DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0802/19/HFUL
Proposal: Two storey side extension providing garage, w.c./utility to the ground floor and en-suite/dressing room area for bedroom 2 on the first floor. One storey rear extension providing family room.
Location: 32 Sunniside Lane
Cleadon
SR6 7XB

Site Visit Made: 05/11/19

Relevant policies/SPDs

1 Local Development Framework Development Management Policies Policy DM1 - Management of Development (A & B) (adopted December 2011)

2 Local Development Framework Supplementary Planning Document (SPD) 9: Householder Developments (adopted December 2010, revised January 2014)

Description of the site and proposals

The application site is the northernmost property of two pairs of Dutch-style semi-detached properties (32 – 26 Sunniside Lane) located towards the northern end of the residential area along Sunniside Lane. Each of the properties forming a part of these two pairs of semis displays a gambrel roof form, situated at either side of a central sloping pitched roof. Another pair of semi–detached properties (24 – 22 Sunniside Lane), which display a different design detail, are located to the south of these two pairs of semis.

Adjacent to the northern boundary of the application site is a recently constructed detached dwelling of contemporary appearance, which is larger in terms of height and footprint than the application property. This detached dwelling (32a Sunniside Lane) is located to the north of the site (granted planning permission in 2013 under application reference ST/0653/13/FUL).

The junction between Sunniside Lane and Sunniside Terrace is directly opposite the application site to the west. To the east are fields which form part of the South Tyneside Green Belt.

The application is determined on the basis of revised plans submitted on 11/12/19, which were provided in lieu of the originally submitted plans. These plans were submitted following discussion between officers and the applicant's agent after the initial publicity period on the application had expired, with officers advising of some areas of concern regarding originally proposed development and relaying concerns raised within representations and offering the opportunity for concerns to be addressed.

The application proposes to make extensions and alterations to the existing property and includes the following elements:

- Demolition of an existing garage at the side/rear of the property;
- The erection of a two storey side/rear extension;
- Demolition of an existing single storey rear extension and its replacement with a new single-storey rear extension in its place;

The original (superseded) plans had included the following additional elements, which are no longer proposed:

- A two storey side/rear extension was originally proposed, with a lesser setback and higher ridgeline – rooflights were not previously proposed, windows have been re-sized/relocated;
- The single storey rear extension had a longer (4 metre) rear projection;
- A balcony was proposed above the single storey extension, with two sets of double doors leading onto the balcony – these have been removed.

Publicity / Consultations (Expiry Date 06/01/20)

1) Neighbour responses

The following responses (comments summarised below) were received in response to notification on the original proposals:

32a Sunniside Lane (received 06/11/19) Objects, comments summarised below:

- The proposed 1st floor extension will have a detrimental effect on privacy in my home and rear garden;
- The dormer style window and associated balcony to the first floor sitting room will directly overlook and have uninterrupted views to my most private area of my rear garden, which is the sitting space directly outside my bifold doors off the kitchen / dining room;
- The proposed sitting room window is significantly closer to my garden than the existing bedroom window - moving diagonally approximately 5m directly closer to a position above my garden sitting area. The balcony will effectively offer a viewing platform 3m closer to my private garden area than the existing bedroom window;
- We will suffer a loss of sunlight to our private rear garden sitting area; The scale and height of the proposed double storey extension coupled with the close proximity to my curtilage will cause me to lose a significant level of afternoon sunlight to my garden sitting area;
- Whether this also has an effect of making this area seem hemmed in is questionable, but likely;

32a Sunniside Lane (received 09/11/19) Objects, comments summarised below:

- The Existing and Proposed Site Plan now submitted in actual fact show the new external wall of the proposed garage within the curtilage of 32A and the roof line of the proposed garage, with 1st floor bedroom and sitting room, well overhanging the boundary between the two properties.

Studio 25, East Street, Whitburn, on behalf of 32a Sunniside Lane (two emails received 12/11/19) Objects, comments summarised below:

- The actual common boundary between 32 & 32a Sunniside Lane is the face of the existing garage wall to no. 32 *(NB. Land Registry documents/enlarged screenshot were attached to the representation*). Part of their drive and fence is set into the land holding of 32a Sunniside Lane. It is intended to reclaim this land within the near future when the fenced area is realigned after demolition of the garage of number 32. This encroachment was not contended during construction of no. 32a at that time, given the then owner of no. 32 was living elsewhere. The proposal encroaches on the land holding of 32a;
- Plans are inaccurate! Rear elevation shows a retaining wall to the north of the garage which does not exist at that point;
- Whilst seeking planning permission for 32a, I had been requested by the planning dept. to move the south gable a further 1m from the common boundary with no.32. This currently measures approx. 2.2m. Given this request and actual construct, it would appear only fair & proper to request the same 1m requirement for the proposal at No 32. This will enable full foundation construct, fascia overhang etc as well as limited access from front to rear garden without trespass onto the land holding at 32a;

- Plans show a roof pitched towards the common boundary which requires fascia/gutter overhang etc, these should be terminated within the common boundary between the dwellings, any oversailing will not be tolerated/acceptable;
- At planning application stage for 32a, a balcony was proposed, however the planning dept. refused to accept this proposal and the design was changed to include a "Juliet balcony" instead. It seems once again only fair & proper that no such balcony as shown within the design proposal is allowed;
- There exists a drop in elevation between the two properties on the common boundary, any excavation will be exacerbated (albeit temporarily) during construction. This will without doubt cause severe damage/disruption to the construct within 32a. If the proposed extension is moved away from this boundary this problem ceases to exist. The proposal will require comprehensive tanking along the whole length of the wall to prevent flooding within the structure. This part of Cleadon is subject to severe surface water runoff!
- It appears there is no site plan usually 1:200 scale, showing boundaries, construct, roof plans and dimensions to boundaries!

28 Sunniside Lane (received 14/11/19) Objects, comments summarised below:

- Significantly larger two storey building;
- Will reduce our privacy noting the windows and doors on the first floor south side would look directly into our home and rear garden;
- The proposal for this room at the rear of the first floor is a living room and thus we would be continually over looked;
- Would greatly reduce natural light.
- Only two pairs of Dutch style homes dating back to the 1930s on our lane. If this application is approved a precedent is set and eventually we could end up with a row of terraced houses;

30 Sunniside Lane (received 14/11/19) Objects, comments summarised below:

- 1) Drawing Ref. C-03 Rev A shows an extension of the south facing wall of the dining room by approximately one metre. This is in effect an extension of an extension and will further impact upon the ground floor sitting room light at 30 Sunniside Lane. The additional length of the extension would have a dominating impact on the rear of No. 30 through enclosing part of the rear of this dwelling and through harming the outlook from the ground floor windows of No. 30.

- 2) Drawing Ref. C-03 Rev A shows a first floor balcony. The proposed balcony will have a harmful and unacceptable impact on the residential amenity of 30 Sunniside Lane through providing direct opportunities for overlooking onto the rear of this dwelling and its garden. This would have an overbearing impact and would result in a loss of privacy (contrary to South Tyneside Local Plan – Pre-Publications Draft and SPD 9. We do not consider that the inclusion of a balcony in the scheme is acceptable and as such we consider that either the application should be amended to remove the balcony or that the application is refused.

- 3) Drawing Ref. C-03 Rev A shows two sets of patio doors opening onto the above mentioned balcony. Both will significantly impact upon privacy at number 30. This is particularly the case in respect of the south facing set of doors leading from the first floor sitting room which would have a harmful and unacceptable impact on the residential amenity of 30 Sunniside Lane through providing opportunities for direct overlooking onto the rear of this dwelling. I would ask that the door should be removed. Should any window be proposed, we suggest a planning condition is imposed on any permission that requires the window to be glazed with opaque glass and that such a window needs to be retained in perpetuity.

- 4) Drawing Ref. C-04 Rev A. Looking at the proposed side elevation (south) I am not sure if the finished roof height of the ground floor family room has been increased. Clearly, if it has, this will have a further detrimental impact upon the light referred to at 1) above

- 5) The application form for this proposed development suggests that this scheme will not have any impact upon parking. This is not the case, circa 6 metres of driveway are to be built upon, thus significantly increasing the probability of cars being parked upon and adjacent to the already problematic junction of Sunniside Lane and Sunniside Terrace. The dimensions/design are such that it would appear highly unlikely that a car would actually fit.

- 6) Drawing Ref C-04 Rev A shows a dormer window at the rear of the building. I can't tell if the sides of that window are glazed or not but if they are this also raises privacy issues.

- 7) The two storey extension will close the gap between 32 and 32a Sunniside Lane and would block the existing view from between the dwellings when travelling along Sunniside Lane and down Sunniside Terrace. This will create a terracing effect within the street scene. Additionally the two storey extension, being the same height as the existing dwelling, would dominate the existing dwelling and hence is of an inappropriate design. Such a design is contrary to SPD9 which requires side extensions to retain a minimum 1m gap between the extension and side boundary and to provide a significantly lower ridge line (para. 7.2).

Re-notification

Neighbours were re-notified in accordance with South Tyneside Council's Statement of Community Involvement. The following responses (comments summarised below) were received in response to notification on the revised proposals:

32a Sunniside Lane (received 23/12/19): Wishes to re-iterate and repeat their previous objections and those made by their architect (Studio 25, East Street, Whitburn), which they consider are still valid.

Previous objections are repeated, with additional comments made, the additional comments are summarised below:

- Planning application ST/0531/19/HFUL for 1 Sunniside Leigh was amended to remove the first floor windows that overlook the garden of 1 Sunniside Terrace. I think it is only fair and reasonable to expect the same;
- The latest drawings indicating the existing boundary and proposed boundary are incorrect. The actual common boundary between 32 & 32a Sunniside Lane is the face of the existing garage wall to No 32 (extracts from Land Registry plans provided);
- The drawings showing the existing retaining wall and timber fence are incorrect and inaccurate;
- I will not allow any overhang from the proposed extension across the common boundary;
- I would also request a physical dimension shown on the plans which clearly defines the actual width of the extension as well as the eaves and gutter overhang;
- If planning permission is granted in the current form I will have no choice but to seek legal advice.

30 Sunniside Lane (received 30/12/19) Objects, comments summarised below:

- The revised drawings go some way to alleviating the concerns; however there does remain a concern regarding privacy.

- The proposed floor plans shown on drawing C-03 Rev B. show that the room previously described as a first floor sitting room is now shown as a dressing room. It seems odd that the dressing room should actually be larger than the main bedroom which it serves. Could this be an

attempt to draw attention away from the invasion of privacy that would result from a first floor sitting room as currently designed.

- The cornered window included in the "dressing room" in effect creates a watch tower looking straight into the garden of 30 Sunniside Lane. The occupants of 32 Sunniside Lane will have a perfect uninterrupted view of the entire garden leaving no hiding place for the occupants of number 30. Obviously a window is required at some point in the design and perhaps the more reasonable compromise would be centrally located in the East facing elevation of the new first floor extension. This reduces the impact upon privacy and the design would be more in keeping with the rest of the building. The current proposal, even disregarding the privacy issue, is clumsy at best.

Relevant Planning Policy and Guidance

Local Development Framework Development Management Policies (adopted December 2011)

Policy DM1 Management of Development

In determining all applications under the planning Acts we will ensure that, where relevant:

A the development, including new buildings, extensions and alterations to existing buildings, is designed to convey a sensitive consideration of 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;

B the development is acceptable in relation to any impact on residential amenity;

Local Development Framework Supplementary Planning Document 9: Householder Developments (adopted December 2010, revised January 2014)

South Tyneside Council's local design standards are set out in Supplementary Planning Document 9: Householder Developments (SPD9). Chapter 3 of the design guidance in SPD 9 provides general design guidance for house extensions.

Paragraph 3.1 (A) of the guidance notes that in assessing planning applications for all extensions and alterations to dwellings it is important 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.

The guidance also notes the impact that poorly designed extensions can have on the street scene at paragraph 3.10, advising that an extension *"should complement the shape, scale and proportions of the original dwelling to maintain the character of the original dwelling"* (paragraph 3.11). Paragraph 3.12 states that *"extensions should ideally reflect the design and symmetry of the existing property. The choice of detailing, in terms of cill courses, eaves, windows and doors should match those on the original house wherever possible, and the choice of materials should again match or complement those on the existing dwelling in terms of their colour, tone, texture and size"*.

Paragraph 3.13 states that *"poorly designed extensions can result in a range of undesirable features that can be detrimental to the original property and the street scene. The creation of terracing within a street of detached or semi-detached houses, lack of subordination to the host property and detrimental impacts upon any building line present within the street are common reasons for poor design".*

"A key objective in the case of side extensions is to achieve subordination…The width of a side extension should also be subordinate and in scale to the width of the original dwelling" (paragraph 3.14).

Paragraphs 3.19 – 3.25 of the SPD9 design guidance focus on considerations relating to householder extensions and potential impacts upon neighbouring residential amenity.

Paragraph 3.19 advises that:

3.19 *Extensions should avoid compromising the level of privacy within the habitable rooms of neighbouring properties. In assessing such impacts, position of windows as well as separation distances are considered.*

Paragraph 3.20 relates to balconies, and states that:

3.20 *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.*

Paragraph 3.21 relates to windows and privacy.

3.21 *Windows of extensions should be positioned so that they do not directly look into the habitable room windows of neighbouring properties. Where necessary, measures to maintain reasonable levels of privacy should be considered as part of the design of the extension; such as obscure glazing in windows, use of rooflights instead of windows on exterior walls, or providing adequate ground floor screening (e.g. fences). Impact on privacy can arise with proposals for two storey extensions, particularly at the rear of properties.*

Paragraph 3.22 relates to impacts on outlook and through over dominance.

3.22 *A reasonable outlook should be maintained from the habitable room windows of neighbouring properties. This generally means that an extension should not be so large and/or so close that it forms a very dominant feature when looking out from habitable rooms of a neighbouring property. Should an extension result in an oppressive or overbearing visual impact upon a neighbouring property it is possible that permission may be refused. It would normally be expected that a proposed two storey or upper floor extension would not face the front or rear elevation of an adjacent property at a distance of less than 14 metres. It is not possible for the planning system to protect particular views from a property, for example a view of a distant landmark.*

Paragraph 3.23 highlights the degree of weight to be given to impacts on the outdoor spaces of neighbours.

3.23 *The extent to which an extension impacts on a neighbour's outdoor space is a material consideration but is given less weight than impacts from within the dwelling.*

Section 7 provides specific guidance relating to '*Two Storey Side and First Floor Side Extensions*'. Some key points of the guidance are highlighted in paragraph 7.2.

7.2 To achieve the desired subordinate appearance and to minimise any terracing effect, two-storey side extensions on semi-detached properties should:

- *retain a minimum 1 metre gap between the extension and the side boundary of the application site;*
- *provide a minimum 1 metre set-back between the front wall of the upper storey extension and the main front wall of the house.*

- *provide a significantly lowered ridge line and a roof shape that corresponds to the main dwelling.*

Paragraph 7.3 gives consideration to the width of proposed extensions.

7.3 In having regard to the general principles set out in Section 3, consideration must be given to the width of the proposed side-extension in relation to the existing property. Side extensions which are excessively wide can undermine the character of the street and of the existing property. To maintain a reasonable level of subordination, side extensions should not be more than 3 metres in width or be more than half of the width of the original dwelling frontage, whichever is the greater.

Paragraph 7.5 states that:

7.5 *In those cases where the whole width of the plot is already built up by a single storey extension or garage, or where an existing single storey extension or garage has resulted in a gap along the common boundary of less than 1 metre, a first floor extension built up to the boundary may be acceptable where:*

- *it is set back behind the front wall of the main dwelling;*
- *it does not occupy more than two- thirds of the depth of the dwelling and is located towards the rear of the main dwelling;*
- *the roof ridgeline is significantly lower than the main dwelling ridgeline;*
- *a pitched or hipped roof, depending upon the existing dwelling and proposed extension design, is constructed on any residual flat roof of the original single storey structure in order to reduce the visual impact of the structure upon the proposed extension and street scene;*
- *a window is included to the front elevation of the proposed extension.*

Paragraph 7.4 advises on the situations where the design guidance could be relaxed.

7.4 The Council recognises that the above guidance may not be suitable in all situations and that the design and suitability of an extension is dependent upon the site-specific circumstances, the need to protect residential and visual amenity and to achieve a design that respects the scale, character and appearance of the dwelling and its neighbourhood, having regard to the general principles set out in Section 3. In some cases the above guidance may be relaxed if two or more of the following criteria exist:

- *there is a marked stagger in the building line between the dwelling and the affected neighbour;*
- *the dwelling to be extended is of a substantially different type, scale and massing to the adjacent dwelling;*
- *the adjacent property is incapable of being extended in the same direction; and*
- *there is a significant difference in ground levels between the dwellings to be extended and the affected neighbour.*

With regard to rear extensions, SPD9 states:

8.1 *Single- storey rear extensions that would extend beyond the rear wall of the original dwelling house by up to 3 metres in respect of semi-detached houses will generally be acceptable.*

8.4 Two-storey rear extensions that would project 3 metres from the rear wall of the original dwelling, and be set in 2 metres from the any side boundary and 7 metres from the rear boundary (opposite the rear wall of the dwelling) will often be "permitted development", and will generally be acceptable in many situations unless specific impacts of privacy, over-dominance or over-

shadowing arise for neighbouring properties. On widely spaced houses, there may be scope for larger rear extensions if it can be demonstrated that there will be no adverse impact on residential amenity for occupiers of neighbouring properties. Planning applications will be assessed by having regard to permitted development limits within the General Permitted Development Order (GPDO), and the principles listed in Section 3 of this document. In particular acceptable separation distances between habitable room windows on a proposed extension and those on the main rear elevation of facing dwellings should be sufficient to ensure a reasonable level of privacy for the residents opposite. This will be assessed on a case by case basis.

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The main issues for consideration in the determination of this planning application are:

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

Design & Visual Amenity

SPD9 provides detailed advice on the design of residential extensions. This document was adopted in December 2010, and updated in January 2014. It accords with the objectives of LDF Policy DM1 (A) which was adopted in December 2011. Both of these documents are in line with the objectives of the National Planning Policy Framework (NPPF) which sets out national planning policy relating to design. This places a strong emphasis on good design is a key aspect of sustainable development, stating that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve (paragraph 124).

At paragraph 127, the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area; be visually attractive as a result of good architecture; be sympathetic to local character and history, including the surrounding built environment; and maintain a strong sense of place. Paragraph 130 of the NPPF directs local planning authorities to refuse planning permission for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The main design issues to consider in this instance are the overall scale, massing, form and design detail of the proposed two storey side/rear extension, having particular regard to its relationship with the host property and the scale, character and appearance of the existing host property and the pair of semi-detached dwellings, and considering the relationship with the surrounding street scene.

Paragraph 7.3 states that side extensions should not be greater than half of the width of the existing house, which is achieved by this proposal.

The revised proposals would have a significantly lowered ridge line in accordance with paragraph 7.2 of the design guidance, although the use of a hipped form does differ from the design of the gambrel-style roof form, contrary to the guidance; however, given the significant one-third depth setback it is not considered that the roof form would have an unacceptably prominent or jarring appearance within the street scene.

The one-third depth setback significantly exceeds the minimum 1 metre standard in paragraph 7.2 of the design guidance, although the extension is not set in off the boundary as advised in paragraph 7.2 and is

built right up to the side boundary of the plot. Paragraph 7.5 does allow for extensions this where a one-third depth setback is provided at first floor level, as has been provided in this case. This paragraph refers to plots where a garage/single storey extension is already built up to the boundary (or closer than one metre from the boundary). The existing garage is set close to the boundary, but towards the back of the plot; however the impact of the proposed extension on the street scene would be exactly the same whether a single storey side extension or garage previously existed or not.

A representation letter has asked that the extension be set 2.2 metres off the side boundary as, according to the letter, was asked for by the LPA when assessing an application and ultimately granting permission for a detached dwelling at 32a Sunniside Lane. The officer's report for that application does not make clear whether or not this was something that was insisted upon by the LPA. The assessment of the design and siting of a new detached dwelling is also different to the consideration of an extension to an extension to an existing semi-detached dwelling, with different circumstances. There is no requirement in the design guidance that allows the LPA to insist upon a 2.2 metre gap from the boundary. SPD9 states that 1 metre gap is provided; or that a one-third depth setback is provided where there is no gap from the boundary, or a gap less than 1 metre. It is considered that there are no other site-specific reasons why a larger gap should be mandated in this instance (indeed the guidance in paragraph 7.4 suggests that the guidance can be relaxed in the site-specific circumstances of this case).

Paragraph 7.4 sets out four elements that indicate that the design guidance should be relaxed if two or more apply. There is a marked stagger in the building line between the dwelling and the affected neighbour; the dwelling to be extended is of a substantially different type, scale and massing to the adjacent detached dwelling; the adjacent detached property is incapable of being extended in the same direction; and there is a significant difference in ground levels between the dwellings to be extended and the affected neighbour. As all four of these elements are applicable in this case, then the design guidance can be relaxed in this instance.

Representations on the application raise concerns regarding a potential terracing effect being caused; however, for the reasons detailed above, having regard to the significant setback and mitigating factors detailed above, it is not considered that the proposal would give rise to an unacceptable terracing effect and would have a sufficient degree of subservience to the host.

It is acknowledged that a concern has also been raised relating to a precedent being set, allowing a terracing effect to be created by extending the other Dutch-style semi-detached properties. Any future proposals at other properties would be considered on their merits; if a harmful terracing effect that was detrimental to visual amenity is to be created through a proposed development elsewhere, then this would be dealt with through the consideration of that particular application.

The design detailing of the frontage is sympathetic with that of the main dwelling and a similar palette of materials will be utilised (which can be conditioned). The significant setback from the frontage of the property will mean that, just like the roof form, the frontage of the extension will not have an overly prominent or jarring appearance within the street scene.

On the whole, it is considered that the proposed extension should, on balance, be supported in respect of its scale, proportions and design, in accordance with LDF Policy DM1(A) and the design guidance in SPD9 that is referred to above.

There is no significant concern with the visual appearance of the single-storey rear extension in views from the public domain.

It is considered that the revised proposals shown on the plans received 11/12/19 would convey sensitive consideration of its site and surroundings, and given the considerations detailed above would accord with LDF Policy DM1 (A) in this respect.

Residential Amenity

The application proposals initially included a first floor rear balcony above a ground floor rear extension and the addition of a two storey rear side and rear extension that included side facing patio doors onto the balcony and a window opening that was centrally located within the rear elevation of the extension.

The revised proposals no longer include a balcony; however, the two storey side and rear extension, which extends towards the northern end of the site and beyond the rear elevation of the property by approximately 3.5 metres would remain, albeit amended. Instead of the rear window and side facing patio doors, this now includes a large glazed window opening located at the south-eastern corner of the proposed rear extension (the corner furthest away from 32a Sunniside Lane, but closest to 30 Sunniside Lane), allowing an outlook in both of these directions.

Representations received from (and on behalf of) 32a Sunniside Lane, objecting to the proposed development, have raised concerns regarding privacy within their rear garden as a result of the development. The proposed side/rear extension would introduce a first floor window opening serving a habitable room located further to the rear than the closest existing rear window openings (by just over 4 metres). While this would come closer to the rear garden area of 32a Sunniside Lane, it is not considered that this would create additional overlooking impacts that would have a significant enough impact on the privacy of this neighbour to justify the refusal of planning permission for this reason. As per paragraph 3.23 of SPD9, less weight can be given on impacts affecting outdoor space than impacts affecting living conditions within habitable rooms. Paragraph 3.23 states that *"the extent to which an extension impacts on a neighbour's outdoor space is a material consideration but is given less weight than impacts from within the dwelling.*"

The objection letters from 32a Sunniside Lane also contain concerns about potential increased overshadowing and overbearing impacts affecting the rear garden area. Due to the relationship between the properties, with the rear elevation of 32a Sunniside Lane sited further to the rear of the plot than 32 Sunniside Lane, a substantial amount of sunlight to the rear garden area of 32a Sunniside Lane from the south-west would already be blocked by the existing dwellings at 32a and 32 Sunniside Lane. The projection and massing of the extension itself are not considered to create any significantly increased overshadowing or loss of sunlight to the rear of 32a Sunniside Lane, or significant overbearing impacts affecting the rear garden area and the amenity of occupiers of this property for this reason.

The two storey side/rear extension would not extend as far as the rear elevation of 32a Sunniside Lane, which is set further to the rear of the plot than 32 Sunniside Lane. The proposed extensions would therefore not have the potential to affect the living conditions within habitable rooms within the rear of the property itself. No windows serving habitable rooms are contained within the side elevation of 32a Sunniside Lane.

The proposed single storey rear extension is set to the south of the proposed two-storey extension, so would not affect the amenity of the adjoining neighbour at 32a Sunniside Lane. The single storey rear extension would, however, adjoin the boundary with 30 Sunniside Lane. The revised proposals show the single storey extension as having a rear projection of 2.7 metres, only marginally further than the existing 2.6 metre rear projection, both with a flat roof at 2.9 metres height above ground level (excluding the roof lantern).

It is not considered that this single storey extension would have the potential to materially impact upon neighbouring residential amenity over and above the existing situation, whereas the previously proposed 4 metre rear projection close to the boundary with 30 Sunniside Lane would have been likely to have a much more significant impact on the outlook. While this would be built up to the boundary, the modest rear projection would both accord with the design guidance in paragraph 8.1 of SPD and would limit any potential tunnelling affect to an acceptable level, and a level which is almost identical to the existing single-storey rear extension. While concerns were originally raised in respect of outlook from the rear windows of 30 Sunniside Lane in representations, due to the additional rear projection proposed, the

revised plans have reduced this to a similar rear projection to the existing extension, which would not materially impact upon the outlook of this adjoining neighbour.

The proposed corner south-east corner window within the two storey side and rear extension would also allow an outlook from a habitable room to the south towards 30 Sunniside Lane and properties beyond it to the south.

It is not considered that this proposed extension would lead to significant overlooking within habitable room windows at the rear of the property owing to the oblique angle between the window in the proposed extension and those in the rear elevation of 30 Sunniside Lane and distance between the windows.

The representations received on behalf of the occupiers of 30 Sunniside Lane have raised specific concerns regarding potential overlooking of the rear garden area of 30 Sunniside Lane from the upper floor habitable room window in the south-east corner of the proposed extension.

While this would undoubtedly allow an increased outlook towards the rear garden of the property, it is not considered that the proposal would create overlooking and overbearing impacts that would significantly harm the amenity or privacy of the occupier(s) of number 30, to a degree that would justify the refusal of planning permission for this reason. The extension is located at a distance of at least 7 metres away from the common boundary with 30 Sunniside Lane. The guidance in paragraph 3.23, which states that the extent to which an extension impacts on a neighbour's outdoor space is a material consideration but is given less weight than impacts from within the dwelling must also be applied.

The proposed development would be further still away from 28 Sunniside Lane, from where a further objection letter has been received in response to notification on the original proposals. The proposals are not considered to cause any significant overlooking of habitable room windows within this property, given the distance and oblique angle between habitable room windows, and, given the distance between the proposed extension and the rear garden, at a minimum of approximately 20 metres away, and again applying the guidance in paragraph 3.23 of SPD9,

It is not considered that the development would have significant effects in respect of overshadowing or natural light to 28 or 30 Sunniside Lane, given the distance between the two storey extension and these properties, and noting that the proposed extension would be located to the north of these properties.

In summary, it is considered that the proposal would, on balance, be acceptable in relation to the impact on the residential amenities of the occupiers of the neighbouring properties, and in accordance with Policy DM1 (B) of the Local Development Framework Development Management Policies, and the associated SPD9, in this respect.

It is noted that a representation has referred to Pre-Publication Draft Local Plan policies relating to residential amenity. The Draft Local Plan policies carry little weight as the emerging plan is at a very early stage; however, full weight is instead given to the existing LDF Policy DM1 (B) which, similarly seeks to protect the residential amenities of neighbours.

Other Matters

A representation has raised concerns due to parking, given that the application would be built on the driveway, taking up a substantial proportion of the driveway area. The proposed site layout plans indicate that there would still be room for two cars to park on the driveway, with a driveway length of over 10 metres retained, in accordance with guidance within paragraph 3.27 of SPD9.

Representations have also been received relating to land ownership/party wall issues. The occupiers of 32a Sunniside Lane (and their representative whom has also commented on their behalf) argue that the construction would be built onto/would overhang land owned by/within the curtilage of 32a Sunniside Lane and that the property boundaries and boundary treatment are incorrectly shown on the proposed

plans; whereas the applicant's agent has completed Certificate A on the planning application form, stating that all of the land within the application site boundary is within the applicant's ownership. This issue has been communicated to the applicant's agent following the notification period on both the original and revised proposals in order to give the applicant the opportunity to reconsider this and address the issue if necessary, prior to determination of the application. The applicant's agent has reiterated their belief that the development is located entirely within the applicant's property.

Extracts from land registry information relating to 32 and 32a Sunniside Lane have been provided on behalf of both parties. Some photographs have been provided by the applicant's agent. A 1:1250 scale site location plan forms part of the application submission. In any event, the land ownership and party wall issues are private/civil legal matters and not a material planning consideration. The planning application must be determined on the basis of the information provided within the planning application under planning law and against development plan policy. The statutory declaration on the planning application form states that all of the land forming the application site is within the applicant's ownership.

Application ST/0531/19/HFUL at 1 Sunniside Leigh, across the street, has been cited in an objection letter as originally proposing a first floor window, with the application then amended to remove the first floor windows that overlook the garden of 1 Sunniside Terrace. The site specific circumstances and relationship between the properties are different to the application under determination, and the removal of a first floor window from that particular scheme does not necessarily mean that the inclusion of a first floor window would be necessarily be harmful or would need to be removed from proposals in order to approve a different application on different site, with a different site specific context, as this needs to be assessed on its own individual merits. The original (superseded) proposal at 1 Sunniside Leigh was not determined in any case, an amended proposal was determined, so it is not possible to confirm whether or not that application would have been approved or refused with a first floor window remaining.

Summary

It is considered that, in the site circumstances and context of this particular case, that the proposal would accord with Local Development Framework (LDF) Policy DM1 (A & B), having regard to design guidance in Supplementary Planning Document (SPD) 9 'Householder Developments', and to all other material planning considerations in reaching this conclusion. It is considered that the proposal would be an acceptable form of development, subject to the inclusion of the suggested conditions.

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. C-03 Revision B received 11/12/19
Drawing No. C-04 Revision B received 11/12/19
Drawing No. C-05 Revision A received 11/12/19

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-authority

Case officer: Chris Stanworth
Date: 09/01/20

Authorised Signatory:
Date:

«END»