

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/1196/21/HFUL
Proposal: Front and rear garden and boundary improvement works
Location: 37 Front Street
East Boldon
NE36 0SE

Site Visit Made: 26/08/2021; 06/09/2021; 26/01/2022

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

37 Front Street is located within the East Boldon Conservation Area and is subject to an Article 4 Direction, which restricts Class I - Development within the curtilage of the dwellinghouse (as per the 1977 General Permitted Development Order), i.e. extensions and alterations to the dwelling. Class II permitted development rights – Sundry minor operations (including boundary treatments) are not restricted at this property.

The East Boldon Conservation Area Character Appraisal identifies Front Street as Front Street, a long straight section of the historic Newcastle-Sunderland road, which was at the heart of the village's organic growth and redevelopment.

37 Front Street is referred to in the Character Appraisal as being part of South Farm (nos. 35-43), which is identified in the Character Appraisal as the last early rural group in the village before Victorian red-brick terraces take over, noting that, to the front it retains a strong sense of its agricultural origins in its character and appearance. The Conservation Area Character Appraisal further states that to the rear no. 43 stretching back to South Lane appears original but altered. The simple limestone farmhouse and cottages are enhanced by green banked gardens and porches, one large and central. The rear appears intact but has four large Velux-style rooflights which detract from its character. The low limestone farm building to the east has been converted to garages for The Orchard on South Lane, successful apart from the concrete tiles.

The application follows the grant of a previous planning permission in October 2021 (ST/0759/21/HFUL). That application sought planning permission for the various works within the front and rear gardens and changes to boundary treatments to the front and rear gardens. The following elements shown on the approved plans required planning permission, with the remaining alterations benefitting from permitted development rights. A significant amount of planting is also proposed, which does not fall within the definition of development (s.55 of the Town and Country Planning Act 1990).

- Rear fence – the pillars appear to take this to 2.1m high above ground level (above 2m);
- Increase to height of an existing raised platform to rear (this is already over 300mm high and is being raised further);
- New brick pillars and timber gate at the front;
- Planters to the front would be raised platforms over 300mm high;

This resubmission application is for development of a similar character and appearance to the previous approval, again described as “*front and rear garden and boundary improvement works*” on the planning application form.

The main changes when compared with the previous approval are to the front garden of the property and comprise of the inclusion of a 900mm high brick wall to the front (adjacent to the highway) in between the two pillars that were approved as part of the previous application; and to the western boundary in lieu of a 900mm high timber fence. These works fall within the scope of permitted development rights as the class II PD rights permitting sundry minor operations have not been restricted. The 1.5-metre-high timber fence along the eastern boundary that was included on the previously approved plans (which fell within the scope of permitted development rights) has been omitted from the new proposals, with planting beds provided towards this end of the front garden instead.

No changes are being made to the plans that approved works to the rear of the property.

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

Publicity / Consultations (Expiry date 23/02/22)

1) Neighbour responses

None received

2) Other Consultee responses

STC Historic Environment Officer

Response provided advising that the application can be determined with the aid of the SPD and the HEO's previous comments (NB. A response was provided for application ST/0759/21/HFUL confirming no objection to the proposal).

County Archaeologist

Comments received.

I have checked the location of the proposed works against the Historic Environment Record and historic maps. The proposed development area is located within East Boldon Conservation Area and the boundary of East Boldon Village (HER 955). The earliest reference to Boldon is 1183 when it formed the model, in Boldon Book (a survey of land belonging to the Bishop of Durham, Hugh du Puiset), for the management of the bishop's estates. Though, even in Hatfield's Survey of 1381 there is no clear division into East and West, it seems possible that East Boldon had come into existence in the 13th century. The proposed development area is also associated with Historic Environment Records for South Farm, 35-43 Front Street (HER 8572). In the HER record it is stated that 'the limestone farmhouse and cottages enhanced by green banked gardens and porches.' There have been no previous archaeological events undertaken within the site's redline boundary.

While the proposed development area is located within the Medieval village of Boldon and this area has archaeological potential, in this case, I do not consider that the scope of the works that have been outlined in the application will require archaeological monitoring.

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 residential amenity;

Design/Visual Amenity/Heritage

The proposed works to the rear are considered to be well-designed alterations aimed at enhancing the appearance of the garden area. It is recognised that it is only the rear boundary treatments and raised platforms that need planning permission; and that boundary treatments and raised platforms of similar heights already exist. Their location at the rear of this property means that they will not be visible from Front Street, or have any material affect on the character and appearance of the Conservation Area.

The works to the front are in a more prominent location along Front Street, in a location where there is more potential to affect the character and appearance of the Conservation Area. Only the brick pillars, timber gate and raised platforms require planning permission, and they would not harm the established character of the Conservation Area as a heritage asset. The planting proposals and more minor aspects of the development to the front do not require planning permission but would also contribute to an attractive and greener front garden area.

No objections were raised in response to consultations sent to the STC Historic Environment Officer or County Archaeologist on either the recent approved application ST/0759/21/HFUL, or the current application.

The proposed development is therefore considered to be in accordance with LDF policies DM1 (A) and DM6, having regard to guidance in SPD9 and SPD15 (including CA-EB1 'New Development' and CA-EB3 'Alterations to Buildings' which require new development and alterations in the East Boldon Conservation Area to protect, preserve or enhance its character and 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 (East Boldon Conservation Area).

Residential Amenity

A raised platform would be created at the rear of the property as part of the proposals. This is similar in terms of its height, location and use to the existing raised platform at the rear. A 2.3-metre-high boundary fence is in place along the boundary with 35 Front Street, with a 3.3-metre-high stone wall to the other side, which would also prevent significant overlooking of neighbours to both sides. It is not considered

that this proposal would result in any significant adverse impacts affecting adjoining neighbours in respect of overlooking, or any other impacts on neighbouring residential amenity.

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 East Boldon Neighbourhood Plan Policy EB3 (Design).

Trees

The tree to the front of the property would remain unaffected by the proposals. The proposal would accord with Local Development Framework Development Management Policy DM1(C).

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

Proposed Front Garden 2107-P02-00 Rev P5 received 09/12/21

Proposed Rear Garden 2107-P02-01 RevP4 received 09/12/21

Proposed Site Plan 2107-P02-03 Rev P2 received 09/12/21

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.

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>

Case officer: Chris Stanworth
Signed: Chris Stanworth
Date: 28/02/22

Authorised Signatory:
Date:

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