DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0509/23/HFUL
Proposal: 2 storey side extension, ground floor rear extension
Location: 32 Cleaside Avenue
South Shields
South Tyneside
NE34 8DQ

Site Visit Made: 06/09/2023

Relevant policies/SPDs

1 DM1 - Management of Development (A and B)

2 DM7 - Biodiversity and Geodiversity Sites

3 LDF CS EA5 - Environmental Protection

4 SPD9 - Householder Developments

Description of the site and of the proposals

This application for planning permission relates to 32 Cleaside Avenue, Cleadon. The property is a detached dwelling located at the end of the cul-de-sac in a residential area. The property is a large, two-storey detached dwelling located within a relatively large plot. The property has a single storey rear projection. The property is bounded by substantial detached properties to the north, east and south whilst to the east are semi-detached bungalows.

Planning permission is sought for the construction of a two-storey side extension on the southern gable and a single storey rear extension. the two-storey extension would project 3mm from the side elevation. The proposed single storey extension would project 3.9m from the rear elevation the proposals would be constructed of materials to match the main dwelling, with the exception of the flat roof of the single storey extension.

Publicity / Consultations (Expiry 07/09/2023)

1) **Neighbour responses – None received**

2) Other Consultee responses:

Countryside Officer – My comments on this application relate to its potential to impact on biodiversity including designated sites; statutorily protected species; and priority species and habitats listed in the UKBAP and/or Durham BAP.

The applicant has submitted the following documents relating to ecology to inform their application:

- Ecological Impact Assessment – Bats and Birds. 32 Cleaside Avenue, South Shields, NE34 8DQ. Version 1. 12th June 2023 by Tyne Ecology.

The building was assessed internally and externally by a suitably qualified professional during a survey on the 2nd October 2022. The report concluded that the building was of moderate suitability to support roosting bats. Two further surveys were recommended and were undertaken on the 15th May 2023 and 5th June 2023. No bats were observed emerging from the building.

I am satisfied that the ecological survey work undertaken is in accordance with good practice and is adequate and appropriate to support this planning application. As no bat roost was recorded at the property there are no likely direct impacts on this protected species from this proposed development however as bats are highly mobile animals, there remains a residual risk that bats could be found during works. A precautionary working method statement has been provided in appendix 2 of the submitted report and should be provided to all contractors working on the project.
I have included additional Informatives for both bats and birds below due to the residual risk to both.

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 this case are:

- Visual Amenity;
- Residential amenity;
- Whether the proposed development would impact on protected species.

Design and impact on the Conservation Area

Policy DM1 (A) seeks to ensure that new development conveys sensitive consideration of its surroundings.

Policy DM6 states that the development proposals that protect, preserve and where possible enhance historic, cultural and architectural character and heritage will be supported.

Design guidance in section 7 of SPD9 provides design guidance specific to proposals for two-storey side extensions, generally expecting such extensions to be, set down from the original property, and the first floor set back from the principal elevation, in the interests of subordination, as well as retaining a one metre gap between the extension and the side boundary of the application site. However, these measures are usually applied to semi-detached or density detached dwellings. SPD9 also states that a set back and lowered ridge might still be necessary to provide a subordinate appearance in the surrounding street scene. In this case, the extension would be set back from the front elevation by 4.5m and would have a lowered ridgeline compared to the main dwelling. A gap of 14.1m would be retained and would have a width of 3m which would be less than half of the original dwelling. this would ensure a subservient appearance to the main dwelling. The area is generally characterised by large semi-detached and detached dwellings with large gardens. Given the properties position at the end of the cul-de-sac and the substantial gap between the extension and the neighbouring dwelling there would be no terracing effect as a result of the proposed extension. the proposal would be constuicted of materials to match those of the main dwelling and would have a roof form that complements the main dwelling. On balance, it is considered that the proposal would not be harmful to the visual amenity of the property.

SPD9 also sets out guidance for single store rear extensions stating that 4m extension on detached dwelling are likely to be acceptable. In this case the rear extension would project 3.9m from the rear elevation of the property and would not be visible from the public realm. The proposal would have a flat roof with but would be constructed of brickwork with upvc windows and doors to match the main dwelling. Given the size and scale of the proposal, it would be a subservient to the main dwelling and would be in accordance with the 4m set out on SPD9.

The design and scale of the proposal are considered to be appropriate in the context of the host property, the immediate street scene, subject to the inclusion of a condition requiring that the external

materials are of a similar appearance to those used in the exterior of the existing dwellinghouse. The proposal would adequately maintain the existing character and appearance of the area, including the setting of the Cleadon Conservation Area in accordance with policies DM1 (A) and DM6 of the South Tyneside LDF, having regard to guidance in SPD9 and SPD14.

Residential amenity

Policy DM1 (B) seeks to ensure that new development does not result in any unacceptable impact on residential amenity. The properties to the rear (Nos 3 and 5 Sunnirise) are located over 25m from the proposals preventing loss of amenity to these neighbours. The neighbours most likely to be affected by the proposal are the neighbours at 30 and 29 Cleaside Avenue.

The proposed extensions would be located over 20m from the neighbour at No 29 Cleaside Avenue to the north of the application site. An additional door and window are proposed in the extension facing towards No 29 but this would serve a non-habitable room. Given the orientation of the dwellings and the separation distance, it is not considered that that the proposal would cause loss of outlook or privacy or cause additional overshadowing or overdominance to this neighbour.

The proposed extensions would be located approximately 14m from the boundary with No 30 Cleaside Avenue to the south of the application site. No additional windows are proposed in the side elevation facing this neighbour with a new door on the ground floor. No 30 has 3 windows at first floor facing the application site, however the level of separation from the proposed extension is considered to prevent loss of privacy or cause overdominance or loss of outlook to this neighbour. Due to the orientation of the properties, the extensions would cause some additional overshadowing however this would be limited to the applicants own garden rather than the neighbouring property.

It is not considered that the proposed extension would create any unacceptable impacts upon the residential amenities of neighbouring properties. The development is deemed to be in accordance with Policy DM1(B), while having regard to the design principles set out in SPD 9.

Protected Species

The application was supported by an ecological impact assessment which confirmed that the building has been internally and externally in October 2022 which concluded that the building was of a moderate suitability to support roosting bats This survey was then followed up by two further surveys in May and June 2023 where no bats where observed emerging from the building. The Countryside team were consulted on the application and have confirmed that the survey work has been undertaken in accordance with good practice and have confirmed that the proposed development would not impact this protected species. Countryside have however recommended that bat and bird informatives. The Countryside team also recommended that a swift brick, bat box and bee bricks be integrated into the scheme. It is not considered that the proposal would be unacceptable if these mitigation measures where not integrated into the scheme and therefore it is recommended that an informative, rather than condition, be attached to inform the applicant of this.

Summary

It is considered that, in the site circumstances and context of this particular case, that this proposal would be in accordance with Local Development Framework (LDF) policies DM1 (A & B) and DM6, having regard to all other material planning considerations, including relevant supplementary guidance in SPD 9. The proposal would be an acceptable form of development, subject to the inclusion of the suggested conditions.

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

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.2 received 07/07/23

Drg No.4 received 07/07/23

Drg No.6b received 28/07/23

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 With the exception of the flat roof of the rear extension, 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 NOTE 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 bats or signs of bats (such as droppings or dead 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.

4 NOTE TO APPLICANT

Breeding Bird Informative
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 NOTE TO APPLICANT

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 those below. The ecologist has also suggested an externally fitted bat box in section 5.6 however an integrated feature would be more robust and resilient, and should be sought above an external feature.

- 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

Case officer: Samantha Gallagher
Signed: S Gallagher
Date: 08/09/2023

Authorised Signatory: G.Horsman
Date: 12/09/2023

«END»