DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0873/23/HFUL
Proposal: Single storey front extension, part single storey part 2 storey side extension and single storey rear extension - living/sitting room, utility, and bedroom extension, convert garage to lounge and pitched roof to existing rear flat roof. Flat roof/balcony with glazed balustrade to front of side extension.
Location: 355 Bamburgh Avenue,
South Shields,
NE33 3HY

Site Visit Made: 12/02/2024

Relevant policies/SPDs

1 DM1 - Management of Development
2 SPD9 - Householder Developments
3 SPD6 - Parking Standards

Description of the site and of the proposals

The application property is a relatively modern semi-detached dwelling located at Bamburgh Avenue, South Shields. The property is southwest facing with the attached semi (no 353 Bamburgh Avenue) located to the east. The neighbour to the northwest is a semi-detached dwelling (No 357 Bamburgh Avenue). The properties are double fronted with gardens located to the southwest and yards to the northeast elevations. The application property has a single storey attached garage on the western elevation and a driveway to the front of the property. There is an existing single storey flat roof projection on the rear forming a rear entrance porch. the property is bounded by a 1.8m high timber boundary fence at the rear and a 0.6m high wall/railings to the front. The property is located in a large residential estate with various house types with bungalows to the south of the application property, terraced properties to the east and various styles of semi-detached dwellings to the north and southeast.

This section of Bamburgh Avenue has a staggered building line in that the rear elevation of the applicant property is forward of the front elevation of No 357 by approximately 2.6m. As a result, the whole depth of the applicant dwelling is visible from the front habitable rooms of No 357 Bamburgh Avenue.

The previously approved planning application (ST/0182/22/HFUL) was for a single storey front extension, part single storey part 2 storey side extension and single storey rear extension - living/sitting room, utility, and bedroom extension, convert garage to lounge and pitched roof to existing rear flat roof. This application is for the same proposal, however now includes a proposed flat roof/balcony with glazed balustrade to front of the side extension.

Publicity / Consultations (Expiry date - 06/02/2024)

1) **Neighbour responses –**
No written responses received

2) **Other Consultee response –**
No written responses received

Assessment

The main issues for consideration in the determination of this planning application are:

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

Design / Visual Amenity

SPD9 provides detailed advice on the design of residential extensions. This document was adopted in December 2010, and updated in January 2014. It accords with the objectives of LDF Policy DM1(A) which was adopted in December 2011. Both of these documents are in line with the objectives of the National Planning Policy Framework.

The main design issues to consider are whether the scale, massing, design, proportions and location of the extensions are appropriate, having regard to the size and character of the existing host property, and considering its relationship with the surrounding street scene. The property is double fronted, and it is considered that the principal elevation is located to the southern elevation facing onto Bamburgh Avenue. Given the nature of the proposal, the single storey front, two storey side extension and front balcony would be visible from the public domain with the single storey side and rear also visible when approaching the site from the west. The proposal materials including the brickwork, roof tiles and upvc windows would match those on the existing dwelling.

Two Storey Side Extension

The proposed two-storey side extension displays some characteristics that are consistent with the design guidance in SPD9. It would provide a 1 metre set-back from the front wall of the existing property and would provide some set-down from the ridge height of the main property of 1m.

However, the proposal does not strictly meet some of the SPD9 design aims, mainly in terms of paragraph 7.5 relating to extensions when a property is built up to the boundary or a gap of less than 1m has been retained. This guidance sets out that an extension should have a corresponding roof shape and should not occupy more than two-thirds of the depth of the dwelling and be located towards the rear of the dwelling. In this instance the agent has 'reversed' the design approach of this extension which would result in a first floor side extension above the existing garage, with a 1m set back from the main elevation at first floor level, a significantly lowered ridgeline from the main ridgeline of the property and, at a depth of 5m, an extension that would not occupy more than two-third of the depth of the original dwelling. Therefore the proposal would not strictly accord with the guidance set out in SPD9 as the massing of the extension would be located to the front of the dwelling rather than the rear. However, the key question is whether this is harmful in the wider context, and whether the proposal sufficiently conveys sensitive consideration of its surroundings required by LDF Policy DM1 (A).

SPD9 is also clear that in situations where terracing would not arise because there is no development immediately adjoining the location of the proposed extension, it may still be necessary to provide a set-back and a lower ridge line, in order to achieve an appropriate design in the context of the street scene. In this particular case, the building line along this part of Bamburgh Avenue is significantly staggered with no development immediately adjacent to the location of the proposed extension. There is also quite a variety of styles of properties along Bamburgh Avenue resulting in eclectic mix of house styles. Given the specific site circumstances of this application, it is clear that consideration has been given to designing a subservient extension to the dwelling and that the guidance in SPD9 has been following as far as possible given the site constraints.

Whilst there is some conflict with the general principles in the design guidance, it is not considered that there would be a conclusive refusal reason based on the existing variety within the street scene. when considering the presumption in favour of sustainable development that is established at the heart of the NPPF, on balance, it is considered that this proposal does enough to convey sensitive consideration of its surroundings, in line with DM1 (A) to be recommended for approval on design grounds. The proposed

development would accord with LDF Policy DM1(A) in this instance, as it would convey subordinate design to the host dwelling.

Single Storey Front Extension

The proposed single storey front extension would be appropriately scaled in the context of the host property, and would project forward by 1.4 metres, which is within the standard set out in SPD9. It is not considered that this would have any material effect on the wider surroundings. This aspect of the scheme is considered to be acceptable and in accordance with Policy DM1(A) and the associated SPD9.

First Floor Front Balcony

SPD 9 states that 'the design of a balcony should respect the character of the host dwelling where it forms part of the street scene. However, balconies can often cause problems of overlooking, and those features that would unreasonably affect the amenities of neighbouring residents by way of loss of privacy will not be considered favourably.'

The proposed first floor balcony would be located above the single storey front extension and accessed via the two storey side extension. The balcony would measure a depth of 2.38m, with 1m of the depth being set back from the front elevation of the main dwelling. The balcony would host a glazed balustrade measuring a height of 1.15m and would host patio doors.

Although the addition of a glass balustrade and patio doors to the front of the property would not match the character of the host dwelling, when taking in to account the variety of dwelling types, styles and mix of materials along the street, it is considered to be a suitably well designed and a subservient addition in relation to the main property; therefore no uniform design.

Single Storey Side and Rear Extension

The proposed single storey side and rear extension would project approximately 1.4m from the main rear elevation of the dwelling, filling in the area behind the garage of the property, to be in line with the existing rear entrance porch to the property. This addition it considered to be appropriately scaled in the context of the host property and would have a limited impact within the street scene due to the boundary treatments which would be retained around the site and the presence of the existing garage, so would have limited material effect on the wider surroundings. This aspect of the scheme is considered to be acceptable and in accordance with Policy DM1(A) and the associated SPD9.

Garage conversion

The proposed garage conversion would include the removal of the existing garage door and infilling with a window and brickwork to match the existing dwelling. This aspect of the scheme is considered to be acceptable and in accordance with Policy DM1(A) and the associated SPD9.

Conclusion

Overall, the proposal is considered to be a subservient form of development that would not be harmful to the visual amenity of the property the surrounding street scene. It is therefore considered that, given the specific site circumstances, that the proposals comply with policy DM1 of the Local Plan and the guidance set out in SPD9.

<u>Residential Amenity</u>

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 a very 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.

As assessment of the amenity impact of each element of the works is considered below:

Single Storey Front Extension/Garage Conversion

It is not considered that this aspect of the proposals has any potential to impact upon neighbouring residential amenity.

Single Storey Side and Rear Extension

The proposed single storey side and rear extension would have a projection of 5m from the rear of the property's existing garage and would be built in line with the existing single storey rear projection, projecting approximately 1.4m from the rear elevation of the main dwelling. The extension would be built up to the boundary with No 357. However given the location and low height of this element of the works (2.4m and 3.7m to the eaves and ridge respectively), the separation distance of the nearest habitable room from the boundary (approximately 4m), it is not considered that the single storey extension would have such a significant impact on the neighbour at No 357 Bamburgh Avenue with regard to outlook/overdominance at ground floor level to warrant a reason of refusal. The proposed window on the rear elevation would be mostly obscured by the existing 1.8m high boundary fence and is not considered would harm the privacy of the neighbour at No 357.

Two Storey Side Extension

The proposed two-storey extension would be located on the western elevation of the property. A blank elevation would face towards the neighbouring properties on Bamburgh Avenue and no windows would be located in the rear elevation (at two storey level) which would be visible from front habitable rooms of No 357 Bamburgh Avenue meaning there would be no potential overlooking towards neighbouring properties as a result of the development. There would be sufficient separation for the extension and the neighbors to the south to prevent overlooking from the new windows on the front elevation of the property. It is however considered reasonable to remove permitted development rights for the insertion of a window in the north east elevation of the first floor extension in order to prevent direct overlooking between the applicant property and the neighbour at No 357. A window opening located within this rear first floor extension would fall well below the 14 metre window-to-window privacy distance standard that is set out in the council's SPD9 guidance.

While there would be some degree of overshadowing and reduction in sunlight towards the garden area and front habitable room windows of No 357 from the side extension, it is likely that any effects of this would be very limited and would not be severe due to the overshadowing already caused by the existing property. It is not considered that the additional overshadowing caused by the two-storey extension would be to such a degree over and above the existing situation to warrant a reason of refusal on the grounds of overshadowing.

The property most likely to be affected by the proposals is No 357 Bamburgh Avenue, to the northwest of the application site. The front elevation of No 357 Bamburgh Avenue is set approximately 2.5m behind the two-storey rear elevation of the applicant property, resulting in the whole of the side elevation of the property being visible from the garden/ habitable rooms on the front elevation of No 357. The outlook of this property, due to the specific layout of this part of Bamburgh Avenue, is already somewhat limited by its relationship with the applicant property with the two-storey gable located approximately 4m from the

front elevation of No 357 with a depth of 9m. Therefore, careful consideration of the proposals impact on the amenity of this neighbour needs to be carefully considered.

No 357 has three habitable room windows on the front elevation, one on the ground floor and two on the first floor which would be able to view the proposed extension. The window on the ground floor and one window on the first floor are set approximately 4m from the properties shared boundary with the application site whilst the third window on the first floor is located approximately 0.5m from the boundary with the application site. The proposed two storey side extension would be located approximately 6m from the nearest habitable room window with a depth of 5m, a width of 2.6m and an eaves and ridge height of 5m and 6.1m respectively. This would increase the scale and massing of the property adjacent to the boundary with No 357 within 7m of the front habitable room window at the first floor (adjacent to the boundary with No 357).

In this instance there would be a permitted development right fallback position for a single storey side extension. This would allow the construction of a single storey side extension with a maximum ridge height of 4m. Therefore, consideration must be given to the additional impact of the two-storey element of proposals and whether this would be so over and above the impact of a single storey side extension constructed under permitted development to warrant a reason of refusal. Taking the PD fallback position into account, the proposed two storey extension would result in an additional 1.2m (along the site boundary) of brickwork up to the eaves and would have an additional height of 2.1m above the maximum ridge height of the 4m fall back. The impact on the ground floor window and the first-floor window (closest to the boundary with No 359 Bamburgh Avenue) would be limited due to the set in from the shared boundary with the application site (approximately 3.7m) and the oblique angle in which the extension would be viewed, and it is not considered that the proposal would result in a detrimental impact of these two windows with regards to overlooking.

With regard to no. 357 Bamburgh Avenue's nearest habitable room window to the application site, this window serves a first floor bedroom window in the front elevation of the property and this window is set off the boundary with the application site by 0.5m and its main outlook is over the front garden area towards the estate road. Due to the layout of the properties, the gable elevation of the application property already forms part of the outlook from this window (when applying a 45^0 visibility splay). The proposed extension would be set approximately 6.6m from this window and would have a significantly lowered ridgeline to the main dwelling which would retain an element of skyline when viewed from this first floor window. The proposed extension has been designed to locate the massing of the proposal away from the neighbour at No 357. Additionally, the proposed extension would be viewed from an oblique angle against the backdrop of the exiting gable when viewed from this window. It is considered that the proposal would result in some loss of outlook for the neighbour at No 357, due to the layout of this part of Bamburgh Avenue and the location of the extension up to the site boundary, as it would be visible from the first floor habitable room window. However, this impact, due to the lowered ridgeline, the separation from the front elevation of No 357 and the minimal additional massing over and above a 4m high permitted development extension, is considered to be minimal and not severe enough to warrant the refusal of the application in this instance as a reasonable level of outlook would remain for the property at No 357.

Front First Floor Balcony

The adjacent neighbour (no. 361 Bamburgh Avenue) is located north west of the applicant property on the opposite side of the grassed area. No habitable room windows directly face no. 355 Bamburgh Avenue and due to the distance between the properties, the proposed balcony would have no adverse impact on the adjacent dwelling.

The attached neighbour, no. 353 Bamburgh Avenue is located south east of no. 355 Bamburgh Avenue. The proposed first floor balcony would project 1.38m forward of the front elevation of the main dwelling. Due to the distance of a least 5m between the balcony and the habitable room windows at no. 353 and

the limited projection beyond the front elevation, it is considered that the proposal would not adversely impact on the attached neighbour in terms of privacy, outlook and over dominance, or overshadowing.

The neighbouring properties to the front of no. 355 Bamburgh Avenue are located at a sufficient distance over 23m away.

The proposed balcony would be visible from the front elevation windows of no. 357 and 359 Bamburgh Avenue, however it would be an oblique view and at a distance of more than 11m.

On balance, it is therefore considered that the two storey side extension would be in accordance with LDF Policy DM1 (B) and SPD9 as this element of the proposal would not be harmful to the privacy, outlook or result in loss daylight/overshadowing or loss of privacy for the neighbouring properties.

It is considered that the proposed balcony would not adversely impact the attached and adjacent neighbour in terms of loss of outlook, privacy, light, over shadowing or over dominance. The development would be in accordance with Policy DM1 (B), while having sufficient regard to the design principles set out in SPD 9.

Parking and Highways Safety

The proposal would convert the existing garage into a habitable room replacing the garage door with a window and brickwork. Whilst the proposal would reduce in the loss of a parking space in the form of the internal garage, the council's SPD6 Parking Standards are set at maximum standards. The property would retain the existing driveway measuring 5.5m in length and it is considered that the provision of only one on site car parking space for this property would comply with the council's SPD6 guidance in this instance as there are no overspill parking problems associated with the application site and there are no on street parking problems within the immediate vicinity of the site. It is not therefore considered that the proposal would give rise to any highway safety issues and it would therefore comply with Policy DM1 (G) and guidance set out in SPD6.

Conclusion

Overall it is considered that the proposal would accord with development plan policy, and so it would be an acceptable form of development.

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 plans as detailed below:

- Proposed Site/Roof Plan - Received 22/12/2023

- Drg No.1 - Received 22/12/2023
- Drg No.2 - Received 22/12/2023
- Drg No. 0784/2557/908 - Received 22/12/2023

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 as stated on drawing no.1 (received 22/12/2023). 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 Article 3 and Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or openings shall be inserted in the rear north east facing wall of the hereby approved first floor bedroom extension without an application for planning permission having first been made to and approved in writing by the local planning authority.

To safeguard the privacy and amenity of the occupiers of no. 357 Bamburgh Avenue in accordance with the 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: Emma Thomas
Signed: Emma Thomas
Date: 07/03/2024

Authorised Signatory: Seán Gallagher
Date: 08/03/2024