DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/1068/21/HFUL
Proposal: Demolition of existing detached garage and construction of new detached garage
Location: 2 Armstrong Avenue
South Shields
NE34 6NW

Site Visit Made: 03/12/2021

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 detached bungalow located within an established residential area. The host dwelling is south-eastern facing at the end of the cul-de-sac of Armstrong Avenue in South Shields. The host property's front curtilage is a paved area and contains a north-eastern facing detached garage to its south-western side. The side/rear curtilage of the host property is enclosed by 1.8 metre high timber fencing along the host's south-eastern and north-western boundaries and is enclosed by 1.9 metre high brick walling along the host's south-western boundary. Nos. 3 and 5 St Peters Avenue are the adjacent detached bungalows situated to the south-east of the development site and are oriented so that they face this development site from their rear elevations. The neighbour to the south-west is a detached bungalow (No. 67 King George Road) and is positioned perpendicular to the application property. As a result, it faces the development site from its rear elevation.

The development proposed is to construct a detached single storey garage which will be situated within the southern corner of the host property's side garden. The proposed garage will feature a flat roof with a height to eaves of 3.05 metres and an overall height of 3.25 metres. The prosed garage will measure 8.3 metres in length with a width of 5.3 metres to the rear and 4.75 metres to the front as a result of the proposal being stepped in to account for the shared boundary. The proposed development will incorporate a roller shutter door to its front (north-eastern) elevation as well as a window to its side (north-western) elevation.

Publicity / Consultations (Expiry date: 02/12/2021)

1) Neighbour responses

None received.

2) Other Consultee responses

STC Countryside Officer: This does not require a survey. The likelihood of bats being impacted by the proposed work are reduced by a combination of the following reasons:
- Garages are less likely to be used due to the nature of their construction.
- Both the south and east aspects are unsuitable for bats.

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

Although the proposed development features materials which would not be in keeping with the character and appearance of the main dwelling, the proposed development will be detached from the main dwelling and situated within the southern corner of the host property's side garden where it would not be visible from within the public domain and as a result would have no or very little potential to impact upon the character and appearance of the main dwelling or the surrounding area. Furthermore, the proposed development is considered to be suitably designed, subservient in the context of the host property and proportionate in terms of its overall scale and massing. Therefore, it is judged that the proposed development would convey sensitive consideration for its surroundings, having regard to scale and proportions and would accord with LDF Policy DM1 (A) and the guidance contained within SPD9.

Residential Amenity

The impact of the proposed development on the amenity of neighbouring occupants is an important material consideration, with particular regard to Nos. 3 and 5 St Peters Avenue to the south-east and No. 67 King George Road to the south-west.

The proposed garage will be built right up to the shared boundaries with Nos. 3, 5 and 67 and will project above the height of the boundary treatments. As a result, the proposed development will be visible from the rear windows and rear garden areas of these neighbouring properties. However, the proposed development would be of only one storey in height and would be situated to the north-west of Nos. 3 and 5 and to the north-east of No. 67. Additionally, the high boundary treatments would significantly reduce the impact of the proposed development given that it would not project significantly above these boundary treatments and would be partially obscured from view as a result. As such, for the reasons listed above, it is not considered that the proposed development would significantly affect the amenity of Nos. 3, 5 and 67 through any overbearing, dominance or overshadowing effects, or significantly impact on the outlook of these properties. The proposed development will contain no windows that provide any direct views of any of the habitable windows of these properties or their rear garden areas meaning it will not result in any harm to the amenity of the occupants of these properties in terms of loss of privacy/overlooking.

The proposed development will not result in any harm to the residential amenity of any other nearby occupants given its single storey nature and given that it will be located at a significant distance away from any common boundaries with these neighbouring properties. A window is proposed to the side elevation of the garage which will face the shared boundary with No. 65 King George Road to the north-west at a distance of 11 metres. However, given this significant distance that would remain between the shared boundary with No. 65 and the proposed window it is not considered that there would be a significant impact on privacy.

With regard to all of the above, the impact of the proposed development on neighbouring amenity is considered to be acceptable. 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.

Other Matters

A vehicle can continue to be parked within the host property's front curtilage without affecting the public footpath. As such, there would be no harm as a result of the proposal in relation to highway or public safety.

Summary

It is considered that the development would be in accordance with LDF Policy DM1 (A and B), the associated Supplementary Planning Document (SPD) 9 'Householder Developments', and the requirements of the National Planning Policy Framework.

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 plans as detailed below:

- Proposed Plan and Elevations (Drg No. DRWG2) received 26/10/2021
- Existing and Proposed Site Layout Plans (Drg No. DRWG3) received 26/10/2021

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 as stated on the planning application form for planning application ST/1068/21/HFUL received 26/10/2021. 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 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

3 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

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 UNIQUE 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 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

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. In order to minimise any impact on this wildlife a Swift Brick (an example of which can be found here: https://www.nhbs.com/manthorpe-swift-brick) can be integrated in the build itself following the

below criteria:
- Under the eaves on the northern aspect
- A clear flight line must be available to the nest

5 UNIQUE 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.

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Case officer: James Wellwood
Date: 03/12/21

Authorised Signatory:
Date:

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