DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0053/22/HFUL
Proposal: Single storey extension at side and rear of house to provide a bedroom, enlarged kitchen/dining /lounge area and utility.
Location: 59 Oak Avenue
South Shields
South Tyneside
NE34 7NU

Site Visit Made: 28/02/2022

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 site consists of a semi detached dwelling located on Oak Avenue, South Shields. The dwelling is constructed from red brick to the ground floor, with a pebble dashed rendered 1st floor, under a brown pan tiled roof. To the rear of the property is a single storey extension which projects 2.4 metres from the rear of the dwelling. The adjoining neighbour, 61 Oak Avenue is to the north east, with the detached neighbour, no. 57 Oak Avenue, to the south west. The rear garden of the property is enclosed by a 1.8 metre high close boarded fence. The rear gardens of the properties slope upwards to the south east, with the application site having a small terraced area.

Planning permission is sought for the demolition of the existing single storey extension and the erection of a single storey side/rear extension to provide a bedroom, utility room and enlarged kitchen area. The proposed extension would form an 'L' shape. The scheme has been amended in that the elevation to the boundary with no. 61 Oak Avenue has been reduced to project 3 metres from the rear of the dwelling over 3.9 metres in width. Beyond this width the extension would project 3.9 metres in length. The extension would measure 6.2 metres in length to the south western elevation, and would project 1.8 metres from the side elevation, 6.8 metres in total width, 2.4 metres to the eaves and 3.6 metres to the ridge. The side elevations of the extension would not contain any window openings, but would contain 1 no. rooflight to each elevation. The extension would be constructed from materials to match the host dwelling.

The scheme has been amended following concerns over the impact the original proposal would have had upon the attached neighbouring property to the north east. The scheme has not been re advertised as the revised scheme would have less of an impact than the original submission and the original scheme had not attracted any comments from neighbouring properties. This is in line with guidance set out in the South Tyneside Statement of Community Involvement.

Publicity / Consultations (Expiry date 23/02/2022)

1) **Neighbour responses**
   None

2) **Other Consultee responses**
   None

Assessment

Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies and all other material planning considerations, including representations received, it is considered that the main issues for consideration are the impact on visual amenity and the impact on residential amenity.

Impact upon Visual Amenity

Part 12 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment.

Policy DM1(A) of the South Tyneside LDF seeks to ensure new development is appropriate for the host building.

SPD9 (House Holder Developments) of the South Tyneside LDF provides guidance in respect of householder developments.

The proposed extension to the side of the host property will be visible from the public domain. The proposed development therefore should have particular regard to the character and appearance of the surrounding area.

The design of the proposed extensions to the side and rear of the host property are considered to be appropriate. The proposed side extension would measure approximately 1.8 metres wide meaning it would measure less than half the width of the original dwelling in line with the Council's design guidance (SPD9: paragraph 6.3). The projection of the proposed extension to the rear of the host property at a maximum of 3.9m in depth to the boundary will exceed the length that is ordinarily considered to be appropriate in the Council's design guidance for semi-detached houses (SPD9: paragraph 8.1). However, the surrounding area is characterised by varying extensions to the front, side and rear of properties and the proposed extensions will consist of materials that match those on the existing property and have been designed in accordance with the Council's guidance set out in SPD9. Therefore, it is not considered that the proposed extensions would significantly detract from the character and appearance of the main dwelling or the surrounding area to such an extent that would sustain a recommendation for refusal. Regard must also be had to what could be constructed under permitted development rights at the property.

The proposed extension would visually be a secondary addition that is proportionate in the context of the host property and would not materially impact on the character and appearance of the street scene.

On balance, it is considered that the whole proposal is acceptable in terms of its design and local visual amenity meaning it would not undermine the objectives of LDF Policy DM1 (A) and the guidance contained within SPD9.

Residential amenity

Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution. In line with this, Policy DM1(B) of the South Tyneside LDF seeks to protect residential amenity of neighbours from harmful impacts from development.

The impact of the proposed development on the amenity of neighbouring occupants is an important material consideration, with particular regard to the adjoining dwelling to the east, No. 61 Oak Avenue and the neighbouring dwelling to the west, No. 57 Oak Avenue.

The scheme was originally proposed to project approximately 3.9 metres along the shared boundary with no 61 Oak Avenue, but the scheme has been amended to reduce this projection to 3 metres in length across 3.9 metres width of the extension.

The proposed extension to the side and rear of the host property will project up to 650mm from the shared boundary with No. 57 to the southwest. The height of the extensions will be raised above the height of the shared boundary treatment with the roof of the extension visible from the rear garden area of No. 57. There are windows and a door at ground floor level to the side elevation of No.57 facing towards the application site. However, these windows serve a kitchen where natural light and outlook from rear elevation doors/windows is also available. Given this, the single storey height of the proposed extension and the extent of projection of the proposed extension in relation to the side and rear elevations of No.57, it is considered that there would be no significant impact to the amenity of the occupants of this property in terms of loss of outlook, daylight or sunlight. The proposed extension will contain no windows that provide any direct views of any of No. 57's windows or rear garden area meaning they will not result in any harm to the amenity of the occupants of this property in terms of loss of privacy/overlooking.

The proposed extension to the rear of the host property will project up to 200mm off the shared boundary with No. 61 to the northeast with the extension visible above the shared boundary treatment from the rear garden area of No. 61. However, given the single storey nature of the proposed extension as well as its reduced 3 metre projection along the boundary with no windows proposed to the side elevations, it is considered that there would be no significant impact to the amenity of the occupants of this property in terms of loss of daylight, sunlight, outlook or privacy.

Overall, 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.

The rear garden depth of the application site would remain at over 17 metres ensuring sufficient useable space is retained to serve the property.

Given 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).

Conclusion

It is considered that, in the site circumstances and context of this particular case, that this proposal would be in accordance with Local Development Framework (LDF) policies DM1 (A & B), having regard to all other material planning considerations, including the design guidance in SPD9. The proposal is considered to 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

Grant Permission Householder with Conditions

Conditions or Refusal Reasons [delete as appropriate]

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.1 received 16/03/22
Drg No.2 received 16/03/22
Drg No.3 received 16/03/22
Drg No.4 received 16/03/22

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window or other opening shall be made in the north east or south west side elevations of the extension hereby permitted unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and 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

Case officer: Adam Williamson
Date: 24/03/2022

Authorised Signatory: Geoff Horsman
Date: 24/03/2022

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