DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0100/23/HFUL
Proposal: Garage conversion including 2 no. new windows. Replacement of glazed conservatory roof.
Location: 6 Gordon Drive
East Boldon
NE36 0TD

Site Visit Made: 31/03/2023

Relevant policies/SPDs

1 DM1 - Management of Development (A, B and G)

2 DM6 - Heritage Assets and Archaeology

3 DM7 - Biodiversity and Geodiversity Sites

4 LDF CS EA3 - Biodiversity and Geodiversity

5 SPD9 - Householder Developments

6 SPD15 - East Boldon Conservation Area Management Plan - Adopted April 2009

7 EBNP Policy EB3 - Design

8 EBNP Policy EB4 - Heritage assets

Description of the site and of the proposals

This application relates to a detached dwelling in an established residential area of East Boldon, and within the East Boldon Conservation Area. Planning permission is sought for a garage conversion comprising the removal of two garage doors and replaced with brickwork to match the existing walling of the property and two uPVC white framed obscurely glazed windows, and replacing the glazed roof of the rear conservatory with a lightweight tiled roof to match the roof of the main property.

Publicity / Consultations (Expiry date 28/04/2023)

1) Neighbour responses

None

2) Other Consultee responses

East Boldon Neighbourhood Forum – No comments received.

Countryside Officer – This application does not require a survey.

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

Please can you pass the attached informative and the below Net Gain statement to the Case Officer to be included with any consent granted, as although the risk of bats and birds using the building for roosting/nesting is low, there is still a possibility.

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
- An integrated bat box as recommended in the Bat Conservation Trust guidelines. Box suggestions and guidance for installation can be found here; https://www.bats.org.uk/our-work/buildings-planning-and-development/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

LDF Policy DM1 (A and B) seeks to preserve visual and residential amenity whilst DM1 (G) relates to highway capacity and safety. SPD9 provides guidance for householder developments. East Boldon Neighbourhood Plan (EBNP) Policy EB3 seeks to ensure that proposals are designed to convey sensitive consideration of their surroundings, whilst Policy EB4 seeks to support development that preserves or enhances the special character and distinctiveness of the Conservation Area.

Supplementary Planning Document (SPD) 15 provides a framework for managing the Conservation Area, and is informed by the East Boldon Conservation Area Character Appraisal (February 2006). Policy CA-EB3 relates specifically to extensions and alterations to buildings within the Conservation Area. It states that proposals involving the alteration of buildings within the Conservation Area must be appropriate in terms of scale and design. Materials should respect the age and character of the building. Proposals that are considered detrimental to the character and appearance of the building or the wider Conservation Area will be resisted.

SPD9 notes in assessing planning applications for all extensions and alterations to dwellings it is important that the visual impact of the proposal on the dwelling and its immediate neighbourhood is acceptable and that high standards of urban design are achieved. The proposed works to facilitate the garage conversion, including the removal of the two garage doors and replacement with matching brickwork and two uPVC white framed windows is considered to be acceptable in terms of its visual appearance in the context of the main dwelling. It is also noted as a fallback position the works could be undertaken utilising the property's permitted development rights.

In terms of the replacement roof to the rear conservatory, this is considered acceptable in visual amenity terms as this would match the roof of the main dwelling and would only be limited in view from public vantage points within the Conservation Area.

It is considered that the proposal would not cause any harm, whether amounting to 'less than substantial harm' (as referenced in NPPF Paragraph 196) or 'substantial harm', to the significance of a designated

heritage asset, the East Boldon Conservation Area. It is judged that the proposed works would not cause an unacceptable negative impact on the visual amenity of the area, over and above the existing situation and the proposed development would adequately preserve the character and significance of the East Boldon Conservation Area, whilst noting the fallback position for the public facing element of the garage conversion. Accordingly, the development would sufficiently convey sensitive consideration of the surroundings and would not undermine the local setting and identity. The proposals are considered to accord with LDF Policy DM1 (A), LDF Policy DM6, EBNP Policies EN3 and EN4, and the objectives of SPD15.

Given the nature of the proposed works there would be no adverse amenity, privacy or overshadowing impacts to any neighbouring property, and the proposals would accord with LDF Policy DM1 (B).

Two garages would be removed for availability for car parking, however it is noted only one of these garages currently is capable of parking a car. A double width driveway would also be retained forward of the property with a length in excess of 5.5 metres, in line with the guidance set out in SPD9. The proposal is therefore not considered to have any adverse highway safety or capacity issues and would accord with LDF Policy DM1 (G).

The Council's Countryside Officer has recommended that ecological enhancements are provided, in the form of the provision of a bird box, and that the case officer should secure this as a policy requirement, as the NPPF encourages applicants to aim to provide a net gain for biodiversity. The provisions of enhancement measures are 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 these enhancements would not meet the tests for conditions (NPPF Paragraph 55). Informative notes are recommended in relation to bats and breeding birds, but it would not be reasonable or necessary to include the above as a planning condition in line with LDF Policy DM7 and Core Strategy Policy EA3.

Conclusion

In conclusion the proposal would have no significant adverse impact upon the residential amenity of any neighbouring properties or the visual amenity of the property or surrounding street scene. The proposal therefore complies with Policies DM1, DM6 and DM7 of the LDF, LDF Core Strategy Policy EA3, SPD15, East Boldon Neighbourhood Plan Policies EB3 and EB4, the NPPF and guidance set out in SPD9.

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

Drwg No. MAD 491/5 Block Plan as Existing and Proposed received 07/02/2023
Drwg No. MAD 491/4 Plan and Section as Proposed received 07/02/2023

Drwg No. MAD 491/3 Conservatory Roof Replacement received 21/02/2023
Drwg No. MAD 491/2 Ground Floor Plan and Front Elevation as Proposed received 07/02/2023

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.

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

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, though please note some birds such as pigeons may nest outside of this period. 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: Nick Graham
Signed: N. Graham
Date: 02/05/2023

Authorised Signatory:
Date:

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