garden. It has previously been extended to the rear through the addition of a conservatory.

Planning permission is sought for alterations to existing rear conservatory including a change in facing materials and a new tiled roof. Construction of new rear extension is also proposed to provide a garden room with bi-fold doors and enclosed balcony over. The works also include the installation of a new rear dormer window.

Amended plans were received on 8 July 2019 omitting three dormers proposed to the front elevation of the dwelling; and adding a brick wall to the side elevation of the balcony area to be created above the proposed garden room. These changes were made following discussions with the agent for the planning application regarding the potential overlooking of the neighbouring properties possible from the balcony, as well as the impact of the dormers on the visual character of the street scene. Having regard to the council's Statement of Community Involvement and the scale of the changes; neighbours were formally re-notified by letter.

Publicity / Consultations (Expiry date 19/07/2019)

1) Neighbour responses

18 Holly Avenue:

One representation received in relation to the original plans seeking confirmation that the side elevation of the conservatory (to be altered) would be windowless, to prevent any overlooking.

Second representation received in relation to the amended plans seeking clarification in relation to the change in facing materials to the conservatory.

Planning Officer Comments on Representations:

Both points were clarified by phone with the neighbour. No further comments were made.

22 Holly Avenue:

One representation received in relation to original plans on the grounds of:

- Larger balconies have the potential to create noise disturbance
- The gardens are sloping and there we will be completely overlooked
- The extension would bring the property closer to our home
- They have cameras over their property and lights that come on when we enter our front and rear gardens. They would install the same on the balcony
- The position of the balcony would allow them to see directly into our property and that of the neighbours
- There is a very narrow side access which is the only means of access to their rear garden. We would not allow any persons on our land while the work is carried out. This would include equipment and building materials
- Their very large conifers are approximately 7 metres from their proposed extension (planning application was ticked to say no trees within falling distance)
- The planning application was ticked to say that the works would not affect existing parking arrangements. The works would affect all neighbours as the street is very narrow and there isn't enough car parking spaces for the property never mind the contractors.
- No objections to the dormer windows.

(No formal representation received to the notification of the submission of amended plans)

Planning Officer Comments on Representation:

Work that is carried out directly to an existing party wall or party structure may require a separate agreement under the Party Wall etc. Act 1996. However, any land or boundary disputes would be a private civil matter between neigbours; and would not be a material planning consideration in the determination of this planning application.

Issues arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working are not material planning considerations in the determination of this planning application; and would be covered by separate legislation set out within the Control of Pollution Act 1974 and the Environmental Protection Act 1990.

The council's Environmental Health Officers have powers to investigate potential statutory nuisance resulting from noise generation or other disturbance. This would be a separate matter from planning.

2) Other Consultee responses

None

Assessment

The main issues relevant to the assessment of this proposal are the;

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

Design and Impact on Visual Amenity

Policy DM1(A) requires extensions and alterations to an existing dwellinghouse to convey sensitive consideration to its surroundings; and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

The proposed rear extension would not be visually prominent within the street scene. The extension would be set against the side elevation of the existing rear conservatory; and would not be visible when approaching the application property from the public road to the front. The extension, including the enclosed balcony, would be set below the eaves height of the roof of the existing dwelling. Based on the size of the extension in relation to the footprint of the existing property, it would appear as a subordinate addition and would not result in the overdevelopment of the site.

The facing materials of the proposed extension (and the change in materials to the existing conservatory) would match those of the host dwelling, conserving the character and appearance of the dwelling.

The proposed rear dormer would have a pitched roof design and would be set in from either side of the roof. It would be positioned below the roof ridgeline and set-up from the eaves. The enlargement would also use materials to match that of the existing dwelling, with tile hung cladding to match the main roof. Based on its size, position and design, the rear enlargement would not result in harm to the visual amenity of the immediate street scene. It is noted that, under householder permitted development rights, a dormer could be added to the rear elevation of the host dwelling with a cubic content of up to 50 cubic metres without requiring planning permission.

For these reasons, it is judged that the development, as amended, would convey sensitive consideration of its surroundings, having regard to scale and proportions, use of materials and architectural detailing; and would accord with LDF Policy DM1 (A) and the guidance contained within Supplementary Planning Document 9.

Residential Amenity

Policy DM1(B) requires a development to be acceptable in relation to any impact on residential amenity.

The proposed extension would be set back 2.3 metres from the shared boundary with 22 Holly Avenue, which is positioned to the north-east of the application site. A high timber fence runs along the common boundary between the two properties, with both dwellings benefiting from sizeable, sloping rear gardens.

Taking into account the height, projection and position of the extension, as well as the position of the nearest neighbouring habitable room windows along the rear elevation of no. 22, it is not considered that it would result in an oppressive or overbearing visual impact upon the neighbouring property, or that it would introduce the unacceptable overshadowing of the neighbouring property.

The councils Supplementary Planning Document 9 (SPD 9, Householder Developments) advises that balconies to the rear of properties can give rise to additional impact on the privacy of neighbouring properties. In considering applications for new balconies, in addition to any impact on windows of neighbouring properties, the council will have regard to the extent to which the proposal will cause overlooking of neighbouring gardens and yards when compared with the current situation.

As highlighted, amended plans have been submitted providing the proposed balcony area with a brick boundary treatment to its side elevation, to enclose it and prevent the overlooking of the neighbouring property of 22 Holly Avenue. Based on these amended plans, and taking into account the angle of the garden boundary between the two properties, it is not judged that the balcony would result in substantial harm to the amenity of no. 22 (or any surrounding property) through a loss of privacy. In the interests of

protecting residential amenity (particularly that of the occupiers of 22 Holly Avenue), a condition is proposed to secure the installation and retention of the boundary treatment to the side elevation of the balcony prior to its first use/ occupation. The wording of this condition was agreed with the applicant by email on 29 July 2019.

The balcony area would be used for a purpose incidental to the enjoyment of the existing dwelling house and would not result in an unacceptable increase in activity or noise disturbance over and above that possible within the existing garden space. Without the balcony, it would still be possible to use this area of the garden informally for seating/ entertaining.

The alterations to the facing materials of the existing rear conservatory would provide the extension with a solid brick boundary wall facing the shared boundary with the adjoining property of 18 Holly Avenue. The conservatory is set back 2 metres from this boundary; and would not be increased in size as a result of the change. Taking into account its scale and its set back from the nearest habitable room window at no. 18, it is not judged that the works would result in unacceptable harm to the outlook of the neighbour, or introduce the unacceptable overshadowing of the property. Additionally, no windows are proposed which would introduce the unacceptable overlooking of any habitable room window at 18 Holly Avenue.

Having regard to the position and orientation of the proposed rear dormer, as well as the separation distance to the properties to the rear of the site along Oak Avenue; it is not considered that the enlargement to the roof would result in substantial harm to the amenity of surrounding residents through a loss of privacy or outlook.

For these reasons, it is not considered that the development, as amended, would result in material harm to the amenity of surrounding residents; and would accord with LDF Policy DM1 (B), SPD 9, and the requirements of the NPPF, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Impact on trees

Policy DM1(C) requires development to protect existing soft landscaping, including trees and hedges.

Several trees are positioned within the rear garden of the application site. They are not protected by a tree preservation order, while the site is not within a conservation area. As such, they could be removed/ pruned without requiring any consent from the council.

Notwithstanding this, the agent for the planning application has confirmed that no trees/shrubs would be felled as a result of the proposals. The applicant has clarified by email on 29 July 2019 that the extension would be positioned 14 metres from the nearest conifer; with the development to replace an existing area of hardstanding. Additionally, the extension would be positioned at a higher land level to the trees, with the garden sloping downwards to a more level section to its rear where the trees are positioned.

Having regard to the site circumstances, it is judged that the development would accord with LDF Policy DM1 (C).

Conclusion

It is considered that the development would be in accordance with LDF Policy DM1 (A, B and C), the associated Supplementary Planning Document (SPD) 9 ‘Householder Developments’, and the requirements of the NPPF.

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 Number 001 Revision A received on 08/07/2019

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.

4 The [side] brick boundary wall to enclose the balcony area shown on 'proposed side elevation A', ‘proposed rear elevation’ and ‘proposed ground floor plan’ of the approved plan 'Drawing Number 001 Revision A (received on 08/07/2019)' shall be wholly completed prior to the first use/occupation of the balcony hereby approved and shall be maintained as such thereafter.

To ensure a satisfactory standard of privacy is retained in the interests of residential 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-authority

3 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: Joshua Kenolty
Date: 30/07/2019

Authorised Signatory:
Date:

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