South Tyneside Council

Reference:	ST/0334/24/HFUL
Location:	20 Cleaside Avenue South Shields NE34 8DQ
Ward:	Cleadon Park
Description:	Demolish existing detached garage and construct new flat roofed detached garage. Construct new single storey rear extension. New side window/enlarge existing toilet window to side of bungalow (both obscurely glazed).
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Drewe Russell
Case Officer Contact No.:	0191 4247445 or 07765649865

Description of the Site

This application relates to a semi-detached bungalow located in South Shields. It includes a driveway to front, a garage to the rear and a rear garden. To the rear there is a single storey offshoot adjacent to the shared boundary with No. 18 Cleaside Avenue. There is a detached garage within the rear garden.

Description of the Proposal

This application seeks full householder planning permission to demolish the existing detached garage and construct a new flat roofed detached garage, to construct a new single storey rear extension and to insert a new window in the side elevation of the host property and to enlarge the existing toilet window to the side of the bungalow.

Relevant Planning History

N/A

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 22/08/2024.

Countryside Team response:

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.

Informatives suggested regarding bats, breeding birds and biodiversity enhancements.

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, a Site Specific Allocations Development Plan Document DPD 2012, the South Shields Town Centre & Waterfront Area Action Plan (AAP) 2008, the Central Jarrow Area Action Plan (AAP) 2010 and the Hebburn Town Centre Area Action Plan (AAP) 2008.

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 would be of an acceptable scale and massing having regard to the existing host property and to the surrounding area.

The proposed materials would be in keeping with the materials used in the existing dwellinghouse and as such would be considered to be acceptable.

The proposed rear projection would project 4m which is greater than what the guidance suggests in SPD9 for semi-detached rear extensions. However, due to the context of the rear extension, the 4m projection would not be visible from the streetscene due to its location to the rear and the fact the property includes an existing offshoot rear extension on the west elevation that already projects 4m the proposal will not result in significant visual harm. Although the proposal does not explicitly comply with SPD9's guidance for rear extensions, when taking into account the context of this site the proposal would not result in significant harm.

The proposed garage would be of an acceptable design and would have no 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.

The proposal would not result in significant harm to the residential amenity of No. 18 Cleaside Avenue as it would be obscured by the host property's existing offshoot. The proposed rear extension would be located 3.4m from the common boundary with 22 Cleaside Avenue and therefore would not result in significant harm to the residential amenity of that property given the distances between the common boundary and the extension.

The proposed garage would be set adjacent to the boundary with No. 22 Cleaside Avenue but would be obscured from that property by No. 22's garage. It would be set 8.5m from the shared boundary with No. 18 Cleaside Avenue. As such there would be no significant harm to the residential amenity of those properties.

It is proposed to insert one window in the side elevation of the property facing towards No. 22 and to enlarge the existing toilet window in that elevation. Both windows would be obscurely glazed and would be set 6.8m from the side elevation of No. 22 which contains 1no. window. Given that the proposed windows would be obscurely glazed, there would be no significant harm to the residential amenity of No. 22. Given the 6.8m distance and given that the insertion of clearly glazed windows could be carried out under permitted

development rights, it is not considered necessary to impose a condition that the proposed windows be obscurely glazed.

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.

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 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 Elevations and Plans Drg No 0751-0521-390 received 22.05.24
Proposed Rear, Side and Garage Plans and Elevations Drg No 1 received 22.05.24
Proposed Site and Roof Plan received 22.05.24

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.

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 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).

3 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 bats or signs of bats (such as droppings or dead 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.

4 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.

5 Biodiversity Enhancement

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. The applicant is encouraged to include features should seek to secure the inclusion of a feature such as:

" An integrated Swift Brick (an example of which can be found here: https://www.nhbs.com/manthorpe-swift-brick) in the build itself following the below criteria:

o Under the eaves on the northern or eastern aspects
o A clear flight line must be available to the nest
o Not placed directly above windows or doors

" An integrated bat box within the build itself. Information and a suggested product can be found on the Bat Conservation Trust website; https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes/external-ready-made-bat-boxes-integrated-bat-boxes

" There are several guidelines which must be followed to enable the box to be a useful enhancement feature:

o Tucked beneath the eaves, at least 4m above the ground
o Not placed directly above windows or doors
o Away from artificial light sources
o Placed on the western or southern aspect of the house (this shelters them from strong winds and exposes the bat box to the sun for part of the day).

" Bee Bricks integrated within the building. These are inexpensive, easily concealed within a building and provide suitable habitat for a range of species. An example of which can be found here:

o https://www.greenandblue.co.uk/products/bee-brick

Case officer: Drewe Russell

Signed: DR

Date: 18.09.2024

Authorised Signatory: Seán Gallagher

Date: 18/09/2024