DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0002/21/VC
Proposal: Variation of Condition 2 and Condition 3 of approved application ref: ST0912/19/HFUL "Proposed two storey extension to side (west) elevation, single storey front extension, single storey rear extension with roof terrace above, rendering of all dwelling walls, tiled roof to main house, and new roof lights to rear." Consent now sought to extend the front porch by 1 metre with overhang roof and to remove a window pane on both sides of the porch with side walls built up with stonework / brickwork (natural grey in colour), front and side windows to be UPVC instead of aluminium, side opaque windows to remain but window sills to be natural stone in colour instead of slate grey, and rear roof lights to be UPVC instead of aluminium.
Location: Low Dyke House
Dipe Lane
East Boldon
NE36 0PQ

Site Visit Made: 04/02/2020

Relevant policies/SPDs

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

Description of the site and of the proposals

This application under Section 73 of the Town and Country Planning Act 1990 seeks planning permission to vary Condition 2 and Condition 3 of previously approved planning application Ref: ST/0912/19/HFUL (granted on 16/03/2020) 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, rendering of all dwelling walls, a tiled roof to the main house, and new roof lights to the rear at Low Dyke House, Dipe Lane in East Boldon.

The amendments now sought are as follows:

- Extend the proposed front porch by one metre with overhang roof;
- Remove a window pane on both sides of the proposed porch, and build up side walls with stonework / brickwork (described on the submitted drawings as 'natural grey coloured stonework or similar');
- Front and side windows to be UPVC instead of aluminium;
- Side opaque windows to remain but window sills to be natural stone in colour instead of slate grey; and
- Rear roof lights to be UPVC instead of aluminium.

Condition 2 attached to planning permission Ref: ST/0912/19/HFUL states:

"*The development shall be carried out in accordance with the approved plan(s) as detailed below*

- Drawing No. 01-200 Rev P3 received 25/02/2020
- Drawing No. 01-201 Rev P3 received 25/02/2020
- Drawing No. 01-202 Rev P3 received 25/02/2020
- Drawing No. 01-203 Rev P3 received 25/02/2020
- Drawing No. 01-204 Rev P4 received 25/02/2020

- Drawing No. 01-205 Rev P4 received 25/02/2020
- Drawing No. 01-250 Rev P1 received 06/01/2020

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."

Condition 3 attached to planning permission Ref: ST/0912/19/HFUL states:

"*The external surfaces of the development hereby permitted shall be as follows:*
- Walls of render (white in colour) excepting the base of the front porch which shall be of stonework or similar (natural grey in colour);
- Pitched roofs of natural slate tiles (grey in colour);
- Aluminium window frames (slate grey or similar in colour);
- Aluminium doors (slate grey or similar in colour);
- Privacy screens of timber boards; and
- A glazed terrace balustrade.
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."

All dimensions of the proposal can be scaled from submitted drawings.

Background information

During the assessment process the application description was amended to make reference to the fact that Condition 2 attached to planning permission Ref: ST/0912/19/HFUL also needed to be amended. The application description was also amended to more accurately describe the proposed works – building up the side walls of the proposed porch (the original description referred to existing render on the proposed porch when there is none), and to include reference to rear roof lights being UPVC instead of aluminium. It was not considered necessary to re-notify neighbours on this amended description, given that the proposed works are clearly shown on submitted drawings.

Publicity / Consultations (Expiry date 12/02/2021 & 24/02/2021)

1) Neighbour responses

None received

2) Other Consultee responses

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 trees

Design and visual impact

The amendments to the proposal approved under planning permission Ref: ST/0912/19/HFUL would be largely screened from the public domain, with the exception of the first floor UPVC windows. This is because the proposed ground floor amendments would be behind high boundary treatment along Dipe Lane.

The proposal including the amendments would remain subordinate in appearance in relation to the existing dwelling when viewed from the public domain. The application dwelling forms part of a street scene where there is an eclectic mix of house types, varying significantly in design, scale and external materials. External materials as proposed, including the amendments, would therefore be acceptable in the context of this eclectic street scene mix.

It is considered that proposed amendments would have no materially greater impacts on the Dipe Lane street scene over and above the scheme previously approved. It is therefore considered that the proposal including the amendments would be in keeping with the existing built form and so would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials. A condition is recommended to control that external materials be as specified in the application. 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 amendments to the proposed porch would be set well back from the common boundaries shared with neighbouring properties and the size of the windows openings on the main dwelling would not change in relation to those previously approved.

Given separation distances, the existing built form including the orientation between the proposal and the habitable room windows within Fairfield, the dual aspect of the study room within Fairfield, and the size of the curtilage of Fairfield, it is considered that the proposal including the amendments would have no unacceptable impacts on the amenities of the occupiers of Fairfield in relation to outlook and over dominance, or overshadowing to indoor or outdoor space. It is considered that the solid privacy screen to the proposed roof terrace would ensure that this part of the proposal would cause no unacceptable overlooking of Fairfield. As per the previous planning permission, it is recommended that a condition be attached to any planning permission to require the privacy screen closest to Fairfield to be installed prior to the occupation of the extensions. It is also recommended that a condition be attached to any planning permission to require the proposed first floor window facing Fairfield to be obscure glazed. It is not considered necessary to require facing vestibule / porch windows to be obscure glazed due to their distance from the common boundary, the fact that a porch is not a habitable room, and due to the fact that there is a high boundary wall along the common boundary.

The proposed front snug extension would build to the front of the bedroom window to the side of Ravenswood. However, it would project only one metre from the main front wall of the dwelling. The neighbouring bedroom window is wide and so only part of it would be compromised in terms of outlook and over dominance. Any overshadowing of this bedroom window is already caused by the existing dwelling. Given the existing built form, the minimal projection distance of the proposed front extension, and given separation distances between the proposed rear extension and the common boundary shared with Ravenswood, it is considered that the proposal including the amendments would have no unacceptable impacts on the amenities of the occupiers of Ravenswood in relation to outlook and over dominance, or overshadowing to indoor or outdoor space to warrant refusal of the application. Any impact in terms of dominance on the neighbouring bedroom window would not be significant.

The proposed vestibule / porch window would directly face the bedroom window to the side of Ravenswood. However, it would be positioned almost six metres from the common boundary, and the existing snug window in the dwelling already causes similar overlooking. The proposed amendment has actually removed a window pane in the side elevation (the previously approved porch included two side windows). The bedroom is also already overlooked from the front garden of the application dwelling. In any case a porch is not a habitable room. Any overlooking of the bedroom window to the side of Ravenswood would not be materially harmful over and above the existing situation to warrant refusal of the application. It is considered that the solid privacy screens to the proposed roof terrace would ensure that this part of the proposal would cause no unacceptable overlooking of the outdoor space to the rear of Ravenswood to warrant refusal of the application. As per the previous planning permission it is recommended that a condition be attached to any planning permission to require the privacy screen closest to Ravenswood to be installed prior to the occupation of the extensions.

The proposal would remain the same to the rear as previously approved, excepting the material of the proposed rear roof lights which would be of UPVC instead of aluminium. The proposed rear roof terrace would be positioned approximately 24 metres from the rear garden of Michaelford. Given separation distances it is considered that the proposal, including the rear roof terrace, would have no unacceptable impacts on the occupiers of Michaelford in relation to privacy, outlook and over dominance, or overshadowing.

Given separation distances it is considered that the proposal including the amendments 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 proposed amendments would have no materially impacts on the amenities of the occupiers of neighbouring properties over and above the scheme approved under planning permission Ref: ST/0912/19/FUL. It is therefore 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 trees

There are trees of a high amenity value positioned to the front of the application site adjacent to Dipe Lane which have recently been served with a Tree Preservation Order (TPO) – namely TPO 371. However, these trees would be positioned a good distance from the proposed extensions including the amendments, which would have no direct impacts. Given this distance, the risk of any indirect impacts (such as materials being stored within the root protection areas of these trees) would be low. It is therefore considered that it would not be necessary to consider whether any tree protection measures would be necessary to make the development acceptable. 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).

Other matters

Paragraph: 014 Reference ID: 17a-014-20140306 of National Planning Practice Guidance states that planning permission cannot be granted under section 73 of the Town and Country Planning Act 1990 (as amended) to extend the time limit within which a development must be started. It is therefore recommended that a condition be attached to any planning permission to control that the development must commence no later than 16/03/2023 (as per planning permission Ref: St/0912/19/HFUL).

Summary

For the reasons articulated above, it is considered that the proposal including the amendments 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 with Conditions

Conditions

1 The development to which this permission relates must be commenced by no later than 16/03/2023.

As an application submitted under Section 73 of the Town & Country Planning Act 1990 cannot be used to vary the time limit for implementation, this condition's time limit must remain unchanged from that of the original permission (reference: ST/0912/19/HFUL).

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

- Drawing No. 07-200 Rev A received 04/01/2021
- Drawing No. 07-201 Rev A received 04/01/2021
- Drawing No. 07-202 Rev A received 04/01/2021
- Drawing No. 07-203 Rev A received 04/01/2021
- Drawing No. 08-204 Rev A received 04/01/2021
- Drawing No. 08-205 received 04/01/2021
- Drawing No. 01-250 Rev P1 received 01/03/2021

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 as follows:
- Walls of render (white in colour) excepting the walls of the front porch which shall be of stonework / brickwork or similar (natural grey in colour);
- Pitched roofs of natural slate tiles (grey in colour);
- UPVC / Aluminium window frames (slate grey or similar in colour);
- Aluminium doors to the rear (slate grey or similar in colour);
- Privacy screens of timber boards;
- Side first floor window sills natural stone in colour; and
- A glazed terrace balustrade.

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 Prior to the first occupation of the extensions hereby permitted, the first floor window of the extension facing the common boundary with Fairfield shall be glazed with obscure glass to a level sufficient to protect the privacy of neighbouring occupiers. The form of

window and obscure glazing shall be retained henceforth.

To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

5 Prior to the first floor roof terrace hereby permitted being brought into use, the roof terrace solid timber boarded privacy screens, as illustrated on Drawing No. 07-201 Rev A, Drawing No. 07-202 Rev A, Drawing No. 07-203 Rev A, Drawing No. 08-204 Rev A, and Drawing No. 08-205 all received 04/01/2021, shall be installed and then retained henceforth.

To safeguard the privacy of the occupiers of nearest residential properties 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

Case officer: David Rogerson
Signed: *David Rogerson*
Date: 08/03/2021

Authorised Signatory:
Date: