South Tyneside Council

Reference:	ST/0243/24/FUL
Location:	60 Felton Avenue South Shields NE34 6RY
Ward:	Harton
Description:	To change the current use of the land from open space to use as private garden land
Recommendation:	Grant Permission with Conditions
Case Officer:	Drewe Russell
Case Officer Contact No.:	0191 4247445 or 07765649865

Description of the Site

This application relates to 60 Felton Avenue which is a semi-detached house. It is part of a collection of semi-detached properties on Felton Avenue of a similar design and scale helping to create uniformity within the streetscene. To the front of the property is a grass verge and currently no off-street parking.

Description of the Proposal

This application seeks full householder planning permission to change the current use of the land from open space to use as a private garden.

The application proposes to change the use of the existing grass verge to a parking area. The land would be paved with permeable block paving. A 1.8m high fence would be erected along the northeastern side boundary.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 28/05/2024.

Transport Development Officer.

No objections providing that the vehicular access serving the new driveway is constructed correctly; that there is no front boundary treatment above a height of 1m; and that surface water from the new driveway area does not discharge onto the public highway.

Summary of Representations

No responses received.

Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007, a Development Management Policies Development Plan Document (DPD) 2011.

The following policies of the South Tyneside Local Development Framework Core Strategy are relevant to this planning application:

- LDF Policy DM1 (A, B, G)

The following policies and guidance are also relevant to this planning application:

- Supplementary Planning Document 6 (Parking Standards)
- Supplementary Planning Document 9 (Householder Development)

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 are listed below are not appraised in detail in the assessment set out below:

- LP Policy SP1 - Presumption in favour of Sustainable Development
- LP Policy 1 - Promoting healthy communities
- LP Policy 47 - Design Principles

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

The key issues in the assessment of this planning application are as follows:

- Impact on Visual Amenity
- Impact on Residential Amenity
- Highway Safety

Impact on Visual Amenity

LDF Policy DM1 (A) seeks to preserve visual amenity.

The proposed development consists of incorporating the existing grass verge into the residential curtilage and block paving the area, as well as erecting a fence along the northeastern boundary which would be 1.8m in height for the first 2.3m of projection from the property's front elevation and then 1m in height thereafter. The grass verge runs as a strip to the front of properties' gardens to the northeast whilst properties to the southwest of the application site project as far as the existing pavement.

The proposed development would bring the front of the garden in line with the front boundaries of gardens to the south. It is considered that the change of use and the hard surfacing would not result in significant harm to the visual amenity of the area.

It is also proposed to erect a fence to the northeastern boundary as described above. Given that there are other similarly sized boundary fences and walls in the area it is considered that this would not result in significant harm to the visual amenity of the area.

Having regard to the above, the proposed development is considered to have no significant harm to the visual amenity of the area and is considered to be in accordance with LDF Policy DM1 (A).

Impact on Residential Amenity

LDF Policy DM1 (B) seeks to preserve residential amenity. SPD 9 sets out guidelines for householder developments.

Having regard to the above, the proposed development is considered to have no significant harm to the residential amenity of neighbouring properties and is considered to be in accordance with LDF Policy DM1 (B).

Impact on Highway Safety

LDF Policy DM1 (G) seeks to preserve highway safety. Maximum car parking standards are set out in SPD6.

The Council's Transport Development Officer has been consulted on the scheme and has noted that no significant highway safety concerns will arise from the proposal. As well the proposal complies with relevant parking standards.

The Transport Development Officer did request drainage details for the proposal to accommodate the surface water run-off to ensure that they function correctly as a sustainable drainage solution and prevent surface water discharging onto the highway. However, the department deemed that it was not deemed necessary for such a small householder development.

Having regard to the above, the proposed development is considered to have no significant harm to the highway safety of the area and is considered to be in accordance with LDF Policy DM1 (G).

Conclusion

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Having regard for the above it is considered that the proposal would result in no significant harm to the visual amenity of the area, the residential amenity of any neighbouring properties or the highway safety of the area.

As a result, it is considered that the proposed development complies with all relevant local and national planning policy and guidance. Consequently, this application is 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

Proposed and Existing Plans and Elevations Drg No 0784-1096-354 received 15.04.2024.
Proposed Site Plan received 15.04.2024

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.

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: Drewe Russell

Signed: DR

Date: 05/06/2024

Authorised Signatory: Seán Gallagher

Date: 10/06/2024