DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0808/21/HFUL
Proposal: Single storey rear extension to provide an enlarged kitchen/dining area
Location: 23 Cleaside Avenue
South Shields
NE34 8DQ

Site Visit Made: 27/09/2021

Relevant policies/SPDs

1 DM1 - Management of Development (A and B)

2 SPD9 - Householder Developments

Description of the site and of the proposals

The application property is a semi-detached property located at Cleaside Avenue, South Shields. The neighbour to the west is a semi-detached dwelling (21 Cleaside Avenue) and is attached to the application property. To the east lies a semi-detached dwelling (25 Cleaside Avenue). To the north beyond the rear gardens of these properties lies properties at Brandling Court. To the south lies the highway and further properties at Cleaside Avenue.

The proposal seeks permission to erect a single storey flat roofed rear extension protruding approximately 4.25 metres from the original rear elevation of the property, in line with the existing single storey rear offshoot. The development would measure approximately three metres in height, and the development would be constructed in white render walling, a grey felt roof, white uPVC doors and a black rooflight.

Publicity / Consultations (Expiry date 01/10/2021)

1) Neighbour responses

21 Cleaside Avenue, South Shields – We have no concerns regarding the extension but require clarity regarding the double fence. Currently fence posts are on the side of no.23. How is the new fence to be supported; will new posts be positioned; which way will they face and how will maintenance of the original and new fence be possible. If they are attaching a second fence to the original posts we have concerns regarding the stability and age of the original fence. Please could we also clarify who is responsible for fence maintenance as it is our understanding the boundary fences are shared.

2) Other Consultee responses

None

Assessment

In assessing this application, due regard has been had to the requirement of Section 149 of the Equality Act 2010. The main issues relevant to the determination of this application are the:

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

Design / visual amenity

Given the nature of the proposal, the development would be limited in view from the public domain. The development would protrude approximately 4.25 metres from the original rear elevation of the property. This is in excess of the three metre guidance as set out within SPD9. However it is noted the property has a rear garden of considerable length with a length of between approximately 11 metres from the rear elevation of the proposed development and the rear boundary. As such, it is considered that the whole proposal would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials and is acceptable in terms of its design and also local visual amenity.

A condition is suggested with regards to the materials of the proposed extension being of a similar appearance to those used in the original dwelling, asides from the dark grey felt roof and black rooflight, and in this respect the proposal would accord with LDF Policy DM1 (A) and the guidance contained within SPD9.

Impact on residential amenity

The proposal would not harm the amenities of the neighbours to the north, south and east due to the position of the development in relation to those neighbours.

In terms of the adjoining neighbour to the west (21 Cleaside Avenue), the rear extension would be positioned approximately 0.85 metres from the boundary of this property. Given the distances concerned and orientation of the properties, it is not considered any adverse amenity issues would occur from this closest neighbouring rear habitable room window, whilst there would be limited overshadowing impacts. It is also considered the rear extension would only measure approximately one metre above the existing fence line and would be set off the boundary, reducing the tunnelling impact to this neighbour.

It is noted there is a window facing the application site from this property's rear offshoot, however given the height of the proposed development and distance between this window and the proposed development, it is not considered any adverse amenity or overshadowing impacts would occur. Similarly, no openings are proposed within the side elevation of the development, negating any privacy concerns to this neighbour. A conservatory is also located at this neighbour's property to the rear of their offshoot, however the windows from this would not directly face the development given its position.

Given all of 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).

Other matters

Concerns have been raised by a neighbour in respect of the boundary treatments at the site, in terms of both ownership and maintenance. No details have been provided regarding a replacement fence, and notwithstanding this is considered a civil matter between the parties. The Local Planning Authority has no information in relation to boundary ownership or maintenance issues.

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

Sheet 3 received 14/07/2021
Sheet 4 received 14/07/2021
Sheet 5 received 14/07/2021

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, asides from the dark grey felt roof and black rooflight. 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 UNIQUE NOTE TO APPLICANT

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

4 NOTE TO APPLICANT

All British bats are protected by both UK and European legislation. This legal

protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should bats or signs of bats (such as droppings or dead bats) be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.

Case officer: Nick Graham
Signed: N. Graham
Date: 07/10/2021

Authorised Signatory:
Date:

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