DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0109/23/HFUL
Proposal: Construct first floor side bedroom extension over existing ground floor offshot.
Location: 17 Calver Court
South Shields
NE34 0HL

Site Visit Made: 06/04/2022 and 26/04/2022

Relevant policies/SPDs

1 DM1 - Management of Development
2 SPD9 - Householder Developments

Description of the site and of the proposals

The application property is a relatively modern semi-detached dwelling located at Calver Court, South Shields. The property is southwest facing with the attached semi (No 19 Calver Court located to the south) the neighbour to the north is a semi-detached dwelling (No 15 Calver Court). The properties are double fronted with gardens located to the west facing onto a green and yards to the east. The application property has a single storey extension on the northern elevation which projects forward of the front elevation of the property by approximately 1m. The property is bounded by 1.8m high boundary treatments and is located within a large residential estate with various house types and flats. This section of Calver Court forms part of a square around a central green with the applicant dwelling part of a run of 6 semi-detached houses.

The proposal is for the construction of a first floor extension over the existing single storey extension. The proposal would have a pitched roof and would be constructed of materials to match the host dwelling.

The proposal has been amended following case officer concerns of a terracing effect due the proposed extension being flush with the front elevation, amended plans were received on the 13/04/2023 and 21/04/2023 to include a set back to the front elevation of the extension from the front elevation of the host dwelling. Having regard to the Council's Statement of Community Involvement, neighbours were not notified of the changes as the proposal has been made smaller than that originally consulted on. The planning application is being assessed on the amended plans received at the request of the agent.

Publicity / Consultations (Expiry date 21/03/2023)

1) **Neighbour responses –** no written responses received
2) **Other Consultee response-** no written responses received

Assessment

Local Development Framework Development Management Policies (adopted December 2011)

LDF Policy DM1 Management of Development

In determining all applications under the planning Acts we will ensure that, where relevant:

A the development, including new buildings, extensions and alterations to existing buildings, is designed to convey a sensitive consideration of its surroundings, and where possible enhance its

local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing;

B the development is acceptable in relation to any impact on residential amenity;

Local Development Framework Supplementary Planning Document 9: Householder Developments (adopted December 2010, revised January 2014)

In terms of encouraging good design Section 3 'General Design Guidance and Objectives' notes that in assessing extensions 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'.

Section 7 provides specific guidance relating to '*Two Storey Side and First Floor Side Extensions*'. Some key points of the guidance are highlighted in paragraph 7.5 where a 1st floor extension is proposed above an existing single storey extension and is located within 1 metre of the boundary, provided that provided that certain conditions are met in order to mitigate the impact of this:

7.5 In those cases where the whole width of the plot is already built up by a single storey extension or garage, or where an existing single storey extension or garage has resulted in a gap along the common boundary of less than 1 metre, a first floor extension built up to the boundary may be acceptable where:

- *it is set back behind the front wall of the main dwelling;*
- *it does not occupy more than two- thirds of the depth of the dwelling and is located towards the rear of the main dwelling;*
- *the roof ridgeline is significantly lower than the main dwelling ridgeline;*
- *a pitched or hipped roof, depending upon the existing dwelling and proposed extension design, is constructed on any residual flat roof of the original single storey structure in order to reduce the visual impact of the structure upon the proposed extension and street scene;*
- *a window is included to the front elevation of the proposed extension.*

Paragraph 7.3 gives consideration to the width of proposed extensions.

7.3 In having regard to the general principles set out in Section 3, 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.

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 for consideration in the determination of this planning application are:

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

Design & Visual Amenity

As already set out above, SPD9 provides detailed advice on the design of residential extensions. This document was adopted in December 2010, and updated in January 2014. It accords with the objectives of LDF Policy DM1(A) which was adopted in December 2011. Both of these documents are in line with the objectives of the National Planning Policy Framework.

The main design issues to consider are whether the scale, massing, design, proportions and location of the extensions are appropriate, having regard to the size and character of the existing host property, and considering its relationship with the surrounding street scene. the property is double fronted, and it is considered that the principal elevation is located to the elevation facing onto the green of Calver Court. Given the nature of the proposal it would be visible from the public domain. The proposed materials including the brickwork, roof tiles and upvc windows would match those on the existing dwelling.

The proposal does not strictly meet some of the design aims of SPD9, mainly in terms of paragraph 7.5 relating to first floor extensions when a property is built up to the boundary or a gap of less than 1m has been retained. This guidance sets out that extensions should have a corresponding roof shape and should not occupy more than two-thirds of the depth of the dwelling and located towards the rear of the dwelling. In this case, the proposal would have a 675mm setback from the main elevation at first floor level, a compatible roof shape and a significantly lowered ridgeline from the main dwelling. The extension would however occupy more than two thirds of the depth of the dwelling and as such would not strictly accord with the guidance set out in SPD9. However, the key question is whether this is harmful in the wider context, and whether the proposal sufficiently conveys sensitive consideration of its surroundings required by LDF Policy DM1 (A).

In this case there are a variety of house styles on Calver Court and in the surrounding housing estate. The property itself is not a traditional style of property and therefore some flexibility can be given regarding the design of extension. Given the specific site circumstances of this application, it is clear that consideration has been given to designing a subservient extension to the dwelling and that the guidance in SPD9 has been followed as far as possible given the site constraints.

Whilst there is some conflict with the general principles in the design guidance, it is not considered that there would be a conclusive refusal reason based on the existing variety within the street scene. when considering the presumption in favour of sustainable development that is established at the heart of the NPPF, on balance, it is considered that this proposal does enough to convey sensitive consideration of its surroundings, in line with DM1 (A) to be recommended for approval on design grounds. The proposed development would accord with LDF Policy DM1(A) in this instance, as it would convey subordinate design to the host dwelling.

Overall, the proposal is considered to be a subservient form of development that would not be harmful to the visual amenity of the property the surrounding street scene. It is therefore considered that, given the specific site circumstances, that the proposals comply with policy DM1 of the Local Plan and the guidance set out in SPD9.

Residential Amenity

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. 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 proposal would not be harmful to the attached neighbour to the south given the location of the proposed extension on the northern gable of the applicant dwelling. The new rear window would be separated from the neighbours to the rear by over 17m which is over the 14m window-to-window

distance set out in SPD9. The new front window would be separated from the neighbouring properties to the west by over 40m preventing the extension from impact on the amenity of these properties.

The neighbour mostly likely to be impacted by the proposed extension is the immediate neighbour to the north at 15 Calver Court. The proposed extension would be located on the northern elevation of the property and would be built up to the boundary with No. 15. A blank elevation would face towards No. 15 preventing loss of privacy to this neighbour. No. 15 has 2 no. windows facing the application site, one on the first floor and one on the ground floor. The first-floor window appears to serve a landing, which is a non-habitable room as set out in SPD9, whilst the ground floor window appears to serve a non-habitable hallway area. The outlook of the window on the ground floor of No.15 already looks onto the wall forming the single storey extension of the applicant property. The proposal would result in an additional 3m of wall above the existing single storey projection. This would be viewed against the backdrop of the existing gable and it is not considered that the proposal would have an impact so over and above the current situation to be considered detrimental to the outlook of the neighbour at No.15. The proposed extension would not breach the two-storey building line of the applicant property or No.15 and therefore would not be visible from the front or rear habitable room windows on No.15. The proposed extension would be located to the south of No.15 and therefore there would be some degree of overshadowing and reduction in sunlight towards the garden area of No.15, however it is likely that any effects of this would be very limited and would not be severe due to the overshadowing caused by the existing property. It is therefore considered that the additional overshadowing caused by the proposed extension would not be to such a degree over and above the existing situation to be considered detrimental or warrant a reason of refusal on the ground of overshadowing.

On balance, it is therefore considered that the first floor extension would be in accordance with LDF Policy DM1 (B) and SPD9 as this element of the proposal would not be harmful to the privacy, outlook or result in loss daylight/overshadowing or loss of privacy for the neighbouring properties.

Summary

For the reasons outlined above, it is considered, in the site circumstances and context of this case that the proposal would be an acceptable form of development subject to the schedule of planning conditions that have been set out within this report.

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

Proposed Site/Roof Plan REV A received 13/04/2023

Drg No 0758/4923/441 REV A received 13/04/2023

Drg No 1 REV A received 21/04/2023

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 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

Case officer: Samantha Gallagher
Signed: S Gallagher
Date: 25/04/2023

Authorised Signatory: G.Horsman
Date: 25/04/2023

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