South Tyneside Council

Reference:	ST/0340/24/HFUL
Location:	4 Ashleigh Villas East Boldon NE36 0LA
Ward:	Cleadon and East Boldon
Description:	Demolition of existing single storey side extension and construct new single storey utility/w.c side extension. Replace front windows with white painted timber windows, replace side and rear doors and windows with white woodgrain upvc windows, new side window to first floor level and associated alterations and infill walling to existing garden room (proposed kitchen).
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Nick Graham
Case Officer Contact No.:	0191 4247427 or 07741108995

Description of the Site

The application site is a semi-detached property fronting onto Front Street (A184), within the East Boldon Conservation Area, situated between Grange Park and The Hawthorns, and a short distance from the junction where Front Street meets with Sunderland Road (A184) and Station Terrace (B1299).

The East Boldon Conservation Area Character Appraisal (2006) identifies the historic and architectural significance of the properties at Ashleigh Villas. The application property forms part of a collection of imposing two-storey predominantly buff brick houses in terraced, semi-detached or double fronted detached form, which all adopt similar designs and motifs. The properties display strong gables facing the street and are enlivened with darker brick string courses, copious timber and sandstone detailing, built using design creativity to increase their perceived grandeur, although it is noted the application property is predominantly red brick. The majority of the properties at Ashleigh Villas are subject to an Article 4 direction, which removes a number of permitted development rights, including this application property.

Description of the Proposal

This application seeks full householder planning permission to demolish the existing single storey side extension and to construct a new single storey utility / w.c side extension. The proposal also seeks permission to replace the front windows with white painted timber windows, replace the side and rear doors and windows with white woodgrain upvc windows,

insert a new side window to first floor level and undertake associated alterations and infill walling to existing garden room (the proposed kitchen).

Following an amendment to the proposed front window of the side extension from uPVC to timber, neighbours and consultees were re-notified in line with the Council's Statement of Community Involvement (SCI).

Relevant Planning History

No relevant planning history.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 20/12/2024.

Tree Officer
There does not appear to be any arboricultural issues, no observations to make.

Historic Environment Officer
The Article 4 was served with the preservation of the principal elevation in mind. Whilst the installation of uPVC is not ideal, I don't think it would be in the public interest to take enforcement action in this instance. Whilst it would be great if we could remove all trace of UPVC from Conservation Areas, I think it would be unreasonable to object to the side and rear windows in this instance.

East Boldon Neighbourhood Forum
No comments received.

Summary of Representations

Ten separate objections have been received to the proposal from the same neighbouring property (no.5 Ashleigh Villas) at various stages of the application process, summarised as follows:

Case Officer note: Comments below relate to the original proposal:

- Inconsistencies on the application form as the applicant does not live there. The property has been neglected since the previous tenant moved out around Easter 2023 and old furniture dumped in front garden after a burst pipe called a flood. This is unacceptable in a residential area and Conservation Area. Raises questions regarding the applicant's plans for the property and whether they will be living there or renovating to sell at vast profit.
- Application form states no trees in falling distance however there is a tree with a Tree Preservation Order on site which could be damaged.
- Application form states the proposal will not affect existing car parking arrangements, however the access to the garage of the application property is over my land which has not been used for over five years. There is no legal right of way, only established access by years of use by the tenants of the application property. The works will affect existing car parking arrangements as it is the main access to the rear, apart from a narrow gate, of the property where most of this work will take place.
- The proposed first floor side window will allow for direct overlooking to my downstairs toilet which is only partly frosted. I was informed by the Planning Department in 2007, when a conservatory extension was applied for to the first floor of my property, that I could not have glass all the way around as it would compromise the privacy of No 4. To allow this new side

window to overlook my property, would be an inconsistent application of planning policy, so I request that it is removed from the existing plans. Even a frosted glass window is unacceptable, as it could be opened to view people using the downstairs toilet in my property. This proposed window will also overlook my Conservatory and sitting area at the front, also resulting in being overlooked and loss of privacy.

- I note from the plans the applicant intends to attach the single storey side extension to my property which is totally unacceptable. Presently, this structure is the old coal house and outside toilet which is not attached to my property, only a dividing outside wall to the rear. This will impact on the structural integrity of my property as it will be extended towards the front and will be attached to my house. I understand that under the Party Wall Act that the applicant needs my permission to complete this work and I do not give my permission. This will make my property a terraced house rather than semi-detached, which is wholly unacceptable.
- The roof of the proposed new side extension will block the light from my kitchen at the rear of my property as the light currently bounces off the gable end of No 4 through the rear glass door, to light up my kitchen. The new roof of the proposed extension will block out this light making the kitchen very dark, as it will block out the only natural light which currently enters through the kitchen door. I therefore ask that the roof plans be redesigned so that it is in keeping with the original design, this is a flat roof which does not intrude or block out light to my property as the plans show that the roof of this extension will be constructed in such a way that it blocks light from my property. I understand that I have a right to enjoy natural light to my property under the Right of Light Act 1959, as I have lived in my house since 1992 and have enjoyed uninterrupted light for 32 years and wish this to continue.
- I am also concerned that the proposed side extension is to be a utility room, this will mean appliances will be vented in very close proximity to my kitchen door, resulting in the smell of someone else's washing permeating my kitchen, this is totally unacceptable.
- I am also deeply concerned that the plans of the proposed extension show that it will have a door to the rear of the property as it is a narrow space, so this door will be too close to the rear door of my property, our main entrance and exit from the garage and will amount to loss of privacy that I have enjoyed for the last 32 years, as well as making it noisy. The rear door to No 4 is currently through the Garden Room, in the middle of the property, where it should stay as it does not compromise the privacy of either neighbour. I therefore request that the door on the proposed single storey extension is removed from the existing plans.
- Furthermore, the site location plan used by the agent is seriously out of date. 5 Ashleigh Villas has not been divided into flats since the early 1970s. 5A Ashleigh Villas does not exist and has even been removed from Census data. This plan also fails to show the true boundary of 5 Ashleigh Villas clearly and could lead to confusion as to location the boundary of this property. I have informed the Planning Department about this on a previous occasion so why is this outdated plan still in use for development in this location.
- The application states that some of the existing woodwork is to be replaced with white woodgrain effect uPVC. The property is subject to Article Four constraints. We were not allowed to use uPVC to construct a conservatory as it was on the first floor and could be viewed from outside the property. Does this rule apply to 4 Ashleigh Villas?
- I wish to bring your attention to what the application refers to as an "existing single storey side extension" and "utility & store" which is to be demolished and replaced with a "new single storey utility/w.c. side extension". This gives the impression that the existing building is currently in use as a utility room however this is far from true. The existing structure is little more than a corrugated roof over an area of the back yard.

Case Officer note: Following the re-notification on amended plans, further representations were received from no.5 Ashleigh Villas as follows:

- I would like to point out that having compared the amended plans to the original plans, I have found no difference between the original and amended plans. Therefore my original objections are still relevant and still stand. Is this an error or have the same plans been submitted?
- I would also like to request that the wording of the planning application is changed as it is misleading. The planning application states *"Demolition of existing single story side extension".* There is no single story side extension to demolish. It is little more than an outside space with a corrugated roof to make a shed, this roof looks like it may be asbestos, could this be confirmed? It is more than an exaggeration to call this space an "*existing single story side extension" as* it is not part of the house. The original outside toilet and coal house, which is in close proximity to this space has been incorporated into the Garden Room and are part of the house.
- I would also like to reiterate that any construction of a single storey extension will involve attaching it to my property at both the front and rear. The rear wall, where the extension will be attached is part of the original house of 5, Ashleigh Villas, which was demolished as part of the restructure in 1944. It is not a "party wall". It will be attached to my property at the front, turning a semi detached into a terrace, which is unacceptable. We refuse to give permission for any part of an extension to 4 Ashleigh Villas to be attached to our property.
- I am appalled and disgusted in equal measure that none of my concerns have been addressed by the developer. The proposed changes will affect my property as well as my quality of life in the loss of light and privacy that I have enjoyed for over 32 years, as well as its value. To intrude onto my property in such a thoughtless and inconsiderate manner is unacceptable. I feel that it is so unnecessary to have to defend my property from such an onslaught. This matter needs to be sorted in a way that is acceptable to both parties. Should this proposal be accepted in its current form I stand to lose a lot whereas the developer will gain much at my expense. Is it reasonable that this planning application is so one-sided?
- I find it unacceptable that a property developer attempts ride roughshod over a neighbour to maximise his profits. Also that he has no reservations about devaluing my property to increase the value of his own. I understand that that proximity to other buildings is used in estate agent calculations of what a property is worth. His gain is my loss.
- I repeat that I refuse permission for any work that involves attaching any part of the proposed extension to my property. The wall at the rear of the property is not a party wall as it is part of my original house, partially demolished in 1940's when the house was remodelled into flats. Consequently, it is part of my property, which the developer needs to take into account in any future amendments to his plans.
- What are South Tyneside Council's regulations regarding the building of an extension to the boundary of a neighbour's property?
- The plans submitted by the owner attach an extension to my property. This is unacceptable and has nothing to do with the Party Wall Act as it is not a party wall it is the external wall of my property.
- Furthermore, there is no existing extension to demolish, as you have observed it is an outside space with no access to the property which has been covered by a corrugated roof that looks as if it might be asbestos. In fact the old wooden gate forms the front of this non existent extension, not a wall. Referring to the existing covered space as an extension is a ploy to get it through planning, therefore must be part of the assessment. It is nothing more than a shed, used for storage, not part of the house.

Case Officer note: The Case Officer confirmed the extent of the amendments with the objector, as well as material planning considerations and regulations regarding the building of an extension to the boundary of a neighbour's property. Further comments were subsequently received as follows:

- We recently contacted you with our concerns about the amended plans. To date none of our concerns have been addressed by the applicant.
- These plans include the "*demolition of existing single storey side extension and construct new single storey utility/w.c side extension."*
- We have challenged the description of '*existing single storey side extension'* as it is no more than a glorified shed, without any access to the main house, as demonstrated by the attached photographs. The cannot be deemed as replacing like for like. It is an external space with one wooden wall and a corrugated roof dropped on top, using part of our garden wall for support.
- Furthermore, we are deeply concerned that the plans show that the "*new single storey utility/w.c side extension"* will be attached to our house. Presently, there is no part of the afore mentioned "*single storey side extension"* attached to our house, only to a garden wall. This is not a 'Party Wall' matter to be sorted as suggested by Mr Graham as there is no party wall involved. We have stated very clearly, in previous correspondence, that no part of the "*new single storey utility/w.c side extension"* can be attached to our house as we refuse to give permission and this is not negotiable. This means the plans in their present form cannot be approved and must be amended.
- It is also totally unacceptable that the proposed w.c (toilet) in the *"new single storey utility/w.c side extension"* will be on the other side of our kitchen wall according to the plans.
- We have also asked for confirmation if the roof of this existing outbuilding, possibly an old coal house, is asbestos. If so, how will this be safely removed, if demolished. There is a child currently living in our home and health and safety is paramount. In conclusion we do not and will not in the future give permission for any structure to be attached to the outside of our house.
- To date, I have not received the update requested or even an acknowledgement from anyone in the Planning Department, only an automated out of hours generic reply stating the email has been received.
- The further implications, of loss of privacy and light to my property, shown by the plans for 4 Ashleigh Villas (ST/0340/24), is cause for concern as well as an intention to attach an extension to my house. This is causing my household a great deal of distress and unnecessary worry, we need a resolution and to kept fully informed.

Case Officer note: The Case Officer updated the objector on the application status. Further comments were received as follows:

- Could you please update us on the progress of the planning application. Builders are viewing the property to give estimates for the work to be completed, yet we have heard nothing from the Planning Department concerning our objections and concerns about our privacy and blocking of light to our property.
- Furthermore, we believe that the corrugated roof on the external outhouse, to be demolished, is asbestos. What safeguards are in place for this demolition?
- Also my privacy will be seriously compromised if a widow is put into the side of the building, as this will overlook my partly frosted downstairs toilet, this window will render this toilet unusable, without expense to ourselves, which is unacceptable.
- We also need to know the agreed dimensions of the extension, replacing the demolished outhouse and the type of roof agreed, if it will have a door, also the situation of the toilet, which according to the plans was on my kitchen wall, which I find totally unsatisfactory.
- To date there has been no discussion with the owner about the 'party wall' issue, so we need to know what has been agreed on the plans.

Case Officer note: The Case Officer updated the objector on the application status.

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. If the impact of the proposal on the Conservation Area would be neutral this would be acceptable.

The statutory development plan comprises the East Boldon Neighbourhood Plan, and 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 following policies of the East Boldon Neighbourhood Plan are relevant to this planning application:

- Policy EB3 – Design
- Policy EB4 - Heritage assets

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

- LDF Policy DM1 - Management of Development (A, B, C)
- LDF Policy DM6 - Heritage Assets and Archaeology (B – iii)
- LDF Policy DM7 - Biodiversity and Geodiversity Sites
- LDF CS EA3 - Biodiversity and Geodiversity

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

- SPD9 - Householder Developments
- SPD15 - East Boldon Conservation Area Management Plan - Adopted April 2009

On 4 March 2025, the Council was directed by the Secretary of State for the Ministry of Housing, Communities & Local Government to submit the South Tyneside Local Plan for examination by 12 March 2025 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Plan has now been submitted and is at the examination stage. Paragraph 49 of the National Planning Policy Framework (2024) states that local planning authorities may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the draft Local Plan is now at a more advanced stage of preparation, the weight that can be given to individual Policies in the Plan varies dependent upon the extent and nature of objections to those Policies. In this regard, it is considered that certain Policies can only be afforded very limited or limited weight whilst others can be afforded significant weight in assessing this planning application. Relevant Policies are as listed below (with text provided after each Policy regarding the weight that officers consider can be afforded to that Policy):

- Policy SP1: Presumption in favour of Sustainable Development (limited)
- Policy 1: Promoting Healthy Communities (limited)
- Policy SP24: Heritage Assets (limited)
- Policy 33: Biodiversity, Geodiversity and Ecological Networks (limited)
- Policy 43: Development Affecting Designated Heritage Assets (very limited)
- Policy 47 Design Principles (very limited)

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 / Design / Setting of Conservation Area
- Impact on Residential Amenity
- Impact on Trees

Impact on Visual Amenity / Design / Setting of Conservation Area

The proposal seeks consent to demolish the existing single storey side extension and replace this with a single storey side extension. This would extend to the boundary with no.5 Ashleigh Villas at the same width as the existing side extension, and would measure approximately 0.7 metres larger in depth. The side extension would measure approximately 3.4 metres at its tallest point, in comparison with approximately 2.7 metres height currently. Following the receipt of amendments, the front window is also proposed to be white painted timber. In terms of SPD9 householder design guidance, it is noted the side extension would measure less than half the width of the existing dwelling and would predominantly be located on the same footprint as the existing side extension. The proposed materials include red brick walling, artificial grey slate, and black rainwater goods and fascias. These materials and design are considered acceptable and this element of the proposal is considered to be acceptable in design terms.

The proposal also seeks consent to replace the front windows with white painted timber windows, and the side and rear windows and doors with white woodgrain uPVC windows, with a new first floor side window. It is noted the property is covered by an Article 4 direction which restricts any enlargement, improvement or other alteration of the property without planning permission. It was noted that partway through the assessment period of this application some of the side and rear windows had been replaced with uPVC equivalents. Having viewed these replacement windows, it is considered the uPVC replacements appear indistinguishable when compared to the timber windows when viewed from public vantage points to the front, side and rear. The proposed first floor side window is proposed to be partly obscurely glazed for reasons set out in the residential amenity section below. Concerns have been raised by a neighbouring property regarding the use of woodgrain effect uPVC in the property, as they were not permitted to use uPVC for their first floor conservatory.

The Historic Environment Officer has considered the change of some windows to uPVC noting the Article 4 direction was served with the preservation of the principal elevation in mind, and that although it would be preferable to remove all trace of uPVC from Conservation Areas, in this instance no objections have been raised by the Historic Environment Officer and as such the introduction of uPVC to the side and rear of the property is considered to be acceptable. The windows within the principal elevation would be replaced with white painted timber windows which is considered acceptable. Associated alterations and infill walling are also proposed to the existing garden room, which would become the proposed kitchen, and which are also considered acceptable.

It is considered that the design and scale of the proposed extensions and alterations to the building would not harm the visual amenities of the site's immediate environs or the character, appearance and historic significance of the East Boldon Conservation Area, in accordance with East Boldon Neighbourhood Plan policies EB3 (Design) and EB4 (Heritage Assets), policies DM1 (A & C) and DM6 of the South Tyneside LDF, and having regard to guidance in SPD9 and SPD15.

Impact on Residential Amenity

The proposed side extension element would replace a side extension in a similar location, albeit with it being taller (and as described earlier in this report). Concerns have been raised by the resident of no.5 Ashleigh Villas in respect of the roof of this side extension blocking light to the kitchen at no.5 Ashleigh Villas, as light currently "bounces off the gable end of No 4 through the rear glass door" to light up the kitchen, and that the proposal will block the only natural light through this kitchen door. The neighbouring property has also noted their right to enjoy natural light to their property under the Right of Light Act 1959 and have enjoyed uninterrupted light for 32 years and consider this would be infringed by the development.

Although the proposed side extension would measure approximately 0.8 metres taller than the existing side extension at its tallest point, it is considered that any such impact to this neighbouring kitchen would be minimal for several reasons. This door faces northwards and any sunlight impacts are already restricted, particularly as this door is bounded by the two storey rear offshoot / extension at the neighbour's property. Additionally, the boundary wall and subsequent two storey element at the application property is within a distance of approximately 2.3 metres of the boundary. It is therefore considered the additional impacts of the height increase for the proposed side extension in terms of sunlight / overshadowing are negligible, whilst the increased height in terms of outlook from this room is not considered to be significantly detrimental to warrant refusal of the application relative to the existing boundary wall and side extension.

Concerns have been raised regarding the proposed use of the side extension as a utility room and the smell of someone else's washing permeating the neighbouring property. This is considered to be a standard function of a residential property and one that cannot be afforded material weight in the decision making process. Concerns have also been raised showing a door to the rear of the proposed side extension, making it noisy and has requested the door is retained to the existing rear garden room instead. Any such noise akin to the use of the property for domestic purposes is considered to be acceptable and the re-siting of this door is not considered necessary.

The neighbouring property objects to the proposed side extension changing their property from a semi-detached house to a terraced house, and impacts on the structural integrity of their property. The neighbour also notes the wall proposed to be attached to is not a party wall and is within the ownership of themselves. These are not material planning considerations and physical works at or close to the boundary would be considered under the Party Wall Act,

separate from the granting of any planning permission, irrespective of whether this is a 'party wall' or not. Any physical attachment of the proposal to the neighbouring property is not considered to be unacceptable in planning terms. The neighbour has indicated that they would exercise their right to refuse works under the Party Wall Act procedure, and that would be a matter to be considered separately through that legislation. The agent has however also noted that the proposed works would not tie into the neighbour's property, as a new separate cavity wall would be constructed which would abut the adjoining property however would be located entirely on land within the applicant's ownership. In this regard the proposed side extension is considered acceptable in residential amenity terms.

In terms of the proposed replacement windows and doors, these would be in the same location as present and would not cause any adverse impact on residential properties relative to their existing positions. In terms of the proposed additional first floor side window, concerns have been raised by no.5 Ashleigh Villas in terms of overlooking to their ground floor W.C. room, as well as their first floor conservatory and front sitting room. This neighbour also considers that even if the window is obscurely glazed it could be opened and would allow for overlooking. In this regard it is suggested that such a window is obscurely glazed and non-opening to a height of 1.7 metres above the room floor level (in line with standard permitted development criteria for such a window), which the agent is agreeable to.

The Case Officer re-visited the site in August 2025 and it is noted this additional first floor side window had not been installed, however the two existing first floor side windows (for the bathroom and en-suite) had been amended in the same manner. In this regard the privacy implications to the neighbouring property should be improved compared with the existing situation. Therefore, subject to such a condition it is considered the proposed additional window would not adversely affect the privacy of this neighbour.

The adjoining property no.3 Ashleigh Villas, would not be affected by the proposal in terms of amenity or privacy, while the properties to the rear (north), situated on The Hawthorns, and front (south), situated on Gordon Drive are a significant distance away, and would not be affected by any element of the proposal.

It is concluded that the proposals subject to the above-mentioned condition concerning the new side elevation window, would not have any materially harmful impact on neighbouring residential amenity, and would be in accordance with East Boldon Neighbourhood Plan Policy EB3 (Design) and South Tyneside LDF Policy DM1 (B).

Impact on Trees

A tree is located within the rear garden and is protected by a Tree Preservation Order. Concerns have been raised by the neighbouring property as this is not indicated on the planning application form. However the Council's Tree Team were consulted on this application and have raised no objections to the proposed works. The design, scale and nature of the proposals, and their location relative to the position of this tree, are considered acceptable and would not harm the health of this tree, and would sufficiently convey sensitive consideration of the development's surroundings and protect the special character of the East Boldon Conservation Area, in accordance with East Boldon Neighbourhood Plan policies EB3 (Design) and EB4 (Heritage Assets), policies DM1 (A & C) and DM6 of the South Tyneside LDF, and having regard to guidance in SPD9 and SPD15.

Other matters

Concerns have been raised by the neighbouring property regarding the applicant not living in the property, allegations of previous neglect of the property and questioning the applicant's

motivations. Concerns have also been raised in relation to property values. None of these matters are relevant to the determination of this planning application.

The neighbouring property has requested the description of development is changed as they consider it to be misleading, as there is no single storey side extension to demolish and is little more than an outside space with a corrugated roof. The existing structure is physically attached to the side of the property and is therefore considered to be a side extension and no alteration to the description is considered necessary.

Concerns have been raised regarding asbestos being located in elements to be demolished. This is a construction matter and is not considered a material planning consideration.

Concerns have been raised regarding the site location plan submitted noting reference to no.5A Ashleigh Villas which no longer exists and potential confusion regarding the site's location, however it is clear that the application relates to no.4 Ashleigh Villas and there is no overlap between the submitted red line location plan and the Land Registry plan submitted by the neighbour relating to no.5 Ashleigh Villas.

Concerns have been raised by the neighbouring property in relation to the application form stating existing car parking arrangements would be unaffected, however this neighbour has noted the access to the garage of the application property is over the neighbouring property's land which has not been used for over five years and there is no legal right of way, only established access by years of use by the tenants of the application property. The neighbour considers works will affect existing car parking arrangements as it is the main access to the rear, apart from a narrow gate, of the property where most of this work will take place. However it is considered that if works are to be undertaken utilising such an access, this would be a private matter between the relevant parties, and notwithstanding this would be short term, limited to the construction period which is inevitable as part of most developments.

Comments relating to party walls and refusal to allow works raised by the neighbour would be addressed through the Party Wall Act process. In terms of right to light, and the Rights of Light Act 1959, this matter has been considered in the residential amenity section above where the development is considered to be acceptable in terms of outlook and general amenity from the neighbour's kitchen door. Notwithstanding this, if the neighbour considers a right to light under the Rights of Light Act 1959 exists to this door and would be infringed, this could be pursued by the neighbour via a solicitor separate from the granting of any planning permission.

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, and would preserve the character and appearance of the East Boldon Conservation Area, as well as being acceptable in terms of the residential amenity impacts to neighbouring properties and impact on trees.

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

Proposed Frontage Drg. No. 2 Rev. A received 02/12/2024
Proposed Site and Roof Plan received 28/05/2024
Proposed Site Plan Drg. No. 1 received 28/05/2024
Sash Window Details received 28/05/2024
UPVC Casement Window Technical Information received 28/05/2024

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 shall be as stated on Proposed Frontage Drg. No. 2 Rev. A received 02/12/2024. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity and the character and appearance of the East Boldon Conservation Area in accordance with South Tyneside LDF Development Management policies DM1 and DM6.

4 The additional first floor side window to be installed within the eastern side elevation of the dwelling facing no.5 Ashleigh Villas (as shown on Proposed Site Plan Drg. No. 1 received 28/05/2024) shall at its installation be obscurely glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

At all times thereafter this window shall remain obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room / landing in which the window is installed.

In the interests of the privacy of neighbouring 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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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 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.

Case officer: Nick Graham
Signed: N. Graham
Date: 02/10/2025

Authorised Signatory: G.Horsman
Date: 03/10/2025