## DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

**Ref No:** ST/0840/23/HFUL
**Proposal:** Single storey side extension
**Location:** 17 Lincoln Way
Jarrow
NE32 4UR

**Site Visit Made: 10/01/2024**

## 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 application relates to 17 Lincoln Way, a semi-detached bungalow in the established residential area of Jarrow. The property benefits from a single storey garage and extension to the rear and a porch to the front. The attached neighbour it located to the east, while the adjacent neighbour is located to the west. Neighbouring properties are similarly designed bungalow with various extensions to the rear and side elevations.

The property was previously granted planning permission (ref: ST/0853/22/HFUL on 05-10-2021 for the demolition of a utility room and the construction of a kitchen extension. This application was subject to a non-material amendment application (ST/0026/22/NMA) which sought permission to change the window in the rear elevation of the extension to a patio door and insertion of two light runnels. This Non Material Amendment was approved on the 17/02/2022.

This application seeks full planning permission to construct a single storey extension to the western side elevation of the property which connects to the properties garage, which would be converted to a store/bedroom. The side extension would have a projection of 2.7m from the side elevation of the original dwelling and would be built up to the boundary of No. 16 Lincoln Way. The extension would have a flat roof with a roof lantern, with a height of 2.9m to the top of the roof and a height of 3.6m to the top of the roof lantern. The extension would be constructed of materials to match those of the original dwelling.

## Publicity / Consultations (Expiry date 08/01/2024)

1) **Neighbour responses –** 1 representation has been received raising the following issues
   - Our kitchen/dining room window faces the west elevation side of No 17. It faces onto a small window but with a reasonable size gap between the properties.
   - My view would become a large brick wall within close proximity, therefore removing any view we have and also creating a natural light issue in this main room of my property.
   - The proposal will impact on the value/sell-ability of my property in the future.

*Case officer comment: The effect of extensions on property value is not a material planning consideration. Matters of overshowing, overdominance, overshadowing and privacy are considered later in this report.*

2) **Other Consultee responses - None**

## Assessment

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.

Design and visual amenity

LDF Policy DM1 seeks to preserve the visual amenity if properties and street scenes whilst SPD9 sets out design guidance for householder development.

SPD9 states that single storey side extensions should not normally have a width greater than half the width of the existing property and that reasonable levels of privacy to neighbouring properties should be maintained. The proposed side extension would have a projection of 2.7m which is well below half the width of the original property and would be built flush with the front elevation of the dwelling. The extension would have a flat roof with roof lantern and would be constructed of wall, roof and window materials to match those of the original dwelling. Given the roof form, it is considered that the proposal would remain subservient to the main dwelling and would not be out of keeping with the host dwelling or the character and appearance of the wider street scene.

Overall, it is considered that the proposals would accord with LDF Policy DM1 (A) and the objectives of SPD9.

Residential amenity

LDF Policy DM1 seeks to preserve the residential amenity of neighbouring properties. The attached neighbour to the east (no. 18 Lincoln Way) would not be impacted by the proposed side extension due to its location on the western gable of the property as the works would not breach the established building line of the front or rear elevations of the property. The neighbours to the front and the rear are sufficiently separated from the application site to prevent loss of privacy to these neighbours. The neighbour mostly likely to be impacted by the proposal is the neighbour to the west at 16 Lincoln Way.

The extension is proposed to be built up to the boundary with No. 16 Lincoln Way. No. 16 has a window facing the application site which serves a dining room. This window currently looks onto the gable of the application site which hosts an obscurely glazed window serving a bathroom. At present there is a shared path between the properties and no boundary treatment along the common boundary. Both properties are bungalows with No. 16 being extended in the past. This window would therefore be impacted by the proposed extension and No. 16 has raised specific concerns about the outlook/view and overshowing caused to this window from the proposed development.

It is proposed for the extension to be built up to the boundary with No. 16 Lincoln Way and would be located approximately 0.8m from the window in the side elevation of No. 16. Two obscurely glazed windows are proposed on the side elevation of the extension which would prevent loss of privacy to the neighbour at No. 16. It is recommended that, given the proximity of the dwellings, that these windows are condition to be obscurely glazed prior to the occupation of the extension and be retained as such thereafter. The proposals are therefore likely to have an impact on the outlook and overshadowing of this window. However, it should be noted that No. 16 is located to the west of the application site and is already significantly overshadowed by the existing gable of the application site.

However, following a review of the planning history to the neighbouring property No. 16, it has been found that the dining area of No. 16 was previously used as a garage. Historically this garage has been converted and the dining room window inserted in the side elevation, creating an outlook that was not originally present when the properties where built. SPD9 sets out guidance or householder development and its effect on neighbouring properties. Paragraph 6.2 of SPD9 is clear that the Local Planning Authority cannot protect an outlook that has been created by placing a window on a common boundary. Additionally, having visited No. 16, the case officer has noted that the dining room area is connected to

the properties kitchen, forming a dual aspect room which is served by another window in the north elevation of No. 16. Whilst the concerns from No. 16 are noted, given the above, very limited weight can be given on the impact of the extension on this dining room window given it is not original to the property and the room is also served by another window.

It is also important to note that the applicants have a significant fallback position in the form of a single storey side extension. This would allow for the construction of a single storey side extension up to the boundary with No. 16 with a maximum height of 3m, for the length of the dwelling. This type of extension would be in direct view of the dining room window of No. 16, therefore, whilst this exact extension could not be constructed under permitted development (due to it attaching to the existing garage), consideration must be given to a permitted development side extension and the additional impact of the element of the proposals that require planning permission, and whether this would be so over and above the impact of a permitted development extension to warrant a reason of refusal.

Taking into account the permitted development fallback position, the proposed extension would have a lower maximum height than that of a permitted development extension and would have less impact given its flat roof design (rather than a pitched roof which would have a maximum height of 4m). The only reason the proposed extension requires planning permission is because it is connecting to the properties existing garage and because the proposal includes a roof lantern which would have a maximum height of 3.6m.Given the location of the dining room window at No.16, the majority of the impact of the extension would be caused by the section of the extension that could be constructed under permitted development.

Taking all of the above into account, it is considered that there would not be an unacceptable impact on the amenity of neighbouring occupiers through a loss of privacy, loss of outlook or overshadowing. Based on its size, scale and location; the proposal is not considered to give rise to any material harm to the amenities of (any of the surrounding) neighbours in terms of outlook, privacy or overshadowing. The proposal therefore complies with Policy DM1 (B) of the LDF and guidance set out in SPD9.

Highways and Parking

The proposals would result in the loss of the property's garage, and the remaining driveway would be below the 5m distance as identified in SPD9, for the parking of a vehicle. The resultant driveway would be 4.4m which would be 0.6m less than the 5m set out on SPD9. It is noted that the driveway lengths of neighbouring properties differ, with some above and blows the SPD9 standard. Furthermore, the property is located on a housing estate that has no parking restrictions, therefore on street parking is permitted and there are further communal parking areas. As such, it is therefore judged on balance and taking these matters into consideration that the proposal would not result in an unacceptable impact on highway safety or off-road vehicle parking; and would be in accordance with LDF policy DM1 (G) and the guidance as set out within SPD9.

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

Proposed Site Plan Drawing No. A200 received 01/12/2023

Proposed Elevations Drawing No. A201 received 01/12/2023

Proposed Floor Plans Drawing No. A202 received 01/12/2023

Proposed 3D Views Drawing No. A203 received 01/12/2023

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The external surfaces of the development hereby permitted shall be of similar appearance to those used in the construction of the exterior of the existing building on which the extension will form part.

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 Prior to the first occupation of the extension hereby permitted, the windows facing the common boundary with 16 Lincoln Way (as shown on Drawing No. A201 received 01/12/2023) shall be glazed with obscure glass to a level sufficient to protect the privacy of neighbouring occupiers and the windows shall be fixed closed. The form of the windows and obscure glazing shall be retained thereafter.

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 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

**Case officer: Samantha Gallagher**
**Signed: S Gallagher**
**Date: 23/01/2024**

**Authorised Signatory: Helen Lynch**
**Date: 23/01/24**

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