DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0093/20/HFUL
Proposal: Erection of a new wall, pillars, and gated entrance (adjacent to the public footpath and highway), and a new fence line to be erected around internal perimeter enclosing front and rear garden to a height of circa 1.8 metres high. The existing gates and wooden fence at the front of the property will be removed as part of the proposed works.
Location: Low Dyke House
Dipe Lane
East Boldon
NE36 0PQ

Site Visit Made: 02/03/2020

Relevant policies/SPDs

1 DM1 - Management of Development (A, B, C & G)
2 SPD9 - Householder Developments

Description of the site and of the proposals

Planning permission is sought for the construction of new boundary treatment comprising the erection of a new wall, pillars and solid timber vehicle access gates adjacent to the public footpath and adopted highway, and for the erection of a new fence to the side and rear at Low Dyke House, Dipe Lane in East Boldon. The proposal would result in the whole of the front and rear gardens being enclosed by high boundary treatment.

Application details state that the proposed front boundary wall would be approximately 1.9 metres in height (1.875 in height is stated on submitted drawings), with piers / pillars being 2.3 metres in height. It would be constructed in brickwork to match the brickwork of the existing wall which forms the boundary treatment of the neighbouring dwelling called Fairfield. The proposed vehicle access gates would be a maximum height of 2.3 metres, and would be constructed in timber and black metal. The proposed fence would be approximately 1.8 metres in height, and would be positioned along the common boundary between the application site and the neighbouring dwelling called Ravenswood, and along the rear site boundary. It would be constructed with closed (overlapped) panelled timber. All dimensions of the proposal can be scaled from submitted drawings.

The application site is positioned within a street scene where there is an eclectic mix of different house types and boundary treatments, with boundary treatments varying in height, design and materials. There are high boundary treatments on the south side of Dipe Lane, in the immediate vicinity of the application site. The description of these is expanded upon below under the 'design and visual impact' assessment.

Background Information

Original application details submitted sought retrospective planning permission to retain the high close boarded timber fence and gates positioned along the front boundary of the application site, adjacent to the public footpath and adopted highway. However the applicant was advised that this was an unacceptable form of development. The high close boarded timber fence and gates are not in keeping with the character and appearance of other boundary treatment in the immediate vicinity of the application site, which comprises high brick walls (which are more aesthetically pleasing) and lower timber fences. Instead the timber fence and gates have an unsympathetic visually discordance appearance, and so they have a detrimental impact on the visual amenities of the street scene. The

applicant was therefore advised that the timber fence and gates as erected do not accord with adopted South Tyneside Local Development Framework (LDF) Development Management Policy DM1 (A), and the associated Supplementary Planning Document (SPD) 9.

The applicant was advised that a more acceptable proposal would be for a solid boundary fence and gates positioned beyond the front elevation of the dwelling that would not exceed one metre in height (or not much above one metre). Alternatively they were advised that a more acceptable proposal would be a boundary treatment that would be 1.4 metres in height, with a 1 metre high wall and 1.4 metre high piers, with metal railings between. The applicant has subsequently submitted an amended proposal, although this is not one of the two options suggested by the Local Planning Authority. However it is this amended proposal which is assessed below.

It should be noted that the incorrect planning application form was on planning explorer at the time when neighbours were re-notified of the amended proposal. However the correct amended planning application description was clearly stated on the neighbour notification letter.

Planning History

2020 – Planning permission granted for a proposed two storey extension to the side (west) elevation, a single storey front extension, a single storey rear extension with roof terrace above, the rendering of all dwelling walls, a tiled roof to the main house, and new roof lights to the rear (Ref: ST/0912/19/HFUL).

Publicity / Consultations

Neighbour notification expiry dates 12/03/2020 & 14/04/2020
Consultation expiry dates 18/03/2020

1) Neighbour responses

Owner / occupier of Michaelford, Dipe Lane, East Boldon

1) Proposed erection of balcony to the rear, and 2) removal of back fence which opens to our land that is our private orchard for our property

We have concerns about how it will affect out privacy and also it is intruding our land that is our Orchid garden. We have extremely serious concerns about this matter.

Case Officer Comments: This representation was submitted without stating whether it related to planning application Ref: ST/0912/19/HFUL (which has now been determined – see planning history above), or this current planning application. It was therefore assumed that it related to both applications, and so it has also been placed on this current planning application file.

2) Other Consultee responses

Traffic and Road Safety Team (the local highway authority)

No objections to this application. The opening is 4.2 metres which is acceptable with no visionary splay.

Tree Team

No response provided

East Boldon Neighbourhood Forum

No response provided

Assessment

The main issues relevant to the determination of this application are:

- Design and visual impact
- Impact on residential amenity
- Impact on highway safety
- Impact on trees

Design and visual impact

The application site is positioned on the south side of Dipe Lane where there is a mixture of high boundary treatments in the immediate vicinity.

The dwelling called Ravenswood, positioned adjacent to the application site to the east, has relatively high boundary treatment adjacent to the public footpath and adopted highway. This comprises a relatively high timber fence (of two different designs one of which is visually permeable) estimated at being approximately 1.5-1.6 metres in height, with mature hedging / landscaping behind. It also includes visually permeable vehicle access gates with pillars and walls either side.

The dwelling called Michaelford, positioned two properties to the east, has a high boundary treatment adjacent to the public footpath and adopted highway. This comprises a low brick wall (estimated to be one metre in height), with railings above, and vehicle access gates. This boundary treatment is visually permeable; however it is high and estimated to be over two metres in height in parts.

Boundary treatment to the west of the application site up until where Dipe Lane curves in a southerly direction, comprises high boundary walls, even higher pillars, and walls of brick curtilage buildings (such as garages). Some of these walls, including the wall adjacent to the public footpath and adopted highway to the front of the neighbouring dwelling called Fairfield, are significantly higher than two metres, with the walls of the curtilage buildings even higher. There are also high vehicle access gates adjacent to the public footpath and adopted highway, to the front of dwellings positioned to the west of the application site.

Other front boundary treatment elsewhere within Dipe Lane, such as across the road, and to the east beyond the dwelling called Michaelford, is lower and so of a height that would normally be associated with front boundary treatment.

Given the eclectic mix of boundary treatments in the immediate vicinity of the application site, including the fact that the majority of boundary treatments on the same side of Dipe Lane and to the west of the application site are high and of solid brickwork, it is considered that the proposed boundary treatment would appropriately assimilate into the street scene. In many situations across the Borough, front boundary treatment of the height proposed would be an unacceptable form of development adjacent to a public footpath and adopted highway. Indeed it would be unacceptable to the front of dwellings across the road from the application site, and to the front of many other dwellings elsewhere within Dipe Lane. However the side of Dipe Lane which the application site forms a part is characterised by solid high boundary treatment, even higher than that now proposed.

Other proposed boundary treatment, namely the high fence between the application site and Ravenswood, and along the rear boundary of the application site, would be largely screened from the public domain by the proposed front boundary treatment and the existing built form.

All external materials would be acceptable in the context of the boundary treatment elsewhere within the street scene.

It is considered that the proposal would be in keeping with the existing built form, and so would convey sensitive consideration to its surroundings having regard to its scale and proportions, alignment, form, use of materials and architectural detailing. A condition is recommended to control that external materials be as specified in the application (with the brickwork to match that of the wall between the application site and Fairfield). Subject to the compliance with this condition it is considered that the proposal would accord with adopted South Tyneside Local Development Framework (LDF) Development Management Policy DM1 (A) and the associated Supplementary Planning Document (SPD) 9 'Householder Developments' in relation to design and impact on visual amenity.

Impact on residential amenity

The proposal would include the erection of a new high boundary fence (approximately 1.8 metres in height) positioned along the common boundary between the application site and Ravenswood. This neighbouring dwelling has side windows facing the application site, namely ground floor bedroom and bathroom windows. These windows are known having checked planning history at Ravenswood including planning application drawings for planning permission Ref: ST/0852/00/DM. Only the bedroom window is habitable living space, and so any impact on the bathroom should only be given limited weight.

The proposed side boundary fence between the application site and Ravenswood would build to the front of a bedroom window to the side of this neighbouring property. However it would be only slightly higher than the existing 1.5 metre high boundary fence to the front of this window (which would be retained along with all other existing boundary treatment). The bedroom window to the side of Ravenswood would retain sufficient sky factor, and so on this basis it is considered that the proposed side boundary fence would have no unacceptable impacts on the amenities of Ravenswood in relation to outlook and over dominance. Any overshadowing of this bedroom window is already caused by the existing dwelling. Given the existing built form, and the nature of the proposal, it is considered that it would have no unacceptable impacts on the amenities of the occupiers of Ravenswood in relation to privacy, outlook and over dominance, or overshadowing. The conclusion would be the same whether or not planning permission Ref: ST/0912/19/HFUL is implemented.

The owner / occupiers of the neighbouring property called Michaelford have objected to the application. Although this property is positioned two properties to the east, the land to the rear of the application site is in the same ownership (as stated in their representation). In relation to boundary treatment, the concerns of the owner / occupier of Michaelford relate to the removal of a rear boundary fence and impact on their privacy. However the proposal is to retain all existing boundary treatment, and to erect another fence adjacent to it within the application site. On this basis it is considered that the proposal would have no unacceptable impacts on the privacy of the owner / occupiers of Michaelford in relation to privacy. Given the nature of the proposal it is considered that it would also have no unacceptable impacts on the amenities of the occupiers of Michaelford 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 neighbouring properties in relation to privacy, outlook and over dominance, or overshadowing.

It is considered that the proposal would accord with adopted South Tyneside LDF Development Management Policy DM1 (B) and the associated SPD 9 'Householder Developments' in relation to residential amenity.

Impact on highway safety

The proposal would be positioned adjacent to the adopted highway, and it would provide high boundary treatment either side of a vehicle entrance. However the Council's Traffic and Road Safety Team (the

local highway authority) raised no objects to the original details submitted (the existing boundary treatment as erected with vehicle access gates) given that the vehicle access opening would be 4.2 metres in width. They stated that this is an acceptable width with no visionary splay. They were not re-consulted on the amended proposal; however the vehicle access width would remain the same, and so would have the same impact in relation to highway safety.

On this basis, it is considered that the proposal would have no unacceptable impacts on highway safety, and so it would accord with adopted South Tyneside LDF Development Management Policy DM1 (G).

Impact on trees

There are trees within and adjacent to the application site, positioned adjacent to Dipe Lane, that have a high visual amenity value when viewed from the public domain. However no tree survey, arboricultural impact assessment and arboricultural method statement have been submitted by the applicant to support the application.

The Council's Tree Team was consulted on the original details submitted. However they did not provide a response. They were not re-consulted on the amended proposal.

Parts of the proposed front boundary treatment, and part of the fence between the application site and Ravenswood, would be positioned within the root protection areas (RPAs) of trees that have a high visual amenity value. The Council's Arborist has confirmed that these trees would be worthy of a Tree Preservation Order (TPO). Although the works to construct the front boundary treatment would be relatively minor, given their proximity to these trees that are of a very high amenity value, it is possible that construction works could cause harm to roots which could impact on the health of the trees. It is therefore recommended that a condition be attached to any planning permission to require the submission of an Arboricultural Method Statement and a scheme of tree protection in relation to the construction of the front boundary treatment, prior to the construction works commencing on it. It is also recommended that a condition be attached to any planning permission to require details of the foundation construction of the wall and piers / pillars, prior to works commencing on the front boundary treatment. These are both pre-commencement condition, and so in accordance with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, the applicant was given 10 working days to confirm whether or not they agreed to these conditions. They responded on 27/04/2020 agreeing to the conditions. Condition 5 was then subject to a further minor amendment, but only to correct grammar and to refer to piers as piers / pillars (consistent with elsewhere in the report).

Subject to the compliance with these tree protection conditions, it is considered that the proposal would have no unacceptable impacts on trees, and so it would accord with adopted South Tyneside LDF Development Management Policy DM1 (C).

Summary

For the reasons articulated above, it is considered that the proposal would accord with development plan policy, and so would 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. 01-210 Rev P1 received 30/03/2020
- Drawing No. 01-250 Rev P1 received 30/03/2020

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 development hereby permitted shall be constructed as specified on the planning application form received 30/03/2020, as specified on Drawing No. 01-210 Rev P1 and Drawing No. 01-250 Rev P1 both received 30/03/2020, and with the brickwork of the front boundary treatment to match the brickwork of the boundary wall between the application site and Fairfield. Unless alternatives have been previously submitted to and approved 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 adopted South Tyneside LDF Development Management Policy DM1.

4 No development or other operations shall commence on site in connection with the front boundary treatment hereby approved (including, soil moving or any operations involving the use of motorised vehicles or construction machinery), until an Arboricultural Method Statement and tree protection scheme has been submitted to and approved in writing by the Local Planning Authority. Once approved the tree protection scheme must be implemented in full, and the Local Planning Authority must be notified when the approved tree protection measures are in place. The approved tree protection measures must be retained intact for the full duration of the construction of the front boundary treatment, and there shall be no other access, storage, ground disturbance or contamination within the protected areas without the prior written approval of the local planning authority.

To safeguard the trees during the construction of the front boundary treatment, in the interests of visual amenity in accordance with adopted South Tyneside LDF Development Management Policy DM1.

5 No development or other operations shall commence on site in connection with the front boundary treatment hereby approved, until a detailed foundation construction specification

methodology for the wall and piers / pillars has been submitted to and approved in writing by the Local Planning Authority. The design must be based on the principles and recommendations contained in BS5837 2012 Trees in relation to design, demolition and construction. Any proposed methodology must minimise the negative impact of the construction of the wall and piers / pillars on the trees within the site. The development shall then be carried out in accordance with the approved details.

To safeguard the trees during the construction of the front boundary treatment, in the interests of visual amenity in accordance with adopted 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 NOTE TO APPLICANT

The applicant is advised that the vehicle access gates hereby permitted must open into the application site only, and not out over the adopted highway.

Case officer: David Rogerson

Signed: *David Rogerson*

Date: 27/04/2020

Authorised Signatory:
Date: