South Tyneside Council

Reference:	ST/0368/24/HFUL
Location:	1 Carnoustie Drive South Shields NE34 8BN
Ward:	Cleadon Park
Description:	Conversion of Garage into Study including removal of garage door, bricking up and insertion of window; Raised flat roof over Garage/ Utility area to accommodate new head height/ insulation; Terrace/ Balcony/ Balustrade to rear elevation above existing flat roof. Amendments to existing openings within rear elevation.
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Casey Scott
Case Officer Contact No.:	0191 4246780 or 07442 655446

Description of the Site

This application relates to 1 Carnoustie Drive, South Shields which is a detached property located within South Shields. The application site, a corner property is located on the junction with Carnoustie Drive to the north and to Sunderland Road to the east. To the south of the property is a public bridleway and beyond, agricultural fields located within the designated Green Belt. The majority of the application property and the proposed development is located outside of the Green Belt, but a small part of the rear garden falls within in the boundaries of the Green Belt.

Description of the Proposal

This application seeks full planning permission for works to convert the garage into a study – removing the existing garage door, bricking up the opening and inserting a new window, raise the roof over the garage / utility area to accommodate new head height, incorporating insulation, internally enlarged the bathroom at first floor level and insert a new double patio door leading to a new balcony on the rear elevation of the property with a balustrade. Further amendments to an existing rear window at first floor level are also proposed, increasing the size of the existing window.

The materials proposed for the development are fair faced brickwork to match the existing property, with a single ply membrane to the single storey elements / garage roof. The openings proposed are for uPVC double glazing to match the existing on the building and a glazed balustrade around the balcony.

During the course of the application, amended plans have been submitted that include an increase height balustrade to the east and west elevations of the balcony. This increases the height on these elevations from 1.15m to a maximum height of 1.8m. The amended plans demonstrate the glass balustrade to be obscured glazed, and the bathroom rear elevation window to also be obscured glazed. Following receipt of amended plans, re-notification letters were issued in accordance with the Council's SCI. It should also be noted that the application description has also been subsequently revised in agreement with the applicant to better reflect the proposals.

Relevant Planning History

The planning history of the site is as follows:

ST/791/79/DM – Permission granted for extension to dwelling house to provide additional bedroom and bathroom facilities – Granted Permission.

Summary of Consultation Responses

No consultees required.

Summary of Representations

2no. representations have been received in objection to the proposal, both from 399 Sunderland Road, South Shields. The issues raised are summarised as follows:

First objection

- Loss of privacy – I live in a bungalow and this first-floor balcony area will look down directly into my bedroom and the other rooms in my house. I object to having my privacy violated in this manner.

Second objection

- Loss of privacy on two accounts –
  1. The proposed development will mean that our smaller bungalow will be directly overlooked by the proposed terrace and veranda due to two bedrooms that are directly in the line of sight. This is an unacceptable loss of amenity to our property.
  2. The proposals are also to put full height double opening / sliding doors out of the bathroom to a proposed terrace. Even if the doors are frosted glass there is nothing to prevent someone showering or bathing with the door open in full view of our windows, front garden and the entire street. This is an unacceptable loss of amenity to our property and an intrusion into our privacy.

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 of 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) 2011and the Site Specific Allocations Development Plan Document DPD 2012.

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

- LDF Policy DM1 (A, B, G)
- Core Strategy EA1 – Local Character and Distinctiveness
- Core Strategy EA3 – Biodiversity and Geodiversity

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 41 - Green Belt
- 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:

- Principle of the Development and Impact on Green Belt
- Impact on Visual Amenity
- Impact on Residential Amenity
- Highway Safety

Principle of the Development and Impact on Green Belt

On the adopted South Tyneside Local Development Framework (LDF) Site Specific Allocations proposals map, the application site is partially located within Green Belt – a section of the rear garden. LDF Core Strategy Policy EA1 seeks to conserve the best qualities of South Tyneside's built and natural environment with Criterion B stating the need for the Council to protect and enhance the openness of the Green Belt.

Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt policy, as set out in Paragraph 143 of the NPPF, is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 152 of the NPPF states that inappropriate development, by definition, harmful to the Green Blet and should not be approved except in very special circumstances.

Paragraph 154 of the NPPF outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, unless it can meet one of the seven exceptions. Part (c) sets out the exception of *'extension or alteration of a building provided it does not result in disproportionate additions over and over the size of the original building.'*

Part of the rear garden to the south of the application property falls within the boundaries of the Green Belt. The proposed development is for minor amendments to the existing garage and single storey rear extension and a balcony above this existing part of the building – the footprint of the property would not be extended as part of this application. No part of the proposed development would fall within the Green Belt boundary.

As a result, the proposed development would not result in unacceptable development within the Green Belt and the proposal can be considered acceptable in accordance with the NPPF and LDF Policy EA1 with regard to Green Belt.

Impact on Visual Amenity

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

The proposal seeks permission for the conversion of the garage into a study area, the garage door is to be replaced with a new upvc opening and brick walls. The roof height of the garage and single storey rear part of the property would be increased marginally, from 2.87m to 3.08m to the ridge of the flat roof. It is considered that the proposed works would not result in an unacceptable negative impact on the visual amenity to the property or result in harm to the appearance and character of the property within the wider context of the street scene.

To the rear, the opening from the bathroom would be enlarged to accommodate access onto the new proposed balcony at first floor level. The existing window is proposed to be replaced with full length doors to access the balcony, which would be obscurely glazed as indicated on the proposed plans. Around the perimeter of the proposed balcony would be a glass balustrade that would be to a height of 1.8m (at its maximum) stepping down to a height of 1.15m to the east and west and 1.15m height to the south elevation of the balcony, this is also proposed to be constructed using obscure glass.

It is acknowledged that due to the open aspect of the property from Sunderland Road due to the location of the public bridleway and agricultural fields, that the rear elevation of the property and the location of the proposed balcony would be visible. However, the development would be seen within the context of the existing built form and through the use of appropriate materials and the slim profile of the proposed balustrade, the balcony would not appear as an unacceptable of incongruous addition to the rear elevation.

The proposed balcony and doors 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. A condition is recommended in respect of materials, to ensure the development in undertaken in accordance with details submitted.

A further window at first floor level would also be enlarged from existing. It is considered that within the context of the existing property that the scale and proportions of this would be acceptable.

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.

Paragraph 10.2 of SPD 9 sets out that 'balconies can often cause problems of overlooking, and those features that would unreasonably affect the amenities of neighbouring residents by way of loss of privacy will not be considered favourably'.

The application as originally submitted proposed a balustrade around the balcony to a maximum height of 1.15m around all elevations. Concerns were raised with the applicant regarding loss of privacy to the neighbouring property to the west no. 3 Carnoustie Drive, through overlooking.

As such, amended plans have been received that introduce a higher balustrade to the sides of the balcony, to the east and west elevations to a maximum height of 1.8m, where the balustrade meets with the rear elevation of the property. This height tapers down to a height of 1.15m to the south elevation, and all elevation of the glass balustrade would be constructed using obscure glazing. It is considered that this amendment is sufficient to ensure the proposed development would not lead to a loss of privacy to the adjacent neighbour, no. 3 Carnoustie Drive through overlooking towards the rear elevation habitable room windows of the property. Views would be afforded towards the rear garden area of the property above the 1.15m high balustrade to the south and along the lower section of the side balustrade, however views are currently afforded towards the rear garden from existing openings within the rear elevation of the application site. It is therefore considered that the proposal would not result in an unacceptable level of overlooking above that currently experienced to warrant the refusal of the application.

From the re-consultation period, two objections have been received from the occupiers of no. 399 Sunderland Road to the east of the application site. These representations both raise concerns that the proposed balcony would lead to a loss of privacy and allow direct overlooking into their property and into their windows, as set out earlier in the report.

One objection also raises concerns that the development allows for full height double doors out the bathroom onto the proposed balcony. As such, this may allow onlookers to see into the property (into the bathroom). As part of the application process, amended plans have been received that show that this window would be obscure glazed, and a condition has been recommended to ensure the installation and retention of this form of glazing. Furthermore, the amended plans, as detailed above, identify the installation of a 1.8m - 1.15m high balustrade to the east elevation that would be obscurely glazed.

As such, whilst it is considered that the balcony may allow for additional visibility towards the south-east at 399 Sunderland Road, the separation distances from the proposed balcony to the boundary of 399 Sunderland Road measures approximately 35m, and 42m to the closest opening on the front of this property. As a result of these separation distances, including intervening highway, it is considered that the resulting development would not allow for direct overlooking into the habitable windows of the property. This is assisted by the 1.8m -1.15m obscure glazed balustrade on the east elevation, which would provide a degree of screening.

Having regard to the above, it is considered that the proposed development would not result in an unacceptable negative impact in terms of residential amenity to the neighbouring properties and is considered to be in accordance with LDF Policy DM1 (B) and SPD 9.

Highway Safety

Included as part of the proposal, is the conversion of the existing garage into a study. Whilst the garage for purposes of the parking a vehicle (or opportunity to) would be lost as part of the development, the existing driveway would be retained for parking of a vehicle off the highway.

As such this part of the development has been assessed and it is considered that the development would not result in a negative impact on Highway Safety, in accordance with Policy DM1 (G) and SPD 6.

Other Matters

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.

Conclusion

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 openness of the designated green belt, the residential amenity of any neighbouring properties or 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:

Drg no. ST/PL/0v0187/001 Existing and Proposed Site and Block Plans – received 10.06.2024.
Drg no. ST/PL/0187v01/004 Proposed Plans Revision A – received 22.07.2024
Drg no. ST/PL/0v0187/005 Proposed Elevations Revision B – received 08.08.2024

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 materials for the development hereby permitted shall be those as stated on the following plan: drg no. ST/PL/0v0187/005 Proposed Elevations Revision B – received 08.08.2024

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 Prior to the first use of the balcony hereby permitted, the obscure glazed balustrade (privacy screen) as detailed on drg no. ST/PL/0v0187/005 Proposed Elevations Revision B – received 08.08.2024 shall be installed and thereafter maintained and retained in perputity, to the reasonable satisfaction of the local planning authorty.

To safeguard the residential amenity and privacy of neighbouring occupiers, in accordance with South Tyneside LDF Development Management Policy DM1(B).

5 The proposed double-glazed doors at first floor level situated within the rear elevation of the property shall be obscurely glazed and retained as such, as detailed on drg no. ST/PL/0v0187/005 Proposed Elevations Revision B – received 08.08.2024.

To safeguard existing privacy standards, in the interests of protecting the residential amenities of neighbouring occupiers in accordance with South Tyneside LDF Development Management Policy DM1.

Informatives

01. 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

02. 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).

Case officer: Casey Scott

Signed: C.Scott

Date: 14.08.2024

Authorised Signatory: Helen Lynch

Date 14/08/2024