DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0454/21/HFUL
Proposal: Converting existing garage into a family/store room. Demolish existing conservatory and replace with 2- storey extension providing garage & office facilities. New driveway access added.
Location: 8 South Avenue
South Shields
NE34 6QZ

Site Visit Made: 10/06/2021

Relevant policies/SPDs

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

Description of the site and of the proposals

Planning permission is sought to convert the existing garage into a family/store room. Demolish existing conservatory and replace with a two storey extension providing garage and office facilities. A driveway access is also proposed at 8 South Avenue, South Shields.

The existing garage door to the front elevation would be replaced with 2 no. windows and an additional smaller window would be created towards the front of the side elevation. The existing door and window to the rear of the garage would be replaced with brick.

The detached property is located within an established residential area of South Shields. 1 no. tree is located along the eastern boundary within the curtilage of the property, 1 no. tree is located within the adjacent neighbours front garden close to the boundary shared with no. 8 and 1 no. highway tree is located to the front of the applicant property along the grass verge.

The existing conservatory located along the side (south east facing) elevation would be demolished and a two storey side extension constructed creating a garage with office above. The side extension would measure a width of 3.6m, measure a depth of 7.98m and the front elevation would be set back 0.1m from the front elevation of the main dwelling. The roof ridge would be set down 2m from the roof ridge of the existing dwelling, the eaves height to the front elevation would measure a height of 2.4m and the eaves height to the rear would measure 5.1m high. The front roof pitch would host a dormer window and at ground floor level the front elevation would host a garage door. The rear elevation would host a first floor window. The proposed materials would match the existing property.

A new driveway access is also proposed providing direct access to the new garage. The existing driveway access would remain and be used as the vehicle exit. A tree survey and plan were submitted as part of the planning application as the proposed dropped kerb would be in close proximity to a highway tree and a tree located in the neighbouring front garden.

Publicity / Consultations (Expiry date 18/06/2021)

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

Tree Team –

Initial Comment - The proposal is looking to put an access across the highway and adjacent to a council owned tree. I would expect to see an arboricultural impact assessment pre determination to demonstrate that such work is achievable without causing damage to the council tree or trees within the neighbouring property.

These trees are highly visible mature specimens and we would not support development that compromises them.

Second Comment (following the submission of a tree survey) -
I have three main concerns with the proposals.

1) The RPA provided is a circular only, when in reality, the roots are likely to extend further in the verge due to the absence of good rooting medium under the hardstand. Even discounting this, there is proposed excavation in the RPA and this is likely to be to the detriment of the tree.
2) The proposed use of honeycomb surfacing – this will be adopted highway and will have to meet highway specifications.

My opinion is that this proposal will introduce significant root damage to a mature and prominent highway tree and should this in turn lead to the decline or deterioration of the tree, it will be harmful to the landscape. Unless there are obvious benefits from a planning perspective for this scheme that outweigh this potential harm to the tree, we would not support it from an arboricultural perspective.

If the application is approved, we would recommend that a method statement is produced, that excavation is carried out under arboricultural supervision and that the highway officers are consulted to ensure the method of driveway access is appropriate.

Final comment (following site visit by the Tree Team) –

- Scope to install an access crossing from South Avenue without causing damage to the highway tree and without using a cell system, providing it is hand dig and the dimensions are suitable.
- For consent, the applicant to speak to the highways team.
- The Tree Survey has not fully considered the large sycamore tree in the adjacent garden and there needs to be some provision for no dig excavation within the RPA of this tree to prevent damage.

Traffic and Road Safety –
No issues - STC to construct driveway crossing

Assessment

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

- Design of the proposal and its impact on visual amenity, including its impact on trees;
- Impact on residential amenity; and
- Highway Capacity and Road Safety

Design and Impact on Visual Amenity, including on Trees

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.

Guidance under part 7.2 of SPD 9 recommends that a minimum 1 metre gap between the extension and the side boundary of the application site is retained; a minimum 1 metre set-back between the front wall of the upper storey extension and the main front wall of the house is provided, the ridge line is significantly lowered and that the roof shape corresponds to the main dwelling.

SPD 9 is clear that site-specific circumstances of the property will always be taken into account however and may allow for development opportunities beyond the guidelines set out in this document.

Consideration must be given to the width of the proposed side-extension in relation to the existing property. Side extensions which are excessively wide can undermine the character of the street and of the existing property. To maintain a reasonable level of subordination, side extensions should not be more than 3 metres in width or be more than half of the width of the original dwelling frontage, whichever is the greater. In this instance the proposed extension would have a width of 3.6m which is less than half the width of the existing original dwelling.

In this case the side elevation of the two storey side extension would be set back from the side boundary by 0.47m to the front and the side boundary would taper inwards towards the rear. The front elevation of the proposed dormer window located on the front roof pitch would be set back 1.3m from the front elevation of the main dwelling. The roof ridge would be set down 2m from the roof ridge of the main dwelling and although the front and rear roof pitches are uneven in length, the shape would correspond with the roof shape of the existing dwelling. The proposed side extension would be set back 0.47m from the side boundary to the front of the property and reduces in width towards the rear of the extension. When combining the dormer front elevation set-back, width and lowered ridge line, it is not judged that the design of the extension would result in the creation of a terracing effect within the street scene; and would provide a subordinate appearance. Furthermore this policy is generally aimed at semi-detached dwellings or high density detached properties and this detached dwelling is not considered to be located in a high density area.

Part 7.4 of SPD9 further states that the council recognises that the above guidance may not be suitable in all situations and that the design and suitability of an extension is dependent upon the site-specific circumstances, the need to protect residential and visual amenity and to achieve a design that respects the scale, character and appearance of the dwelling and its neighbourhood, having regard to the general principles set out in Section 3. In some cases the above guidance may be relaxed if two or more of the following criteria exist: there is a marked stagger in the building line between the dwelling and the affected neighbour; the dwelling to be extended is of a substantially different type, scale and massing to the adjacent dwelling; the adjacent property is incapable of being extended in the same direction; and there is a significant difference in ground levels between the dwellings to be extended and the affected neighbour.

In this case the adjacent dwelling is located close by to the side boundary shared with no. 8 and is therefore considered incapable of being extended in the same direction and the dwelling to be extended is of a substantially different type, scale and massing to the adjacent dwelling. Taking the above in to account, considering the site-specific circumstances and the set backs outlined above, the proposed two storey side extension would not adversely impact upon the scale, character and appearance of the dwelling and its neighbourhood. Furthermore, the proposed materials would match the materials of the existing property.

The proposed garage conversion is also considered acceptable in terms of design and visual amenity as the proposed windows and surrounding brick would match those on the existing dwelling. As such, it is judged that the proposed extension would be acceptable when considered against the design guidance set out within SPD 9.

Policy DM1(C) requires development to protect existing soft landscaping, including trees and hedges, where possible or provides replacement planting where necessary.

South Avenue is not a classified road and the existing block paving on the driveway is permeable; therefore the proposed dropped kerb / vehicular access would not require planning permission. The proposed dropped kerb would be in very close proximity to a highway tree owned by the Local Authority. There is also a large tree within the front garden of the adjacent neighbour (no. 6) which is located close to the common boundary shared with no. 8. None of these trees are protected with a Tree Preservation Order or are located within a Conservation Area and therefore hold no protection.

Drawing no. 0010633/P2 (received 11/02/22) shows that the root protection area of both the highway tree (T1) and the tree in the front garden of the adjacent neighbour (T3) would be impacted by the proposed dropped kerb. The tree survey concluded that construction of the proposed access, over the public highway grass-verge, will have “minimal” detrimental effect, upon the future health and condition of the tree. The Tree Team were consulted on the proposal and concluded that there is scope to install an access crossing from South Avenue without causing damage to the highway tree and without using a cell system, providing it is hand dig and the dimensions are suitable. They also advised that the tree survey did not fully consider the tree in the adjacent neighbours garden and no dig excavation within the RPA would be required to prevent damage to this tree. An informative has been included advising the applicants to seek permission from the Highways team with regards to the installation of the driveway crossing.

The applicants request to remove the existing bollard is a highway matter that can be mandated separately by the Council as Highways Authority.

For these reasons, it is judged that the development would convey sensitive consideration of its surroundings, having regard to scale and proportions, use of materials, architectural detailing and existing trees; and would accord with Policy DM1 (A and C) of the South Tyneside Local Development Framework and the guidance contained within Supplementary Planning Document 9.

Residential Amenity

The adjacent neighbour; no. 6 South Avenue is located east of no. 8 and does not host any windows along the side elevation which directly faces no. 8. The proposed side extension would replace an existing conservatory and would be marginally set back from the front elevation of the existing dwelling and therefore would not be visible from the front elevation windows of no. 6. The proposed side extension would extend 1.8m beyond the rear elevation of the existing dwelling, however it would only extend beyond the rear elevation at no. 6 by 0.5m. Although the adjacent neighbour hosts a rear conservatory located near the common boundary shared with no. 8 which hosts windows along all elevations, the planning system cannot protect windows along side elevations directly facing adjacent neighbours. It is also considered that the proposed new driveway access would not adversely impact upon the adjacent neighbour as their driveway access is located along the opposite side boundary. Taking the above in to consideration, it is not considered that the development would result in material harm to the occupiers of the no. 6 South Avenue through a loss of outlook or privacy, or through over dominance and /or overshadowing.

The adjacent neighbour (no. 44 Central Avenue) located north west of no. 8 South Avenue would not be affected by the proposed development at no. 8 as both the two storey side extension and new driveway access would be located on the far side of no. 8. A new window is proposed along the side (west facing) elevation of the existing garage and would face towards the adjacent neighbour, however no. 44 does not host any side elevation windows facing the applicant property and also hosts a garage along the side (south east facing) elevation. Therefore, it is considered that the development would not result in material harm to the occupiers of no. 44 Central Avenue through a loss of outlook or privacy, or through over dominance and /or overshadowing.

The neighbours on the opposite side of South Avenue are located at a far away enough distance to not be adversely affected by the proposals at no. 8. To the rear there is a kindergarten and supermarket, again both are located at a far away enough distance to not be adversely impacted by the proposal.

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 Policy DM1 (B) of the South Tyneside Local Development Framework 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.

Highway Capacity and Road Safety

The Council's Traffic and Road Safety team (as the Highways Authority) were consulted on this application and have not raised any objections but advised the driveway crossing to be installed by STC construction team. An informative has been included for this.

South Avenue is not a classified road and the existing block paving on the driveway is also permeable; therefore the proposed dropped kerb / vehicular access would not require planning permission. The existing garage is proposed to be converted to a family/store room which is a loss of a parking space however the proposed side extension on the opposite side of the property proposes to host a garage. The existing driveway in front of the existing garage and the driveway in front of the proposed garage both measure beyond 5m in length and could also host a vehicle; therefore sufficient parking would be retained within the curtilage of the property.

It is therefore judged that the proposals would be acceptable in highways terms and would be in accordance with Policy DM1 (G) of the South Tyneside Local Development Framework.

Conclusion

For the above reasons, it is concluded that the development would be in accordance with Policy DM1 (A, B, C and G) of the Local Development Framework Development Management Policies, Having regard to the site circumstances detailed above, it is also judged that the extension would be acceptable in terms of its appearance, size and scale when considered against the design guidance set out within Supplementary Planning Document (SPD) 9 'Householder Developments'.

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

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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 NOTE TO APPLICANT
Alterations to the adopted highway/footway to create or widen a vehicular footway crossing will require the approval of the Council as Local Highway Authority. Please see https://www.southtyneside.gov.uk/article/38198/Dropped-kerbs-and-crossovers or call 0191 427 7000 for further information.

4 NOTE TO APPLICANT
It is an offence to obstruct a public highway. The adjacent public footpath located between the hereby approved dropped kerb and the applicant's blocked paved garden must therefore be kept clear of parked vehicles at all times.

Case officer: Emma Thomas
Signed: Emma Thomas
Date: 29/04/2022

Authorised Signatory: Geoff Horsman
Date: 03/05/2022

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