South Tyneside Council

NOTICE OF REFUSAL OF PLANNING PERMISSION

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

Contact Name and Address:
Gary Craig Architectural Services Ltd
10 Fulmar Walk
Whitburn
SR6 7BW

Application No: ST/0828/20/FUL
Date of Issue: 24/05/2021

In pursuance of their powers under the above mentioned Acts, South Tyneside Council as Local Planning Authority **REFUSE** planning permission for the following development:

Proposal: Construction of a new bungalow in the rear garden of 25 Moore Avenue, the construction of a detached flat roofed garage and parking space for the existing dwelling, associated alterations to the existing attached garage to provide vehicular access to the bungalow, garage and parking spaces, the construction of a store/utility room under the existing garage roof, and the demolition of the existing 2.4m high rear boundary wall and construction of a new 3m high rear boundary wall. The bungalow will have 3no. rooflights and a chimney to the lounge area.

Location: 25 Moore Avenue, South Shields, NE34 6AA

REASON(S) FOR REFUSAL:

1 The proposed dwelling would subdivide the existing property and it would be located within an undisturbed area of garden at the rear of no. 25 Moore Avenue. It would introduce a large area of hardstanding space for vehicles to park to the rear of the existing property serving both the existing and proposed dwellings, with pedestrian and vehicle access taken through the existing dwelling. At present all vehicle movements and vehicle parking is undertaken from the fronts of the properties and the soft landscaping and undeveloped gardens to the rear of the properties combine to create a pleasant and tranquil amenity space for the residents. The loss of this space would be material and harmful.

The proposed built form and layout would therefore be at odds with the existing character and appearance of this part of South Shields. As such, this development would not convey sensitive consideration of its surroundings as it would erode the amenity value of the existing garden space and the positive contribution that this space has upon the amenity value of this area. This would be contrary to Policies DM1 (A), ST2, EA1 and SC1 of the adopted South Tyneside Local Development Framework.

2 The new dwelling along with the proposal to open-up no. 25 Moore Avenue, to provide parking, access and egress for pedestrians and vehicles to serve both the existing and the proposed dwellings, would increase noise and general disturbance to the rear of the existing properties.

The rear gardens of these neighbouring properties currently combine with the rear garden of the application site to provide a tranquil undeveloped space which is enjoyed by all of the

residents in this area. The proposal would result in the loss of this undeveloped space and it would intensify activities at the site to the detriment of residential amenity. The development would therefore be contrary to Policies DM1 (B) and EA5 of the adopted South Tyneside Local Development Framework.

NOTES TO APPLICANT:

For the avoidance of doubt this decision relates to the following plans and/or specifications:

Drg No 1 received 05/10/2020
Drg No 2 received 05/10/2020
Drg No 0776/8358/119 received 05/10/2020
Existing Site and Roof Plan received 05/10/2020
Proposed Site and Roof Plan received 05/10/2020

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. However, the proposed development is contrary to the policies referred to in the reason(s) for refusal and it has not been possible to reach an agreed solution in this case.



Peter Mennell
Head of Regeneration and Housing

Your attention is drawn to the attached schedule of notes which form part of this notice

NOTES

APPEALS TO THE SECRETARY OF STATE

1 **Only the applicant possesses the right of appeal**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice but if the local planning authority's decision was to refuse planning permission for a minor commercial application then you must do so within 12 weeks of the date of this notice unless:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference no. if applicable], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months, or 12 weeks in the case of a minor commercial appeal, of the date of this notice, whichever period expires earlier.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

PURCHASE NOTICES

2 If permission to develop land is refused, whether by South Tyneside Council as local planning authority or by the Secretary of State for Communities and Local Government, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council, requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.