## DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

**Ref No:** ST/0627/23/HFUL
**Proposal:** Renovation of an existing property. Extend single storey garage and utility on side elevation. Flat roof with sun tube. Two storey extension to rear and side elevation comprising hips and duo pitch roof with velux rooflights. Render to front and side elevations. Glazed bay window to front elevation extending up to underside of Alpine Roof. Front door moved in line with front elevation. Allowance for PV panels to front and side elevation. (Resubmission of withdrawn application ST/0313/23/HFUL).
**Location:** 1 Hall View
Whitburn
SR6 7DQ

**Site Visit Made: 06/09/2023**

## Relevant policies/SPDs

1 DM1 - Management of Development

2 SPD9 - Householder Developments

**Whitburn Neighbourhood Plan**

1 WNP Policy WNP2 - Whitburn Design Guidelines

## Description of the site and of the proposals

Planning permission is sought for a single storey garage and utility extension to the northern side elevation, a two storey extension to the southern and eastern elevation, to render to front and side elevations of the dwelling, a bay window to front elevation, and the re siting of the front door.

The proposed garage extension would be constructed upon the site of an existing attached garage, and would measure 4.1 metres in width, 10.3 metres in length, 2.6 metres to the eaves, and 3.3 metres to the highest point. To the front elevation there would be a garage door, the northern elevation would be blank, and there would be a utility room window and door to the rear elevation. The roof would contain a roof lantern. The driveway length and access point would remain as existing.

The proposed two storey side and rear extension would form an 'L' shape around the existing dwelling and would measure 3.7 metres in width from the southern elevation, 10.2 metres in length, 12 metres in width across the rear of the property, 2.9 metres to the eaves to the front elevation, 5.2 metres to the eaves to the rear elevation, 6.5 metres to the ridge for the side projection, and 8.4 metres to the ridge for the rear elevation. The proposed two storey extension would project approximately 1.6 metres past the existing rear building line of the dwelling. To the ground floor the extension would contain a kitchen and dining area, with a bedroom and bathroom to the 1st floor. The rear elevation would contain bi folding doors and a kitchen window, with bedroom windows, a bathroom window and ensuite windows to the 1st floor. The front facing roofslope would contain a rooflight, and would the rear elevation roofslope.

A double height bay window is proposed to the front elevation. This bay would measure 2.6 metres in width, with a 500mm projection from the front elevation, and measure 5.1 metres in height.

It is also proposed to part render the dwelling with off white coloured render. The submitted plans show that the proposed extensions would be constructed from red brick to match the existing dwelling.

The application site consists of a detached dwelling located on Hall View, Whitburn. To the north of the site is no. 2 Newark Drive, which is a detached bungalow, and the rear elevation faces towards the application site. To the south of the site is no. 2 Hall View, which is a detached bungalow, which has north/ south orientation towards the application site. To the east of the site is 12 Newark Drive which is a semi detached dwelling. The application site is set back from the main A183 Whitburn Bents Road.

**Publicity / Consultations (Expiry date 04/10/2023)**

**1) Neighbour responses**
**None**

**2) Other Consultee responses**
**Countryside:** 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:

- Preliminary Roost Assessment – Bats and Birds. 1 Hall View, Whitburn, SR6 7DQ. Final Version 1.0. 3rd June 2023 by Tyne Ecology

- Ecological Impact Assessment – Bats and Birds. 1 Hall View, Whitburn, SR6 7DQ. Final Version 1.0. 11th July 2023 by Tyne Ecology

The building was assessed internally and externally by a suitably qualified professional during a survey on 1st June 2023. The report concluded that the building was of moderate suitability to support roosting bats. Two further surveys were recommended and were undertaken on the 10th June 2023 and 8th July 2023. No bats were observed emerging from the building though a Herring Gull was observed nesting at the base of the chimney.

I am satisfied that the ecological survey work undertaken is in accordance with good practise 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 7 of the submitted report and should be provided to all contractors working on the project.

As a nesting bird was identified during the surveys, the ecologist has advised works must avoid the bird nesting season, March to August inclusive. Please note that some species will nest all year round, as such I have included additional informatives for both bats and birds below due to the residual risk to both.

**Bat Informative**

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 bat or signs of 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.

Natural England Bat Advice Line: 0345 1300 228

**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.

**Biodiversity Enhancement**

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:

- 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

Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies and all other material planning considerations, including representations received, it is considered that the main issues for consideration are the impact upon on visual amenity; and the impact on residential amenity.

**Visual Amenity**

Part 12 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment.

Policy DM1(A) of the South Tyneside LDF seeks to ensure new development is appropriate for the host building.

SPD9 (House Holder Developments) of the South Tyneside LDF provides guidance in respect of householder developments.

Policy WNP2 encourages development that reflects, respects and reinforces local architecture and local distinctiveness; and respects surrounding buildings in terms of scale, height, form, materials and massing.

The Council's SPD9 design guidance provides design guidance specific to two-storey side extensions in section 7 of SPD9, however, this is specific to two-storey side extensions on semi-detached and high-density detached properties.

As the application dwelling is detached and is considered to be part of a low-density development, the guidance in section 7 of the SPD is not directly applicable to this proposal.

Paragraph 7.1 of SPD9 advises instead that proposals must have regard to the general principles set out in Section 3 of SPD9 to avoid giving rise to inappropriate design.

It is considered that the proposed two story side/ rear extension with the roof set down from the main ridge would be a proportionate addition that would complement the proportions of the original dwelling. It is acknowledged that the roof arrangement is somewhat unconventional given the differing eaves heights front to rear, however when viewed from public viewpoints then extension would be generally in keeping with the character of the surrounding area.

The proposed single storey garage extension to the northern gable would appear as a subordinate addition to the dwelling overall and would be constructed from appropriate materials to match.

A number of properties in the neighbourhood have bay windows to the front elevation and given the 500mm projection this would not appear unduly prominent within the wider street scene.

Nearby properties are constructed from a wide palette of materials, including a mix of brick and render. As such the proposed part rendering of the property would be acceptable in this case.

It is considered that the proposals would accord with LDF Policy DM1 (A) and the objectives of SPD9 and WNP2.

**Residential Amenity**

Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured. In line with this, Policy DM1(B) of the South Tyneside LDF seeks to protect residential amenity of neighbours from harmful impacts from development.

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 an unacceptable overly 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.

It is noted that a side extension could be constructed up to approximately 500mm off the shared boundary of no. 2 Hall View to the south up to 3 metres eaves height and 4 metres to the highest point under permitted development rights. This carries weight in the determination of this application as this would represents a viable fall back position of what works could be undertaken without planning permission.

The neighbouring property to the south, 2 Hall View is orientated so that its front main elevation faces north towards the southern side gable of the application site. This north facing elevation contains a kitchen window nearest the road, the front door and a bathroom window to the eastern side of the front. There is an existing single storey extension to the southern elevation of the application site which is to be

demolished as part of this scheme. The proposed southern side extension would be sited approximately 4.5 metres further forward towards the front building line of the application site. The proposed extension would be sited approximately 1.4 metres off the shared boundary with No 2 Hall View, and as such would be part in front of the kitchen window. The roof arrangement of the proposed extension is that the front eaves are much lower than the rear eaves and the extension transitions from single to 2 stories in height. As such roof of the extension will graduate higher to the right when looking from no. 2 kitchen window, meaning the outlook to the east would be retained which would not have been the case if the proposed extension was fully 2 stories for the whole of its length.

SPD9 states that if your neighbour subsequently wishes to develop near their boundary, the planning system cannot protect an outlook created from a window on (or near and facing) a common boundary. As this kitchen window already looks onto the 2 story side gable of the application site, it does not have an overly open outlook. It is acknowledged that the extension will move this gable approximately 3.6 metres closer to the window, this window is already overshadowed by virtue of its north facing orientation, and the it is considered that given the already limited outlook from this window, although marginal, the proposed side extension would not lead to material a loss of amenity from this window to the extent as to sustain a refusal of this application. As there would be a separation distance of approximately 6.2 metres between the gable wall and the kitchen window of 2 Hall Drive, a condition is recommended so that no windows can be inserted to the southern elevation of the extension via permitted development rights without a subsequent planning approval.

The proposed rear extension would project 1.6 metres further east that the existing rear building line. This elevation would face the rear/ western gable elevation of 12 Newark Drive. There is a slight difference in levels, with 12 Newark Drive set slightly lower than the application site, and there is mature planting to the boundary. The proposed rear extension would achieve a separation distance of approximately 15 metres from 12 Newark Drive which is considered to be sufficient not to result in any overbearing or loss of privacy impacts as a result of the development.

The proposed garage extension to the northern elevation would be approximately 6.3 metres from the rear elevation of 2 Newark Drive to the north. There is an existing garage extension to the application site, but the proposal would be sited approximately 1.3 metres further towards the shared boundary and would be around 700mm higher than the existing garage. At present the occupier of 2 Newark Drive has a 3 plus metre high hedge along the boundary to screen the rear of their property from the application site. No windows are proposed to the northern elevation of the proposed extension. As such whilst the built form would be closer than present, given the existing screening and outlook, the proposal would not have a detrimental impact upon the living conditions of the occupier of 2 Newark Drive.

Given the position of the proposed bay window and its relationship with neighbouring dwellings, it would not result in any loss of privacy or any overbearing or overshadowing impacts to neighbours.

The proposed plans show the provision of an air source heat pump (ASHP) to the sited along the northern elevation, less than 1 metre off the shared boundary with 2 Newark Drive. Given this distance of less than 1 metre, the ASHP would not be permitted development and would therefore require planning permission. No details have been submitted in respect of the ASHP and as such details of this will be conditioned so that any impacts it may have in terms of noise can be assessed.

Subject to conditions, the proposed development is considered to be in accordance with Policy DM1 (B), while having regard to the principles set out in SPD 9.

**Other matters**

The proposed plans show that Solar panels are proposed to be installed. No details have been submitted as part of the application. However, as these are to be installed on a dwelling these will be permitted development providing they meet the conditions set out within A.2 of Schedule 2, Part 14,

Class A of The Town and Country Planning (General Permitted Development)) (England) Order 2015 (as amended).

The Council's Countryside officer commented on the application and recommended that bat boxes be incorporated into the design. The applicant has submitted amended plans to show these. An informative is included in this regard however it is not considered necessary to include a condition requiring the bat boxes to be constructed. This is because they are not deemed to be absolutely necessary to enable the development.

**Conclusion**

It is considered that, in the site circumstances and context of this particular case, that this proposal would not undermine the guidance set out in Local Development Framework (LDF) policies DM1 (A and B), Whitburn Neighbourhood Plan Policy WNP2, and having regard to all other material planning considerations, including the design guidance in SPD9, the proposal is considered to 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. 001 received 18/08/2023
Drg. No. 004 Rev P2 received 18/08/2023
Drg. No. 005 Rev P2 received 18/08/2023

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 as specified on Proposed Elevations Drg No. 005 P2 received 18/08/2023. 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 Notwithstanding the provisions of the of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no window or other opening additional to what is shown on the approved plans (as listed in condition 2) shall be made in the southern side elevation of the extension hereby permitted facing No.2 Hall View, Whitburn unless an application for planning permission has been approved in writing by the Local Planning Authority.

To safeguard the privacy and amenity of the occupiers of adjacent properties and in accordance with South Tyneside LDF Development Management Policy DM1.

5 Prior to its installation, full details (including drawings and / or specifications and a noise assessment) of the air sourced heat pump and any related noise attenuation measures, together with a phasing plan to secure its completion, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be carried out.

To safeguard the privacy and amenity of the occupiers of adjacent properties and 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.

**Case officer: Adam Williamson**
**Date: 9th October 2023**

**Authorised Signatory:**
**Date:**

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