DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0130/24/HFUL
Proposal: Garage to side of property.
Location: 12 Oswald Close
Boldon Colliery
NE35 9BY

Site Visit Made: 11/03/2024

Relevant policies/SPDs

LDF

1 DM1 - Management of Development (A, B and G)

2 SPD9 - Householder Developments

Emerging Local Plan

3 LP Policy SP1 - Presumption in favour of Sustainable Development

4 LP Policy 47 - Design Principles

The NPPF is also relevant.

Description of the site and of the proposals

The application property is a modern semi-detached dwelling located on the eastern side of Oswald Close. The neighbour to the south is a semi-detached dwelling (14 Oswald Close) and is attached to the application property. To the north of the application property is a detached dwelling (11 Oswald Close). To the western side of these properties is the highway and properties at Charles Street facing the application site. To the east beyond the rear gardens of these dwellings are properties at South Crescent.

The proposal seeks permission to erect a single storey side garage extension, adjacent to the boundary with 11 Oswald Close. Following amendment, including setting back the garage to accommodate sufficient drive length, and the inclusion of a pitched roof, the proposal measures approximately 4.5 metres in length, and flush with the rear elevation of the property. The proposal would be constructed on part of the existing driveway of the property, and an in-curtilage drive length of five metres would be retained as part of the development with a roller shutter garage door to the front elevation of the development. The proposal would measure approximately 4.4 metres in height to the ridge and 2.4 metres in height to the eaves. The materials proposed would also match those on the original property. Neighbours were re-notified in relation to the amended scheme and in accordance with the Council's Statement of Community Involvement (SCI).

Publicity / Consultations (Expiry date 03/05/2024)

1) Neighbour responses

None

2) Other Consultee responses

None

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.

In assessing this application, due regard has been had to the requirement of Section 149 of the Equality Act 2010. The main issues relevant to the determination of this application are the:

- Design of the proposal and its impact on visual amenity;
- Impact on residential amenity; and
- Highway safety and parking.

Design / visual amenity

The main dwelling measures five metres in width, whilst the proposed extension would measure approximately 2.7 metres in width. In this regard the proposal would slightly measure more (by 20cm) than half the width of the original dwelling, contrary to the guidance as set out in SPD9 relating to side extensions. However, it is noted the extension is set back significantly from the principal elevation of the dwelling and would be in keeping with the original materials, style and scale of the dwelling, in line with the General Design Guidance as set out in SPD9.

Given the nature of the proposal, the development would be visible from the public domain. The proposed facing materials would match those on the existing dwelling, and although no details have been provided in respect of the amended roofing material, it is considered that the whole 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 also local visual amenity, subject to the roofing material matching that of the main dwelling.

A condition is suggested with regards to the materials of the proposed extension being of a similar appearance to those used in the host dwelling and in this respect the proposal would 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 the south, east and west due to the level of spacing between the development and those neighbours. In terms of the neighbour to the north (11 Oswald Close), this neighbour is set back from the application property, and the extension would not protrude beyond the rear extension at the application property. This neighbour also has a detached garage located close to the common boundary with the application property and as such there would be no adverse amenity, privacy or overshadowing effects from the development towards this neighbour's habitable room windows or rear garden given this intervening feature.

In this regard the impact on the amenity and privacy of this neighbour in respect of the development is considered acceptable, with no significant additional overshadowing issues given the position of the development and the existing dwelling. It is also not considered any other neighbouring property would be affected by way of general amenity, privacy or overshadowing given the location of the development relative to these neighbours. Therefore 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).

Highway safety and parking

The driveway of the application property would be reduced in length, however it is noted a five metre length would be retained as part of the proposal. This is in line with the guidance as set out within SPD9 which sets out where an off-street parking space exists, this should be retained with a minimum driveway length of five metres where the garage has a roller shutter door, and this would be provided as part of this development. A planning condition is suggested ensuring the garage door is roller shutter in design and retained thereafter, and subject to such a condition the proposal is considered acceptable in terms of highway safety and parking and in accordance with LDF Policy DM1 (G).

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 Plans and Elevations Drg. No. 01 Rev. A received 19/04/2024

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 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 The garage door of the development hereby approved shall be a roller shutter type door / an up and over retractable door of a type which does not project forward of the building line whilst opening or closing. Such a non-projecting garage door shall be retained thereafter.

To provide a satisfactory standard of layout and to ensure that the garage door allows sufficient driveway length forward of the garage in the interests of highway safety and in accordance with South Tyneside LDF Development Management Policy DM1.

Informatives

1 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

2 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: Nick Graham
Signed: N. Graham
Date: 08/05/2024

Authorised Signatory: *G. Simmonette*
Date: 0805/2024

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