DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0178/24/HFUL
Proposal: Construct new porch to side elevation with 1No. rooflight. Demolish existing kitchen offshoot. Construct part single storey, part 2 storey rear extension with 2No. rooflights - family/dining room/kitchen and bedroom extension. Widen existing vehicular access by 300mm with new car standage and new boundary wall/railing to front and sides of house frontage (resubmission of ST/0084/22/HFUL to change approved pitch roof to rear extension to a flat roof).
Location: 239 Mortimer Road
South Shields
Tyne and Wear
NE34 0DP

Site Visit Made: 22/04/2024

Local Development Framework

1 DM1 - Management of Development (A and B)

2 SPD9 - Householder Developments

South Tyneside Local Plan Emerging Policy

3 Policy SP1: presumption in favour of Sustainable Development

4 Policy 47: Design Principles

The NPPF is also relevant.

Description of the site and of the proposals

The application site consists of a semi detached dwelling located on Mortimer Road, South Shields. The dwellings along the road contain bay windows to the elevation facing the highway, with access doors sited on the side elevations. The dwellings are constructed from red brick with tiled roof, and have a diamond shaped window detail to the front elevation. The dwellings along the Road have been extended over time.

The application site has an existing single storey rear kitchen extension which projects approximately 3.4 metres from the rear elevation. The rear garden of the site is bounded by a 1.8 metre high close boarded fence. To the south east is the adjoining dwelling, no 241 Mortimer Road, which has a single storey rear extension approximately 2 metres in length built up to the shared boundary. To the north west of the application is no 237 Mortimer Road, which is sited approximately 1.3 metres off the shared boundary. This dwelling has a single storey flat roofed extension to the rear elevation. Nos 237 and 239 at present do not have a boundary marker between the dwellings marking the front boundaries.

Planning permission is sought for the erection of a two storey rear extension, a single storey rear extension, a side porch extension and a new front boundary wall.

The proposed two storey rear extension would project 3.3 metres from the rear elevation, be 5.5 metres in width, and 5.8 metres to the highest point (the two storey element would have a flat roof). The proposed single storey extension would be attached to the rear of the proposed two storey element and would measure 2 metres in length, 5.5 metres in width, 2.5 metres to the eaves and 3.4 metres to the

highest point. The proposed extensions would contain a dining room and kitchen to the ground floor and 2 no. bedrooms to the 1st floor. The side elevations of the extension would be blank, with 2 no. windows proposed to the 1st floor of the rear elevation, and a window, patio doors and 2 no rooflights proposed to the rear elevation.

The proposed side porch extension would measure 1.3 metres in width, 3.8 metres in length, 2.5 metres to the eaves and 3.8 metres to the highest point. The extension would contain a door to the front and rear elevations.

At present the front boundary is marked by a 1.5 metre wall. It is proposed to construct a 1.5 metre wall with a section of railings in-between the piers.

The proposed extensions would be constructed from materials to match the host dwelling.

This proposal represents a resubmission of an extant approval (ref ST/0084/22/HFUL) for a similar scheme apart from in this proposal the two storey element would have a flat roof rather than a hipped roof. All other parts of the proposal are as approved previously.

Publicity / Consultations (Expiry date 17/04/2024)

1) **Neighbour responses**

   None

2) **Consultee responses**

   No consultee responses have been received regarding this planning application.

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.

Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies and all other material planning considerations, including representations received, it is considered that the main issues for consideration are the impact upon on visual amenity and the impact on residential amenity.

Impact upon Visual Amenity

Part 12 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment.

Policy DM1(A) of the South Tyneside LDF seeks to ensure new development is appropriate for the host building.

SPD9 (House Holder Developments) of the South Tyneside LDF provides guidance in respect of householder developments.

Porch extension

The scheme proposes the erection of a single storey side porch extension. This would be built up to the boundary with the neighbouring property to the north west, no. 237 Mortimer Road. At present there is no treatment to mark the shared boundary. The proposed plans show the erection of a 1.5 metre high wall along this boundary from the highway to the proposed porch. The porch would be constructed from materials to match the host dwelling, and would be less than half the width of the dwelling as set out in SPD9. The proposed porch would contain a door to the front and rear elevation, and be constructed from materials to match the host dwelling. Visually the porch would represent an acceptable addition to the dwelling and would accord with LDF Policy DM1(A).

The proposed porch would have a floor area measuring 4 square metres, and as such cannot be permitted development under Schedule 2 Part 1 Class D as it measures more than 3 metres external floor area.

Rear extension

In terms of the impact of the rear extension upon visual amenity LDF Policy DM1 criterion A makes clear that In determining all applications under the Planning Acts the council will ensure that, where relevant: the development, including new buildings, extensions and alterations to existing buildings, is designed to convey sensitive consideration of its surroundings, and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing;

The overall length of the proposed rear extension would be 5.3 metres. This extension is large but it is to the rear of the property and it will not be prominent from within the public realm. This total projection is split between a first-floor element that would project 3.3 metres and a ground floor element which would project 5.3 metres. However, the dwellings within this estate have rear offshoots including those found at both the application site and the neighbours property (no. 241 Mortimer Road). These rear offshoots are a strong characteristic of Mortimer Road and the houses that back onto the application site. The vast majority of these offshoots however are single storey but the length of the gardens separating the gardens are significant providing generous back-to-back distances between the houses.

The proposed rear extension is considered to be a suitably designed rear extension, being proportionate in terms of its overall scale and massing and using a similar palette of materials to the host property. The proposed flat roof is considered to be acceptable in this case as it would not be visible from surrounding public vantage points.

The proposed rear extension is therefore designed to convey sensitive consideration of its surroundings, and it is therefore considered to accord with LDF Policy DM1(A).

Boundary works

The application also proposed works to the boundary wall with the highway. At present the front boundary is marked by a 1.5 metre wall. It is proposed to construct a 1.5 metre wall with a section of railings in-between the piers. The driveway width would also be widened from existing and the concrete and gravel surfacing to the front of the property replaced with porous block paving. This would be similar to other dwellings in the immediate locale and would not appear alien within the wider street scene.

A condition is suggested with regards to the materials of the proposed development 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.

Residential amenity

Parts 12 and 15 of the NPPF, require that a high standard of amenity for existing and future users be ensured. In line with this, Policy DM1(B) of the South Tyneside LDF seeks to protect residential amenity of neighbours from harmful impacts from development.

It is important to note the extant permission which provides a near identical quantum of development in relation to what is approved here was judged to be acceptable in relation to residential amenity, however the impacts of the proposal upon residential amenity will be assessed below.

Rear Extension

The council's SPD9 guidance makes clear that single- storey rear extensions that would extend beyond the rear wall of the original dwelling house by 3 metres in respect of semi-detached houses will generally be acceptable.

However in terms of two-storey rear extensions SPD9 explains that in instances where these type of extension would project 3 metres from the rear wall of the original dwelling, and be set in 2 metres from the any side boundary and 7 metres from the rear boundary (opposite the rear wall of the dwelling) these will often be permitted development, and will generally be acceptable in many situations unless specific impacts of privacy, over-dominance or over-shadowing arise for neighbouring properties.

On widely spaced houses SPD9 makes clear, there may be scope for larger rear extensions if it can be demonstrated that there will be no adverse impact on residential amenity for occupiers of neighbouring properties. Planning applications will be assessed by having regard to permitted development limits within the General Permitted Development Order (GPDO), and the principles listed in Section 3 of the SPD9 document. In particular acceptable separation distances between habitable room windows on a proposed extension and those on the main rear elevation of facing dwellings should be sufficient to ensure a reasonable level of privacy for the residents opposite. This will be assessed on a case by case basis.

The proposed rear extension would measure 5.3 metres in length in total. In terms of the proposed two storey extension, there is an existing first floor bedroom window to the rear elevation of no. 241 Mortimer Road. To the ground floor of No 241 Mortimer Road there is an existing rear single storey extension which measures 2.2 metres in length. This extension contains an obscurely glazed WC window closest to the boundary and patio doors away from the boundary. The first floor bedroom window measures approximately 1.5m in width, and is set in approximately 1.5m from the shared boundary with no. 239 Mortimer Road.

The 45 degree rule is a common guideline (established by the Building Research Establishment Group to assess sunlight and daylight). This standard can be used by local planning authorities to determine the impact from a housing development proposal on sunlight and daylight to neighbouring properties.

The proposed first floor element of the two storey rear extension at no. 239 would be visible from within the first floor rear bedroom window of No. 241 Mortimer Road, however, when measuring a 45-degree angle from the centre of the rear bedroom window, the proposed rear extension would only extend over the 45-degree line marginally, and therefore there would continue to be sufficient outlook from the habitable room window. As the window lies to the southwest of the proposed extension, there would continue to be sunlight and daylight into the first floor habitable room as per the existing situation.

In terms of outlook and overdominance, the existing boundary fence in-between no. 241 and 239 Mortimer Road, is a similar height to the existing bathroom/WC window, with only the top section of the window being visible over the boundary fence. The patio door, is set further away from the common boundary. The proposed extension would project 1.2 metres at two storey and 3.4 metres in total beyond

the existing single storey rear extension to the rear of No 241 Mortimer Road. There is also a detached shed located approximately 4.7 metres from the rear of No 241, with the two storey element of the proposed extension terminating approximately mid-way between the rear of No 241 and the detached shed, and the single storey element terminating approximately 1/3 of the point into the shed.

As such, it is therefore considered that the proposed element of the two storey extension that would extend beyond the rear elevation of the single storey extension at no. 241 and the proposed 2 metre projecting single storey extension, would not create additional loss of outlook or significant further over-dominance than currently exists given the 3.4 metre projection.

Given the above, it is considered that the harm from the proposed rear extension at no. 239 to the adjacent neighbour at no. 241 would not be to a significant level in which to warrant refusal of the application, especially when the width of the 1st floor habitable bedroom window, and the proposed design incorporating a pitched roof is taken in to account. It is considered that the proposal would not adversely impact upon the adjacent neighbour in terms of loss of privacy, or outlook.

In terms of overshadowing impacts, given the orientation of the properties, as the adjoining objectors dwelling lies to the south east of the application site, and as the sun rises in the east and moves westwards during the day, by evening, the existing heights of the dwellings already cause a degree overshadowing to the rear gardens. The proposed extension would increase overshadowing to the rear garden of no. 241, however it is considered that this would not be to such a significant further level or sustained period to have an adverse or harmful impact on the attached neighbour. SPD9 states that the overshadowing of outdoor spaces is given less weight than impact within the dwelling. Where the affected space is part of a small plot land/or the overshadowing removes the only area of sunlight a space receives, this may be given increased weight. A large proportion of the rear garden of no. 241 would be unaffected by overshadowing from the proposed development given its approx. 6.5 metre width and substantial depth of approx. 18 metres. It is therefore considered on balance, the occupiers of no. 241 Mortimer Road would not be significantly adversely impacted in terms of loss of privacy, outlook, overdominance or overshadowing.

Given the orientation of the application site and the rear extension works in relation to the neighbour at 237 Mortimer Road, there would be no loss of privacy, overbearing or overshadowing impacts created to the detriment of these dwellings as a result of the works proposed.

The application site would retain a rear garden is excess of 19 metres in length which is considered to be more than sufficient to serve the dwelling.

Porch extension

The proposed porch extension would be sited on the common boundary with no 237 Mortimer Road, the detached neighbour to the northwest. To the ground floor of No 237 Mortimer Road facing the site of the proposed porch is the access door and a hallway/ stair window. According to the council's SPD 9 guidance a hallway/ stair window are not classed as a habitable room. This adjacent non-habitable window directly faces onto the shared boundary of no 239 at a distance of 1.2 metres. The proposed porch will cause a loss of outlook to this window, however as the window and door face onto the neighbour and already do not receive direct sunlight, the porch is acceptable in this instance. It is also important to note that if the porch was reduced from 4 square metres to 3 square metres floor are it would constitute permitted development, and would have the same impact to the windows of 237 Mortimer Road as the scheme proposed. This carried weight in the determination of this application.

Boundary works

The application also proposed works to the boundary wall with the highway. At present the front boundary is marked by a 1.5 metre wall. It is proposed to construct a 1.5 metre wall with a section of

railings in-between the piers. The driveway width would also be widened from existing and the concrete and gravel surfacing to the front of the property replaced with porous block paving. Given the similar scale to the existing situation the proposed boundary treatment and driveway would not have a detrimental impact upon the amenity of neighbouring occupiers and would be in accordance with LDF Policy DM1 (B).

Given the above, the proposed overall development as set out in this planning application would be acceptable in relation it impact upon residential amenity of the surrounding neighbours and therefore it would be in accordance with LDF Policy DM1 (B).

Other matters

The front driveway area is to be repaved with permeable surfacing materials. As this area measures more than 5 square metres and a permeable surface is proposed, the works fall under Schedule 2 Part 1 Class F of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and as such is permitted development not requiring planning permission.

Conclusion

It is considered that, in the site circumstances and context of this particular case, that this proposal would not undermine the guidance set out within Local Development Framework (LDF) policies DM1 (A & B), having regard to all other material planning considerations, including the design guidance in SPD9, the proposal is considered to be an acceptable form of development, subject to the inclusion of the suggested conditions.

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 Floor Plans Drg. No. 0779/6675/390 Rec. 19/03/2024
Proposed Front and Rear Plans Drg. No2 Rec. 19/03/2024
Proposed Plans and Elevations Drg. No1 Rec. 19/03/2024
Proposed Site and Roof Plans Rec 19/03.2024

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 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, no window or other opening additional to what is shown on the approved plans shall be made in the south eastern side elevation of the extension hereby permitted facing No.241 Mortimer Road South Shields unless an application for planning permission has been approved in writing by the Local Planning Authority.

To safeguard the privacy and amenity of the occupiers of adjacent properties and 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: Adam Williamson
Date: 23/04/2023

Authorised Signatory: *G. Simmonette*
Date: 23/04/2023

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