DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0961/20/HFUL
Proposal: Conservatory to kitchen with tiled roof. New covered garden area and balcony over. New dormer extension to side and rear
Location: 20 Holly Avenue
South Shields
NE34 7NR

Site Visit Made: 11/01/2021

Relevant policies/SPDs

1 DM1 - Management of Development (A and B)

2 SPD9 - Householder Developments

Description of the site and of the proposals

This application relates to a southeast facing semi detached bungalow located within a well established residential area of South Shields. The dwelling has hardstanding for off-street parking to its front elevation; and benefits from a substantial rear garden which slopes down to the rear. It has previously been extended to the rear through the addition of a conservatory at ground floor level and basement level with steps from ground floor level to the garden and level access from the basement to the garden.

Planning permission was granted in 2019 for "*Alterations to existing rear conservatory including change in facing materials and new tiled roof. Construction of new rear extension to provide garden room with bi-fold doors and enclosed balcony over. Installation of new rear dormer window*". (ref: ST/0404/19/HFUL)

This application seeks full planning permission for the following works:

- to rebuild the existing conservatory with a partial brick, partial glazed construction and a tiled hipped roof;
- to construct a garden room at basement level with a balcony above at ground floor level. The balcony would be covered by a flat roof and a brick wall would be constructed to the northeastern side of the balcony;
- to construct a flat roof wrap around dormer window to the side and rear roof slopes.

Amended plans were received on 15/01/21. The plans as originally submitted showed a wall at the incorrect height in one elevation, higher than as actually proposed. The amended plans clarified this mistake and the wall has been drawn at the correct scaled height. As the amended plans did not fundamentally change the proposed scheme and whilst a mistake, the wall as shown was indeed higher than as actually proposed, neighbouring properties were not renotified having regard for the council's SCI for there would be no increased level of harm to their residential amenity than what they were originally notified of.

Publicity / Consultations (Expiry date 18/12/2020)

1) **Neighbour responses - None**
2) **Other Consultee responses - None**

Assessment

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010. The main considerations are the impacts the development will have on visual and residential amenity.

Design and Impact on Visual Amenity

LDF Policy DM1(A) requires extensions and alterations to an existing dwellinghouse to convey sensitive consideration to 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.

The proposed works to the rear of the property would not be visually prominent within the street scene. The extension would be set against the side elevation of the existing rear conservatory; and whilst it would be partially seen from the front of the property down the side passage, it is not considered that it would represent a visually obtrusive feature. The extension, including the enclosed balcony, would be set below the eaves height of the roof of the existing dwelling. Based on the size of the extension in relation to the footprint of the existing property, it would appear as a subordinate addition and would not result in the overdevelopment of the site.

The facing materials of the proposed extension would match those of the host dwelling, conserving the character and appearance of the dwelling.

The proposed dormer would have a flat roof design and would be set in from the southwestern side of the roof. It would wrap around the northeastern corner of the roof and would be set back from the property's front roof slope. It would be positioned below the roof ridgeline and set-up from the eaves. It is noted that, under householder permitted development rights, a dormer could be added to the rear and side elevations of the host dwelling with a cubic content of up to 50 cubic metres without requiring planning permission. It would therefore be inappropriate to refuse the application based upon this element.

For these reasons, it is judged that the development, as amended, would convey sensitive consideration of its surroundings, having regard to scale and proportions, use of materials and architectural detailing; and would accord with LDF Policy DM1 (A) and the guidance contained within Supplementary Planning Document 9.

Residential Amenity

LDF Policy DM1 (B) requires a development to be acceptable in relation to any impact on residential amenity.

The proposed extension would be set back 0.2 metres from the shared boundary with No. 22 Holly Avenue, which is positioned to the north-east of the application site. No. 22 shares a common original rear building line with the host property but its rear elevation is angled slightly away from the host property. No. 22 is set approximately 2.3m from the shared boundary. A high timber fence runs along that boundary between the two properties, with both dwellings benefiting from sizeable, sloping rear gardens. Taking into account the height, projection and position of the extension, as well as the position of the nearest neighbouring habitable room windows along the rear elevation of No. 22, it is not considered that it would result in an oppressive or overbearing visual impact upon the neighbouring property, or that it would introduce the unacceptable overshadowing of the neighbouring property.

The Council's Supplementary Planning Document 9 (SPD 9, Householder Developments) advises that 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.

The proposed balcony area would be constructed with a flat roof and with a brick boundary treatment to its side elevation, to enclose it and prevent the overlooking of the neighbouring property of No. 22 Holly Avenue. Based on this, and taking into account the angle of the garden boundary between the two properties, it is not judged that the balcony would result in substantial harm to the amenity of No. 22 (or any surrounding property) through a loss of privacy. In the interests of protecting residential amenity (particularly that of the occupiers of No. 22 Holly Avenue), a condition is proposed to secure the installation and retention of the boundary treatment to the side elevation of the balcony prior to its first use / occupation.

The balcony area would be used for a purpose incidental to the enjoyment of the existing dwelling house and would not result in an unacceptable increase in activity or noise disturbance over and above that possible within the existing garden space. Without the balcony, it would still be possible to use this area of the garden informally for seating / entertaining.

The rebuilding of the existing rear conservatory with a partial brick construction would provide the extension with a solid brick boundary wall facing the shared boundary with the adjoining property of No. 18 Holly Avenue. The conservatory is set back 2 metres from this boundary; and this distance would not change. Taking into account its scale and its set back from the nearest habitable room window at No. 18, it is not judged that the works would result in unacceptable harm to the outlook of the neighbour, or introduce the unacceptable overshadowing of the property. 1no. window would be created in the property's main rear elevation at ground floor level to serve a bedroom which would be located between the conservatory and the boundary with No. 18. This window would face to the rear and would not result in a significant loss of privacy to No. 18. It is noted that this window would be able to be inserted under permitted development rights. No windows are proposed which would introduce the unacceptable overlooking of any habitable room window at 18 Holly Avenue.

Having regard to the position and orientation of the proposed rear dormer, as well as the separation distance to the properties to the rear of the site along Oak Avenue; it is not considered that the enlargement to the roof would result in substantial harm to the amenity of surrounding residents through a loss of privacy or outlook. No windows are proposed in the northeastern side portion of the dormer and so there would be no significant loss of privacy to No. 22 Holly Avenue.

For these reasons, it is not considered that the development would result in material harm to the amenity of surrounding residents; and would accord with LDF Policy DM1 (B), SPD 9, and the requirements of the NPPF, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

It is considered that the development would be in accordance with LDF Policy DM1 (A and B), the associated Supplementary Planning Document (SPD) 9 'Householder Developments', and the requirements of the NPPF.

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

"Proposed Block Plan" received 11/11/2020
Dwg No. 001 Rev D received 15/01/2021

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 [side] brick boundary wall to enclose the balcony area shown on 'proposed side elevation A', 'proposed rear elevation' and 'proposed ground floor plan' of the approved plan 'Drawing Number 001 Revision D (received on 15/01/2021)' shall be wholly completed prior to the first use/occupation of the balcony hereby approved and shall be maintained as such thereafter unless otherwise agreed in writing buy the Local Planning Authority.

To ensure a satisfactory standard of privacy is retained in the interests of residential 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: Seán Gallagher
Signed:
Date: 18/01/2021

Authorised Signatory:
Date:

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