South Tyneside Council

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| **Reference:** | ST/0485/24/HFUL |
| **Location:** | 43 Cauldwell Villas<br>South Shields<br>NE34 0SX |
| **Ward:** | West Park |
| **Description:** | Demolish existing single storey rear conservatory. Construct new single storey rear sun lounge extension with flat roof and pitched glazed roof lantern |
| **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 43 Cauldwell Villas a semi-detached property located in South Shields. The property is a two storey semi detached property. To the rear there is a single storey rear extension with a conservatory beyond, which was granted planning permission in 2005 (see below).

## Description of the Proposal

This application seeks full householder planning permission to demolish the existing single storey rear conservatory and to construct a new single storey rear sun lounge extension with a flat roof and a pitched glazed roof lantern.

## Relevant Planning History

ST/0096/05//DM
Proposed single storey extension to rear elevation and erection of conservatory to rear elevation.
Grant Permission with Conditions - 13/04/2005

## Summary of Consultation Responses

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 South Shields Town Centre & Waterfront 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.

It is noted that the proposal would not comply with the guidance set out within SP9 for single storey rear extensions due to the proposals projection of 4m which is greater than the guidance recommends (3m). Additionally, it would be attached to the existing rear extension to the host property to give a total extension of 8m. However, the majority of properties on Cauldwell Villas have multiple extensions in a similar style including the two neighbouring properties and as such, combined with the substantial garden length, this is considered to 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.

The proposed extension would be located adjacent to the boundary with the adjoining neighbour, No. 45 Cauldwell Villas and would project 1.5m beyond the rear elevation of that property's rear extension. Given this modest projection there would be no significant harm to the residential amenity of that property.

The proposed extension would be set 1.4m from the shared boundary with No. 41 Cauldwell Villas and 2.8m from that property itself. That property has a single storey extension to its rear and the rear extension would project approximately 0.6m beyond the rear building line of that extension. Given the limited additional projection and the aforementioned separation distance, it is considered that there would be no significant harm to the residential amenity of that 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 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 Plans and Elevations Drg No 0795-0579-626 received 08.08.24
Proposed Rear Plan Drg No 1 received 08.08.24
Proposed Site and Roof Plan received 08.08.24

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 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

**Case officer: Drewe Russell**

**Signed:** **DR**

**Date**: 10/09/2024

**Authorised Signatory: Seán Gallagher**

**Date**: 10/09/2024