

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0444/23/VC
Proposal: Application under Section 73 of the Town & Country Planning Act 1990 to vary Condition 2, Approved Plans, of ST/0617/20/HFUL to add a rear window.
Location: 15 Central Avenue
Whitburn
SR6 7LB

Site Visit Made: N/A

Relevant policies/SPDs

- 1 DM1 - Management of Development (A & B)
- 2 SPD9 - Householder Developments
- 3 LDF CS EA3 - Biodiversity and Geodiversity
- 4 DM7 - Biodiversity and Geodiversity Sites

Description of the site and of the proposals

The application site is a semi-detached residential property, situated within a residential cul-de-sac in Whitburn.

This is an application under Section 73 of the Town and Country Planning Act 1990 to vary Conditions 2 of ST/0617/20/HFUL to allow the addition of a first floor rear elevation obscure glazed window.

Planning permission ref: ST/0617/20/HFUL was granted on 27/07/2021 for the following works: "First floor extension and dormer loft conversion."

That permission was subject to three conditions - Condition 1 related to development commencing within 3 years

- (2) The development shall be carried out in accordance with the approved plan(s) as detailed below

Proposed Elevations Drawing No: /003/20 received 06/08/20

Proposed Layouts Drawing No: /004/20 received 06/08/20

Proposed Block Plan Drawing No: /007/20 received 08/09/20

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

Condition 3 related to external materials.

Publicity / Consultations (Expiry date 16/08/2023)

1) Neighbour responses

19 Central Avenue – No objections

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

2) Consultee responses

STC Countryside Team -

I have no comments to make regarding the addition of this window given the previous ecology report.

I would like to take this opportunity to encourage the incorporation of some of the following enhancement features in line with the NPPF. They can be inexpensive, robust and provide a great space for biodiversity.

- 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
 - Not placed directly above windows or doors
- An integrated bat box within the build itself. Information and a suggested product can be found on the Bat Conservation Trust website; <https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes/external-ready-made-bat-boxes-integrated-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 house (this shelters them from strong winds and exposes the bat box to the sun for part of the day).
- Bee Bricks integrated within the building, an example of which can be found here:
 - <https://www.greenandblue.co.uk/products/bee-brick>

Assessment

The principle of the proposed development has already been established, by virtue of the grant of ST/0617/20/HFUL; and this is not open for re-examination or re-consideration in dealing with a planning application that has been made under section 73 of the Town and Country Planning Act.

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;
- Impacts on protected species;

Design/Visual Amenity

The design and visual impact was considered within the previous application and it was concluded that the works satisfactorily considered the surroundings having regard to their scale, proportion and use of materials. This application seeks to add a first floor rear elevation window to the first floor rear extension. The window would host the bathroom and be obscure glazed.

The proposed addition of the window would not be visible from the public domain along Central Avenue and would align with the above dormer window and ground floor patio doors. Therefore the proposals would be sympathetic amendments to the already approved scheme and would not have an adverse impact on the character of the street scene.

For these reasons, it is judged that the proposed window would not appear out of scale in relation to the host building, or out of character within the immediate street scene. 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)

Residential Amenity

The proposal is to add a first floor rear elevation window to the first floor rear extension which would be obscure glazed as it would host the bathroom. In terms of residential amenity, the window would have no adverse impact on any of the surrounding neighbours due to the window being obscure glazed and is not therefore considered to have the potential to cause significant overlooking impacts. In order to protect the privacy of neighbouring occupiers a condition has been included which restricts this window to being obscure glazed in perpetuity.

As such, it is concluded that the proposal would result in no material harm to the amenity of surrounding residents. It is therefore considered that the development accords with LDF Policy DM1 (B) and the requirements of the NPPF.

Protected Species

The Countryside Team were initially consulted under the previously approved planning application (ST/0617/20/HFUL) as ecological survey work was undertaken and the findings were submitted as part of the planning application. As no bat roost was recorded at the property, the building was considered to have negligible potential for roosting bats, and there were no signs of nesting birds, there are no likely direct impacts on protected species from this proposed development. In order to accord with the requirements of LDF policies EA3 and DM7, informatives were included which related to bats and birds and ecological net gain.

The Countryside Team were consulted on this application stating that they had no further comments to make in relation to the addition of the window, however the aforementioned informatives are again included so that the planning permission is in accordance with the requirements of LDF policies EA3 Policy DM7.

Taking the above into account, it is judged that the proposal would be acceptable and would be in accordance with LDF policies EA3 and DM7.

Conclusion

It is considered that the development would be in accordance with South Tyneside Local Development Framework Development Management Policy DM1 (A and B), DM7, South Tyneside Local Development Framework Core Strategy Policy EA3, Supplementary Planning Document SPD9 (Householder Developments) and the requirements of the National Planning Policy Framework.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission with Conditions

Conditions

- 1 The development to which this permission relates must be commenced not later than 3 years from the 27 July 2021.

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 Elevations - Received 05/06/2023

Proposed Layout Plan - Received 05/06/2023

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 first use of the first floor extension hereby permitted, the first floor window shown on the proposed rear elevation on the proposed elevations drawing and proposed layout plan (received 05/06/2023) facing the rear boundary shall be non-openable below 1.7m above the internal floor level of the room served by that window and be glazed with obscure glass to a level sufficient to protect the privacy of neighbouring occupiers. That form of window and obscure glazing shall be retained at all times 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.

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 NOTES 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 a bats or signs of bats be discovered at any stage during the works, work must stop immediately and advice sought from your project ecologist and 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

4 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 The Preliminary Bat Assessment, 15 Central Avenue, Whitburn, Sunderland, SR6 7LB. Report Reference: AE21.136, dated May 2021 by Astute Ecology suggests that enhancements are considered as part of the development and in accordance with the NPPF which states that developments should aim to provide a net gain for biodiversity. The following enhancements have been suggested and it is encouraged that these measures are included as part of the development:

The provision of at least 1x artificial bat boxes/bricks/tube placed high up on a southerly elevation on a site building/tree post works would provide enhanced roosting opportunities for potential bats within the local area.

Case officer: Emma Thomas

Signed: Emma Thomas

Date: 11/09/2023

Authorised Signatory: G.Horsman

Date: 12/09/2023

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