DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0253/22/HFUL
Proposal: Extension of annex building to rear garden area. Alterations to existing outhouse.
Location: 59 King George Road
South Shields
NE34 0SR

Site Visit Made: 23/05/2022

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 relates to a semi-detached house at King George Road, South Shields. This application seeks planning permission to erect a single storey annex building within the rear garden of the property, which would be physically attached to the rear of the existing garage / outhouse which itself would be subject to minor alterations. The annex building would be used by family members for accommodation.

Publicity / Consultations (Expiry date 10/06/2022)

1) Neighbour responses

None

2) Other Consultee responses

None

Assessment

In assessing this application, due regard has been had to the requirement of Section 149 of the Equality Act 2010. The main issues relevant to the determination of this application are the:

- Design of the proposal and its impact on visual amenity;
- Impact on residential amenity; and
- Use of annex

Design / visual amenity

Given the nature and location of the proposal, the extension would be limited in terms of views from the public domain. In respect of design, SPD9 states that rear extensions on semi-detached properties should typically not extend greater than three metres in length. This proposal would extend the entire length of the garden at a distance of approximately 9.5 metres to the rear of the existing side garage, and approximately 9.6 metres in width at the rear boundary of the garden, almost the entire width of the plot. This proposal would greatly exceed the guidance as set out in SPD9 with respect to rear extensions.

However, it is appreciated the unique nature of the proposal is more akin to an outbuilding, and if the building was physically separate from the rear of the side garage (and smaller), the guidance in relation to detached outbuildings would be applicable. SPD9 guidance in relation to this sets out detached buildings should be of a scale, design and position that do not result in any adverse impact upon neighbouring properties or the surrounding area. It is noted several neighbouring properties have similar large garage building extensions located adjacent to boundaries, all of which are physically attached to the main dwelling.

Although this proposal would be greatly in excess of the guidance in relation to rear extensions, in terms of its visual appearance the annex would be located in a rear garden with limited views from public vantage points by virtue of its position and height, with a dual pitched roof with a maximum height of 3.4 metres. The materials proposed would also be of a similar appearance to those on the existing building, with the design of the proposal considered to be of the same character as the main dwelling. The large size of the property's rear garden and remaining outdoor space is also considered appropriate for the scale of such a development.

In this regard, and subject to a condition ensuring the materials are similar to those on the existing building, it is considered the development would be in compliance in respect of design and local visual amenity, and would be in accordance with LDF Policy DM1 (A) in this regard.

Impact on residential amenity

In terms of the adjoining property to the south (36 Harton Grove) a small proportion of the development would be located adjacent to the side boundary of the rear garden of this neighbour. The height of the development at the closest point to this neighbour would be approximately 2.5 metres, reaching a maximum height of 3.4 metres approximately 1.5 metres from the boundary of this property. Given these distances and heights, and the presence of an existing boundary fence measuring approximately 1.8 metres high, it is not considered any adverse amenity impacts would occur to this neighbour. The closest windows would face this neighbour at a distance of approximately 6.6 metres at ground floor level, negating any privacy concerns, whilst given the height, position and orientation of the development, limited overshadowing would occur to the rear garden area of this neighbour with no impact to any habitable room windows.

In terms of the property to the north (57 King George Road), the development would be located immediately adjacent to the common boundary with this property for the entire garden length. However, it is noted this neighbour already has a detached outbuilding located adjacent to the boundary which occupies approximately half their rear garden length, with the remainder of the proposal measuring a height of approximately 2.5 metres adjacent to the boundary, reaching a maximum height of 3.4 metres approximately two metres from the boundary of this property. Given these distances and heights, and the presence of an existing boundary fence measuring approximately 1.8 metres high, it is not considered any adverse amenity impacts would occur to this neighbour. No windows would directly face this neighbour, negating any privacy concerns, whilst given the height, position and orientation of the development, limited overshadowing would occur to the rear garden area of this neighbour with no impact to any habitable room windows.

In terms of the neighbour to the west (34 Harton Grove), this property is positioned at an approximate 90 degree angle to the application property, with the driveway of this neighbour located beyond the rear boundary of the application site. This neighbour has ground floor windows within their gable elevation which would directly face the rear elevation of the proposed development at a distance of approximately five metres across the driveway of this neighbour. It is unclear whether these windows are for habitable rooms. The height of the development at the closest point to this neighbour would be approximately 2.5 metres, reaching a maximum height of 3.4 metres approximately two metres from the boundary of this property. Given these distances and heights, and the presence of an existing boundary fence measuring approximately 1.8 metres high, it is not considered any adverse amenity impacts would occur to this neighbour. No windows would directly face this neighbour, negating any privacy concerns, whilst given

the height, position and orientation of the development, limited overshadowing would occur to the side driveway and side windows of this neighbour.

No other properties would be directly affected by the proposal. Given the above and on balance, 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).

Use of annex

The applicant has stated that the annex would be used for living accommodation for family members. The annex would include a kitchen, bathroom, two bedrooms and a living space. The annex is not intended to be a standalone dwelling and it is noted that there would not be an independent means of access to the proposal, access would be through the existing dwellinghouse / garage.

The annex would only be acceptable in planning terms if it were so used. In other words planning permission would not be granted for it to be a new and independent dwelling house, as this would be contrary to DM1 and supporting guidance in SPD9 (at section 17).

A planning condition could be imposed to achieve this and such a condition was included in (the now cancelled) Circular 11/95 at Annex A. The applicant has advised that there is no objection to a planning condition to this effect, if considered necessary. For the reasons set out earlier, such a condition is considered to be both reasonable and necessary in this particular case (and would not fail tests set out in planning practice guidance, which supports the NPPF) in relation to the use of planning conditions). Consequently, a condition requiring the annex to be ancillary to the main dwellinghouse is recommended.

In conclusion, the proposal would comply with all relevant local and national planning policy. Therefore the application is recommended for approval.

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

Drg No. 300-01 Rev. 4 received 14/04/2022
Drg No. 300-02 Rev. 2 received 14/04/2022

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 The extension (building) hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 59 King George Road South Shields.

To ensure its use remains ancillary to the residential use of 59 King George Road and that it does not become an independent planning unit as a free-standing dwelling house, in the interests of the both the amenities of the area and to make the development acceptable in planning terms, in accordance with the National Planning Policy Framework and 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: Nick Graham
Signed: N. Graham
Date: 24/06/2022

Authorised Signatory:
Date:

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