DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0042/20/HFUL
Proposal: Demolition of existing conservatory, erection of first floor extension at rear with pitched roof, single storey extension at rear to provide living room and utility room
Location: 7 North Avenue
South Shields
NE34 6AX

Site Visit Made: 04/03/2020

Relevant policies/SPDs

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

2 SPD9 - Householder Developments

Description of the site and of the proposals

This application relates to a north facing semi-detached property set within a large wrap around garden in South Shields. The property has a conservatory and single storey pitched roof projection to the rear which lead out onto raised decking. There is an additional pitched roof projection beyond which straddles the boundary with the adjacent property, No. 5 North Avenue. There are two bay windows to the western side. The property has a varied roofscape with a mixture of hips, pitches and gables.

Full planning permission is sought to demolish the existing conservatory and to erect a two storey pitched roof extension which would form a gable end to the rear, predominantly on the footprint of the existing conservatory. It is also proposed to construct a single storey flat roof extension at the rear which would have a lantern roof above its western portion.

Publicity / Consultations (Expiry date 14/03/2020)

1) Neighbour responses

None

2) Other Consultee responses

Countryside Officer
My comments on this application relate to its potential to impact on biodiversity including: designated sites; protected species; and priority species and habitats listed in the UKBAP and/or Durham BAP.

The applicant has submitted the following document with their application: Bat Survey, North Ave, South Shields version R01 DRAFT, dated 18th February 2020

The report states that a bat risk assessment was undertaken at the property on 11th February 2020. This involved an external and internal inspection of the property for signs of bats and opportunities that could be used by roosting bats. No bats or signs of bats were observed, and no gaps suitable for use by roosting bats were found.

The project ecologist concluded that bats are considered most likely to be absent from the area of the building to be affected and that the development proposals present a low to negligible risk to bats and roosts. No further survey work or mitigation measures were recommended.

The report noted that “For this site, the only potential area of access identified is a small area of missing mortar under the slates of the small modern single storey extension, otherwise the area of building to be affected is very well sealed. It is considered a suitable approach for works to proceed under precautionary working methods.”

Planning permission should only be granted subject to the measures set out in Section H.2 of the Bat Survey report.

The applicant is reminded that 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.

Tree Team
The proposal implicates the removal of two early-mature Cedar trees due to their high growth potential and proximity to property.

I agree that the trees identified as T1 and T2 in the associated documents “Arboricultural assessment” will affect the proposed development.

The trees in question are not within a conservation area and are not visible from the public realm, therefore the council would not consider a Tree preservation order.

I feel the retention of T2 and a possible root barrier installation, should be at least considered by the owner/applicant. According to the tree survey submitted, T2 is in good condition, is within the best retention category on site and has a life expectancy of 40+ years.

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 visual and residential amenity, and soft landscaping (limbs A, B & C). SPD9 provides guidance on householder developments. It states that 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 or terraced houses will generally be acceptable.

SPD9 notes that 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 (Visual Impact; Impact on the amenity of neighbours in relation to privacy, outlook and overdominance, and overshadowing; Impact on Highway Safety and Off road vehicle parking and; Impact on trees and their root systems). 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.

Impact upon Residential Amenity

The host property and adjoining property have a shared single storey pitched roof rear projection of 2.2m. The host property and No. 5 have an additional rear extension with a projection of 2m which straddles the boundary as existing. No.7's portion of this additional extension would be demolished and a flat roof single storey extension would be built in its place along the boundary which would project 1.6m further than the additional extension at No. 5. Its flat roof would be 3.6m high, 0.7m higher than the eaves of the existing additional extension (of the host property and No. 5). Given the limited further projection along the boundary and given the limited extra height of the roof, it is not considered that the proposed single storey rear extension would result in significant overshadowing, overdominance or loss of outlook to No. 5. There would be no windows in the eastern elevation of the single storey rear extension and so there would be no significant loss of privacy to No. 5 in this regard. Whilst the living room element of the single storey rear extension would project 0.6m further than the utility room element adjacent to the boundary, it would be set 3m from the boundary and would be predominantly screened from No. 5 by the utility room element and so there would be no significant adverse impact upon the residential amenity of No. 5.

The proposed two storey rear extension would be set 3.2m from the site's eastern boundary with No. 5 and would project 2.5m from the shared main rear elevation of Nos. 5 and 7. SPD9 notes that two storey rear extensions of these dimensions are generally acceptable but notes that each proposal must be determined on a case by case basis. Given the distance from the boundary with No. 5, the orientation of the two properties, the limited projection of the two storey extension, and given that there would be no windows in the eastern side elevation of the two storey extension, it is not considered that the two storey extension would result in significant overshadowing, overdominance, loss of outlook, or loss of privacy to No. 5.

The extensions would be set a minimum of 11.4m from the site's southern boundary and 17.4m from the site's western boundary. Both of these boundaries are heavily tree lined and so the trees would screen the development from any other neighbouring properties. Consequently there would be no significant harm to any other neighbouring properties as a result of the development.

Impact on Visual Amenity

The site is heavily screened by trees and also given the location of the proposed developments, they would not be highly visible within the vicinity. Whilst the cumulative projection of the rear extension would be greater than the distances as set out in SPD9, given the overall size of the property, they are considered to be appropriate additions in this particular instance. The two storey extension would be of an appropriate design and size in relation to the host dwelling. It is not therefore considered that eh proposed development would result in significant harm to the visual amenity of the area.

Environmental Impacts

A bat survey has been submitted with this application. The Council's Countryside Officer has been consulted and has noted that "planning permission should only be granted subject to the measures set out in Section H.2 of the Bat Survey report". Consequently a condition has been proposed requiring this.

There are 22 significant trees on site and in close proximity to the proposed development. An Arboricultural Implications Assessment has been submitted with this application. Two of the trees are proposed to be removed. The Council's Tree Team have been consulted and whilst they have stated that they would prefer the retention of the tree T2, they do not raise any objections to the proposal, noting that "the trees in question are not within a conservation area and are not visible from the public realm, therefore the council would not consider a Tree preservation order". It is considered that the removal of both trees is necessary to facilitate the development and given that the Tree Team have commented that they are not worthy of protection, and given the abundance of trees in the area, their

removal is considered to be acceptable. A condition is proposed that the works be carried out in accordance with the Arboricultural Method Statement as set out in the Arboricultural Implications Assessment.

Summary

In conclusion the proposal would have no significant adverse impact upon the residential amenity of any neighbouring properties, or the visual amenity of the area, or on any environmental assets. Consequently the proposal would comply with all relevant local and national planning policy; the application is therefore 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

Dwg No. 1951_P_07 received 20/01/2020
Dwg No. 1951_P_08 received 20/01/2020
Dwg No. 1951_P_09 received 20/01/2020
Dwg No. 1951_P_10 received 20/01/2020
Dwg No. 1951_P_11 received 20/01/2020

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 hereby approved development shall be carried out in accordance with the Arboricultural Method Statement as set out in "Pre-Development BS5837 Arboricultural Implications Assessment" as received on 30/03/2020 unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the health of retained trees within the site is adequately protected during the period of construction in accordance with Policy DM1 (C) of the South Tyneside Local Development Framework.

5 The hereby approved development shall be carried out in accordance with the recommendations as set out in "BAT SURVEY NORTH AVE, SOUTH SHIELDS" as received on 21/02/2020 unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the health of any potential bats within the site is adequately protected during the period of construction in accordance with Policy DM1 (D) of the South Tyneside Local Development Framework.

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: Seán Gallagher
Signed:
Date: 16/04/2020

Authorised Signatory: *see electronic authorisation*
Date: 16/04/2020

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