DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0019/24/HFUL
Proposal: Proposed rear extension to provide larger kitchen and second bathroom with utility room.
Location: Lyndhurst
12 Burdon Road
Cleadon
SR6 7RU

Site Visit Made: 01/03/2024

Relevant policies/SPDs

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

Emerging Local Plan
1 Policy SP1: presumption in favour of Sustainable Development
2 Policy 47: Design Principles

The NPPF is also relevant.

Description of the site and of the proposals

The semi-detached bungalow hosts a rear flat roof extension with the addition of a conservatory. The property is located within a residential area of Cleadon.

Planning permission is sought to extend the existing rear conservatory and the existing rear extension and would both measure a total projection of 8.05m. The flat roof of the existing rear extension would be replaced with the hipped roof of the proposed rear extension.

Planning History

Reference: ST/0254/23/HFUL
Description: Demolition of existing garage, proposed new driveway and new detached garage to the rear of the property.
Decision: Grant Permission Householder with Conditions
Date: 21/07/2023

Publicity / Consultations (Expiry date: 22/02/2024)

1) **Neighbour responses**
Objection received from 10 Burdon Road –
- Current conservatory built very close to the dining room and kitchen windows and encroaches beyond boundary line.
- Extending the conservatory would mean further encroachment.

Officer comment – Boundary line issues are a civil matter. Planning matters are discussed further in this report.

2) **Other Consultee responses**
N/A

Assessment

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 making 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 were listed earlier in this report are not appraised in detail in the assessment set out below.

The main issues relevant to the determination of this application are the:

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

Design, character and visual amenity

The rear extension would not be visible from the public domain along Burdon Road and would not have a detrimental impact on the existing dwelling and street scene. The materials are also considered acceptable and a condition is suggested with regards to the materials of the extension. The extension conveys sensitive consideration to its surroundings having regard to its scale and proportion. In this respect the proposal would accord with LDF Policy DM1 (A) and the guidance contained within SPD9.

Residential amenity

Policy DM1(B) requires a development to be acceptable in relation to any impact on residential amenity.

The applicant property (Lyndhurst) currently hosts a rear conservatory which projects 5.12m from the rear elevation of the main dwelling and is located along the side boundary shared with the attached neighbour (no. 10 Burdon Road). The bungalow also hosts a flat roof rear extension and this is also proposed to be extended matching the projection of the conservatory. Although there is no planning application history relating to the rear conservatory, the attached neighbour confirmed via their objection that the conservatory was constructed 6 years ago. Therefore the planning department would not take any enforcement action against the rear conservatory as it was built more than 4 years ago.

The attached neighbour (no. 10 Burdon Road) objected to the application stating that the existing conservatory is very close to their dining room and kitchen windows and encroaches on their land and the proposed conservatory extension further encroach on the neighbour's land if built. This was queried with the applicant who confirmed that the conservatory is built along the boundary line and does not encroach into the attached neighbour's garden. No further action has been taken with this matter as any issue relating to the boundary is a civil matter.

The neighbour confirmed that the rear elevation window of the main dwelling serves a dining room, the windows directly facing no. 12 serve the kitchen and the rear offshoot window also serves the kitchen (3 no. kitchen windows overall).

In terms of overshadowing, no. 12 is located north of no. 10, so the proposed extension would bear no adverse impact on the attached neighbour in terms of overshadowing.

In terms of loss of outlook and over dominance, the existing conservatory does have an adverse impact upon the attached dwelling due to the closeness of the conservatory to the dining room window with no boundary treatment in between. The length of the structure also creates a tunnelling affect to the dining room window significantly reducing the level of outlook currently afforded from this window, in turn

significantly impacting upon the residential amenity of the occupiers of that property. Although this is the case for the existing conservatory, it has been in place for over 4 years, therefore is immune from enforcement action. The proposed conservatory extension would increase the conservatory length from 5.12m to 8.05m. The additional 2.93m is not considered to create any further harm to no. 10 in terms of loss of outlook and over dominance in addition to what has already been created by the existing conservatory as it would be set 5.12m from the rear elevation dining room window.

In terms of privacy, the side elevation windows would be obscure glazed and the proposed conservatory extension would also host obscure glazed glass along the side elevation and it is proposed that this is secured by condition.

When taking the above in to account it is considered that the proposed conservatory extension and rear extension do not adversely impact the attached neighbour in terms of loss of outlook, privacy, light, over shadowing or over dominance.

The neighbour to the north (no. 14 Burdon Road) and neighbours to the rear (along Cleadon Lea) are located at a sufficient distance from the proposed development to ensure that there would be no adverse impacts upon their residential amenity as a result of the proposed development.

Given the above, the rear extension is acceptable in relation to the consideration of the residential amenities of the surrounding neighbours and would be in accordance with LDF Policy DM1 (B).

Conclusion

It is considered that the development would be in accordance with LDF Policy DM1 (A and B), the associated Supplementary Planning Document (SPD) 9 'Householder Developments', and the requirements of the NPPF.

In conclusion it is considered, taking the above and all other relevant material planning considerations into account that the application should be recommended for approval.

Recommendation

Grant Permission 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

- Existing and Proposed Plans - Received 23/01/2024

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 set out in the application form (received 08/01/2024).

To ensure a satisfactory standard of development and in the interests of visual amenity, in accordance with Policy DM1 of the South Tyneside Local Development Framework.

4 Prior to the first occupation of the extension hereby permitted, the windows of the extension facing the common boundary with 10 Burdon Road shall be glazed with obscure glass to a level sufficient to protect the privacy of neighbouring occupiers and the windows shall be retained as such 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: Emma Thomas
Signed: E.Thomas
Date: 09/04/2024

Authorised Signatory: Seán Gallagher
Date: 09/04/2024

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