DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0011/23/HFUL
Proposal: Two storey rear extension over existing kitchen offshot - bathroom and shower room to first floor with balcony above. New side window to existing rear offshot.
Location: 5 Woodlands Terrace
South Shields
NE33 2ET

Site Visit Made: 05/04/2022 & 06/07/2022 (previous application ST/0167/22/HFUL)

Relevant policies/SPDs

1 DM1 - Management of Development (A, B and G)
2 SPD9 - Householder Developments

Description of the site and of the proposals

Planning permission is sought for a two storey rear extension over the existing kitchen offshot which includes a first floor bathroom / shower room and second floor balcony. This would include the replacement of the existing second floor rear elevation bedroom window with patio doors for access to the balcony. Also proposed is a small first floor window along the side elevation of the existing rear offshot.

The application site is a mid-terrace dwelling located within a well-established residential area of South Shields. The property has an original three storey offshot to its rear elevation (a feature repeated along the street), with an attached single storey extension which extends 0.9m beyond the side elevation of the original rear offshot.

The proposed first floor extension would be built above the existing single storey rear extension and the second floor balcony would be set back 1.2m from the rear elevation and set back 0.9m from the side elevation of the below extension. The balcony would host a 1.8m high obscure glazed privacy screen along the side (east facing) and rear elevation. The west facing side elevation would host a 1.4m high wall with a 0.4m high privacy screen above. The existing second floor rear offshot window would also be replaced with patio doors for access to the balcony. Internal alterations would be made to the first floor which would see the creation of a larger bathroom and the addition of a shower room. The window proposed along the side elevation of the existing rear offshot would host the shower room.

There are a number of properties along Woodlands Terrace (no. 1, 2 and 3) which host / have recently been granted planning permission for a second floor rear roof terrace / balcony.

Planning History

Reference: ST/0167/22/HFUL
Description: Two storey rear extension over existing kitchen offshot - bathroom and shower room to first floor with balcony above. New side window to existing rear offshot to create laundry room at first floor level.
Decision: Refused Permission as the proposed first floor bathroom shower room rear extension would be harmful to residential amenity of the attached no. 4 Woodlands Terrace.
Date: 01/08/2022

The decision was subsequently upheld by the Planning Inspectorate when an appeal was made.

Publicity / Consultations (Expiry date 09/02/2023)

1) **Neighbour responses**
   None received.

2) **Other Consultee responses**
   None

Assessment

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 and Impact on Visual Amenity

South Tyneside Local Development Framework (LDF) Policy DM1 states that development, including extensions to existing buildings, should be designed to convey sensitive consideration of their surroundings, and where possible enhance their local setting and reinforce location identity, having particular regard to scale, proportions, alignment, form, use of materials and architectural detailing.

The architectural style and facing materials of the rear extension would match that of the host dwelling; while its scale would be similar to a number of existing extensions previously granted planning permission along the street. In particular, the extensions granted at 1 Woodland Terrace in 2005 (ref: ST/2610/05/FUL), 2 Woodlands Terrace in 2007 (ref: ST/1485/07/FUL) and 3 Woodlands Terrace in 2018 (ST/0112/18/HFUL) are directly comparable in size and design; as all include the provision of a balcony/roof terrace at second floor level.

For these reasons, in terms of design and impact of visual amenity, it is judged that the development would convey sensitive consideration of its surroundings, having regard to scale and proportions, use of materials and architectural detailing; and would accord with LDF Policy DM1 (A) and the guidance contained within Supplementary Planning Document 9.

Residential Amenity

Policy DM1(B) requires a development to be acceptable in relation to any impact on residential amenity.

SPD9 states that two storey rear extensions that would project 3m from the rear wall of the original dwelling, and be set in 2m from the any side boundary and 7m from the rear boundary (opposite the rear wall of the dwelling) will often be 'permitted development', and will generally be acceptable in many situations unless specific impacts of privacy, over-dominance or over-shadowing arise for neighbouring properties.

The proposed first floor rear extension over the existing single storey kitchen extension would have a projection of 3.7m from the rear wall of the original offshot and be constructed to the rear boundary and be set back 1.8m from the side boundary shared with no. 4 Woodlands Terrace. At second floor level, the 1.8m high privacy screen located to the side and rear of the balcony / roof terrace would be set back 1.2m from the rear boundary and 0.9m from the side elevation of the below extension which faces towards no. 4. A 0.4m high privacy screen would be located above a 1.4m high wall which would be located along the side boundary facing no. 6 Woodlands Terrace.

The previously submitted planning application (ST/0167/22/HFUL) was also for a two storey rear extension over existing kitchen offshot which included a bathroom and laundry room to first floor with

balcony above. A side window to existing rear offshot at first floor level was also proposed. This application was refused planning permission as the proposed rear extension would be harmful to residential amenity of the attached no. 4 Woodlands Terrace. The current planning application is for the same proposal however the side elevation facing no. 4 Woodlands Terrace has been set back by 0.9m so that it is flush with the side elevation of the existing rear offshot.

In terms of the attached neighbour located north east of the applicant property (no. 4 Woodlands Terrace), it is not considered that there would be a loss of privacy or overlooking from the proposed balcony/roof terrace at no. 5 Woodlands Terrace due to the 1.8m high obscure glazed privacy screen located along the side boundary facing no. 4 Woodlands Terrace. No windows are proposed along the side elevation of the first floor rear extension facing no. 4. It is also considered that the window proposed along the side elevation of the existing rear offshot at first floor level would not cause any issues with overlooking or loss of privacy. This is due to the narrow width of the window and that it would host a non-habitable room (shower room).

The Council's SPD9 guidance sets out a presumption against development that would not maintain a reasonable outlook from the habitable room windows of neighbouring properties. This generally means that a development should not be so large and/or so close that it forms a very dominant feature when looking out from habitable rooms of a neighbouring property. It would normally be expected that a proposed two storey or upper floor extension would not face the front or rear elevation of an adjacent property at a distance of less than 14m. This SPD9 guidance defines 'habitable rooms' as living, dining, kitchen, bedroom, study, games room etc. and 'non-habitable rooms' as a bathroom, hall, cloakroom, landing and toilet.

The first floor element of the proposed rear extension would be constructed along the rear boundary and the side elevation would match the side elevation of the existing rear offshot, which would be set in 0.9m from the below side elevation of the existing ground floor rear kitchen extension. The side elevation would be set back 2.7m from the side boundary shared with no. 4 and 5.3m from the side elevation of the original rear offshot at no. 4. The proposed privacy screen which would surround the second floor balcony / roof terrace would also be set back 2.7m from the side boundary.

Whilst no written comments to this application have been received from the occupiers of no. 4 Woodlands Terrace, it is considered that the proposed rear extension at no. 5 Woodlands Terrace would still result in an oppressive and overbearing impact for these attached neighbours creating a loss of sky factor and outlook from both the kitchen window and dining room patio doors (which is also the dining room window) along the side elevation of the original rear offshot. This harm is due to the close proximity of the proposed first floor rear extension at no. 5 as it would be set back a distance of 5.3m from the side elevation and habitable windows of the rear offshot at no. 4. The appeal decision relating to the previous planning application (ST/0167/22/HFUL) stated; '*the limited separation between the dwellings, would result in the proposal creating an oppressive and overbearing extension. Even with the top balcony section being setback with obscure glazed privacy screen which would allow some transparency, the height and form of the proposal would still reduce the daylight in to No 4*. *Furthermore, while the orientation and existing rear buildings do limit to some extent sunlight reaching No 4, the proposal, would further reduce this particularly in the latter part of the day. It would therefore increase the periods of sunlight and daylight loss, and overshadowing*.' Although the proposed first floor extension has now been set back 0.9m to match the side elevation of the existing rear extension and the second floor balcony screening, it is considered that the proposal would still be oppressive and overbearing to no. 4 Woodlands Terrace by the height and form of the proposal reducing daylight into no. 4. It is also considered that due to the orientation of the properties, the proposal would still increase daylight loss and overshadowing.

Although the ground floor habitable room windows at no. 4 are located along the side elevation, and directly face the brick boundary wall (which is set back 2.6m), they benefit from a significant amount of sky factor above the boundary wall at present. As such the proposed rear extension at no. 5 would be

massed in very close proximity to this neighbouring property and it would fail to provide a reasonable outlook from this neighbouring property.

In terms of overshadowing issues, SPD9 discourages development that cause a significant overshadow of habitable windows of neighbouring properties over and above that of the existing situation. The proposed extension would be located south-west of the habitable room windows in the side elevation of the offshot at 4 Woodlands Terrace and the proposed rear extension would significantly reduce the amount of direct sunlight received by the side habitable ground floor windows over and above acceptable levels, particularly in periods later in the day. This effect would be exacerbated in the summer months. Given the orientation of the dwellings, position and height of the proposed rear extension and its proximity to the rear offshot ground floor habitable room windows of no.4 Woodlands Terrace, it is considered that overshadowing would occur over and above that of the existing situation to the habitable room windows.

The British Standards Institute document BS EN 17037:2018 relates to 'Daylight in buildings'. This sets out 'daylight should be a significant source of illumination with daylight openings. Daylight is strongly favoured by building occupants as a way to adequately illuminate the indoor surfaces, and to save energy for electrical lighting.' Also, 'daylight openings provide views and connection to the outside and contribute to the psychological well-being of occupants,' and sets out 'daylight provision depends firstly on the availability of daylight outside (i.e. the prevailing climate at the site) and, thereafter, the environment surrounding the building, the components immediate around the daylight opening and the configuration of the interior spaces.'

The rear extension as proposed would reduce the availability of daylight to the kitchen and dining room windows along the side elevation of the rear offshot at no.4 Woodlands Terrace, and would contribute to reduced views and connection to the outside. Daylight is likely to be a significant source of illumination for these rooms and it would be reduced in comparison with the existing arrangement due to the height, massing and proximity of the proposed the rear extension.

The attached neighbour located south west of the applicant property (no. 6 Woodlands Terrace) hosts a first floor and second floor window along the rear elevation of the rear offshot. In terms of loss of privacy or overlooking, there would be no issues from the proposed balcony / roof terrace, as the 1.8m high privacy screen would prevent direct overlooking of the adjacent neighbouring dwelling. Although the proposed extension at no. 5 would be visible from the windows along the rear elevation of the offshot at no. 6, the proposed extension would be largely obstructed by the roof of the existing rear extension at no. 6 and the second floor window is located at a higher level than the existing second floor window at no. 5. The loss of outlook is therefore not considered to be so harmful, explicitly to no. 6 Woodlands Terrace, that it would warrant refusal of the planning application.

Consideration has also been given to the approved planning application (ST/0112/18/HFUL) at no. 3 Woodlands Terrace which was also for a rear extension and balcony at second floor level however each case is assessed on its own individual merits. Both the rear elevation of the first and second floor extension were set back from the rear boundary by 1.2m and the side elevation matched the side elevation of the existing rear offshot facing no. 2 Woodlands Road.

The rear elevation of the proposed extension at no. 5 Woodlands Terrace would host 2 no. bathroom windows along the rear elevation, however these would be obscure glazed. Amended plans have been submitted adding a privacy screen with obscure glazing to the rear elevation of the balcony / roof terrace facing the rear properties to a height of 1.8m above floor level of the terrace. The proposed privacy screen would prevent direct overlooking of the neighbouring rear dwellings, while still providing the balcony / roof terrace with natural light. Taking into account the amended plans, it is judged that the development would maintain existing privacy standards to the rear properties. If this application was approved, a condition would be included requiring the obscure glazing to be installed prior to the roof terrace being brought into use which would maintain existing privacy standards within the surrounding area.

The proposal would be in conflict with Policy DM1(B) of the Local Development Framework Development Management Policies, and the associated SPD9, in respect of the impacts of the proposed rear extension's effects on the rear/side habitable room windows at 4 Woodlands Terrace.

Summary

For the reasons elaborated above, the proposal is not considered to be an acceptable form of development and is recommended for refusal for the reason outlined below.

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 development would, by virtue of its excessive scale, massing and close proximity to the ground floor side habitable kitchen and dining room windows and doors of this adjacent dwelling (no. 4 Woodlands Terrace), be detrimental to the amenities enjoyed by the occupiers of this adjacent property, particularly in terms of its overbearing impact and resultant overshadowing, reduced outlook and reduced day light impacts. As such, the proposed development would not accord with the adopted South Tyneside Local Development Framework Policy DM1 (B) or the associated design guidance held within Supplementary Planning Document 9: Householder Extensions.

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.

Plan Reference
Drg. No. 1 – Received 05/01/2023
Drg. No. 0777/5513/896 – Received 05/01/2023
Proposed Site and Roof Plan – Received 05/01/2023

Case officer: Emma Thomas
Signed: Emma Thomas
Date: 28/02/2023

Authorised Signatory:
Date:

«END»