DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0173/21/HFUL
Proposal: Erection of freestanding timber carport alongside existing garage. The carport is to be installed over existing blocked paving on the drive to the north side of the garage.
Location: 32A Sunniside Lane
Cleadon
SR6 7XB

Site Visit Made: 22/04/2021

Relevant policies/SPDs

1 LDF CS EA1 - Local Character and Distinctiveness
2 DM1 - Management of Development (A, B, C & G)
3 SPD9 - Householder Developments

Description of the site and of the proposals

Planning permission is sought for the erection of a freestanding timber car port alongside an existing garage at 32A Sunniside Lane in Cleadon.

The proposed car port would be constructed in timber (a timber frame has been confirmed verbally by the applicant and is referred to in the application description) with Siberian Larch fastened to the north elevation, and polycarbonate roof panels. All dimensions of the proposal can be scaled from submitted drawings.

The property is a recently erected detached residential dwelling, on the eastern side of Sunniside Lane, which was built on land to the north of 32 Sunniside Lane. This followed the grant of planning permission for a dwelling in 2013 (Ref: ST/0653/13/FUL) and the subsequent approval of a revised dwelling in 2015 (Ref: ST/0066/15/FUL), which has been implemented (see planning history below).

On the adopted South Tyneside Local Development Framework Site Specific Allocations proposals map, part of the application site is located within Green Belt. The part of the application site where the proposed car port would be positioned is located within the Green Belt. Green Belt land is located to the north, and to the east of the site.

Trees are located within and adjacent to the application site, including a tree subject of a Tree Preservation Order (TPO) positioned to the south west of the application site (namely TPO 279)

Planning history

2015 (Ref: ST/0066/15/FUL) – Planning permission granted for the construction of a detached dwelling house (the current application dwelling) and garden shed, as well as a new vehicle access from Sunniside Lane and a new boundary treatment. A condition was attached to this planning permission removing permitted development (PD) rights including in relation to extensions and alterations, and the erection of curtilage buildings.

2018 (Ref: ST/1176/17/HFUL) – Planning permission granted for the construction of a detached timber shed to the side/rear garden.

Publicity / Consultations (Expiry date 21/04/2021)

1) **Neighbour responses**

None received

2) **Other Consultee responses**

None received

Assessment

The main issues relevant to the determination of this application are:

- Impact on Green Belt
- Design and visual impact
- Impact on residential amenity
- Impact on highway safety
- Impact on trees

Impact on Green Belt

Green Belt Policy Context

The application site is located within Green Belt. Adopted South Tyneside Local Development Framework (LDF) Core Strategy Policy EA1 seeks to conserve the best qualities of South Tyneside's built and natural environment with Criterion B stating the need for the Council to protect and enhance the openness of the Green Belt.

Paragraph 133 of the National Planning Policy Framework (NPPF) 2019 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green belts are their openness and their permanence. Paragraph 134 of NPPF states that Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent the neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. Paragraph 144 of NPPF states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 145 of NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt (subject to certain exceptions), and Paragraph 146 lists certain other forms of development that are not inappropriate in the Green belt provided that they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.

One of the exceptions listed in Paragraph 145 is c) an extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the 'original building'

Proportionality test within Paragraph 145 of NPPF

The proposed extension needs to be assessed against the exception c) in Paragraph 145 of NPPF. In order to do this the following matters need to be determined:

- What is the 'original building'?
- What are considered to be extensions to the 'original building' for the purpose of Paragraph 145 of NPPF? Existing extensions if any to the original building should be assessed cumulatively with the current proposal to establish whether the exception (for extensions that do not result in disproportionate additions) to the Paragraph 145 applies.
- Are extensions including the current proposed extension proportionate over and above the size of the original building?

Original building

Having considered the planning history at the application site, the 'original building' is the dwelling as built under planning permission Ref: ST/0066/15/FUL.

Extensions to the 'original building'

Given that the 'original building' has been established, the second matter to determine is to what extent the 'original building' has been extended, and whether existing outbuildings within the curtilage of the dwellinghouse should be included as extensions to the 'original building'.

The 'original building' has not been extended with any physical attachments. However, case law (namely Sevenoaks District Council v Secretary of State for the Environment and Dawe (1997) concludes that outbuildings can be considered as an extension. This caselaw related to an application for a 4-bay car shelter extension to an existing garage at a large dwelling house. The court held (dismissing the appeal of the Inspector's decision) that the garage was part of the dwelling in the sense that it was a normal domestic adjunct and thus the Inspector was fully entitled to treat the appeal proposal as an extension. It is however a matter of fact and degree in each case.

The only outbuilding that has been erected within curtilage of the application site is a shed that was granted planning permission in 2018 Ref: ST/1176/17/HFUL. At this time this shed was considered as an extension to the 'original building' for the purpose of the Green Belt assessment. The shed is 14.4 square metres in area.

The proposed car port would be 29.11 square metres in area. It would be freestanding and so would not be physically attached to the 'original building'. However similar to the shed, it is considered that the car port can be considered as an extension to the 'original building', due to its siting adjacent to the main dwelling, and due to its close functional relationship (whereby it would be used as a normal domestic adjunct).

Given the above, including the current proposal, the combined floor area of the extensions would be approximately 43.51 square metres.

Are overall extensions (as defined above), including the current proposal, proportionate over and above the size of the 'original building'?

The Local Planning Authority does not have a specific development plan policy / supplementary planning document in relation to extensions / alterations of 'original buildings' in the green belt, to help to determine whether overall extensions would be proportionate additions over and above the size of the 'original building'. It is therefore considered that a judgement needs to be made taking into account the percentage increase of overall extensions in relation to the 'original building'.

As stated the 'original building' is considered to be the original dwelling as constructed following the grant of planning permission Ref: ST/0066/15/FUL. It is a relatively large two storey dwelling with an estimated floor area of approximately 262.56. Overall existing and proposed extensions would be approximately 43.51 square metres in area. This equates to approximately 17% over and above the size of the 'original building'.

It is considered that overall extensions would not result in disproportionate additions over and above the size of the 'original building'. On this basis it is considered that the proposal would fall under exception c) under Paragraph 145 of NPPF and so would not be inappropriate development in the Green Belt.

Green Belt Summary

Overall, it is considered that the proposed car port would protect the spatial and visual aspects of the Green Belt, and would not cause any harm in relation to impact on its openness. It would therefore accord with adopted South Tyneside LDF Core Strategy Policy EA1, and guidance within NPPF.

Design and visual impact

The proposed car port would be subordinate in appearance in relation to the existing dwelling, and it would be constructed in acceptable materials. It is therefore considered that it would convey sensitive consideration to its surroundings having regard to its scale, proportions and use of external materials. A condition is recommended to control that the car port be constructed in materials as specified in the application. Subject to the compliance with this condition it is therefore considered that the proposal would accord with adopted South Tyneside LDF Development Management Policies DM1 (A).

Impact on residential amenity

The proposed car port would not build towards any neighbouring properties. It is therefore considered that it would have no unacceptable impacts on the amenities of the occupiers of any neighbouring properties in relation to privacy, outlook and over dominance, or overshadowing. It would therefore accord with adopted South Tyneside LDF Development Management Policy DM1 (B) and the associated SPD9.

Impact on highway safety

The proposed car port would have no impacts on the existing parking arrangements at the application site. It would have no unacceptable impacts on highway safety, and so it would accord with adopted South Tyneside LDF Development Management Policy DM1 (G).

Impact on trees

No arboricultural details have been submitted as part of this planning application. This is despite there being trees within and adjacent to the application site that have an amenity value, including a tree subject of a Tree Preservation Order (TPO) to the south west of the application site (namely TPO 279). However, the proposed car port would have no direct impact on any trees, and given the size of the application site and the position of the proposed car port, it would be unlikely to have any indirect impacts on trees. It is therefore considered that the proposal would accord with adopted South Tyneside LDF Development Management Policy DM1 (C).

Other matters

The proposed car port would be positioned within the Great North Forest, an area within which the Great North Forest Partnership seeks to realise opportunities for the countryside – with strategies relating to access, education, enterprise and biodiversity. Given the nature of the proposal it is considered that it

would not conflict with the implementation of Great North Forest strategies. In relation to the Great North Forest, it is considered that the proposal would accord with adopted South Tyneside LDF Core Strategy Policy EA1 (D).

Summary

For the reasons articulated above, it is considered that the proposed development 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 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 car port site plan received 10/02/2021
- Elevation drawing received 10/02/2021

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 development hereby permitted shall be constructed in timber and as specified under Section 10 of the planning application form. 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 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: 26/04/2021

Authorised Signatory:
Date: