DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0422/21/HFUL
Proposal: Single storey rear extension.
Location: 61 Jutland Avenue
Hebburn
NE31 1QG

Site Visit Made: 19/08/2021

Relevant policies/SPDs

1 DM1 - Management of Development (A and B)

2 SPD9 - Householder Developments

Description of the site and of the proposals

The site to which the application relates is a semi-detached dwelling located within an established residential area. The host dwelling is orientated so that it is south facing onto Jutland Avenue in Hebburn. The rear garden is enclosed by approximately 1.8m high close boarded fencing and shrubbery. No. 63 Jutland Avenue is the adjacent neighbouring property to the east of the development site and is orientated so that it is south-eastern facing onto Jutland Avenue. No. 63 features an existing single storey extension attached to its rear elevation. No. 59 Jutland Avenue adjoins the host dwelling to the west of the development site.

The development proposed is to construct a single storey lean-to extension that will adjoin and project a maximum of approximately 3.9m from the host property's rear (northern) elevation. The proposed extension will span across the majority of the rear elevation, with an approximate 1.1m gap left between the side (eastern) elevation of the extension and the host's side (eastern) elevation. Additionally, the proposed extension will be set in on its eastern side so that it projects approximately 1.9m from the host property's rear elevation. The proposed development will incorporate French doors and windows to its rear (northern) elevation and a window to its side (eastern) elevation as well 1no. rooflight to its roof slope.

Publicity / Consultations (Expiry date: 26/07/2021)

1) Neighbour responses

None received.

2) Other Consultee responses

None received.

Assessment

The main issues relevant to the assessment of this proposal are the:

- Design of the proposal and its impact on visual amenity; and
- Impact on residential amenity

Design/Visual Amenity

The proposed rear extension will have a minimal impact on the character and appearance of the host property and surrounding area. As the extension will be to the rear it will have little prominence in regard to the surrounding street scene. The design of the proposed development is considered to be of an appropriate scale and mass to the main dwelling and will consist of materials that match those on the existing property. As such, the proposed extension will be in keeping with the character and appearance of the main dwelling. Therefore, it is considered that the proposal would accord with LDF Policy DM1 (A) and the objectives of SPD9.

Residential Amenity

The impact of the proposed development on the amenity of neighbouring occupants is an important material consideration with particular regard to No. 63 Jutland Avenue to the east and No. 59 Jutland Avenue to the west.

The proposed extension will project within close proximity to the shared boundary with No. 63 meaning the extension will be visible from the rear garden area of this property. However, a gap will still remain at the shortest point between the side (eastern) elevation of the proposed extension and the shared boundary with No. 63. Given the single storey nature of the proposed extension which will be set in and away from the shared boundary and given that it will not extend significantly above or beyond No. 63's existing extension it is not considered that there would be any significant impact to the amenity of the occupants of this property in terms of loss of outlook, daylight or sunlight. A window is proposed to the side (eastern) elevation of the proposed extension which will face the shared boundary treatment with No. 63. Therefore, it is likely that the proposed extension would have some impact on the privacy of the residents of this property. However, the proposed window will be set away from the shared boundary with this property and partially obscured by the high boundary treatments. Additionally, the rear projection of No. 63's existing extension, which projects above and beyond the proposed window, will obscure any views from this window meaning the proposed window will not provide any direct views of No. 63's habitable windows or rear garden. For the above reasons it is not deemed necessary in this instance to attach a condition for the proposed window to be obscurely glazed and it is the view of the case officer that the proposed window will not result in such harm to the residential amenity of No. 63 that refusal of the application could be justified on these grounds.

The proposed rear extension will project beyond No. 59's rear patio doors and will be built right up to the shared boundary with this property meaning the extension will be highly visible from its rear garden area. However, as the extension will be of only one storey in height it will not result in any significant harm to the amenity of the occupants of this property in terms of loss of outlook, daylight or sunlight. Any shadowing or loss of direct sunlight to No. 59's rear garden area and patio doors would be limited to a short period of the early morning due to the way in which the sun travels and the location of the proposed extension to the east meaning the extension would not result in significant harm. The proposed development will contain no windows that provide any direct views of any of No. 59's habitable windows or rear garden area meaning it will not result in any harm to the amenity of the occupants of this property in terms of loss of privacy/overlooking.

Given the above, the proposal would be acceptable in relation to the consideration of the residential amenities of the surrounding neighbours and would be in accordance with LDF Policy DM1 (B), while having regard to the principles set out in SPD 9.

Summary

The proposal is considered to be an acceptable form of development, subject to the inclusion of the suggested conditions. However, it must be pointed out that approval of the proposed development will not prevent the Local Planning Authority from resisting similar development in cases where it will result in a detrimental impact. Each planning application will be considered on its individual planning merits.

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 as detailed below:

- Existing and Proposed Plans and Elevations received 15/06/2021

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 ALL HOUSEHOLDER DEVELOPMENTS IN COAL MINING DEVELOPMENT REFERRAL AREAS

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

continued .....

3 COALHH1 Continued .....

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

4 Your attention is drawn to the Party Wall Etc. Act 1996 which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.

The Act is separate from obtaining planning permission or building regulations approval and you can find out more about it at:
https://www.gov.uk/party-wall-etc-act-1996-guidance

Case officer: James Wellwood
Date: 19/08/21

Authorised Signatory:
Date:

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