South Tyneside Council

Reference:	ST/0706/23/HFUL
Location:	1 Ashleigh Villas East Boldon NE36 0LA
Ward:	Cleadon and East Boldon
Description:	Demolish existing single storey rear kitchen extension. Construct new part single storey/part two storey rear utility/kitchen/dining room/sun lounge/en-suite bedroom extension with 4no. rooflights, cream render to walls, white woodgrain UPVC sliding sash windows and black powder coated aluminium doors.
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Emma Thomas
Case Officer Contact No.:	0191 4247593 or 07741105284

Description of the Site

The application site is a semi-detached property fronting onto Front Street (A184), within the East Boldon Conservation Area, situated between Grange Park and The Hawthorns, and a short distance from the junction where Front Street meets with Sunderland Road (A184) and Station Terrace (B1299).

The East Boldon Conservation Area Character Appraisal (2006) identifies the historic and architectural significance of the properties at Ashleigh Villas. The application property forms part of a collection of imposing two-storey predominantly buff brick houses in terraced, semi-detached or double fronted detached form, which all adopt similar designs and motifs. The properties display strong gables facing the street and are enlivened with darker brick string courses, copious timber and sandstone detailing, built using design creativity to increase their perceived grandeur.

The majority of the properties at Ashleigh Villas are subject to an Article 4 direction, which removes a number of permitted development rights; however 1 and 2 Ashleigh Villas are excluded from the direction. It would appear that this is due to the degree of changes that have been made to the original front elevations of this pair of semi-detached properties.

Description of the Proposal

This planning application seeks consent for the demolition of the existing single storey rear kitchen extension and to construct a part single storey/part two storey rear utility/kitchen/dining room/sun lounge/en-suite bedroom extension with 4no. rooflights, cream

render to walls, white woodgrain UPVC sliding sash windows and black powder coated aluminium doors.

Relevant Planning History

The planning history of the site is as follows:

Reference: ST/0956/21/HFUL
Description: Replacement of the existing upvc windows with timber sash windows, demolish existing single storey kitchen extension and construct new rear part single storey/part 2 storey kitchen/dining room, sun lounge, w.c., bathroom and ensuite extension with 7no. rooflights and cream render finish. Associated alterations to existing door and window arrangements. Demolish existing detached garage, increase height of rear boundary wall and provide new black wood-grain effect shutter door and arched timber gate
Decision: Grant Permission Householder with Conditions
Date: 18/07/2022

Reference: ST/0367/19/HFUL
Description: Replacement of the existing upvc windows with timber sliding sash windows, demolish existing single storey rear kitchen extension and construct new rear part single storey/part 2 storey kitchen/dining room and bedroom extension with cream render finish and associated alterations to existing door and window arrangements. Demolish existing detached garage and provide new sliding timber gate.
Decision: Grant Permission Householder with Conditions
Date: 18/11/2019

Summary of Consultation Responses

Historic Environment Officer –

The proposed extension would not be visible from the public highway and therefore would have no impact on the character or appearance of East Boldon Conservation Area.

Tree Team –

Initial Comment -

The slight alteration would have a significantly greater arb impact. Reason being, if the side of the extension were to become part of the boundary wall, the existing wall would have to be demolished and I don't think the extension could be built upon the old brick wall foundations, I'd imagine the BRE standards would have the foundations deeper to support an extension and to avoid any potential conflicts between the trees/structure. This would necessitate making the existing foundations deeper by underpinning or demolishing the wall completely and starting with a different foundation design. Either way, I'm not 100% comfortable with that idea with respect to the impact to the nearby trees.

The original proposal given permission is preferred. If the current proposal is to go ahead through the planning process, we would need to see a revised arb impact assessment and a thorough method statement setting out a practicable approach to protecting the trees during any demolition/construction submitted for approval.

Final Comment (following the submission of an amended tree survey) –

Following a site visit, I can confirm the site level changes as described in the report, and I am generally comfortable with the amendments made.

The report recommends some bespoke protection to safeguard T2, due to the trees proximity the works. I would suggest, we grant the application, that we attach a condition to ensure the methods set out in the report are followed on site and we should ask for evidence of correct installation of the protection around T2 to be signed off by the project arborist and submitted.

The East Boldon Neighbourhood Forum -

The property in question and the surrounding brick wall are located within the East Boldon Conservation area and as such, this application should comply with the appropriate guidance. Policy CA-EB3 Alterations to Buildings of the East Boldon Conservation Area Management Plan states: “Proposals involving the alteration of buildings within the Conservation Area must be appropriate in terms of scale and design. Materials must respect the age and character of the building. Proposals that are considered detrimental to the character and appearance of the building or the wider Conservation Area will be resisted.” In addition, the application should be assessed against Policy EB4 of the East Boldon Neighbourhood Plan, which lists key considerations when assessing the impact of development on the character or appearance of the conservation area and its setting: d) Reflecting the locally distinctive architectural characteristics, vernacular building form and materials. j) Boundary treatments, including garden walls and retaining walls should reflect locally distinctive forms and materials. The existing boundary wall to the property, in particular the section bordering Grange Park, has intrinsic value, and we recommend that the Historic Buildings Officer is consulted about this proposal before approval.

It appears likely that the boundary wall with Grange Park is owned by the Council. This needs to be confirmed and if so, presumably additional agreement with the Council required for the proposed work will be required. We believe that a more satisfactory solution would be to retain the existing boundary wall as a continuous unit and stop the ground floor extension short of its proposed position (by imposing a gap between the two structures). As it stands, the existing brick boundary wall with Grange Park will be demolished, being replaced by the new external wall of the ground floor extension. Retaining the boundary wall as a continuous uninterrupted unit will help maintain the integrity and character of the proposal and its impact on Grange Park. In the Heritage Statement the architect states that the extension will be rendered as it will be impossible to source bricks to match the house, however there is no mention of the side wall. Given that the existing extension is built of brick, how can it be appropriate to render the new extension and be consistent with the policies in the Conservation Area Management Plan and East Boldon Neighbourhood Plan?

Summary of Representations

No responses received

Relevant planning policy

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 statutory development plan comprises the East Boldon Neighbourhood Plan, Whitburn Neighbourhood Plan and the Council’s adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007.

The following policies of the East Boldon Neighbourhood Plan are relevant to this planning application:

- Policy EB3 – Design
- Policy EB4 - Heritage assets

The following policies of the South Tyneside Local Development Framework Core Strategy are relevant to this planning application:

- LDF Policy DM1 - Management of Development (A, B, C)
- LDF Policy DM6 - Heritage Assets and Archaeology (B – iii)
- LDF Policy DM7 - Biodiversity and Geodiversity Sites
- LDF CS EA3 - Biodiversity and Geodiversity

The following policies and guidance are also relevant to this planning application:

- SPD9 - Householder Developments
- SPD15 - East Boldon Conservation Area Management Plan - Adopted April 2009

A Regulation 19 version of the South Tyneside Local Plan was recently subject to consultation from 15/01/2024 to 03/03/2024 and this marked the second of two statutory consultation periods in the plan-marking process. While the draft Local Plan is now at a more advanced stage of preparation, with the Regulation 19 consultation completed, the extent to which there are unresolved objections to particular policies is currently being assessed and therefore only very limited weight can be afforded to policies in the emerging local plan at the current time having regard to paragraph 48 of the NPPF. As such, any relevant emerging local plan policies that are listed below are not appraised in detail in the assessment set out below:

- LP Policy SP1 - Presumption in favour of Sustainable Development
- LP Policy 1 - Promoting healthy communities
- LP Policy SP24 – Heritage Assets
- Policy 43: Development Affecting Designated Heritage Assets
- LP Policy 47 - Design Principles

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. If the impact of the proposal on the Conservation Area would be neutral this would be acceptable.

The main issues relevant to the assessment of this proposal are the;

- Design of the proposal and its effect on visual amenity and heritage assets;
- Impact on trees;
- Impact on residential amenity;
- Impact on protected species

Design/Visual Amenity/Heritage

The previously approved planning application (ref ST/0956/21/HFUL) was to replace the existing upvc windows with timber sash windows, to demolish existing single storey kitchen extension and construct new rear part single storey/part 2 storey kitchen/dining room, sun lounge, w.c., bathroom and ensuite extension with 7no. rooflights and cream render finish. This application proposes to widen the first floor rear bedroom by just under 1m and widen the ground floor element by 3m so that the side elevation runs along the side boundary. Also proposed is the replacement of the rear bi-fold doors with black powder coated aluminium doors and the window arrangement along the side elevation would be altered.

Taking in to account the previous approved planning application, this assessment only considers the proposed amendments for this application.

The first floor bedroom extension would increase in width by just under 1m which is considered to be a minimal increase in comparison to the approved two storey rear/side extension, particularly as it would be to the rear of the property and not visible from the East Boldon Conservation Area.

The proposed amendment to the rear bi-fold doors would not be visible from the public domain due to being on the ground floor and there is a high brick wall along the rear boundary. The proposed side elevation window alterations would be visible from within Grange Park, a small community park, however would not be generally seen from the main public domain and the East Boldon Conservation Area due to being located to the rear of the dwelling.

It is considered that the design and scale of the proposed extensions to the building would not harm the visual amenities of the site's immediate environs or the character, appearance and historic significance of the East Boldon Conservation Area, in accordance with East Boldon Neighbourhood Plan policies EB3 (Design) and EB4 (Heritage Assets), policies DM1 (A & C) and DM6 of the South Tyneside LDF, and having regard to guidance in SPD9 and SPD15.

Impact on Trees

An Arboricultural Impact Assessment (AIA) was undertaken which identified a number of trees within particular close proximity of the proposed rear/side extension. Due to the previous planning permission and the limited amendments to the proposal via this application, another tree survey was not considered to be required, particularly as the works do not involve additional ground work where tree roots may be impacted. For consistency however, the same tree related conditions and informatives will be included in this application. This would need to take the form of a pre-commencement planning condition, which has been agreed with the applicant's agent (agreement was received in response to the previous application proposals on 04/11/19; and again on 15/07/22 in relation to this application).

The Council's Tree Team were consulted on this application and they initially asked for a revised arboricultural impact assessment and a thorough method statement setting out a practicable approach to protecting the trees during any demolition/construction submitted for approval. This was supplied by the agent and the final comment from the Tree Team was that it is acceptable, however a condition should be included to ensure the methods set out in the report are followed on site and we should ask for evidence of correct installation of the protection around T2 to be signed off by the project arborist and submitted. A condition has been included within this permission.

The design, scale and nature of the proposals and the provisions put in place to adequately protect existing mature trees are considered to avoid significant harm being caused to the health of existing trees, to sufficiently convey sensitive consideration of the development's surroundings and to protect the special character of the East Boldon Conservation Area, in accordance with East Boldon Neighbourhood Plan policies EB3 (Design) and EB4 (Heritage Assets), policies DM1 (A & C) and DM6 of the South Tyneside LDF, and having regard to guidance in SPD9 and SPD15.

Impact on Protected Species

A bat survey was not submitted as part of this application, however a bat survey was submitted as part of the previously approved ST/0956/21/HFUL which was for a similar proposal to this current application. The bat survey report for application ST/0956/21/HFUL concluded that no significant impacts are predicted and the Council's Countryside Officer had accepted its findings, and concluded that no impacts on protect species were anticipated due to the proposed development.

Ecological net gain enhancements were suggested by the Council's Countryside Team. The NPPF encourages applicants to aim to provide a net gain for biodiversity; however this is not a necessary requirement in order for the development to accord with the development plan and NPPF, as the development would not lead to any likely risk of harm to biodiversity. A planning condition requiring the provision of these enhancements would not meet the tests for conditions (NPPF paragraph 55). The enhancements that have been suggested include the provision of a swift brick and an informative note is recommended to encourage that these measures are included as part of the development where possible.

It is also recognised that the consultation response from the Countryside Team in the 2021 application for works of a similar nature, and based on the same ecological report only requested that an informative note be included, as the bat survey report has concluded that no significant adverse impacts are predicted and the Council's Countryside Officer has accepted its findings, and concluded that no impacts on protect species are anticipated due to the proposed development.

The proposal would be in accordance with LDF Core Strategy Policy EA3 and Development Management Policy DM7. An informative note on the protection afforded to bats is recommended as bats are highly mobile creatures.

Residential Amenity

The proposed first floor rear/side extension would be a modest addition to the already approved two storey rear extension. Due to the location of the proposed extension, bi-fold doors alterations and window arrangement alterations on the property, the residential amenity of the attached / adjacent neighbour is not considered to be significantly impacted by the proposed development.

There are no residential neighbours in close proximity to the west, while the properties to the rear (north), situated on The Hawthorns, are a significant distance away.

It is concluded that the proposals would not have any materially harmful impact on neighbouring residential amenity, and would be in accordance with East Boldon Neighbourhood Plan Policy EB3 (Design) and South Tyneside LDF Policy DM1 (B).

Other Matters

The East Boldon Neighbourhood Forum commented on the planning application making reference to various policies within the East Boldon Neighbourhood Plan. They also recommended that the Historic Environment Officer be consulted on this application, which they have and had no objections to the proposal.

They also commented on the boundary wall with Grange Park that they believe it is owned by the Council and should be retained. Discussions were made between the Council's Asset team and the owner regarding the boundary wall and gained the relevant permission to undertake the required works.

Conclusion

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

It is considered that in the site circumstances and context of this particular case that the proposal would be in accordance with the relevant policies of the East Boldon Neighbourhood Plan, including policies EB3 (Design) and EB4 (Heritage Assets); South Tyneside Local Development Framework (LDF) Policy DM1 (A, B & C), having regard to design guidance in Supplementary Planning Document (SPD) 9 'Householder Developments'. The proposal would also be in accordance with Policy DM6 of the South Tyneside LDF, and guidance in SPD15, having regard to all other material planning considerations. It is considered that the proposal would be an acceptable form of development, subject to the conditions listed below.

The proposal would be in accordance with LDF Core Strategy Policy EA3 and Development Management Policy DM7. An informative note on the protection afforded to bats is recommended as bats are highly mobile creatures.

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

1:200 Site/Roof Plan received 02/10/2023
Drg. No. 1 received 17/10/2023
Drg. No. 2 received 02/10/2023
Drg. No. 3 received 02/10/2023
Drg. No. 0753/9763/677 received 02/10/2023

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 shall be as stated on Drg. No. 1 received 17/10/2023 and Drg. No. 0753/9763/677 received 02/10/2023. 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 and the character and appearance of the East Boldon Conservation Area in accordance with South Tyneside LDF Development Management policies DM1 and DM6.

4 The proposed development shall be carried out in accordance with the Arboricultural Impact Assessment for trees at 1 Ashleigh Villas dated 26th April 2024. Within 5 working days of the installation of the tree protection measures (as detailed in Section 5.0 of the Arboricultural Impact Assessment for trees at 1 Ashleigh Villas dated 26th April 2024) written and photographic evidence of compliance through contemporaneous supervision and monitoring of the tree protection during these works by a suitably qualified and pre-appointed tree specialist, shall be submitted for approval in writing by the Local Planning Authority.

To adequately protect that the health of trees adjacent to the site during the period of construction and in the interests of visual amenity and the character and appearance of the East Boldon Conservation Area, in accordance with, in accordance with East Boldon Neighbourhood Plan policies EB3 (Design) and EB4 (Heritage Assets), and South Tyneside LDF Development Management policies DM1 and DM6.

Informatives

1 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

2 NOTES 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

3 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

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 National Planning Policy Framework encourages development proposals to provide a net gain for biodiversity. The following enhancements have been suggested by South Tyneside Council's Countryside Team. It is encouraged that these measures are included as part of the development:

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 aspect
- A clear flight line must be available to the nest
- Not placed directly above windows or doors

Case officer: Emma Thomas
Signed: E.Thomas
Date: 11/06/2024

Authorised Signatory:
Date: