

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0924/21/HFUL
Proposal: Single storey extension to south end of existing bungalow to form bedroom with en-suite and dressing area. Also extension to adjacent bedroom.
Removal of existing conservatory to rear, and erection of new single storey sun lounge.
Location: 11 Moor Court
Whitburn
SR6 7JU

Site Visit Made: 17/11/2021

Relevant policies/SPDs

- 1 DM1 - Management of Development (A and B)
- 2 DM6 - Heritage Assets and Archaeology
- 3 Supplementary Planning Document (SPD) 9 - Householder Developments
- 4 SPD12 – Whitburn Conservation Area Management Plan
- 5 Whitburn Conservation Area Character Appraisal (2006)

Description of the site and of the proposals

The site to which the application relates is a detached bungalow which is western facing onto the cul-de-sac of Moor Court in an established residential area of Whitburn. The host property is situated within the Whitburn Conservation Area. The host property is an 'L' shaped dwelling as a result of an existing single storey offshoot to the north side of its rear (eastern) elevation. The host property features a paved driveway to the north side of its front curtilage. This driveway extends up to an existing detached garage situated within the host property's rear curtilage. This garage features a hipped roof and is adjoined to the attached garage of the property to the north. To the rear, there is an existing single storey conservatory attached to the rear (eastern) elevation of the host property's offshoot. No. 10 Moor Court is the adjacent detached bungalow situated to the north of the development site and No. 1 Red Hill is the adjacent semi-detached property situated to the south of the development site. No. 1 is orientated so as to face the development site from its rear (northern) elevation.

The development proposed is to construct single storey side and rear extensions. The proposed extension to the side of the host property will adjoin and project 2.05 metres from the host property's side (southern) elevation. This extension will feature a pitched roof and will incorporate windows to its front (western) and rear (eastern) elevations. The proposed extension to the rear of the host property will replace the existing conservatory and will adjoin and project 3 metres from the rear (eastern) elevation of the host's existing offshoot. This extension will feature a pitched roof and will incorporate French doors to its rear (eastern) elevation and windows to all of its external facing elevations as well 1no. rooflight to each roof slope. The proposed materials used in the construction of the extensions will match those on the existing dwelling.

Publicity / Consultations (Expiry date: 25/11/2021 and 07/01/2022)

1) Neighbour responses

A representation was received via email (29/11/2021) from a neighbouring occupier with observations made in regard to the planning application. Comments as follows:

- The application form is incorrect.
- There are many large trees within this application site as well as surrounding properties, well within falling distance of these proposals. These are subject to TPO's, should this application not warrant an Arbor report?
- A bat survey is required as the site falls within an important bat foraging area given the trees/hedges and very nearby Village Horse and Duck Pond...Merecroft almost butts against this plot, in which a bat survey was requested
- Given the application site falls within The Whitburn Conservation Area, it is required to have a design and access statement.

A detailed response to these observations was supplied by the Case Officer (24/12/2021). A further representation was received via email (24/12/2021) from the same neighbouring occupier enquiring about a bat survey. Following this, a further response was supplied by the Case Officer (04/01/2022) with no further comments received from the neighbouring occupier following this response. To summarise, the application site is a modern bungalow whereas Merecroft is a substantial period designed two storey dwelling facing a large pond. In accordance with the council's planning application validating protocol, the built form and location of Merecroft dictated that there were bat roosting opportunities at the site. As such, a bat survey for the proposed works at Merecroft was required to be undertaken. Whereas the current proposal due to its modern age and built form does not have the same opportunities for roosting bats and as such it did not trigger the need for a bat survey under the council's validation protocol to be provided as part of the planning application.

2) Other Consultee responses

STC Tree Team

Comments as follows:

The only tree of any significance close to the development is the Sycamore in the rear garden. The proposed development will result in some minor incursion into the assumed root protection area of this tree. Ideally, there would be no excavation within this area, however if the construction is carried out under arboricultural supervision (as specified in the Arboricultural Impact Assessment report) and the foundations are hand excavated with any roots pruned rather than severed, the risk to the tree is minimal. On that basis, I wouldn't make an objection on arboricultural grounds.

Assessment

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

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

Design/Visual Amenity (including impact on the Whitburn Conservation Area)

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.

The application proposals are considered to have a neutral effect on the character and appearance of the Whitburn Conservation Area. For this reason, no press or site notification of this development proposal were considered to be necessary in this case.

In terms of the proposal's effects on the character and appearance of the street scene and Conservation Area setting, it is the proposed side extension that has the potential to materially affect this as it will be visible within the public domain in the Conservation Area. The proposed side extension would measure 2.05 metres wide meaning it would measure less than half the width of the existing property (approximately 12.3 metres) in line with the Council's design guidance (SPD9: paragraph 6.3). As such, the proposed extension is considered to be suitably well designed and a subservient addition in relation to the main property. Although visible from the public domain, the proposed extension will feature materials that would match the existing property meaning it will not result in any harm to the character and appearance of the host dwelling. Additionally, for these reasons, it is not considered that the proposed extension would materially harm the visual amenities of the area, features of special interest within the Conservation Area; or the character and appearance of the Conservation Area as a whole.

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. Its rear projection, at 3 metres in depth will meet the length that is ordinarily considered to be appropriate in the Council's design guidance for detached houses (SPD9: paragraph 8.1). As such, the design of the extension 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. Therefore, it will be in keeping with the character and appearance of the main dwelling. Additionally, for the above reasons, it is not considered that the proposed extension would materially harm the visual amenities of the area, features of special interest within the Conservation Area; or the character and appearance of the Conservation Area as a whole.

For the reasons outlined above, the proposal would accord with adopted South Tyneside LDF Development Management Policies DM1 (A) and DM6, and the associated Supplementary Planning Document (SPD) 9 'Householder Developments' and SPD 12 'Whitburn Conservation Area Management Plan'.

Trees

The application has been accompanied by an Arboricultural Impact Assessment, which was received by the Council on 14/12/2021. Consideration of the application has been informed by this document and the STC Tree Team consultee comments.

The Arboricultural Impact Assessment indicates that there are no foreseeable or complex issues with the trees and hedges on this site with excavations recommended to be carried out under arboricultural supervision.

The STC Tree Team advised that if the measures in the Arboricultural Impact Assessment are followed, the development should be achievable with minimal impact on the retained trees and hedges. Subject to the inclusion of planning conditions requiring the development to be carried out in accordance with the recommendations of the supporting Arboricultural Impact Assessment, it is considered that the proposal would cause no unacceptable adverse harm to the health or amenity value of protected trees within or close to the application site.

It is considered that the proposal would not have any unacceptable impact in respect of trees and their amenity value when viewed from within in the public domain. The proposal is therefore considered to accord with South Tyneside LDF Policy DM1 (A & C) in this respect.

Residential Amenity

The impact of the proposed development on the amenity of neighbouring occupants is an important material consideration, with particular regard to No. 10 Moor Court to the north and No. 1 Red Hill to the south.

No. 10 will experience no impact from the proposed extension to the side of the host property due to the work taking place on the opposite side of the property as to which this property is situated meaning there will be no loss of outlook, overdominance, overshadowing or privacy. The proposed rear extension will replace the existing conservatory and will feature an increased rear projection and overall height in comparison to this existing structure. However, the proposed extension would be separated from the rear garden area of No. 10 by its existing garage and the host property's existing garage. In addition to this separation distance, the proposed extension will be of only one storey in height, whereby it will not project significantly above the height of the host property's existing conservatory or significantly beyond the rear elevation of this conservatory. Therefore, it is not considered that the proposed rear extension would significantly affect the amenity of No. 10 through any overbearing, dominance or overshadowing effects, or impact on the outlook of this property. The proposed extension will feature windows to its side (northern) elevation which will face the shared boundary with this property. However, these windows will be of a high-level nature meaning any impact on privacy is not considered to be adverse.

The proposed side extension would be built within close proximity to shared boundary with No. 1 and would project above the height of this shared boundary meaning this extension would be highly visible from this property. However, this extension would not significantly affect the amenity of No. 1 through any overbearing, dominance or overshadowing effects, or impact on the outlook of this property given that the extension would be single storey in nature and would not project beyond the front and rear elevations of the host property. Furthermore, the side (gable) elevation of the proposed side extension would be a blank gable, presenting no potential privacy or overlooking impacts for this property. The proposed rear extension will be set away from the shared boundary with No. 1 and will be of only one storey in height. Therefore, it is not considered that the proposed rear extension would significantly affect the amenity of No. 1 through any overbearing, dominance or overshadowing effects, or impact on the outlook of this property. Windows are proposed to the side (southern) elevation of the extension which will face the rear garden of No. 1. However, given that the existing conservatory already contains windows which provide a similar outlook to those proposed and given the significant distance between the shared boundary with No. 1 and the proposed windows, it is not considered that there would be a significant impact on privacy.

The proposed extensions will not result in any harm to the residential amenity of any other nearby occupants given that they will be located at a significant distance away from any common boundaries with these neighbouring properties.

It is not considered that the proposal has any potential to materially harm the residential amenity of any neighbouring occupier. Therefore, the proposed development is considered to be in accordance with Policy DM1 (B), while having regard to the principles set out in SPD 9.

Summary

For the reasons outlined above, it is considered, in the site circumstances and context of this particular case, that the proposal would be an acceptable form of development, subject to the inclusion of the suggested conditions.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

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:

- Proposed Plans, Elevations and Sections (Drg No. SR2) received 06/09/2021

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.
- 4 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be undertaken in strict accordance with the arboricultural recommendations and protection measures set out within the applicant's Arboricultural Impact Assessment received on 14/12/2021.

To adequately safeguard protected trees during the construction works, in the interests of visual amenity and to preserve the character and appearance of the Whitburn 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 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.

4 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>

5 NOTE TO APPLICANT

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: James Wellwood

Date: 11/01/22

Authorised Signatory:

Date:

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