DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0086/22/HFUL
Proposal: First floor bedroom and en-suite side extension. Ground floor w.c, utility, diner and family room rear extension.
Location: 20 Luffness Drive
South Shields
NE34 8AJ

Site Visit Made: 01/04/2022

Relevant policies/SPDs

1 DM1 - Management of Development (A and B)

2 SPD9 - Householder Developments

Description of the site and of the proposals

This application seeks consent for the proposed erection of a first floor extension above an existing garage and utility room, and a rear single storey extension at 20 Luffness Drive, South Shields. The dwelling lies at the end of a cul se sac, with the adjoining neighbour, 22 Luffness Drive to the west, and 18 Luffness Drive to the east. To the north of the site is No.4 Marian Way. No 18 Luffness Drive has an existing first floor extension above their garage which is constructed to the shared boundary with the application site. The neighboring dwelling no 18. Luffness Drive is sited approximately 4.8 metres forward of the application site given the highway layout. The application site has a conservatory extension to the rear elevation.

The proposed 1st floor extension would measure 3 metres in width, 6.9 metres in length, 5.5 metres to the eaves and 7 metres to the highest point. The ridge would be set down by 400mm from the ridge of the dwelling, and the front of the 1st floor would be set back by 1 metre from the front of the dwelling.

The proposed single storey rear extension would measure 3.2 metres in length to the eastern elevation and 3 metres in length to the western elevation, 9 metres in width, 2.8 metres to the eaves and 3.8 metres to the highest point. The elevation facing east towards No. 18 would be blank, with bi fold doors and a window to the proposed utility room to the rear ground floor, and an ensuite window to the rear 1st floor. The front elevation would contain a bedroom window to the 1st floor and a garage door to the ground floor as existing.

The submitted plans state that the extensions would be constructed from materials to match the host dwelling.

Publicity / Consultations (Expiry date 14/04/2022)

1) Neighbour responses

18 Luffness Drive, South Shields: In the SPD 9: Householder Developments/Step 3: Be a good neighbour :

2.6 states "You may also require your neighbour's permission if… any of the building works would encroach on…your neighbours' property. I would argue that the two-storey side and single-storey back extension would intrude on our property and personal life.

3.1 I would argue that this planning application would have an unacceptable impact on the amenity of our family/property in relation to:

ii) Outlook and Over Dominance
The two-storey side extension would be 110cm from our kitchen door where we inhabit. The proposed extension would therefore form a very dominant feature (gable elevation) when looking out from our kitchen windows. Even sitting at our breakfast bar all we would see would be brick wall. This would result in an oppressive or overbearing visual impact upon our property.

3.23 The extent to which the rear single storey extension (family room, diner, utility) would impact on our outdoor space is also a material consideration as half of our garden would become bordered by a brick wall. This would result in an oppressive or overbearing visual impact upon our property to a total distance of 7.6m from our back door.

iii) Overshadowing
3.24 Both proposed extensions would result in the significant overshadowing of habitable windows of our properties over and above that of the existing situation.

3.25 The overshadowing of our outdoor space/garden would also be affected; sunlight would be blocked thus affecting/intruding on our plants & mental health. Sunlight from approx. 11am-sundown would be reduced. Some areas of the garden would be in total shade. This again would intrude on our property and personal life.

However, if we are asking our neighbours to be 'good' it only seems fair and reasonable that we adhere to this criteria too. Therefore, we would approve the side 2-storey extension IF the rear extension (family room, diner, utility) did not go ahead.

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 upon 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.

SPD9 contains specific guidance for first floor side extensions, however the policy document identifies that this may not be suitable in all situations and states that the design and suitability of an extension is dependant upon the site-specific circumstances, the need to protect residential and visual amenity and to achieve a design that respects the scale, character and appearance of the dwelling and its neighbourhood. In addition, SPD9 sets out specific guidance for first floor side extensions at paragraph 7.5 referring to first floor extensions built up to the boundary being acceptable where a number of criteria are met:

7.5 In those cases where the whole width of the plot is already built up by a single storey extension or garage, or where an existing single storey extension or garage has resulted in a gap along the common boundary of less than 1 metre, a first floor extension built up to the boundary may be acceptable where:

- *it is set back behind the front wall of the main dwelling;*
- *it does not occupy more than two- thirds of the depth of the dwelling and is located towards the rear of the main dwelling;*
- *the roof ridgeline is significantly lower than the main dwelling ridgeline;*
- *a pitched or hipped roof, depending upon the existing dwelling and proposed extension design, is constructed on any residual flat roof of the original single storey structure in order to reduce the visual impact of the structure upon the proposed extension and street scene;*
- *a window is included to the front elevation of the proposed extension.*

The site circumstances for the application site are such that it is considered this specific guidance set out in SPD9 is not suitable in this case. The proposed extension would extend for the full length of the existing garage and utility room, and be set back 1m from the existing front wall of the house, with a lowered ridgeline. The property is set back by approximately 4.8m to the neighbour, no. 18 Luffness Drive to the east, which has a 1st floor garage extension constructed to the shared boundary (ref ST/0002/12/FUL). As such the setting back the proposed extension to the rear of the property would not minimize any terracing effect or assist in creating the desired subordinate appearance given the existing 4.8 metre step in building line. The existing set back of the application site against the existing extension to no. 18, and the short street comprising two pairs of semi-detached houses would be sufficient to ensure that no terracing effect would occur as the two storey element of the extensions would only be adjoined to the less than half the depth of the neighbouring property. The dwellings on the estate are also joined together by their garages at ground level.

In terms of subordination it is considered that the proposed design of the extension, 3m wide is under half the width of the existing dwelling and as a result the proposed 1st floor extension would respect the scale and appearance of the dwelling and the character of the streetscene, of which it forms a part. It is recommended that a condition be attached to any permission requiring the materials to closely match those of the existing.

SPD9 (House Holder Developments) of the South Tyneside LDF provides guidance in respect of householder developments. Paragraph 8.1 of the design guidance in SPD9 states that single storey rear extensions that would extend beyond the rear wall of the original dwelling house by up to 3 metres in respect of semi-detached houses will generally be acceptable but does allow the scope for extensions larger than this to be granted planning permission where their impacts are considered to be acceptable on their planning merits and based on the site-specific circumstances. The proposed single storey rear extension would project 3 metres from the rear of the dwelling and would incorporate a lean to style roof. The extension would be built to the shared boundary with no 18 to the east and set in by 200mm from the boundary with 22 Luffness Drive to the west. Given this limited projection and the sub servient design, the external appearance proposed rear extension is considered to be acceptable.

The occupier of 18 Luffness Drive, the neighbour to the east, has commented that the rear single storey extension would result in half their garden being boarded by a brick wall, a total distance of 7.6 metres from their back door. At present nos. 18 and 20 Luffness Drive are staggered, with the rear of the application site projecting approximately 4.6 metres past the rear elevation of 18 Luffness Drive, with a 3.2 metre single storey rear extension proposed, given the slight 200mm set back of the utility room from the rear of the dwelling. It is acknowledged that given this staggered layout when combined with the proposed 3 metre extension, there would be a total projection of 7.6 metres along the shared boundary. However, 4.6 metres of that distance is an existing garage original to the host dwelling. As the proposed length of the extension would measure just over 3 metres, and be less than 3 metres in height to the eaves, and measure less than 4 metres to the highest point. The proposed single storey rear extension would be permitted development under Schedule 2 Part 1 Class A (f), if it were 3 metres length rather

than the proposed 3.2 metres. When viewed as a whole, it is considered that the additional 200mm would cause a negligible visual impact from the neighbouring property. This is the full back position and must be given weight in the determination of this application.

This scheme is therefore considered to be acceptable in respect of its impacts on the visual character of the surrounding area and in accordance with Policy DM1 (A) and would not undermine the design guidance contained in SPD9.

Residential amenity

Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured. In line with this, Policy DM1(B) of the South Tyneside LDF seeks to protect residential amenity of neighbours from harmful impacts from development.

A letter of objection has been received from the occupier of no. 18 Luffness Drive, located to the east of the application site. The submitted comments raise concerns that the proposed two storey extension would appear dominant from their kitchen door, which is sited 1.1 metres from the proposed extension. At present the gable wall of the garage to the application site projects past the rear of 18 Luffness Drive by approximately 4.6 metres, so the neighbouring property already looks onto this wall. The proposed two storey extension would be constructed on top of the existing garage and utility room, and would not project past the existing rear building line, so whilst the gable elevation would be higher, the two storey element would not project further than the existing wall. The proposed extension would be visible from the rear windows of 18 Luffness Drive, however, just because an extension is visible does not mean that planning harm is caused. The existing garage extension is constructed to the shared boundary, which does overshadow the rear of 18 Luffness Drive to some degree already. The additional storey on top of this would not result in an additional overshadowing/ overbearing impact to warrant refusal of this application as the proposed two story extension would be set down from the ridge of the dwelling. Examination of the previously approved plans for extension of No.18 show that the rear elevation door closest to the boundary with No.20 serves a utility room area which would be considered a non-habitable room. The adjacent kitchen does have a rear elevation window and a 45 degree angle taken from the centre of this window would not be impinged upon by the first floor extension. The rear elevation window at 1st floor level in the 1st floor extension at No.18 serves a dressing room adjacent to a bedroom. A dressing room would not be classed as a habitable room and therefore the 1st floor extension at No.20 adjacent to this is considered acceptable.

The occupier of 18 Luffness Drive also state that their garden would be overshadowed and sunlight would be blocked as a result of the proposal. The rear gardens of the properties on this section of Luffness Drive face north and as such do not receive any direct sunlight, with the dwellings casting shadows to the rear gardens of the plots immediately behind the dwellings. Indeed the existing first floor garage extension to 18 Luffness Drive will cause a degree of overshadowing to the rear elevation of 18 Luffness Drive given its two storey height. Whilst it is acknowledged that the proposed single storey extension will create a small degree of overshadowing along the western boundary of 18 Luffness Drive, this will not be to the whole rear garden of 18 Luffness Drive and given the limited 3 metre projection and 3.8 metre maximum height, would not be to a level to warrant refusal of the application. SPD9 states that the overshadowing of outdoor spaces is given less weight than impact within the dwelling. Where the affected space is part of a small plot land/or the overshadowing removes the only area of sunlight a space receives, this may be given increased weight. A large proportion of the rear garden of no. 18 would be unaffected by overshadowing from the proposed development given its approx. 9 metre width and substantial depth of approx. 11 metres. It is therefore considered on balance, the occupiers of no. 18 Luffness Drive would not be significantly adversely impacted in terms of loss of privacy, outlook, overdominance or overshadowing.

However, as stated above, as the proposed eaves of the extension would measure 3 metres in length, less than 3 metres in height to the eaves, and measure less than 4 metres to the highest point, the

proposed single storey rear extension would be permitted development under Schedule 2 Part 1 Class A (f), and as such would not require planning permission if it measured 200mm less than proposed. This is the full back position and must be given significant weight in the determination of this application.

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.

Conclusion

It is considered 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

Proposed Floor Plans, Roof Plan and Elevations received 31/01/2022
Existing and Proposed Site Plans received 28/02/2022
Proposed Side Elevation received 28/02/2022

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.

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

east or west side elevations of the extensions 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

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: Adam Williamson
Date: 14/04/2022

Authorised Signatory: Geoff Horsman
Date: 14/04/2022