DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0542/23/HFUL
Proposal: Extension and alterations to dwelling to convert shop front to wall with windows, single storey rear extension with roof lantern and flue, loft conversion with dormer window to rear and velux windows to the front.
Location: 28 Wood Terrace
Jarrow
South Tyneside
NE32 5LU

Site Visit Made: 06/09/2023

Relevant policies/SPDs

1 DM1 - Management of Development (A, B and G)
2 SPD9 - Householder Developments

Description of the site and of the proposals

This planning application relates to 28 Wood Terrace, Jarrow, an end of terrace Bungalow. The application site also includes No 30 Wood Terrace which is a commercial unit attached to no 28. The property has a small garden area to the front of the dwelling and a yard area to the rear. Planning permission is sought for extensions and alteration of the front elevation to convert the shop front to a wall with windows, a single storey rear extension and a loft conversion with dormer window to the rear and 5 No. roof lights on the front roof slope.

The proposal is a revised scheme to a previously approved application at this site referenced ST/0293/22/HFUL. The key changes are to the dormer window, the velux windows on the front roof slope, the single storey rear extension, the parking arrangement, and the inclusion of a wood burner within the rear extension.

The proposed rear extension would extend 2.7m into the rear yard following the demolition of the existing mono pitched roof garage of the property. The proposed extension would form part of the property's boundary and would have a flat roof with roof lights with a maximum height of 3.3m and 3.8m to the top of the roof lantern. The extension would have a width of 5.9m an set in from the boundary with No 26 Wood Terrace (the attached neighbour by 6.9m.

The proposed dormer would be on the rear roof slope and would have a flat roofed design, measuring 10.3m in width, set in from the gable by 1.4m and would be built up from the eaves of the dwelling. The dormer would host two windows and two Juliette balconies.

The application has been amended twice; the amendments made on the 11/09/2023 where to address concerns from the highways department regarding off street parking provision. The amendments made on the 10/10/2023 increased the number of roof windows in the front roof slope of the property. Neighbours were re-notified on each set of amendments for 14 days as the changes were considered materially different from those originally proposed.

Some changes to boundary treatments to the front of the property are also shown on the Site Plan, which could be implemented under permitted development rights under Part 2 Class A of the GPDO.

It should be noted that the commercial unit at 30 Wood Terrace has recently been granted prior approval for the conversion of the commercial space into part of the dwelling under application reference: ST/0490/22/PNCU.

Publicity / Consultations (Expiry date 25/10/2023)

1) **Neighbour responses-** 10 neighbour representations have been received as follows:

26 Wood terrace (2 responses received)

- Could you still keep the stipulations for the 2 french doors/windows in the loft to have the guard on them to prevent a roof balcony.
- I think the wood fencing along the side will not be in keeping with the rest of the block and the other block of bungalows
- I object to the off-street parking as these gates will open onto my wall. These gates will bang against my property, damage my wall and will also upset my dogs. I also do not want anything drilled or fastened to my property wall. Why cant it be left at the other end of the property? I will also get more fumed from the car going beside my property.
- We have log burning stoves in the area already but hey are not at the ground floor. The smoke will drift into my property, so I will not be able to have my windows open at anytime.
- I object to the dormer as they want to putting timber shingles on. This is not in keeping with the small dormers elsewhere on Wood terrace. I was not happy with the dormer the first time around but to look at cheap mismatched wood is not what I would say yest too.
- I would also like the doors on the dormer never made into balconies so that they can sit out, as this would allow them to look over into my property.
- I still object to this log burner in the extension. The chimney is level with my bedroom window so all the smoke would be clown right into mine and their property. This would mean I could never open my windows. This should be a higher chimney above the roofline.
- I object to so many velux windows to the front of the property. 5 is going to look our of place and would not go with the rest of the properties on our terrace
- I still do not want the garage door as proposed it can go back to where the old entrance was.

67 Wood Terrace (x3)

- The proposed plans show what appears to be a velux window to the front roof. It is unclear looking at the plan what room this window will be in, perhaps a bathroom or a hallway. I would like this window to be a fixed none opening and frosted window due to the window if opened looking directly into my front bedroom.
- I would like to oppose the 5 velux windows which have been positioned in the roof. these window look directly into my front bedroom.
- I would like to raise a concern regarding the perimeter wall. Looking at the plan the wall is being replaced with a fence, which I object to. To keep this in keeping with the rest of the area the wall needs to remain. The property further up the block has a wall with fence panels that is what I would request as a compromise.

24 Sherburn Grange South (x3)

- the loft conversion is not an issue, however the dormer window will overlook our property. The window will overlook into neighbours gardens and windows. This will give no privacy. We have young children and do not want to be overlooked into our garden, conservatory and bedroom windows. Neighbour shave young children and don't want to be overlooked in such a manner.

23 Sherburn Grange South (x1)

- we strongly object to the rear dormer, with very large windows which provides the occupier with unrestricted viewing of our garden but also into our house. We child-mind our grand children which is an added concern. We would be grateful if consideration could be given to changing the bedroom windows to ceiling mounted velux type.

2) Other Consultee responses

Transport and Development Officer- no objection but request informatives be attached regarding materials being stored on the highway, requirement for any alterations to the crossing point to be undertaken by the councils construction team and measures to prevent surface water discharging onto the highway.

Countryside Officer – I have reviewed the Preliminary Roost Assessment (23rd May 2022) and Bat Survey Report (13th June 2022). The reports are acceptable and appropriate to support this planning application. no bat roost was recorded and there are likely no direct impacts on bats from this proposed development, however please include the bat informative to any consent granted.

Please also include the breeding bird informative as birds can nest in buildings and vegetation creating a risk of nesting birds being present during the works.

Environmental Protection (flooding)- no objections

Environmental protection (contaminated land) – no objections

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 relevant to the assessment of this proposal are the:

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

Design/Visual Amenity

The application proposes works to the front elevation of the property to convert the existing shop front into a wall with window. This would include squaring the front elevation of the building off and blocking up the shop door. The works would use matching materials to those of the original dwelling and the proposed window would reflect the proportions of the existing bay window on the front elevation of the existing dwelling. It is therefore considered that the changes to the front elevation would be in keeping with the existing property and the other residential properties along this part of Wood Terrace.

The application includes 5 No. rooflights on the front roof slope of the dwelling. neighbours have raised concerns that the rooflights would look out of keeping with the rest of Wood Terrace. There are a number of other properties along Wood Terrace with roof lights in the front roof slopes of the dwellings. SPD9 acknowledges that roof lights on houses can be added under permitted development unless these rights have been removed. In this instance, the property retains its permitted development rights and the rooflights proposed can therefore be installed without express planning permission from the local planning authority. This is a significant fallback position that would outweigh any concern over roof lights in the front elevation of the property. It is however, noted that rooflights are common feature along this part of Wood Terrace and the rooflights are considered to be acceptable with regards to their visual appearance.

The proposed rear extension would project 2.7m from the rear wall of the original dwelling and would have a flat roof with roof lantern following the demolition of the properties existing garage, which is in a poor state of repair. SPD9 sets out that 3m extensions on terraced and semi-detached dwellings are likely to be acceptable. In this case the extension would meet this criteria of SPD9. The extension would be constructed of materials to match the original dwelling with the exception of the flat roof which would have a rubberised roof covering. The extension would form part of the site boundary of the property with the remaining boundaries being formed of a 2m high timber fence. This fence would obscure the majority of the extension when viewing the site from the lane to the rear of the dwelling though the top of the flat roof and roof lanterns would be visible. The rear of Wood Terrace has an eclectic mix of extensions, and it is not considered that the extension proposed as part of this application would be harmful to this character.

Neighbours raised concerns of the yard side wall being replaced with a fence, and this looking out of place within the rest of the block of bungalows. This is however incorrect as the plans clearly show this wall would remain following the works. The new fence and gates related to the rear boundary which would replace an existing set of gates and fence. There are a number of different styles and materials for the boundary treatments along the rear of Wood Terrace, including fences and it is therefore considered that the proposed fencing would not be out of keeping the character of the area.

The proposed rear dormer would be a substantial addition to the rear roof slope, taking up the vast majority of the rear roof slope. It would also be visible from the lane to the rear of the properties and the side cheeks of the dormer would be visible from the front of Wood Terrace. Neighbours have raised concerns about the dormer materials, as timber shingles are proposed. In terms of dormer extensions, SPD9 stated that they can significantly alter the appearance of a property, any alterations to a roof should therefore be designed to complement the home and street scene. Dormer extensions should be set in from external walls or property boundaries if near to an attached neighbour and should not wrap around more than one roof plane. They should always be positioned below the roof ridgeline and set-up from the eaves of the main dwelling. SPD9 also discourages larger and bulkier dormers and seeks to avoid a ‘top heavy’ appearance suggesting two small dormers as a potential solution allowing the majority of the original roof slope should be retained. An example of this can be found at 22 Woodland Terrace.

The proposed dormer window would form a box style dormer on the rear roof slope and would bet set down from the main ridge and set in from the gable and the neighbouring boundary by at least 1m. The dormer would be built up from the eaves and clad with timber shingles. However, and crucially, weight must be given to the General Permitted Development Order which states that for dormer extensions which can be built under permitted development tights, they must be constructed so that …the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves and would be constructed of materials to be of a similar appearance to those of the original dwelling. In this case, the dormer would not be set up from the eaves and would not be constructed of materials of a similar appearance. Therefore, the dormer would not be able to be built under permitted development rights in its current form.

However, weight must be given to the properties rights to build a dormer under permitted development and also the dormer previously approved under application ref: ST/0293/22/HFUL. It is considered that if the dormer was set up a further 0.2m from the eaves of the main roof it would be able to be constructed under permitted development rights in terms of massing and scale. This would be a reasonable fallback position in terms of the scale and massing of the dormer.

As the proposed scheme is set only 0.2m further down towards the eaves than a dormer that could be constructed under permitted development, it is not considered that the proposed scheme would result in any significant further ham to the visual amenity of the area than that of the fallback position to such an extent to warrant refusal. The timber shingles proposed for the dormer would not match the red tiles of the existing property, however, the rear of wood terrace showcases a mixture of materials. It is not considered that the timber shingles would be so visually harmful to warrant refusal of this application.

As the proposed scheme is set only 0.1m further down towards the eaves than that reasonable fallback position, it is not considered that the proposed scheme would result in any significant further harm to the visual amenity of the area than that of the fallback position to such an extent to warrant refusal. Whilst the flat roof design of the dormer window would not be of a high standard of design, given the above fallback position it is considered unreasonable to refuse the application based upon this element.

The scheme is considered, on the whole, to be acceptable in respect of its impact on the visual character of the property and the surrounding area. The proposal is therefore in accordance with Policy DM1 (A). Any conflict with Local Development Framework Policies DM1(A) and the objectives of SPD 9, in respect of the dormer, are significantly outweighed by the existence of the PD fallback position.

Residential Amenity

The proposed rear extension would have a modest height and projection in the context of existing development on this site, and would not be as high, or extend as far to the rear as the existing adjoining structures, particularly the existing single storey extension at No 26 Wood Terrace and the boundaries of the applicant property. Windows are proposed in the rear elevation of the extension; however, these would be largely obscured by the 2m boundary treatments to prevent loss of privacy to the neighbours at the rear of the application site. No windows are proposed in the side elevation of the extension. Given the location of the applicant dwelling and surrounding neighbours, the proposed extension would not cause additional overshadowing, loss of outlook or increased overdominance to neighbouring properties.

The alterations to the front elevation would be limited to the southeast corner of the property. A new window would be formed in the front elevation which would be separated from the neighbours on the south side of Wood Terrace by approximately 20m. This distance would prevent loss of privacy to the neighbours to the south of the application site. The alterations to the front elevation of the property would not cause additional overshadowing or overdominance or loss of privacy or outlook to the neighbours either side of the application site.

Neighbours have raised concerns of the location of the proposed dormer on the rear roof slope and the potential for overlooking into their garden/properties from the French doors/Juliette balconies. Given the separation distances the proposed rear dormer would not allow significant overlooking of habitable rooms in neighbouring properties, however, there may be some limited potential for increased overlooking of the rear gardens of neighbouring properties through the creation of a new outlook at first floor level that did not previously exist. The properties to the rear of the site benefit from high boundary treatments and a 17m separation distance between the proposed dormer and the boundaries of these properties, with a total separation distance of 30m between the proposed dormer and the rear elevation of these properties. It is therefore considered that the impact of the proposed dormer would not significant enough to warrant a refusal of this planning application on these grounds. In considering this, very limited weight can be given to any such impacts on residential amenity from the dormer in any case, owing to the permitted development fallback position explained in the previous section. Neighbours at 26 Wood Terrace raised concerns regarding the proposed French doors/Juliette balconies as part of the dormer and the opportunities to overlook neighbouring properties. Given the permitted development

fallback position identified above, a dormer on this property could be constructed with a window adjacent to this neighbour without express planning consent and the additional impact of the French doors/Juliette balcony is not considered, over and above the permitted development fallback position, to be harmful to neighbour amenity. It would however be harmful to neighbour amenity should the flat roof of the extension to be used as a roof terrace as this would allow greater levels of overlooking into the neighbouring property's garden. As such, it is recommended that the railing/screen for the Juliette balcony be installed prior to the extension being brought into use, and retained as such thereafter, to prevent the flat roof extension being used as a roof terrace and harming the amenity of neighbouring properties.

Neighbours raised concerns concerning the rooflights in the front roof slope of the property causing loss of privacy to the neighbours on the south side of Wood Terrace via looking into their bedroom windows. These neighbours have requested that this window be none-opening and frosted. The rooflights would face towards the properties on the south side of Wood Terrace which are two storey dwellings. As such these properties can look down onto the roof slope of the applicant dwelling. The rooflights would be located at 2.2m above the floor level of the loft conversion and therefore the opportunities to look out of the window would be severely limited. As noted earlier in this report the rooflight could be installed under permitted development and as such very limited weight can be given to any impacts on residential amenity from the rooflights.

Neighbours raised concerns of the log burner and flue within the rear extension and the smoke emissions. The flue itself would not harm the amenity of residents with regards to loss of outlook or overdominance. Should a complaint be made concerning smoke emissions, this would be investigated by the Environmental Protection team under environmental protection legislation.

The attached neighbour raised concerns of the amended location of the parking space and vehicle access to the site, including any fumes from cars impacting on their garden area. Whilst these concerns are noted, the property is bounded on two sides by road, the main road to the south and the rear lane to the north, both of which are used by vehicles. Given this context, it is not considered that the location of the access would be additionally harmful to his neighbour. The gates installed within the fence to provide the access, would be within the application site and not connected to their property, however any concerns regarding these matters or damage to property would be a civil matter between the relevant land owners.

Given the site circumstances and the planning merits of the application, it is considered that the proposal would not have unacceptable impacts on the amenities of the occupiers of neighbouring residents in relation to privacy, outlook and overdominance, or overshadowing, over and above the existing situation, based on the site context. The proposed development is considered to be in accordance with Policy DM1 (B), while having regard to the principles set out in SPD 9.

Highways Safety

The amended plans have confirmed that the off-street parking space for the dwelling would be retained but with the entrance altered to be alongside the attached neighbour. The amended plans also how gates opening inwards to ensure the gates do not open onto the public highway. The transport development officer was consulted on the amended plans and have confirmed they no longer object to the application but have recommend conditions restricting the use of the development until the vehicular access is constructed and for the provision of surface water drainage details to be provided prior to the in-curtilage parking being brought into use.

Paragraph 56 of the NPPF states that *'planning conditions should…only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'.* In this instance the proposed development would not result in a reduction of off-street parking for the dwelling and would retain an off-street parking space for the dwelling which would be in accordance with LDF Policy DM1 (G). The parking area would be accessing an unadopted road and not the adopted highway. The discharge of surface water onto third party land is

a private civil matter which planning would not be involved. Given these circumstances, it is not considered that the inclusion of the recommended conditions would be necessary to make the development acceptable in planning terms and, as such, no conditions in this regard are recommended.

It is therefore considered that the proposal would not be harmful to highways safety and accord with Policy DM1 (G) of the Local Development Framework).

Impact on protected species
The Countryside officer confirmed that the submitted bat survey was appropriate. They recommended that the bat and the bird informative be attached to any consent granted Countryside also recommended that mitigation be included in the scheme, such as a swift brick, bird box or bat box 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 requirement.

Summary
For the reasons outlined above, it is considered, in the site circumstances and context of this particular case, that 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.

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

Drg No. 04 Rev A received 110923

Drg No. 03 Rev A received 110923

Drg No. 11 Rev A received 110923

Drg No. 05 received 101023

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 as set out in the application form Received 20/08/2023 and drawing reference Drg No 5 received

10/10/202.

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 The patio doors hereby approved to the rear first floor elevation of the dwelling, shall not be brought into use until the Juliette balcony railings/screens (as shown on approved drawings Drg No 5 received 10/10/2023) have been installed. That railings/screens shall remain in place in its entirety at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

To prevent the roof of the family/dining room extension from becoming a roof terrace, 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 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

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 impact on and providing net gains

for biodiversity.

The applicant should include a feature in the build itself such as:

An integrated Swift Brick, an example can be found here https://www.nhbs.com/manthorpe-swift-brick 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 externally fitted bird box following the below criteria:
- Under the eaves on the northern or eastern aspects
- A clear flight line must be available to the nest
- Tilt the box slightly forward so rain is less likely to enter the box
- Not placed directly above windows or doors

An integrated bat box as part of the extension. 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 extension (this shelters them from strong winds and exposes the bat box to the sun for part of the day).

6 NOTE TO APPLICANT

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact Highways@SouthTyneside.gov.uk for Skips and Containers licences.

7 NOTE TO APPLICANT

You should note that the creation of a new vehicle crossing point, together with reinstatement of redundant access crossing, are required to be carried out by STC's Construction Team. To arrange construction works associated with the vehicle accesses please refer to https://www.southtyneside.gov.uk/article/38198/Dropped-kerbs-and-crossovers / email: Highways@SouthTyneside.gov.uk / or call: 0191 427 7000 for further information.

8 NOTE TO APPLICANT

No surface water shall discharge onto the highway from the extension or driveway area, with mitigation measures being provided to prevent any such discharge.

9 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: 26/10/2023

Authorised Signatory: Andrew Inch
Date: 27/10/23

«END»