

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0128/20/HFUL
Proposal: Demolish existing conservatory and remove existing garden shed. Construct single storey rear sun lounge/utility extension with 2 no. rooflights. Construct first floor rear games room extension over existing kitchen. Construct detached garage/garden store. Replace existing timber front windows with upvc sliding sash windows. Block up existing pedestrian side gate and provide timber double gates.
Location: 102 Front Street
East Boldon
NE36 0SG

Site Visit Made: 21/11/19; 03/03/20

Relevant policies/SPDs

- 1 DM1 - Management of Development (A & B)
- 2 DM6 - Heritage Assets and Archaeology (B – iii)
- 3 SPD9 - Householder Developments
- 4 SPD15 - East Boldon Conservation Area Management Plan - Adopted April 2009
- 5 East Boldon Conservation Area Character Appraisal (2006)

Description of the site and of the proposals

The application site is located on the northern side of Front Street, East Boldon, situated on the main road that runs east-west through the heart of the East Boldon Conservation Area. The application property is unlisted and is subject to an Article 4 direction, restricting permitted development rights for sundry minor operations (including boundary treatments). A number of other properties included within the Article 4 direction also have works for alterations to dwellinghouses – the omission of this particular restriction for various properties, including the application property, appears to have been deliberate at the time that the direction was made.

The East Boldon Conservation Area Appraisal (2006) identifies the historic and architectural significance of the this part of Front Street, which is part of the village core of East Boldon, with the area where the site is located being described as the most representative of East Boldon's early rural character, with an impressive collection of vernacular cottages and Georgian farmhouses. The application property itself is not specifically referred to within the Conservation Area Appraisal, nor are any specific features of the property referred to. Neighbouring 94 and 100 Front Street are listed buildings.

A recent planning permission (ST/0855/19/HFUL) was granted which included the installation of new timber sliding slash windows to the front elevation, replacing the existing timber framed sash windows, which contain plastic/composite inserts. This new application instead proposes the installation of slimline woodgrain effect uPVC windows.

At the rear of the property, a two storey rear extension will be added, beyond the rear of an existing two storey projection and to the side of another existing two storey projection. A single storey rear extension will replace the existing conservatory and a detached garage is proposed in the rear corner of the plot

(this has been increased in height from the previous approval). New access gates are proposed, in lieu of an existing gate, leading to an existing path which connects to North Road, via a timber gate. A concrete hard surfaced area has recently been put in place at the rear and a shed has been removed.

The main changes from the extant approval proposed are the increase in the height of the proposed rear detached garage and the proposed window detail/materials proposed within the front elevation.

Publicity / Consultations (Expiry date 01/04/20)

1) Neighbour & Site/Press Notice responses

None received.

The East Boldon Neighbourhood Forum was also notified. No response was received.

2) Consultee responses

STC Historic Environment Officer

Initial comments: *I appreciate the applicant is seeking to replace existing timber sash windows with composite windows of similar appearance. Unfortunately there is not sufficient information included in the application to allow me to assess whether the dimensions of the proposed windows would be similar to the existing. I would therefore request that scale sections/profiles of existing and proposed windows be made available, or as the windows being replaced are not original, in order to be able to satisfy ourselves that the proposed windows are 'similar' I would ask that the agent confirm that the proposed window dimensions will not be bulkier than the existing.*

Additional information was supplied by the applicant's agent, clarifying the dimensions and detailing of the existing windows, compared with the proposed windows. In response, the Historic Environment Officer provided the following comments:

Thank you for clarifying the measurements. Whilst the meeting rail will be slightly bulkier in appearance, I am of the view that the proposed dimensions are such that the new windows will maintain an overall similar visual appearance. I therefore have no objections to the application.

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. If the impact of the proposal on the Conservation Area would be neutral this would be acceptable.

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

- Design of the proposal and its effect on visual amenity & heritage assets;
- Impact on residential amenity;

Design/Visual Amenity/Heritage

The proposed works to the rear of the property would not be easily visible from within the public domain and as a result would have either no or very little potential to impact upon the character and appearance

of the East Boldon Conservation Area when viewed from the public realm and would not cause material harm to heritage assets.

The proposed single storey rear extension has a modest rear projection of 2.9 metres, the same as the existing conservatory that would be replaced. The design of the proposed single storey rear extension would be much more in keeping with the host property than the existing conservatory and would be a suitably secondary and subservient addition, with no impact on the public realm.

The proposed two storey rear extension would project to the rear of an existing two storey extension and would have a very similar rear projection to the other existing two storey rear projection at the application site. It displays a similar hipped roof form to the two existing two-storey rear extensions and is set below the ridgelines of the existing extensions. This is also considered to be a suitably secondary and subservient addition to the host property, with very limited potential to view this from the public realm along North Road.

The proposed garage would be located in the rear north-west corner of the garden. The increase in height beyond that proposed in the extant permission is noted. The proposed structure would again have a simple slate pitched roof, which is again considered of an acceptable design and massing, retaining the majority of the rear garden area and with no material visual impact within the public realm.

The proposed installation of the gates at the rear/side corner of the garden lead to an existing path with leads to North Road and via a timber gate. The proposed gates will replace a smaller gate. It is understood from discussions on site during the consideration of the previous application that this is proposed to provide easier access for pedestrian/cycle/motorbike access. The path is not wide enough to accommodate a car (the application documents and description in the previous application referred to the gates as being for vehicular access, however, no new vehicular access onto North Road is being created). The proposed gates are not considered to materially impact upon the visual amenities or historic character of the area, nor would they be visible from the public domain.

Slimline woodgrain-effect uPVC windows are proposed to replace the timber frames with plastic/composite inserts. The removal of existing timber sash windows and the introduction of uPVC in the context of the overall character and appearance of the Conservation Area, and the setting of nearby Listed Buildings is considered to cause some degree of harm.

However, in this instance, significant weight must be given to the permitted development fallback position that exists under Part 1 Class A of the 2015 General Permitted Development Order (as amended). The property has not had permitted development rights withdrawn through the Article 4 direction that is in force that affects the property and other surrounding properties, with Part 1 Class A PD rights withdrawn on a number of properties and not others (including the application site). This appears to have been deliberate.

While a new material is introduced, which causes some harm, the proposed replacement window frames are considered to have a 'similar appearance' to the exterior of the existing dwellinghouse for the purposes of assessment against Part 1 Class A Condition A.3. The Government's technical guidance on this issue states that *"it may be appropriate to replace existing windows with new uPVC double-glazed windows or include them in an extension even if there are no such windows in the existing house. What is important is that they give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames."* Applying this interpretation to this case, it is considered that the replacement frames do result in replacements with a similar overall shape, colour and size of the frames on the existing house, and so a valid permitted development fallback position appears to exist.

It is considered that, when applying the considerable weight to the permitted development fallback position, this would outweigh the degree of harm caused to the character and appearance of the

Conservation Area, given that similar harm would result from the utilization of the permitted development rights to carry out this work.

It is also noted that some existing trees are situated within the rear garden of the property, which would have protection by virtue of their Conservation Area location; however, they are situated away from areas where operational development would take place (NB. the large concrete hardstanding area is already in place). They are also situated in a location where they are not visible within the public domain and therefore have limited amenity value.

It is considered that, other than the replacement windows, the proposals will thereby sufficiently preserve the positive contribution that the property makes to the East Boldon Conservation Area, and the character and appearance of the Conservation Area itself, thereby not constituting less than substantial harm (as defined in the NPPF) or greater to designated heritage assets including the Conservation Area itself, the listed buildings within close proximity at 94 and 100 Front Street, or non-designated heritage assets.

In respect of the windows, significant weight must be given to the permitted development fallback position that is adjudged to exist in respect of the replacement windows, which significantly limits the weight that can be given to the harm caused by the installation of the proposed windows in this context.

The proposed changes would therefore, on balance, be in accordance with LDF policies DM1 (A) and DM6 (iii), having regard to guidance in SPD9 and SPD15.

Residential Amenity

The proposed single storey rear extension would have a 2.9 metre projection from the existing rear elevation of the property, the same as the conservatory it would replace and would extend the full width of the plot between the boundaries with 106 Front Street and 100 Front Street, whereas the existing conservatory is built against the boundary with number 100, but set in from the boundary with number 106.

This element of the proposals accords with the 3 metre projection standard in the SPD9 design guidance. The single storey extension would not result in any materially greater impact on the amenity of the occupiers of 100 Front Street, as an outbuilding exists on the opposite side of the boundary and the proposed extension would have a similar impact as the existing conservatory. It is considered that the proposed single storey extension would not unacceptably impact upon the outlook from the closest habitable room window at 106 Front Street, nor would it have an unacceptable overbearing or overshadowing impact towards this property, or have any potential for overlooking.

The proposed two storey rear extension would have a very similar rear projection to the longer of the two existing two storey rear projections at the application site, set below the ridge height of this existing extension and the one which it would adjoin. While the proposed two-storey rear extension would come closer to the neighbouring property at 106 Front Street, it would be set in from the boundary and it is not considered that the proposed extension would have the potential to unacceptably impact upon the outlook from the closest habitable room window at 106 Front Street; nor would the proposed extension have the potential to create an unacceptable overbearing or overshadowing impact towards this property, or have any potential significant additional overlooking.

The proposed garage would have an increased height when compared with the one improved in ST/0855/19/HFUL, with a height of 4.4 metres and eaves height of 2.9 metres, when compared with a height of 3.9 metres and eaves height of 2.25 metres previously, with the footprint remaining the same as the previously approved structure. It is not considered that the newly proposed garage, despite its increased height would have the potential to significantly impact upon the residential amenities of neighbouring properties, when bearing in mind its size, location and relationship with habitable room windows within surrounding neighbouring properties.

The proposed installation of the gates at the rear/side corner of the garden lead to an existing path and replace a smaller gate is not considered to materially impact upon neighbouring residential amenity.

The proposed alterations at the front would simply alter existing window and door openings and would not have any material impact on neighbouring residential amenity.

It is considered that the proposals would be in accordance with Policy DM1 (B).

Summary

It is considered that in the site circumstances and context of this particular case, and, having given weight to the permitted development fallback position in respect of the window frames proposed within the front elevation of the property, that the proposal would, on balance, be an acceptable form of development that is in accordance with Local Development Framework (LDF) policies DM1 (A) and DM6 (iii), having regard to design guidance in Supplementary Planning Document (SPD) 9 'Householder Developments' (SPD) 15 East Boldon Conservation Area Management Plan, and having regard to all other material planning considerations, subject to the conditions listed below.

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

Site/Roof Plan 1:200 Proposed Rev A received 17/02/20

Drg No 0794/4404/499 received 17/02/20

Drg No 1 received 17/02/20

Drg No 2 received 17/02/20

ECOSlide Victorian Sliders Sash Windows Sections received 04/03/20

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. The proposed window frames within the front elevation shall be in accordance with the details supplied in Drg No 2 received 17/02/20 and ECOSlide Victorian Sliders Sash Windows Sections received 04/03/20. 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 policies DM1 and DM6.

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

Signed:

Date: 06/04/20

Authorised Signatory:

Date:

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