

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0834/22/HFUL
Proposal: Side extension, revised front entrance and bay window. Loft conversion, Cabrio balcony and solar panels to roof.
Location: 30 East Street
Whitburn
SR6 7BX

Site Visit Made: 20/12/2022

Relevant policies/SPDs

- 1 DM1 - Management of Development (A and B)
- 2 SPD9 - Householder Developments
- 3 WNP Policy WNP2 - Whitburn Design Guidelines

Description of the site and of the proposals

The application property is a detached two storey dwelling on the east side of East Street, in a residential area of Whitburn. The property is located on the corner of East Street and Nicholas Avenue and the area is characterised of detached and semi-detached properties of various designs. The application proposal would involve the construction two storey side extension above an existing single storey projection on the western side elevation of the dwelling, the alteration of an existing bay window on the front elevation and a loft conversion with cabrio roof window and solar panels on the southern roof slope.

Full details and dimensions of the proposals can be scaled from the application plans. The materials proposed would match those of the original property, besides from the material of the cabrio balcony. Partway through the application assessment a tree survey was provided assessing the impact of the proposal on trees overhanging the site. The Tree Team was consulted on the tree report for 14 days. Amended plans were received on the 28/02/2023 providing details of the proposed solar panels on the southern roof slope of the property. Given that the amendments were clarifying information on development which neighbours were already notified of, neighbour re-notification was not undertaken in line the Councils SCI.

Publicity / Consultations (Expiry date 20/12/2022)

1) Neighbour responses – none received.

2) Other Consultee responses

Countryside- recommended that the bat survey was satisfactory and that a bat and bird informative be attached to any consent granted. They also recommend that mitigation in the form of a swift brick and bat box be integrated into the scheme.

Tree Officer – recommended that the tree survey was satisfactory but recommended a condition requiring the tree protection measures be in place prior to the commencement of the development.

The Whitburn Neighbourhood Forum was also notified. No response was received.

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 immediate street scene context is one of large, detached dwellings and various designs and character, with a rather eclectic collection of extensions along Nicholas Avenue. To the north of the application site is further detached/semi-detached properties. There has also been a significant degree of change to the external appearance of the property to the east of the application site, consisting of the demolition of the existing bungalow and the construction of a two-storey dwelling.

The proposed first floor side extension would be set down from the overall ridge height by approximately 1m, with the main frontage of the extension set back from the principal elevation of the property by 0.3m. Additionally the roof shape would correspond with the main dwelling with a flat roof element located towards the rear elevation. The dwelling which would be most affected by the development, 28 East Street, is located approximately 10m from the boundary of the application site and would be separated from the applicant dwelling by a boundary fence. The extension would not exceed half the width of the main dwelling, including the garage. It is not considered that a terracing effect would occur and that the side extension would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials and is acceptable in terms of design and also local visual amenity.

The application also proposes alterations to the existing porch and bay window on the front elevation of the building. The proposals would result in a two-storey bay window, with a new bay window above the entrance porch. The bay window would be not project further forward than the existing entrance way and would have a matching roof form to the main dwelling. The bay window would be set down 3.4m from the main roof, therefore appearing subordinate to the main dwelling. The proposal would be constructed of materials to match those of the main dwelling. Given this, it is considered that the alterations to the entrance porch and the bay window are sensitively designed and is acceptable in terms of design and also local visual amenity.

The proposed solar panels and cabrio balcony would be located on the southern roof slope of the property and would be visible from the south, along Nicholas Avenue and East Street. Similar solar panels and roof windows are visible on properties along Nicholas Avenue and Newark Drive. The applicant property also benefits from permitted development rights and could install solar panels and roof windows without planning permission provided they meet the relevant planning conditions. The amended plans confirm that the solar panels would project 35mm from the roof slope of the property. The barrio balcony would be of a typical design for such a roof window. Given all of the above, it is not considered that the solar panels or cabrio balcony would be harmful to the visual amenity of the property or the surrounding area.

Considering the varying design characteristics of the street scene as a whole, it is considered that the proposals would convey sensitive consideration of the surroundings. It is considered that the proposals would be acceptable in terms of their design and visual appearance and in accordance with Whitburn Neighbourhood Plan Policy WNP2, South Tyneside LDF Policy DM1 (A), and the objectives of SPD9.

Residential Amenity

The neighbours most likely to be affected by the proposed two storey extension would be 1 Nicholas Avenue to the east and 28 East Street to the north of the application site. The main first-floor outlook of the habitable rooms created by these works would front onto public facing areas on East Street and would not harm neighbouring residential amenity. The only window facing 28 East Street would serve a landing, a non-habitable room. The proposals would be located approximately 11m from the habitable rooms of 28 East Street and this distance is considered sufficient to prevent loss of outlook or cause an overbearing impact to this neighbour. The proposals would result in some additional overshadowing of the garden of 28 East Street however, a level of overshadowing is already caused by the existing dwelling and it is not considered that the extension would cause a materially greater impact over and above this current situation to be considered detrimental to the amenity of this neighbour. The alterations to the bay window would result in the main outlook facing onto the public facing areas on East Street

As a part of the proposed two storey extension there would be one additional window facing the neighbour at 1 Nicholas Avenue serving a storage room and would be located approximately 10m from the rear elevation 1 Nicholas Avenue. This window would create an outlook over the garden of 1 Nicholas Avenue which does not currently exist which would allow residents to view the rear garden and rear elevation of this neighbour. This would be harmful to the amenity of the neighbour at 1 Nicholas Avenue and it is therefore considered appropriate and necessary to require this window to be obscurely lazed and fixed closed to protect the amenity of this neighbour. The extension is located over 10m from the habitable room windows of No 1 Nicholas Avenue, with the bulk of the extension located towards the boundary with No 28 East Street. Given the level of separation, the physical relationship between the dwelling and the design of the extension it is not considered that the proposal would result in loss of amenity to the neighbour at No 1 Nicholas Avenue in relation to loss of outlook or increased overdominance or overshadowing to this neighbour.

The alteration to the bay window on the front elevation would result in the habitable room facing onto the public facing areas of East Street, therefore these works would have no impact on the privacy of neighbouring properties around the application site. This element of the works would be located over 20m from 28 East Street (the nearest property to this element of the works) preventing a negative impact to this property by loss of outlook or overdominance.

The cabrio balcony would be located on the southern roof slope of the property and would be located over 35m from the properties on the south side of Nicholas Avenue. Given this separation distance, it is considered that this window would not be harmful to the amenity of these residents. Given the physical relationship with No. 1 Nicholas Avenue it is not considered that this roof window would affect the privacy of this neighbour.

Having considered the proposals against Whitburn Neighbourhood Plan Policy WNP2, South Tyneside LDF Policy DM1 (B), and the associated design guidance in SPD9, it is considered that the proposals are considered acceptable in respect of residential amenity impacts.

Trees

The application is supporting by an arboricultural impact assessment to assess the developments impacts on the trees along the northern boundary of the site. These trees and not located within the application site but overhang the site and some of them would be within close proximity of the proposed two storey extension. 4 no. trees were surveyed two of which were classified as B category whilst the others were classified as C category trees. A further group of trees was also surveyed. No trees are proposed to be removed as part of the application. The councils Tree Officer was consulted on the application and have confirmed they are satisfied with the finding of the arboricultural impact assessment but does recommend a condition to ensure the works are undertaken in line with the measures listed in the assessment (including protective barriers and ground protection measures. Subject to the inclusion of this condition, it is not considered that the proposed development would have the potential to have any likely significant effect on the health or amenity value of these trees. The proposals are therefore considered to be in accordance with LDF policy DM1 (C).

Protected species

A bat survey was submitted to support the application which found the building to be of limited potential to support bats. The Countryside Officer were consulted on the application and have confirmed that the survey was appropriate. They recommend that the bat and bird informative be attached to any consent granted. Countryside also recommended that a swift brick and bat box be integrated into the scheme. It is not considered that the proposal would be unacceptable if these mitigation measures were not integrated into the scheme (as the site is of limited value to bats) and therefore it is recommended that an informative, rather than condition, be attached to inform the applicant of this requirement.

Summary

For the reasons outlined above, it is considered that the proposal would 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

- 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. 02 Rev. C received 28/02/2023

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 Prior to the first occupation of the extension hereby permitted, the first floor window of the extension facing the common boundary with 1 Nicholas Avenue shall be glazed with obscure glass to a level sufficient to protect the privacy of neighbouring occupiers and the window shall be fixed closed. The form of windows and obscure glazing shall be retained thereafter.

To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity, in accordance with South Tyneside LDF Development Management Policy DM1.

- 5 The proposed two storey extension hereby approved shall not commence until the tree protection measures (including root investigations and ground protection) set out in the application have been erected on site in accordance with the approved details contained within the arboricultural impact assessment (drawing No. TPPC-A). The tree protection measures shall be retained intact for the duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the tree protection area. Where access is required into the tree protection area this shall be in accordance with the method statement provided as part of the approved details.

To ensure that retained trees are adequately protected during the period of construction in accordance South Tyneside Local Development Framework Policy DM1(C).

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 **NOTE TO APPLICANT**

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 bats or signs of bats (such as droppings or dead 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.

- 4 **NOTE TO APPLICANT**

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.

- 5 **NOTE TO APPLICANT**

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impact on and providing net gains

for biodiversity.

The applicant should include a feature in the build itself such as:

An integrated Swift Brick, an example can be found here

<https://www.nhbs.com/manthorpe-swift-brick>

o Although they are called Swift Bricks, these bricks are used by several bird species.

o More information on these bricks can be found here:

<https://cieem.net/swift-bricks-the-universal-nest-brick-by-dick-newell/>

An integrated bat box attached to the western aspect as recommended in the Bat Conservation Trust guidelines which can be found at:

<https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

Case officer: Samantha Gallagher

Signed: S Gallagher

Date: 06/03/2023

Authorised Signatory:

Date:

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