DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0129/24/HFUL
Proposal: Single Storey Rear Extension
Location: 185 Temple Park Road
South Shields
NE34 0EW

Site Visit Made: 19/03/2024

Relevant policies/SPDs

Local Development Framework

1 DM1 - Management of Development

2 SPD9 - Householder Developments

Emerging Local Plan

3 LP Policy 47 - Design Principles

Description of the site and of the proposals

This application relates to 185 Temple Park Road, a south-west facing semi-detached bungalow located in the residential area of South Sheilds. The property has a single storey offshoot to the rear and a conservatory on the rear of the building. The attached neighbour (187 Temple Park Road) is located to the southeast of the application site and has a window in close proximity to the shared boundary of the application site. No. 187 also has a single storey offshoot on the rear and an extension beyond this. To the northwest lies a semi-detached dwelling (No. 183 Temple Park Road). To the rear are more semi-detached bungalows.

The application proposes the demolition of the existing conservatory and bay windows on the rear elevation and the construction of a single storey flat roofed rear extension with roof lantern (to provide a larger kitchen, larger bathroom and garden room). The extension would project 3.3m of the rear elevation along the boundary with No. 187 and would project 1.6mm past the rear elevation of the single storey offshoot towards the shared boundary with No. 183. The development would measure 3.2m in height (3.8m to the top of the roof lantern) and would be constructed of matching brickwork and rubberised flat roofing material with upvc windows and doors.

Amended plans were received on the 03/04/2024 following officer concern regarding the impact of the extension on the attached neighbour and compliance with SPD9. The changes related to the proximity of the extension to the boundary with the attached neighbour. The changes have removed a window facing the neighbour and has pulled the extension in from the boundary by 0.2m to ensure no overhang over the shared boundary. Neighbouring properties have been notified of the changes for 14 days, having regard to the Councils SCI.

Publicity / Consultations (Expiry date 17/08/2024)

1) **Neighbour responses – 1 representation received (no. 187 Temple Park Road).**

- I have a boundary issue with the proposal, in that the plans and elevations differ, with the rear elevation showing the structure over the boundary line. This is further complicated by the boundary fence being 100mm beyond my fence. I have addressed this problem with the

owner. We have agreed a boundary position, and the applicant has agreed that the development will not cross the boundary.
- No other objections but have asked the owner to consider: the window facing the boundary requiring building regulation approval and the value of the window if it can be covered by an extension.

Case Officer comment: Amended plans were received which addressed the above.

2) Other Consultee responses – none received**.**

Assessment

The statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Adopted supplementary planning documents are also capable of being material considerations in planning decisions. 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 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.

Impact on Visual Amenity

Given the nature of the proposal on the rear of the dwelling, views of the development from the public domain would be limited. The proposed extension would be constructed of matching brickwork to the main dwelling which would be in keeping with the host dwelling. The proposed extension would project 3.3m from the rear elevation of the dwelling. This is in excess of the 3m guidance as set out within SPD9. However, it is noted that the proposal would replace the existing conservatory on the rear of the dwelling and that other properties in the area have extended in a similar manner. As such, it is considered that the proposal would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials and is acceptable in terms of its design and impact on visual amenity. The proposal is therefore considered to accord with LDF Policy DM1 (A) and the guidance contained within SPD9.

Impact on Residential Amenity

The proposal would not harm the amenities of the neighbours to rear of the application site as the proposal would be mostly obscured by the exiting boundary fence that would be retained. No. 183 Temple Park Road had a ground floor window facing the application site, however this window currently looks onto the gable of the application site and the garage building on No. 183 Temple Park Road. As, such, it is considered that the proposed extension would not result in a significant loss of outlook or increased overdominance to this window as this is already impinged by development within the curtilage of No. 183. Given the orientation of the properties, the proposal would result in no additional overshadowing to No. 183. No windows are proposed facing No. 183 and therefore no loss of privacy would occur.

With regard to the attached neighbour (No. 187 Temple Park Road), the extension would project 3.3m beyond the rear elevation of the property along the common boundary with No. 187. This is a relatively substantial projection in the context of the layout of the property and its relationship with the attached neighbour, beyond the 3m projection which would ordinarily be acceptable as set out in SPD9. The proposal would result in a wall 2.8m in height close to the common boundary. This would result in some loss of outlook, through an element of increased overdominance by the removal of the conservatory and the introduction of a brick wall close to the common boundary. Additionally, No. 187 also hosts a single storey outrigger. As a result, the proposed extension would result in an element of 'tunnelling' to the window in the rear of No 187. However, in this instance, owing to the site-specific circumstances there are a number of factors that mitigate the impact of the proposed extension on the amenity of the adjoining neighbour. Due to the orientation of the dwellings, the proposed extension would not result in increased overshadowing to the neighbour at No. 187 Temple Park Road and, as no windows are proposed in the side elevation facing this neighbour, there would be no loss of privacy to this neighbour. The extension would be set in from the shared boundary by 0.2m and with an eaves height of 2.8m would be only marginally visible over the shared boundary and only marginally taller than the existing conservatory. Additionally, the massing of the proposed extension would be reduced by the flat rood design. The impact of the proposed extension on the daylight received by the ground floor rear elevation patio doors at No. 187 would not be dissimilar to the impact arising from the existing property and boundary fence. Further, a 45-degree angle taken from the centre of these patio doors would be only marginally impinged upon by the extension.

Overall, it is not considered that the proposal would result in such significant harm to the neighbour at No. 187 to warrant a reason to refuse this application. Given all of the above, the proposal would be acceptable in relation to the consideration of the residential amenities of the surrounding neighbours and would be in accordance with LDF Policy DM1 (B).

Summary

For the reasons elaborated above, the proposal is considered, to be an acceptable form of development and is considered to accord with South Tyneside LDF Policy DM1(A, B and G) and design guidance in 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

Existing and Proposed Site Layout Plan DRG 990/03C Received 03/04/2024

Existing and Proposed North East Elevation DRG 990/05C Received 03/04/2024

Existing and Proposed South East Elevation DRG 990/06B Received 03/04/2024

Existing and Proposed Floor Plan DRG 990/02C Received 03/04/2024

Existing and proposed north west elevation DRG 990/07 Received 28/02/2024

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 With the exception of the roof materials, 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. 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.

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 UNIQUE NOTE 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

Case officer: Samantha Gallagher
Signed: S Gallagher
Date: 16/04/2024

Authorised Signatory: Helen Lynch
Date: 19/04/2024

«END»