South Tyneside Council

Reference:	ST/0427/24/HFUL
Location:	16 Whitburn Road Cleadon SR6 7QP
Ward:	Cleadon and East Boldon
Description:	Retrospective application for single storey rear extension
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Drewe Russell
Case Officer Contact No.:	0191 4247445 or 07765649865

Description of the Proposal

This application relates to a retrospective application for a single storey rear extension. The extension projects 3.5 metres and has a width of 12 metres. It is clad in white render to match the existing property materials and incorporates a flat roof.

It has windows and doors to the rear.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 14/08/2024.

N/A

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

- LDF Policy DM1 (A, B, G)
- LDF Policy DM6

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

- Supplementary Planning Document 6 (Parking Standards)
- Supplementary Planning Document 9 (Householder Development)
- Supplementary Planning Document 14 (Cleadon Conservation Area Management Plan)

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 and the Cleadon Conservation Area
- Impact on Residential Amenity
- Highway Safety

Impact on Visual Amenity and the Cleadon Conservation Area

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

The proposed development is of an acceptable scale and massing having regard to the existing host property and to the surrounding area. Whilst the projection of 3.5m is greater than that as set out in the guidance contained within SPD9, given the large rear garden, this is deemed to be acceptable in design terms.

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

LDF Policy DM6 seeks to preserve the historic, cultural and architectural character and heritage, visual appearance and contextual importance of our heritage assets and their settings. The property is located within Cleadon Conservation Area but due to the proposal's location to the rear of the property, the extension is not visible from the streetscene and as such would not impact the visual amenity of the conservation 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) and DM6.

Impact on Residential Amenity

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

The proposal is located on the boundary with 18 Whitburn Road and projects greater than the recommended guidance for semi-detached properties rear extensions of 3 metres as set out in SPD9. However, it is deemed that the extra 0.5m extension does not result in significant residential harm to that property as the extension is located 3.7m from the neighbouring property's side elevation.

The proposal does not result in significant residential amenity harm to 14 Whitburn Road as it is located 1.7m from the common boundary and does not project beyond the rear elevation of this property.

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 shall be carried out in accordance with the approved plan(s) as detailed below

Existing and Proposed Plans received 10.07.24
Proposed Site and Roof Plan received 10.07.24

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.

2 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).

Case officer: Drewe Russell

Signed: DR

Date: 16.08.2024

Authorised Signatory: Seán Gallagher

Date: 20/08/2024