

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0083/21/FUL
Proposal: Change of use of landscaped highway verge to construct a detached building extending into the rear garden of 24 High Trees with new boundary wall.
Location: 24 High Trees
South Shields
NE34 8EW

Site Visit Made: 23/02/2021

Relevant policies/SPDs

- 1 DM1 - Management of Development (A, B, C, D, G)
- 2 SPD3 - Green Infrastructure Strategy
- 3 SPD9 - Householder Developments

Description of the site and of the proposals

This application relates to a north facing detached dwellinghouse in South Shields. The site has a moderately sized garden to the rear. The western boundary of the site is formed by a 2m high brick wall. To the west of the site there is a parcel of land which is partially tarmacked and partially landscaped and forms part of the adopted highway.

Full planning permission is sought to construct a detached garden room partially in the rear garden and partially within the landscaped area of the adopted highway. It is proposed that a 1.9m high boundary treatment consisting of a wall and fence would enclose an area of the adopted highway between the garage and Sunderland Road. This application seeks planning permission to change the use of the land to residential curtilage as well as to construct the development as outlined above.

Amended plans were received on 20/07/2021 following officer concern regarding highway safety. The changes consisted of changing the proposed use of the building from a garage to a garden room. The proposed dropped kerb was removed from the scheme. Neighbouring properties have not been notified of the changes, having regard to the Council's SCI as the proposed changes would not materially affect the residential amenity of neighbouring properties over and above the scheme that they were previously notified of.

Publicity / Consultations (Expiry date: 10/03/2021)

1) Neighbour responses

None

2) Other Consultee responses

Traffic & Road Safety

The adopted highway must be stopped up before any highway works can commence. Recommend approval if the applicant can ensure this.

Assessment

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Local Development Framework (LDF) Policy DM1 (C) states that developments should protect existing soft landscaping. LDF Policy DM1 (D) states that in new developments soft landscaping should contribute towards a high quality setting for buildings, improve visual amenity and enhance community activity. Further guidance regarding the importance of public amenity space is provided within Supplementary Planning Document 3 'Green Infrastructure Strategy'.

Paragraph 8.4 of SPD3 states that green infrastructure provides opportunities to enhance local identity, visual amenity and landscape character, helping to create a sense of place and promoting local pride. Paragraph 2.17 of the South Tyneside LDF Development Management Policies and paragraph 9.6 of SPD3 state that pockets of amenity open space in residential areas can help to maintain good quality urban spaces and contribute to the character and visual amenity of an area.

The proposal would involve the change of use of the adopted highway to residential curtilage. The Council's Traffic & Road Safety team have been consulted and have raised no objections to the proposed development, noting that the adopted highway would need to be stopped up prior to the construction of the development; an informative is recommended in this regard. It is not considered that the development would result in significant harm to highway safety. Given the small scale of the open space to be lost, it is not considered that its loss would result in a significant reduction in the amount of available open space in the area. Whilst SPD3 states that small pockets of amenity space can contribute to the character and appearance of the area, there are many small parcels of open space in the area in addition to the larger areas of open space nearby and so this loss would not be significant. Furthermore, it is not considered that this parcel of open space positively contributes to the character and appearance of the area, given its poorly maintained condition. Additionally it is not considered that the area of open space would be used for recreational purposes, given its small size and location, and also given the availability of other larger areas of open space in the vicinity. In conclusion and on balance, it is considered that the loss of the public open space is acceptable.

Whilst some landscaping and trees would be lost as a result of the works, this would not be significant and the trees are not worthy of protection by a Tree Preservation Order.

The proposed building would be set adjacent to the boundary with No. 1 Cleaside Avenue to the south. That property has a detached garage adjacent to the boundary with the application site which would partially screen the proposal from No.1. Furthermore, given the distance of 16m between the rear elevation of No. 1 and the proposed building, it is not considered that the proposed building would result in significant harm to the residential amenity of No. 1, particularly in terms of overdominance, overshadowing, loss of outlook or loss of privacy. The guttering would overhang the boundary with No. 1 Cleaside Avenue. The applicant has served notice on this property. The proposed development would not result in significant harm to the residential amenity of any other properties.

The proposed development would be located to the rear of the host property however given the orientation and layout of the site would be highly visible from the public domain. The proposed boundary treatment would not project forward of the existing boundary treatment line of Sunderland Road and the design of the boundary treatment would be in keeping with the design of the boundary treatments in the

area. The pitched roof design of the building would not result in significant harm to the visual amenity of the area.

Conclusion

In conclusion, it is considered that the proposal would not result in any significant harm to the residential amenity of neighbouring properties, the visual amenity of the area or the highway safety in the area. The principle of the change of use would be acceptable. The proposal would comply with all relevant local and national planning policy. The application is therefore recommended for approval.

Recommendation

Grant Permission 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 - Proposed" rev A received 20/07/2021

Dwg No. 0792/1083/841 received 20/07/2021

Dwg No. 0774/7467/553 received 20/07/2021

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.

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 Prior to starting work on this development you are advised that the area of highway within your development MUST be formally stopped up. This process can take up to six months and it is the responsibility of the applicant to seek this stopping up. This can be achieved by contacting:

National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

Direct line: 0207 944 4115
<https://www.gov.uk/government/groups/national-transport-casework-team>

Failure to achieve the necessary Stopping Up order prior to development commencing may result in prosecution under the Highways Act 1980.

Case officer: Seán Gallagher

Signed:

Date: 23/09/2021

Authorised Signatory:

Date:

«END»