DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0447/23/HFUL
Proposal: Proposed single storey rear infill extension
Location: 27 Cleaside Avenue
South Shields
NE34 8DQ

Site Visit Made: 02/08/2023

Relevant policies/SPDs

1 DM1 - Management of Development

2 SPD9 - Householder Developments

Description of the site and of the proposals

The applicant property is a single storey semi-detached bungalow located in South Shields on Cleaside Avenue. It is part of a collection of bungalows located within Cleaside Avenue that are of a similar scale and design helping to create uniformity within the streetscene. The applicant property includes a front garden, a side driveway and rear garden with detached garage located to the rear. The attached neighbour no. 25 is located to the west and no. 29 Cleaside Avenue, located to the east and at the head of the cul-de-sac, is a detached property set further back from the application site and the established front building line of properties to the north of Cleaside Avenue.

The proposal is for a single storey rear extension, which would infill the existing area located between the common boundary to the neighbour (no. 25) and the existing offshot to the application site. The extension would link and adjoin the rear elevation of the existing offshot. The extension would, initially project 4.34m, set in 750mm from the common boundary, and then project a further 1.28m in length with an additional set in from the boundary by 1.3m giving a total projection of 5.6m. This staggered element of the extension would extend beyond the main rear elevation of the offshoot but link and adjoin the existing flat roof element and would have a total width of 6.52m. Bi-fold doors are proposed to the rear. It will be constructed from brick to match the existing property and includes a flat roof to a height of 3.5m with a single roof lantern.

After initial proactive discussions with the agent and the applicant, where the council raised concerns about the initial proposals, specifically the projection along the common boundary and the resultant loss of residential amenity to the neighbouring occupiers, revised drawings were received on 21/09/2023 including a set in from the common boundary and a 'staggered solution' to address the previous concerns raised. In accordance with the Council's SCI the council deemed that the proposed required no further neighbour notification, due to the nature of the amendments.

Publicity / Consultations (Expiry date 25/07/2023)

1) Neighbour responses

1 received from the occupiers of 25 Cleaside Avenue (response received in relation to the initial proposals submitted):
We object to the proposed extension on the following grounds in reference to document SPD9: Householder Developments (Rev. Jan-14)

- The proposed extension would be so large and so close to form a very dominant feature when looking out from our habitable room windows.

- The proposed extension will reach 3000mm high (1650mm above the existing boundary) and will continue for approx. 5500mm. This means our closest rear window and kitchen window will look directly onto a 3000mm high brick wall, more than double the height of the previous boundary. This does not constitute a reasonable outlook and will create an oppressive and overbearing visual impact to the habitable room windows of our neighbouring property.
- Our garden extends to the space between the properties. Due to the height and length of the proposed extension we expect the space between the neighbouring properties will be dominated by a brick wall more than double the height of the existing boundary.
- The proposed extension will result in the significant overshadowing of habitable windows of our neighbouring property over and above that of the existing situation. Currently the boundary is marked by a fence which is 1350mm above floor level of both properties. This affords additional light to the rear of both properties during the day as they are north facing.
- The proposed extension will reach 3000mm high (1650mm above the existing boundary) and will continue for approx. 5500mm creating a "tunnel" effect which will result in significant overshadowing of our neighbouring habitable room windows.
- In effect they will gain extra space and light into the rear of their property by overshadowing our windows and outdoor space
- Our garden extends to the space between the properties. Due to the height and length of the proposed extension we expect the space between the neighbouring properties will be significantly overshadowed due to the properties being north facing. This will remove the only sunlight the space receives and will negatively impact our ability to have full use of this outdoor space.

2) Other Consultee responses

None received

Other Relevant Matters

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.

Assessment

The main issues relevant to the determination of this application are the:

- Design of the proposal and its impact on visual amenity;
- Impact on residential amenity; and
- Highway safety and parking.

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.

Design, character and visual amenity

Policy DM1(A) requires extensions and alterations to an existing dwellinghouse to convey sensitive consideration to 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.

SPD9 states that for rear extensions single- storey rear extensions that would extend beyond the rear wall of the original dwelling house by up to 4 metres in respect of detached houses or 3 metres in respect of semi-detached or terraced houses will generally be acceptable. Where such extensions do not exceed 4 metres in height, in either case the development would be permitted development, unless such rights were withdrawn when the original development was granted planning permission.

Given the nature of the proposal, the development would be limited in view from the public domain. The development would have a total projection of 5.6 metres from the original rear elevation of the property. This is in excess of the three-metre guidance as set out within SPD9 and greater than what could be achieved under permitted development. However, the staggered design and set in from the common boundary is noted alongside the size of the rear garden, which would retain a considerable length from the rear elevation of the proposed development and the rear boundary. As such, it is considered that the whole proposal would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials and is acceptable in terms of its design and also local visual amenity. A condition is suggested with regards to the materials of the proposed extension being of a similar appearance to those used in the original dwelling, except the flat roof construction. The proposal would accord with LDF Policy DM1 (A) and the guidance contained within SPD9.

Residential amenity

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

Overdominance/ Loss of outlook:

The proposed extension would not result in significant harm to the occupiers of no. 29 Cleaside Avenue, located to the east due to the relationship and relative location to the application site and the proposals. The proposal would be screened from view and would be located a sufficient distance from the common boundary.

It is also considered that following amendments to the application, to provide a set in from the common boundary and a reduction in the amount of development along the common boundary, though a staggered design, that the proposal will not result in significant overdominance or loss of outlook to the occupiers of no. 25 Cleaside Avenue. The proposal would be offset from the common boundary for the first 4.3m by 0.750m and beyond this, the extension would be located 2.05m from the common boundary. It is noted that the occupiers of no. 25 Cleaside Avenue raised concerns about overdominance and loss of outlook to habitable room windows in respect of the initial proposal. These concerns have been noted and in seeking amendments to the proposal, it is considered that there would be no unacceptable loss of amenity. In seeking amendments to the proposals and assessing the revised plans, the permitted development fall-back position is noted where an extension of 3m along the common boundary up to a height of 3m could be built without planning permission. Furthermore, it is noted that the rear extension would measure approximately 1.8m above the existing fence line and would be set off from the boundary, reducing the tunnelling impact to this neighbour.

Overshadowing/ Loss of Light:

The proposal would not result in overshadowing or a loss of light to no. 29 Cleaside Avenue due to its location behind the existing property and its separation distance to the common boundary.

It is also considered that the proposal would not result in significant overshadowing or loss of light to no. 25 Cleaside Avenue due to the modest height of the proposal (measuring 3.5 metres), the separation distances from the common boundary, and the orientation of the applicant property and the neighbour. It is noted that the occupiers of no. 25 Cleaside Avenue raised concern in respect of overshadowing and loss of light to their property, however through amendments to the proposal with the development being set in from the common boundary, it is considered that the proposal would not result in significant overshadowing or loss of light to the adjoining neighbour.

Overlooking/Privacy Concerns:

The proposed rear extension proposes bi-fold doors which will primarily look to the rear of the applicant property and not directly to a neighbouring property. Whilst no. 29 Cleaside Avenue is set back from the application site and level with the rear garden and detached garage at the application site, it is not considered that the position of the doors would result in a loss of privacy. No windows are proposed within the side elevation facing no. 25 Cleaside Avenue and therefore there would be no resultant loss of amenity.

For these reasons, it is not considered that the development would result in harm to the amenity of surrounding residents; and would accord with LDF Policy DM1 (B), SPD9, and the requirements of the NPPF, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

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 Plans Drg No Page 02 received 04/10/2023

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, except for the flat roof construction.

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

Case officer: Drewe Russell
Signed: Drewe Russell
Date: 09/10/2023

Authorised Signatory: Helen Lynch
Date: 10/10/2023

«END»