

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0045/23/HFUL
Proposal: Two storey side extension
Location: 44 Kirkstone Avenue
Jarrow
NE32 4ER

Site Visit Made: 08/03/2023

Relevant policies/SPDs

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

Description of the site and of the proposals

The applicant property is a semi-detached brick and tiled roof constructed property located in Jarrow. The property includes a front driveway and rear garden. The property is part of a collection of semi-detached brick constructed properties with front and rear gardens helping to create uniformity within the streetscene. The property is located adjacent to a public footpath.

The proposal is for a two storey side extension which would measure a width of 3.8m, a depth of 6.7m and the front elevation would be set back 0.5m from the front elevation of the main dwelling. The eaves would match the eaves height of the existing dwelling and the roof ridge would be set down from the roof ridge of the existing dwelling. The front elevation would host a bedroom and ensuite window at first floor level and at ground floor level a utility room door and window. The side elevation would host an obscure glazed ground floor ensuite window and the rear elevation would host a first floor study room window and patio doors. The extension is to be constructed from red facing brick, clay tiles and brown UPVC windows/doors to match the existing property.

When undertaking a site visit, it was noted that a single storey rear extension was under construction. The existing and proposed plans and elevations have been amended to include this rear extension. The rear extension will have a projection of 3m, a maximum height to the eaves of 2.5m and ridge height of 3.2m. It will be constructed of brick and roof tiles to match the existing property. It includes a window to the west elevation and patio doors to the south elevation. The rear extension does not itself require planning permission, constituting permitted development, under Schedule 2, Part 1, Class A. Consequently, the planning application description has not been amended to include reference to the rear extension.

Plans were further amended setting back the first floor front elevation of the side extension to 0.5m. In accordance with the council's Statement of Community Involvement, no further neighbour notification was necessary.

Consultations (Expiry date: 07/04/2023)

- 1) **Neighbour responses**
None received
- 2) **Other Consultee responses**
Countryside - No bat survey required. Informatives recommended in respect of breeding birds and bats. The likelihood of bats being impacted by the proposed work are reduced by a combination of the following reasons:

- The immediately adjacent features are less suitable for bats than those in the wider area.
- The amount of the eaves to be impacted is low when taking the overall percentage into account.

Reference to Net Gain and the NPPF seeking to contribute to and enhance natural and local environment by minimising impacts on and providing net gains for biodiversity. Inclusion of bird box features.

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

Policy DM1(A) requires extensions and alterations to an existing dwellinghouse to convey sensitive consideration to their surroundings; and where possible enhance their local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

The works comprise the construction of a two storey extension to the side of the dwelling. Two-storey side extensions can create a terracing effect within the street scene and give rise to inappropriate design. To achieve the desired subordinate appearance and to minimise any terracing effect, SPD 9 advises that a two-storey side extension on a semi-detached property should:

- retain a minimum 1m offset between the extension and the side boundary of the application site;
- provide a minimum 1m set-back between the front wall of the upper storey extension and the main front wall of the house.
- provide a significantly lowered ridge line and a roof shape that corresponds to the main dwelling.

SPD 9 is clear that site-specific circumstances of the property will always be taken into account however; and may allow for development opportunities beyond the guidelines set out in this document.

Consideration must be given to the width of the proposed side-extension in relation to the existing property. Side extensions which are excessively wide can undermine the character of the street and of the existing property. To maintain a reasonable level of subordination, side extensions should not be more than 3 metres in width or be more than half of the width of the original dwelling frontage, whichever is the greater. In this instance the proposed side extension would measure 3.8m wide, which although is wider than half the width of the existing original dwelling (7m), it is only marginally wider and is not considered to be excessive.

The extension would be set back 0.9m from the side boundary, the front elevation of the side extension would have a set back of 0.5m from the main house front elevation, the roof ridge would be set down from the roof ridge of the main dwelling and the roof shape would correspond with the roof shape of the existing dwelling. When combining these factors, it is not judged that the design of the extension would result in the creation of a terracing effect within the street scene; and would provide it with a subordinate appearance, especially as there is a public footpath which runs along the side boundary in-between no. 44 and 42 Kirkstone Avenue.

The proposed rear extension would not be visible from within the street scene along Kirkstone Avenue, therefore it is considered that this would not detract from the character and appearance of the applicant property and the street scene of Kirkstone Avenue.

For these reasons, 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.

The attached neighbour (no. 46 Kirkstone Avenue) would not be adversely impacted by the proposed two storey side extension as it would not project beyond the front and rear elevations of the existing dwelling at no. 44. The rear extension would be constructed adjacent to the side boundary shared with no. 46 and project 3m from the rear elevation of the main dwelling. SPD9 states that in circumstances such as this, a 3m rear projection would normally be acceptable and as a general rule, a rear extension projecting 3m on a semi-detached dwelling can be constructed along the boundary without requiring planning permission. Therefore, the proposed development at no. 44 would not adversely impact upon the attached neighbour in terms of loss of outlook or privacy, or through over dominance and /or overshadowing.

The adjacent neighbours (no. 42 Kirkstone Avenue) would also not be adversely impacted by the proposed two storey side extension at no. 44 Kirkstone Avenue due to the public footpath which runs in-between both properties and the 0.9m set back from the side boundary. The windows located along the side elevation of no. 42 which directly face no. 44 are obscure glazed bathroom windows and an ensuite window is proposed along the side elevation of the proposed extension facing no. 42 however this would be obscure glazed and at ground floor level. Therefore, the proposed development at no. 44 would not adversely impact upon the attached neighbour in terms of loss of outlook or privacy, or through over dominance and /or overshadowing.

The neighbours located to the front and rear of the applicant property are located at a sufficient distance to not be adversely impacted by the proposed development at no. 44 Kirkstone Avenue.

Highways and Parking

The proposed side extension will not result in the loss of the existing off-street parking located to the front of the property, maintaining a driveway length of 5.28m. As such, it is therefore judged that the proposal would not result in an unacceptable impact on highway safety or off-road vehicle parking; and would be in accordance with LDF policy DM1 (G) and the guidance as set out within SPD9.

Other Matters

Following early consultation at the validation of the planning application, the Council's Countryside Officer clarified that no bat survey was required. Informatives have however been recommended in respect of breeding birds and legal protection to bats. Reference to Net Gain and the NPPF seeking to contribute to and enhance natural and local environment by minimising impacts on and providing net gains for biodiversity was received with a recommendation that ecological enhancements are provided, in the form of the provision of an externally fitted bird box. The provisions of enhancement measures is not considered to be a necessary requirement in order for the development to accord with the development plan and NPPF, as the development would not lead to any likely risk of harm to biodiversity. A planning condition requiring the provision of enhancements would not meet the tests for conditions (NPPF Paragraph 55). An informative note is recommended to encourage the inclusion of this enhancement measure as part of the development where possible due to the benefit of the ecological

net gain, but it would not be reasonable or necessary to include this as a planning condition in line with LDF Policy DM7 and Core Strategy Policy EA3.

The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. The requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.

Recommendation

In conclusion it is considered, taking the above and all other relevant material planning the considerations into account that the application should be recommended for approval subject to planning 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. 02a - Received 27/04/2023
Drg. No. 02b - Received 27/04/2023
Drg. No. 03a – Received 04/04/2023

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 of 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.

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 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. An externally fitted bird box to the following criteria is encouraged:
- 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.
 - Tilt the box slightly forward so rain is less likely to enter the box.
- 4 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

- 5 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.

Case officer: Emma Thomas

Signed: Emma Thomas

Date: 03/05/2023

Authorised Signatory: G.Horsman

Date: 04/05/2023

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