

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0240/22/HFUL
Proposal: Two storey side and single storey rear extensions. Open front porch
Location: 17 Charlton Grove
Cleadow
SR6 7QR

Site Visit Made: 06/06/22

Relevant policies/SPDs

- 1 South Tyneside LDF Policy DM1 - Management of Development (A & B) (Adopted December 2010 (revised January 2014))
- 2 SPD9 - Householder Developments (Adopted December 2011)
- 3 South Tyneside LDF Core Strategy EA3 - Biodiversity and Geodiversity (Adopted June 2007)
- 4 South Tyneside LDF Policy DM7 - Biodiversity and Geodiversity Sites (Adopted December 2011)

Description of the site and of the proposals

The application site is a two-storey hipped roof semi-detached property fronting Charlton Grove, adjoining 15 Charlton Grove to the north. The application dwelling already has an existing flat roofed single storey rear extension (3 metre rear projection, 3 metres in height), built 0.45 metres off the boundary with 15 Charlton Grove, and a detached garage to the side of the property.

The street is predominantly populated by semi-detached dwellings; however, to the south of the application site is a detached property at 19a Charlton Grove (granted planning permission under application reference ST/2116/09/FUL in April 2010), which is set 1 metre off the common boundary.

The application proposals include additions to the existing single storey rear extension, creating an L-shaped extension of the same height as the existing rear extension. This would extend the projection close to the boundary with 15 Charlton Grove to 5.275 metres from the main rear wall of this pair of semis, within 0.45 metres of the common boundary.

The application proposals would also see the demolition of the existing and the erection of a hipped roof two-storey side extension, with a 0.45 metre setback from the main front wall of the dwelling, and built up to the common boundary with 19a Charlton Grove to the south.

The proposals would also include a ground floor front extension, coming forward of the existing front door, and forward of the proposed side extension, extending 1.5 metres in front of the main front wall.

Publicity / Consultations (Expiry date 23/06/22)

1) Neighbour responses

None received.

2) Consultee responses

STC Countryside Team: Comments provided (below)

My comments on this application relate to its potential to impact on biodiversity including designated sites; statutorily protected species; and priority species and habitats listed in the UKBAP and/or Durham BAP.

The applicant has submitted the following documents relating to ecology to inform their application:

- *Bat Risk Assessment Survey of 17 Charlton Grove, Cleadon, SR6 7QR by Dendra Consulting. 04/05/2022. Report Ref Pascoe_CharltonGrove_Bat1.1.*

The building was assessed internally and externally by a suitably qualified professional during a survey on 29th April 2022. The report concluded that the building has low potential suitability for roosting bats given the features present on site.

I am satisfied that the ecological survey work undertaken is in accordance with good practise and is adequate and appropriate to support this planning application. As no bat roost was recorded at the property there are no likely direct impacts on this protected species from this proposed development however as bats are highly mobile animals, there remains a residual risk that bats could be found during works so please include the bat informative below with any consent granted which complements section 5.1 of the report (which sets out the requirements before and during works).

In addition to the bat informative, please include the bird informative below as birds can nest in buildings and vegetation creating a risk of nesting birds being present during the works.

Bat Informative

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

Breeding Bird Informative

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.

Net Gain

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. The Case Officer should seek to secure the inclusion of a feature such as:

- *An integrated Swift Brick (an example of which can be found here: <https://www.nhbs.com/manthorpe-swift-brick>) in the build itself following the below criteria:*
 - *Under the eaves on the northern or eastern aspects*
 - *A clear flight line must be available to the nest*
 - *Not placed directly above windows or doors*
- *An integrated bat box as part of the extension. Information and a suggested product can be found on the Bat Conservation Trust website; <https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes/external-ready-made-bat-boxes-integrated-bat-boxes>*

- *There are several guidelines which must be followed to enable the box to be a useful Net Gain feature:*
 - *Tucked beneath the eaves, at least 4m above the ground*
 - *Not placed directly above windows or doors*
 - *Away from artificial light sources*
 - *Placed on the western or southern aspect of the extension (this shelters them from strong winds and exposes the bat box to the sun for part of the day).*

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.

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

The Council's SPD9 design guidance sets out general design principles in Section 3 of SPD9, to avoid giving rise to inappropriate design. SPD9 also provides design guidance specifically relating to two-storey side extensions in section 7 design features to be incorporated, to achieve a subordinate appearance and to minimise any terracing effect.

The guidance in section 7.2 asks for a corresponding roof form, with a lowered ridge line, and the proposal does utilise a roof form that is set below the main ridge height, utilising a pitched roof of a similar form. However, the guidance in section 7.2 does also require a minimum 1 metre gap between the extension and the side boundary of the application site, along with a 1 metre set-back between the front wall of the upper storey extension and the main front wall of the house, to ensure that the extension is subordinate and avoids a terracing effect. The proposal would be built up to the boundary with 19a Charlton Grove, with a setback of only 0.45 metres, meaning that the proposal would fail to do this.

The proposal also adds an additional 3.8 metres in width to the existing dwelling (which has a width of 6.2 metres), exceeding the half-width of the existing dwelling by 0.7 metres, contrary to the guidance on the width of two storey extensions in paragraph 7.3 of SPD9, which further increases this impact.

The SPD9 guidance is designed to allow some flexibility depending on the site circumstances and, at paragraph 7.5 allows, for an alternative design approach, enabling extensions to be built up to the boundary (as currently proposed) where a greater setback is provided – a one-third depth from the main front wall, which in this case would be setback of 2.7 metres, significantly greater than the 0.45 metre setback currently provided, meaning that the proposal would not accord with the design guidance for first-floor extensions that extend up to the boundary.

Further flexibility is afforded in the SPD9 guidance depending on the site-specific circumstances, as, at paragraph 7.4, the guidance indicates that the above guidance may be relaxed if two or more of the following criteria exist:

- A marked stagger in the building line between the dwelling and the affected neighbour (there is no marked stagger between 17 and 19A Charlton Grove);
- The dwelling to be extended is of a substantially different type, scale and massing to the adjacent dwelling (the dwelling at 19A Charlton Grove is of a different type – a detached property – but is of a similar scale and massing to the application dwelling)

- The adjacent property is incapable of being extended in the same direction (19A Charlton Grove is situated only 1 metre from the boundary, which means that this neighbouring dwelling would not realistically be extended towards 17 Charlton Grove);
- There is a significant difference in ground levels between the dwellings to be extended and the affected neighbour (there is no significant difference in ground levels).

Only one of these factors is considered to be applicable (the adjacent property is incapable of being extended in the same direction), therefore, it is not considered that there are sufficient grounds to allow additional flexibility beyond the design guidelines in this instance.

Section 3 of SPD9 makes clear that in assessing planning applications for house extensions it is important to ensure that the visual impact of the proposal on the host dwelling and its immediate neighbourhood is acceptable and that high standards of urban design are achieved. In order to secure a high standard of urban design Paragraph 3.14 of SPD9 sets out to;

- 1) Discourage development that would create a visual terracing effect within the street scene; and
- 2) Discourage development that would not appear subordinate to its host.

Despite the lowered ridgeline giving the extension some degree of subservience to the main dwelling, it is still considered that the proposed extension would not have a sufficient degree of subordination to the main dwelling, and that it would also fail to accord with SPD9 design guidance in terms of its terracing effect. This is principally because the extension would not provide the required third depth set back between the front wall of the upper storey and the main front wall of the dwelling, while being built up to the boundary (providing a setback of only 0.45 metres, rather than one-third depth, which is 2.7 metres).

The proposed extension is therefore considered to detract from the appearance of the application dwelling and the street scene, and so would not convey sensitive consideration to its surroundings. The proposal would be contrary to adopted South Tyneside LDF Development Management Policy DM1 (A) and the associated SPD9 in relation to design and visual impact.

The proposed ground floor front extension is considered to be a well-designed and secondary addition, which, whilst having a forward projection marginally above the 1.4 metre guideline figure in paragraph 5.2 of SPD9, is considered to be an appropriately designed addition to the property.

The proposal would utilise external materials that match those of the host dwelling and complement the appearance of the existing property.

In summary, due to the conflicts with the design guidance, it is considered that, having regard to the site-specific context, that the proposals would fail to convey sensitive consideration of the surroundings, and as a result would fail to accord with Policy DM1(A) of the adopted South Tyneside Local Development Framework, and adopted guidance the associated SPD9.

Residential Amenity

The proposed addition to the existing rear extension would extend the projection of the rear ground floor of the property from a 3-metre-deep projection to a 5.275 metre projection, set 0.45 metres off the joint boundary with 15 Charlton Grove, at a height of 3 metres.

The extension to the rear of the property by an additional 2.275 metres is considered to be a substantial projection in close proximity to the common boundary. This is a significant projection that is well beyond the 3-metre projection that the design guidance in SPD9 states will ordinarily be acceptable, and which would result in the introduction of a solid gable of wall of 3 metres in height, much further to the rear, close to this joint boundary, at a height that is significantly higher than the existing boundary fence.

It is considered that the length of the proposed extension and its proximity to this neighbouring property, in particular the rear facing ground floor habitable room window that is located closest to the joint boundary, would mean the proposed extension would result in a significant loss of residential amenity to the occupiers of at 15 Charlton Grove, with the addition of an additional 2.275 metres at 3 metres in height so close to the boundary taking this impact to an unacceptable level. In particular, it is considered that the proposed extension would significantly reduce the outlook that currently exists from the neighbouring habitable room window closest to the boundary at 15 Charlton Grove.

The proximity of an extension with such a sizeable projection, built so close to the property boundary is also considered to create a substantial impact upon residential amenity through its dominance and overbearing appearance in relation to this neighbour.

It is recognised that the existing 3 metre rear extension, which is positioned to the south/south-east of the closest ground floor habitable room window at 15 Charlton Grove already, already causes a degree of overshadowing towards this habitable room. The addition of a further 2.275 metre extension to the rear at 3 metres in height would further increase overshadowing towards this room, also to the detriment of the residential amenities of the occupiers of this property.

The proposal would not include any side facing windows towards neighbouring residential properties and is not considered to create any harmful overlooking impacts affect neighbouring residential amenity.

The distance of the additional single storey rear projection from the boundary with 19a Charlton Grove means that there is not considered to be any unacceptable degree of harm relating being caused in respect of over dominance or outlook affecting this neighbour at the opposite side.

The proposed two storey extension extends towards a blank gable at 19a Charlton Grove, with the exception of a single ground floor window serving a non-habitable room (WC), meaning that this element of the proposals would not create any significant unacceptable impact on the residential amenity of neighbouring occupiers.

It is not considered that the proposals would have a significant impact on the enjoyment of outdoor spaces of neighbouring residents, when considered in the context of SPD9 paragraph 3.23, which states that the extent to which an extension impacts on a neighbour's outdoor space is a material consideration but is given less weight than impacts from within the dwelling.

It is, however, considered that the proposal would cause substantial harm to the existing level of residential amenity that is enjoyed by the occupiers of 15 Charlton Grove, in terms of potential loss of outlook and increased dominance/overbearing and overshadowing impacts, affecting the closest ground floor habitable room opening within the rear elevation of this adjacent dwelling. The proposal would therefore conflict with Policy DM1(B) of the adopted South Tyneside Local Development Framework and adopted guidance within the associated SPD9.

Protected Species

The ecological survey work has been undertaken in accordance with good practice by a suitably qualified professional. The report concluded that the building has low potential suitability for roosting bats given the features present on site.

As no bat roost was recorded at the property there are no likely direct impacts on this protected species from this proposed development; however, as bats are highly mobile animals, there remains a residual risk that bats could be found during works. Informative notes are therefore recommended to be included, in line with the STC Countryside Team's advice, to advise the applicant on statutory protections to bats and breeding birds.

The NPPF encourages applicants to aim to provide a net gain for biodiversity; however, this is not a necessary requirement in order for the development to accord with the development plan or the NPPF, as the development would not lead to any likely risk of harm to biodiversity. A planning condition requiring the provision of these enhancements would not meet the tests for conditions (NPPF paragraph 55). An informative note encouraging the inclusion of these features is instead recommended, should permission be granted.

Summary

For the reasons outlined above, it is considered, in the site circumstances and context of this particular case, that the proposal would not be an acceptable form of development, as it would fail to accord with Policy DM1 (A & B) of the adopted South Tyneside Local Development Framework and adopted guidance the associated SPD9.

The concerns highlighted within the report in respect of conflicts with LDF Policy DM1 (A & B) were communicated to the applicant, with an opportunity given to provide revised plans to address the concerns, with agreement to an extension of time; however, no amended plans have been submitted in the timescale given for response.

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

Recommendation

Refuse Householder Permission

Refusal Reasons

- 1 The proposed two-storey side extension would be harmful to the visual amenity of the area, failing to convey sensitive consideration of its surroundings, contrary to adopted South Tyneside Local Development Framework Development Management Policy DM1(A), due to the extension's lack of subservience to the main dwelling and the terracing effect that would be created by the combination of the extension being built up to the plot boundary, and the significant shortfall below the one-third depth set back between the front wall of the two storey side extension and the main front wall of the house.
- 2 The proposed ground floor rear extension, by virtue of its excessive projection close to the boundary with 15 Charlton Grove, would be detrimental to the amenities enjoyed by the occupiers of this adjacent property; particularly in terms of the reduced outlook from the rear window opening of the closest rear facing habitable room to the boundary with 17 Charlton Grove, and also owing to the extension's overbearing appearance when viewed from the rear of 15 Charlton Grove, and additional overshadowing of the ground floor rear habitable room. It is considered that the proposal would not accord with the adopted South Tyneside Local Development Framework Policy DM1 (B).

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. However, the proposed development is contrary to the policies referred to in the reason(s) for refusal and it has not been possible to reach an agreed solution in this case.

List of plans for standard note

«PLANNING_APPLICATION.APPLICATION_NUMBER»

Plan Reference

Existing and Proposed Plans received 18/03/2022

Case officer: Chris Stanworth

Signed: Chris Stanworth

Date: 28/06/22

Authorised Signatory:

Date:

«END»