

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0892/21/HFUL
Proposal: Demolition of rear conservatory and construction of single storey rear glazed extension. Replacement of existing dilapidated garage door.
Location: Vanbrugh House
Bridle Path
East Boldon
NE36 0PA

Site Visit Made: 09/11/2021 & 11/11/2021

Relevant policies/SPDs

- 1 DM1 (A, B & C) - Management of Development
- 2 DM6(Biii) - Heritage Assets and Archaeology
- 3 SPD9 - Householder Developments
- 4 SPD15 - East Boldon Conservation Area Management Plan - Adopted April 2009
- 5 East Boldon Neighbourhood Plan – Adopted December 2021

Description of the site and of the proposals

Vanbrugh House is located within the East Boldon Conservation Area and is subject to an Article 4 Direction, which restricts Class I permitted development rights for development within the curtilage of the dwellinghouse (as per the 1977 General Permitted Development Order), i.e. extensions and alterations to the dwelling. The property is an imposing late-Victorian double-fronted villa. Its simple classical symmetry is elegantly enhanced by formal green gardens and original front door, fan light and windows. Extensions are subordinate. Old limestone and brick walls mark the side and rear.

This application seeks planning permission for the demolition of a rear conservatory and the construction of a single storey rear glazed extension of contemporary appearance. The application also seeks to replace an existing garage door.

At first floor, the original application plans proposed for an existing rear dormer to be removed and replaced with new flat roof dormer and existing window to be replaced with double doors, along with a rear terrace/balcony and balustrade. The existing dormers to the rear and front would have had the existing pitched roofs removed and new flat roofs added.

Some alterations were made to the plans on 17/11/21, while the application was still within the statutory publicity period. The changes omitted the rear terrace/balcony from the proposals, instead including a rear Juliet balcony.

Further changes were subsequently made to the application proposals, with amended plans being submitted on 28/01/22, which omitted the changes to the windows and dormers at first floor level from the proposal, following discussions, after officers had raised concerns regarding the impact of the proposed changes at first-floor level on the character and appearance of the East Boldon Conservation Area.

An update to the application description has been agreed in writing with the applicant's agent to reflect the changes that have been made to the proposals since the initial application description was provided.

The application was accompanied by a Bat Survey and an Arboricultural Report. Subsequently, an additional plan showing the tree locations in relation to the proposed development was provided on 18/01/22. Following on from that an Arboricultural Impact Assessment was provided on 08/02/22, in order to provide further clarification on the potential for the extension to impact on the health and amenity value of the existing trees.

The plans submitted as part of the application show the detailed proposals.

Publicity / Consultations (Expiry date – 08/12/2021)

1) Neighbour responses

Adjoining neighbours were notified by letter and the application was also advertised in the site and local press. One response was received:

Gable Cottage, Bridle Path (Supports)

Happy to support the application and have no adverse comments following the decision to remove the first-floor roof terrace.

2) Other Consultee responses

STC Historic Environment Officer (Objects – comments provided):

Built high up behind tall brick walls, Vanbrugh House is an imposing late-Victorian double-fronted villa, now divided in two. Its simple classical symmetry is elegantly enhanced by formal green gardens and original front door, fan light and windows. Extensions are subordinate. Old limestone and brick walls mark the side and rear.

The property is covered by an Article 4 Direction under the General Development Order 1977. Class 1: Development within curtilage of a dwellinghouse covers extensions, porches, development incidental to the enjoyment of a dwellinghouse, hard standings and old storage tanks.

The design and access statement suggests that the glazed conservatory is incongruous. I disagree. The conservatory is in keeping with the property and is of heritage merit. The proposed loss of the original sash windows to the rear ground floor level is also regrettable. However, I understand the changing needs of modern living and am of the view that the impact of the proposed rear extension on the character and appearance of East Boldon Conservation Area would be fairly neutral given the height of the boundary wall.

That said, I am not supportive of the proposed alterations to the dormers, which have not been justified in terms of heritage impact. This applies to the north and south elevations. These alterations would change the roofline and the introduction of grey windows would not be in keeping with the external appearance of the property. The glass balustrade would also be clearly visible from the public highway. These alterations would, in my view, have a negative impact on the character and appearance of East Boldon Conservation Area and be harmful to the heritage significance of a non-designated heritage asset.

I would therefore advise that the existing dormer windows should be retained in their original form and the glass balustrade is removed from the proposals.

Additional comments in response to amendments received during the publicity period on 17/11/21:

Whilst I am supportive of the proposal to remove the external terrace from the proposals, my comments regarding changes to the first floor windows and dormers remain.

County Archaeologist (Planning conditions requested – comments provided):

I have checked the proposed development area against the Historic Environment Record and historic maps. Vanbrugh House is included as a record on the Historic Environment Record as Vanbrugh House & Camp Villa (HER 8507). The house is an imposing late Victorian double-fronted villa and is noted for its simple classical symmetry and formal gardens. The house is located within the boundary of East Boldon Village (HER 955). The earliest reference to Boldon is 1183 in Boldon Book a survey of land belonging to the Bishop of Durham for the management of the bishop's estates. Whilst in Hatfield's Survey of 1381 there is no clear division into East and West Boldon, it seems possible that East Boldon had come into existence in the 13th century. The house is located within the boundary of East Boldon Conservation Area. There have been no previous archaeological investigations undertaken within the proposed development's redline boundary.

The proposed works are located within the medieval village of Boldon, an area which has archaeological potential. In this case, I consider that the scope of the works that have been outlined in the application will require archaeological monitoring as archaeology associated with the medieval village may be impacted by the proposed groundworks. Archaeological monitoring can be secured by condition if this application is approved. Please find below suggested wording for the conditions required:

Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF and South Tyneside's Local Development Framework Policy DM6.

Archaeological Watching Brief Report Condition

A report of the results of observations of the groundworks pursuant to condition () should be submitted to and approved in writing by the Local Planning Authority within six months of the completion of archaeological monitoring works.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF and South Tyneside's Local Development Framework Policy DM6.

I can provide a specification for the archaeological monitoring required upon request.

As the proposed wall is located within the East Boldon conservation area it is recommended that specialist conservation advice is also sought from South Tyneside's conservation officer.

STC Landscape Architect / STC Tree Team

(Additional information requested by the STC Landscape Architect - comments provided)

The applicant states that "The proposal will require no soft landscaping as vegetation or garden area will not be affected".

A plan showing the new extension in relation to the tree survey is not provided. It looks as if the new building will affect the root zone of tree number T9. It would be useful to see the effect of this development on this and other trees mapped more accurately along with an impact and method statement if necessary.

Please note in the DENDRA tree survey in section 2.1 it looks as if the Moderate and Low quality trees have been reversed by mistake.

NB. This consultation response was forwarded via the STC Tree Team who added no further comments in addition to the Landscape Team response.

In response to a request for further comments from the STC Tree Team & Landscape Architect, the following comments were received from the Landscape Architect:

Information provided highlights that the proposed building is not likely to affect the RPA of T9 but that a path around the building might. After looking at the arboricultural report again it does look like the RPA of T7 is going to be impacted upon quite extensively. Considering this and based on the initial arb report it will be necessary to produce an AIA in order to accurately identify the scale of the impact on the trees and identify appropriate mitigation measures such as protective fencing, special construction methods or ground protection measures.

The STC Tree Team also provided a response confirming agreement with the Landscape Architect's comments stating that *"the proposal looks feasible, but the applicant should provide a detailed AIA, tree protection plan and method statement to demonstrate this."*

STC Countryside Team (No objections, informative notes suggested, comments provided below)

My comments on this application relate to its potential to impact on biodiversity including designated sites; statutorily protected species; and priority species and habitats listed in the UKBAP and/or Durham BAP.

*The applicant has submitted the following documents relating to ecology to inform their application:
" Nocturnal Bat Activity Survey of Vanbrugh House, Bridle Path, East Boldon NE36 0PA prepared for: David Fasa. Report ref:Fasa_Vanbrugh_Bat2.1 by dendra consulting.*

The building was assessed internally and externally by a suitably qualified professional on the 24th June 2021 which concluded the building was of low risk for bat roosting features. This triggers a single survey under best practice guidance which took place on 22nd July 2021 which is within the active period for bats. The report concluded that no bats were found.

I am satisfied that the ecological survey work undertaken is in accordance with good practise and is adequate and appropriate to support this planning application. As no bat roost was recorded at the property there are no likely direct impacts on this protected species from this proposed development however as bats are highly mobile animals, there remains a residual risk that bats could be found during works so please include the bat informative below with any consent granted.

In addition to the bat informative, please include the bird informative below as birds can nest in buildings and vegetation creating a risk of nesting birds being present during the works.

Bat Informative

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 a bat or signs of 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.

Natural England Bat Advice Line: 0345 1300 228

Emergency measures and good working practice are set out in section 6.1.2 which should also be supplied to the contractors as instructed in the submitted report.

Breeding Bird Informative

Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. If the impact of the proposal on the Conservation Area would be neutral this would be acceptable.

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

- Design of the proposal and its effect on visual amenity & heritage assets;
- Impact on trees;
- Impact on residential amenity;
- Impact on protected species

Design/Visual Amenity/Heritage

Vanbrugh House is situated within an area of archaeological sensitivity. Archaeological Watching Brief and Archaeological Watching Brief Report conditions are considered necessary to ensure that the development is acceptable on its planning merits. These would need to form pre-commencement conditions of any approval, and these have been agreed by the applicant's agent.

The conditions are required as the County Archaeologist has identified that the proposed works are located within the medieval village of Boldon, an area which has archaeological potential, and that the scope of the proposed works outlined in the application means that archaeological monitoring would be required, as archaeology associated with the medieval village may be impacted by the proposed groundworks.

Vanbrugh House is a property that makes a significant positive contribution to the character and appearance of East Boldon Conservation Area. The existing rear conservatory is considered to be in keeping with the property and of heritage merit. Its proposed loss, and that of the original sash windows to the rear ground floor level is regrettable, given their contribution to the character and appearance of the existing dwelling.

Notwithstanding this, it is recognised that modern living brings changing needs, and it is also considered that the impact of the proposed rear extension on the character and appearance of East Boldon Conservation Area would be fairly neutral given the significant height of the existing boundary wall, which significantly limits any visibility of the proposed ground floor changes in views from within the public domain.

While the changes at ground floor level would have a fairly neutral impact on the wider Conservation Area, unfortunately the originally proposed alterations to the dormers (both the north and south elevations) would have a much more significant effect on the character and appearance of the Conservation Area. These alterations would change the roofline, while the introduction of grey windows would not be in keeping with the external appearance of the property. These original proposals, which have since been superseded were considered to have a negative impact on the character and appearance of East Boldon Conservation Area (a designated heritage asset) and be harmful to the heritage significance of the property itself (an important non-designated heritage asset within the Conservation Area).

The amendments to the proposals have omitted the changes that were initially proposed at first floor level, thus satisfactorily addressing the concerns raised in relation to the originally submitted first-floor proposals, and helping to ensure that the established character and appearance of the host property and the East Boldon Conservation Area would be preserved, while allowing for flexibility with changes made to the ground floor, to parts of the property that do not have an appreciable effect on the wider character and appearance of the Conservation Area.

The proposed development is therefore considered to be in accordance with LDF policies DM1 (A) and DM6, having regard to the guidance in SPD9 and SPD15 (including CA-EB3 of SPD15 which requires alterations in the East Boldon Conservation Area to protect, preserve or enhance its character or appearance), and the relevant policies of the East Boldon Neighbourhood Plan, including policies EB3 (Design) and EB4 (Heritage Assets). Given the site circumstances, it is considered that the proposals are appropriate in terms of their scale, nature and design and would not be detrimental to the character and appearance of the heritage asset in question (East Boldon Conservation Area).

Residential Amenity

The original proposals included the provision of a single storey rear extension with a terrace/balcony area above, which would have had the potential to create significant additional overlooking and privacy impacts affecting residential properties to the rear; however, the amended proposals no longer include this, and are no longer considered to significantly affect neighbouring residential amenity. The proposed ground floor extension is not considered to materially affect the residential amenities of neighbours either, given the separation distances to other properties and the existence of high boundary walls.

The development would therefore be in accordance with Policy DM1 (B) of the adopted South Tyneside Local Development Framework, the objectives of the design guidance in SPD9, and the relevant policies of the East Boldon Neighbourhood Plan, including Policy EB3 (Design).

Trees

There is a statutory duty (within the Town and Country Planning Act 1990, as amended) upon the Local Planning Authority to consider the protection and/or planting of trees, when considering development. This is also policy consideration of both LDF policy DM1(C) and the NPPF.

It follows from the above that a planning balance must be exercised taking into account the development being proposed, any tree loss that would result in and also any proposed tree replacement planting that is being proposed. As such a proposal cannot just be refused simply just because there is tree loss (and irrespective of whether those trees are protected or not).

The consultee response from the Landscape Team requested a plan showing the proposed new extension in relation to the tree survey, as it appears that the extension would affect the root zone of tree number T9. Assessment of the effect of this development on T9 and other trees, with them mapped more accurately, was requested, along with an impact and method statement as necessary. The response also noted that there appeared to be inaccuracies within the tree survey at section 2.1.

A plan showing the trees closest to the footprint of the proposed development in more detail was provided on 18/01/21. In response to this additional information, the Landscape Team and Tree Team responses indicated that the proposed extension is not likely to affect the RPA of T9 but that a path around the building might. Review of the arboricultural report alongside the additional plan, however, indicated the potential for the RPA of T7 to be impacted upon quite extensively. An AIA was accordingly requested in order to accurately identify the scale of the impact on the trees and identify appropriate mitigation measures such as protective fencing, special construction methods or ground protection measures.

The submitted AIA has been considered, with input provided by the Council's Tree and Landscape consultees. This has included mitigation measures in order to ensure that the trees on site are adequately protected during the development stage to be implemented prior to works taking place and throughout the development phase. These are set out in section 5.2 of the AIA and include ground protection measures, works undertaken by hand in specified area, and the installation of protective fencing. Subject to the inclusion of a pre-commencement condition requiring these methods to be followed (this has been agreed in writing with the applicant's agent), it is considered that the proposals would adequately protect the trees on site, and that they would therefore accord with Local Development Framework Development Management policies DM1(A & C) and DM6.

Protected Species

The STC Countryside Team's response has considered the proposal's potential to impact on biodiversity having considered the supporting bat survey that forms part of the application submission, which concluded that no bats were found.

It is considered that the ecological survey work undertaken is in accordance with good practice and is adequate and appropriate to support this planning application. As no bat roost was recorded at the property there are no likely direct impacts on this protected species.

Informative notes are suggested advising of protections to bats and breeding birds, as bats are highly mobile animals and there remains a residual risk that bats could be found during the works; and as birds can nest in buildings and vegetation creating a risk of nesting birds being present during the works.

Conclusion

For the reasons elaborated above, the proposals are considered to be an acceptable form of development and are recommended for approval subject to the conditions listed below.

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

Drg No. AL (00) 0200 received 27/08/2021
Drg No. AL (00) 0200 (Including Tree Locations) received 18/01/2022
Drg No. AL (00) 0030 Rev B received 28/01/2022
Drg No. AL (00) 0201 Rev B received 28/01/2022
Drg No. AL (00) 0202 Rev B received 28/01/2022
Drg No. AL (00) 0220 Rev A received 28/01/2022
Drg No. AL (00) 0221 Rev B received 28/01/2022

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. Except where otherwise stated on Drg No. AL (00) 0220 Rev A received 28/01/2022 or Drg No. AL (00) 0221 Rev B received 28/01/2022.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

4 Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF and South Tyneside's Local Development Framework Policy DM6.

5 Archaeological Watching Brief Report Condition

A report of the results of observations of the groundworks pursuant to condition 4 should be submitted to and approved in writing by the Local Planning Authority within six months of the completion of archaeological monitoring works.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF and South Tyneside's Local Development Framework Policy DM6.

- 6 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be undertaken in strict accordance with the arboricultural mitigation measures as detailed within section 5.2 of the 'Arboricultural Impact Assessment Report

This includes:

- The ground protection measures identified in paragraph 5.2.1 of the Arboricultural Impact Assessment (AIA) prior to the commencement of works.
- The works in the area hatched green on the tree protection plan to be undertaken by hand (as identified in paragraph 5.2.2 of the AIA).
- Prior to the start of any demolition or construction works, the installation of protective fencing (as specified in paragraph 5.2.3 of the AIA) of the type specified in figures 3 or 4 of the AIA, in the locations shown on the tree protection plan appended the AIA. Signs will be attached to the fencing to state that it is a protected area and the fencing should not be moved during the construction phase.

To safeguard trees on the site during the proposed demolition and construction works, in the interests of visual amenity and to preserve the character and appearance of the East Boldon Conservation Area, in accordance with adopted South Tyneside LDF Development Management Policies DM1 and DM6.

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 NOTES 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 The Tyne and Wear County Archaeologist has advised that they can provide a specification for the archaeological monitoring required by conditions 4 and 5 upon request.

Contact Details: Tyne and Wear Archaeology Officer, Planning, Newcastle City Council, 9th Floor, Civic Centre, Newcastle upon Tyne, NE1 8QH (Tel. 0191 277 7102).

- 5 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 a bat or signs of 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.

Natural England Bat Advice Line: 0345 1300 228

Emergency measures and good working practice are set out in section 6.1.2 which should also be supplied to the contractors as instructed in the submitted report.

- 6 Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

Case officer: Chris Stanworth
Signed: Chris Stanworth
Date: 11/02/22

Authorised Signatory:
Date:

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