South Tyneside Council

Reference:	ST/0322/24/HFUL
Location:	84 Grosvenor Road South Shields NE33 3QE
Ward:	Westoe
Description:	Erection of single storey front and rear extension and two storey side extension. Loft conversion with velux windows and rear dormer
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Summary of Consultation Responses

Countryside: The applicant has submitted the following documents relating to ecology to inform their application, other submitted documents will be used to form a full response but may not be listed below:

- Bat survey report 84 Grosvenor Road, South Shields, South Tyneside. Report reference FE-258-001-400-R-01-V1, 19th September 2024 by Falco Ecology.

The building was assessed internally and externally by a suitably qualified professional during a survey on the 28th June 2024. The report concluded that the building was of moderate suitability to support roosting bats. Two further surveys were recommended and undertaken in July and August 2024. No bats were observed emerging from the building.

I am satisfied that the ecological survey work undertaken is in accordance with good practise and is adequate and appropriate to support this planning application. As no bat roost was recorded at the property there are no likely direct impacts on this protected species from this proposed development however as bats are highly mobile animals, there remains a residual risk that bats could be found during works.

A precautionary working method statement has been provided in section 8 of the submitted report and should be provided to all contractors working on the project.

Summary of Representations

No responses received

Relevant planning policy

The following policies are relevant to this application:

- LDF Policy DM1 (A and B)
- Supplementary Planning Document 9

Assessment

Although the Publication draft South Tyneside Local Plan is now at a more advanced stage of preparation having been subject to two statutory consultation periods, Borough Council decided on 5 September 2024 not to endorse submission of the Local Plan to the Secretary of State for Examination. As such only negligible weight can be afforded to relevant policies at this time and less weight than would have been afforded in the period between completion of the Regulation 19 consultation in March 2024 and prior to Borough Council's decision. For this reason, the report does not seek to identify specific policies from this Plan.

Design and Impact on 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) requires extensions and alterations to an existing dwellinghouse to convey sensitive consideration to their surroundings; and where possible enhance their local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

Each element of the proposal will be discussed separately.

Two storey side extension

This area of South Shields (Grosvenor Road, Tynedale Road, Readhead Road) consists of low density housing with dwellings set within generous plots. It is important to note that SPD9 is guidance only and in assessing the acceptability of a proposal consideration must also be given to the application site surroundings.

Part 3 of SPD9 states that:

> *In assessing planning applications for all extensions and alterations to dwellings it is important that the following objectives are met:*
>
> *A) that the visual impact of the proposal on the dwelling and its immediate neighbourhood is acceptable and that high standards of urban design are achieved;*
>
> *B) that there is no unacceptable impact on the amenity of neighbours in relation to:*
>
> *i) Privacy*
> *ii) Outlook and Over Dominance*
> *iii) Overshadowing*
>
> *C) that there is no unacceptable impact on highway safety and off-road vehicle parking;*
>
> *D) the impact on any trees and their root systems within or adjacent to the property is given appropriate consideration.*

Paragraph 3.11 of SPD9 states that:

> *An extension should complement the shape, scale and proportions of the original dwelling to maintain the character of the original dwelling.*

And at 3.13 that:

> *Extensions should ideally reflect the design and symmetry of the existing property. The choice of detailing, in terms of cill courses, eaves, windows and doors should match those on the original house wherever possible,*

To achieve the desired subordinate appearance and to minimise any terracing effect, Supplementary Planning Document 9: Householder Developments (SPD 9) at Part 7.5 advises that in those cases where the whole width of the plot is already built up by a single storey extension or garage (as is the case here), or where an existing single storey extension or garage has resulted in a gap along the common boundary of less than 1 metre, a first floor extension built up to the boundary may be acceptable where:

- it is set back behind the front wall of the main dwelling;
- it does not occupy more than two- thirds of the depth of the dwelling and is located towards the rear of the main dwelling;-
- the roof ridgeline is significantly lower than the main dwelling ridgeline;
- a pitched or hipped roof, depending upon the existing dwelling and proposed extension design, is constructed on any residual flat roof of the original single storey structure in order to reduce the visual impact of the structure upon the proposed extension and street scene;
- a window is included to the front elevation of the proposed extension.

The application property is part of a pair of semi detached dwellings, with the adjoining dwelling (86 Grosvenor Road) to the east. No. 82 Grosvenor Road lies to the west and has a single storey garage built up to the shared boundary with the application site.

The side extension would have a hipped roof (approx. 450mm lower than the ridge of the main dwelling), and would be set back by 1 metre at first floor level from the front elevation of the dwelling.

The side extension would only meet three of four outlined criteria in part 7.5 of SPD 9 (corresponding roofline, set back from the face of the dwelling at 1st floor and a window to the front elevation), however it is considered in this instance that a set-back 1/3 from the front wall of the original dwelling is not necessary on visual grounds having regard to the similar approach taken with side extensions to other nearby properties (62 Grosvenor Road- Two story flat roof extension to the shared boundary, 60 Grosvenor Road- Two storey flat roof extension with no set back, 42 Grosvenor Road- Two storey side extension with no set back, 40 Grosvenor Road- Two storey side extension with 1 metre set back and 400mm lower ridgeline). It is noted that these extensions pre date the guidance set out within SPD9, however they confirm the character of the surrounding area in terms of 2 story side extensions.

Given the proposed hipped set down from the main roof and the 1 metre set back at 1st floor, the proposal would appear sub ordinate within the wider street scene as there is a stagger of approximately 1 metre between the front elevations of the application dwelling and 82 Grosvenor Road. Given these factors, it is considered that if no. 82 Grosvenor Road extended in future at two story height and where the LPA would have control regarding the design of such an extension in terms of setback/lowered ridge height with the proposed extension.

Paragraph 7.3 of SPD 9 states that consideration must be given to the width of a proposed side-extension in relation to the existing property. Side extensions which are excessively wide can undermine the character of the street and of the existing property. To maintain a reasonable level of subordination, side extensions should not be more than 3 metres in width or be more than half of the width of the original dwelling frontage, whichever is the greater.

However, paragraph 3.3 of SPD 9 does acknowledge that site-specific circumstances of the property will always be taken into account and may allow for development opportunities beyond the guidelines set out in this document.

The proposed two storey side extension would be 0.15 metres wider than half the width of the original dwelling (extension 3.3 metres in width, original dwelling 6.3 metres in width). The proposal would have a hipped roof design, in order to match the existing roof of the dwelling, which would help to reduce the overall massing of the extension. Additionally, the extension would include a 1 metre set-back from the front elevation of the dwelling.

Taking into account the larger plot size, the existing extensions to the adjoining neighbour at no. 82 Grosvenor Road, as well as the overall sympathetic design and appearance of the extension in relation to the original dwelling, it is considered that the additional 15 cm over the width of the extension relative to the half width of the dwelling would not result in the extension appearing out-of-scale or excessively wide to the detriment of the character of the existing property or street.

Certificate B has been signed on the submitted planning application form, and notice has been given the occupiers of 82 Grosvenor Road in respect of the proposed extensions, as the proposed plans show that guttering to the western elevation of the proposed side extension will overhang the shared boundary. No representations have been received as a result of serving notice on this neighbour. A Party Wall Act informative is recommended.

Overall, the proposed two storey side extension is considered to be acceptable and would not undermine the objectives of Policy DM1(A) and the associated SPD9 in terms of its external appearance.

Rear extension

The proposed rear extension would project a maximum of 7.6 metres from the rear of the dwelling to the western elevation and 5.6 metres to the eastern elevation forming an ‘L’ shape. This would be in excess of the 3 metres depth for semi-detached dwellings set out in paragraph 8.1 of SPD9.

However, in this case, the adjoining neighbour (86 Grosvenor Road) has an existing single storey rear extension with a conservatory attached beyond (Approved under planning permission ST/0158/09/FUL) which projects in total further than is proposed here (approx. 7 metres v approx. 5.6 metres proposed along this eastern boundary). The proposed rear extension would be set in approximately 300mm from the boundary with 82 Grosvenor Road to the west. No. 82 Grosvenor Road also has a single storey rear extension with a conservatory attached ((a total projection of approximately 7.2 metres) approved under planning permission ST/0869/18/HFUL)

As such the proposed single storey rear extension would be appropriately scaled in the context of the host and adjoining property, and although it would be visible from neighbouring properties, it would not be visible within the street scene along Grosvenor Road, so would have no material effect on the wider surroundings. This aspect of the scheme is considered to be acceptable and in accordance with Policy DM1(A) and the associated SPD9.

Porch extension/ canopy

Paragraph 3.16 of SPD9 states that extensions to the front of a dwelling house can have a particularly significant impact on the street scene and should not interrupt the consistent building lines present in the street. Furthermore, paragraph 5.2 states that single storey front extensions and porches should not normally project forward from the original dwelling by more than 1.4 metres.

In this case the canopy and porch would project 1.5 metres forward of the front elevation of the main dwelling which is over the 1.4 metre projection that is ordinarily considered to be appropriate in the Council's design guidance (SPD9: paragraph 5.2).

Given the size of the application plot, and that the dwelling is set back approximately 7 metres from the highway, the additional 0.1 metre projection would not have a detrimental effect upon the wider street scene.

This aspect of the scheme is considered to be acceptable and would not undermine guidance within Policy DM1(A) and the associated SPD9.

Loft conversion/ rear dormer window

Permitted development rights for roof alterations exist at the application property. The proposed rear dormer window would have a cubic volume of approximately 14 cubic metres, and would be located to the rear roof slope on the original dwelling.

As such it is considered that the rear dormer windows would constitute permitted development under Schedule 2 Part 1 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [The GPDO] and, as such, they could be undertaken on that basis irrespective of the outcome of this planning application; and this represents a material consideration in their assessment (as part of the overall planning application).

Overall, it is therefore judged that the development would convey sensitive consideration of its surroundings, having regard to scale and proportions, use of materials and architectural detailing; and would not undermine the objectives of LDF Policy DM1 (A) and the guidance contained within Supplementary Planning Document 9.

Residential Amenity

Parts 12 and 15 of the NPPF require that a high standard of amenity for existing and future users be ensured.

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

Two story side extension

The two-storey side extension would be constructed to the shared boundary with 82 Grosvenor Road.

The east facing roofslope of no. 82 contains a dormer window. The proposed floor plans from application ST/0401/07/FUL which granted consent for this dormer window (amongst other extensions) show that this window serves a stairwell to provide access to the loft conversion. As stairwells / landings are not classed as habitable rooms, the outlook from this window does not need to be protected as if it were a habitable room (a living room for example).

The 25 degree rule is a common guideline (established by the Building Research Establishment Group) used to establish the effect a proposed building will have on existing properties with regards to obstructing daylight to existing windows/ rooms. A reference line is taken from the centre of affected windows in the existing building. A 25 degree line is then drawn upwards towards the proposed building. If the whole proposed development falls underneath the line drawn at 25 degrees, there is unlikely to be a detrimental effect to daylight on the existing property.

At present given the approximate 5.8 metre gap between the two gable ends of 82 and 84 Grosvenor Road, the western gable of 84 Grosvenor Road already fails the 25 degree test given the 9.2 metre ridge height of the dwelling from these east facing windows.

The dormer window in the east gable of 82 Grosvenor Road faces east over the application site, and as such do receive direct sunlight as the sun rises in the east and moves southward around to the west during the day, but it is soon overshadowed by virtue of facing east. The proposed two storey extension is not considered to materially impact upon the amount of daylight received to this east facing windows. Guidance in SPD9 also states that the planning system cannot protect the outlook from windows facing the common boundary. However, given the separation distance it is considered reasonable to attach a condition so that no openings can be formed in the southern gable of the proposed two storey extension to protect any potential habitable room window to window impacts. It is acknowledged that the extension would move development closer to 82 Grosvenor Road, however the additional loss of daylight impacts created from the additional height and closer siting are considered to not be sufficient to warrant refusal of the application.

Single storey rear extension/ rear dormer windows

The single storey rear extension would have a maximum projection of approximately 7.6 metres from the original rear wall of the dwelling. However, it would not project beyond the existing single storey offshoot to the rear of 82 Grosvenor Road, reducing its impact. The east facing elevation of the rear extensions at no. 82 are blank, and the neighbour is positioned to the west of the application site. Having regard to the projection and maximum height of the single storey extension, combined with the window layout to the adjoining property of 82 Grosvenor Road, the proposed rear extension would not result in an unacceptable impact on the amenity of the occupiers of the neighbouring dwelling through a loss of outlook or overshadowing.

The windows (to the rear elevation) of the single storey rear extension would retain an acceptable separation distance to the neighbouring properties to the rear of the site along Tynedale Road, with the existing 1.8 metre timber boundary fence to the rear of the garden providing screening and preventing any direct overlooking of any habitable room window.

The proposed dormer window would face south, and look over the rear gardens of the properties on the northern side of Tynedale Road. The rear dormer window would constitute permitted development under Schedule 2 Part 1 Class B of the GPDO, and as such, they could be undertaken on that basis irrespective of the outcome of this planning application; and this represents a material consideration in the assessment of the overall planning application.

Sufficient rear private amenity space would be retained to serve the application site.

Porch extension/ canopy

Obscure views of the bay window to the front of 86 Grosvenor Road will be afforded from No. 84. However, the impact on outlook is considered to be minimal and insufficient to sustain a recommendation of refusal. Views into No. 86's ground floor front windows will be afforded

from the proposed bay window. However, these views will be provided at limited angles and therefore will be obscure. For these reasons, the impact on privacy is considered to be minimal and insufficient to sustain a recommendation of refusal. The proposed canopy will have no significant impact on the residential amenity of No. 86, given its single storey nature and minimal projection away from the front elevation of the host property. With regard to the above, the proposal is considered to be acceptable in terms of its impact on the residential amenity of the occupants of this property.

The proposed porch and canopy will not result in any harm to the residential amenity of any other nearby occupants given that it will be located at a significant distance away from any common boundaries with these neighbouring properties.

Conclusion

In conclusion, and having regard for all of the above, it is considered that the proposal would have an acceptable impact upon the residential and visual amenity of the area. It is considered that the proposal does not undermine the objectives of relevant local and national planning policy and the application is therefore recommended for approval.

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

Proposed Floor Plans and Site Plan Drg. No. 3195 received 30.05.2024
Proposed Elevations Drg. No. 3196 received 16.05.2024

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 detailed on the approved plans below.

Proposed Elevations Drg. No. 3196 received 16.05.2024

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

4 Notwithstanding the provisions of the 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 (as listed in condition 2) shall be made in the western side elevation of the extension hereby permitted facing No.82 Grosvenor 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 Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

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

3 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

4 NOTE TO APPLICANT

Bat Informative
All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should a bat or signs of bats be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.
Natural England Bat Advice Line: 0345 1300 228

5 NOTE TO APPLICANT

Breeding Bird Informative
Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

Case officer: Adam Williamson
Date: 16/10/2024

Authorised Signatory: *G. Simmonette*
Date: 18/10/2024