



South Tyneside Council

Reference:	ST/0531/24/HFUL
Location:	29 Whitburn Road Cleadon SR6 7QP
Ward:	Cleadon and East Boldon
Description:	Extension of bungalow by adding additional storey
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Description of the Site and proposal

The application site consists of a detached bungalow on Whitburn Road, Cleadon, finished in white render with a grey tiled roof, and has been extended several times in the past. The site is accessed via a shared access to the west of no. 27 Whitburn Road, which also provides access to no. 31 Whitburn Road. The dwelling forms an 'L' shape, with a detached garage sited to the north of the dwelling. The dwelling lies within a residential area, with the immediate neighbours to the west and north. (nos. 23, 25, 27 and 31 Whitburn Road). The site lies within the Cleadon Conservation Area.

Planning permission is sought for the erection of a 1st floor extension to the existing dwelling to form an additional storey. The proposed extension would increase the ridge height of the dwelling by approximately 2.2 metres. Externally materials to match the existing dwelling would be utilised. Internally the dwelling would be reordered to provide 4 bedrooms, 2 ensuites and a bathroom to the 1st floor and 1 bedroom with dressing room and ensuite to the 2nd floor roofspace.

Relevant Planning History

The planning history of the site is as follows:

ST/0597/23/HFUL Retention of detached garage. Approved 10/11/2023

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 24/12/2024.

Countryside: The building was assessed internally and externally by a suitably qualified professional during a survey on the 7th November 2024. The report concluded that the building

was of low suitability to support roosting bats however a further survey was not recommended as the ecologist believes the risks can be suitably mitigated for by soft stripping of the area of greatest risk of bat presence which is around the dormer window. A method statement for this process is included in Appendix B and must be provided to all contractors. I have included additional informatives for both bats and birds below due to the residual risk to both.

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.

Summary of Representations

1 no. representations have been received in objection to the proposal. The issues raised are summarised as follows:

21a Whitburn Road, Cleadon

The proposal is described as “Extension of bungalow by adding an additional storey “

The property is currently not a bungalow but a property of two stories and the proposal is to increase the building in height by almost two and a half metres with a further storey. Overall we have no concerns regarding any improvements proposed but do however object to the increase in height and would site overlooking, overshadowing, privacy and daylight and sunlight.

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 and a Development Management Policies Development Plan Document (DPD) 2011.

The following policies of the LDF are relevant to this planning application:

- DM1 - Management of Development (A & B)
- DM6 - Heritage Assets and Archaeology
- DM7 - Biodiversity and Geodiversity Sites

The following LDF Supplementary Planning Document (SPD) guidance is also relevant to this planning application:

- SPD9 - Householder Developments
- SPD14 - Cleadon Conservation Area Management Plan - Adopted April 2009

Although the Publication draft South Tyneside Local Plan is now at a more advanced stage of preparation having been subject to two statutory consultation periods, Borough Council decided on 5 September 2024 not to endorse submission of the Local Plan to the Secretary of State for Examination. As such only negligible weight can be afforded to relevant policies at this time and less weight than would have been afforded in the period between completion

of the Regulation 19 consultation in March 2024 and prior to Borough Council's decision. For this reason, the report does not seek to identify specific policies from this Plan.

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

Visual Amenity

The proposed development site is within the Cleadon Conservation Area; therefore regard must be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to assess the impact on the character, appearance and significance of the designated heritage asset.

There is a Conservation Area Management Plan for Cleadon (SPD 14). The site is located within character area 3 (Cleadon Plantation) which is described as a landscaped 'Garden Suburb' estate during its formative years at the turn of the Nineteenth and Twentieth Centuries. Its character is dominated by a collection of fine Victorian and Edwardian detached houses set in large gardens that came together into what would have been perceived as a large landscaped estate. The extensive use of large gables, slate, decorative timber details, tall chimney stacks and warm red bricks provides a comfortable yet robust appearance to the area. The streets are predominantly tree lined with hedges and mature gardens that occasionally make them look like country lanes. Surviving features, such as working gas lights, enrich the remarkable character of the Plantation.

Later inter and post war phases of development tended to introduce a greater density of housing and, although generally of good quality with attractive examples of period styles, this has diminished the original layout approach established in the early Twentieth Century. Some recent designs are, however, of limited quality and there is increasing pressure to sub-divide the larger gardens into smaller building plots. This has resulted in a loss of landscape, an imbalance in the historic spatial relationship between built development and ancillary garden space, reduced the quality of the setting of the houses, compromised the design approach that underpins the philosophy of the 'Garden Suburb' movement and introduced openings into hedge lines.

NPPF parts 12 and 16 advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.

Policy DM1(A) requires extensions and alterations to an existing dwellinghouse to convey sensitive consideration to its surroundings; and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

Policy DM6 supports development that makes a positive contribution towards the conservation and enhancement of the historic environment.

SPD9 (House Holder Developments) of the South Tyneside LDF provides guidance in respect of householder developments.

SPD14 sets out principles for development which states that the Council will only permit development in, or affecting the setting of, Cleadon Conservation Area that protects, preserves and where possible enhances its character or appearance.

Objection has been made in respect of the proposed increase in height of the dwelling. The dwelling is not readily visible from public viewpoints given the sites backland location. A public right of way runs along the eastern boundary of the application site which allows glimpses of the southern and eastern elevations of the dwelling. The proposed extension would feature materials that would match the existing locality. The use of a dormer to provide roofspace in the southern elevation is noted, however dormers are a common feature in the surrounding area, and given their material treatment, would not be unduly prominent in this instance. The host dwelling has a generous curtilage, it is considered that the extension would not be detrimental to the street scene, nor be to the detriment of the character of appearance of the wider conservation area as the tree lined street, identified as one of the main characteristics of the Plantation Character Area, would remain unchanged by the proposal.

Given the above and having regards to S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the design and scale of the proposed extension to the dwelling would not harm the visual amenities of the site's immediate environs or the character, appearance and historic significance of the Cleadon Conservation Area. The design, scale and nature of the proposals are considered to sufficiently convey sensitive consideration of its surroundings and protect the special character of the Cleadon Conservation Area, in accordance with LDF policies DM1 (A) and DM6 of the South Tyneside LDF, and having regard to guidance in SPD9 and SPD14.

Residential Amenity

Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured. In line with this, Policy DM1(B) of the South Tyneside LDF seeks to protect residential amenity of neighbours from harmful impacts from development.

Comments have been received on behalf of the occupier of 21a Whitburn Road which is the neighbouring property to the northeast. The concerns raised state that the extension would cause overlooking, overshadowing, a loss of privacy and a loss of daylight and sunlight. The northern elevation of the dwelling and proposed extension (as no increase in the footprint is proposed) is sited approximately 20 metres from the rear elevation of no. 21a. There is an approximately 2 metre high hedge on the shared boundary with the application site and no. 21a. As such the upper portion of the dwelling is already visible. It is acknowledged that the dwelling with the extensions would be more visible from no. 21a but given the separation distance between the rear of no. 21a and the application site, this is considered to be sufficient to not result in any unacceptable overbearing / overdominance impacts to no. 21a Whitburn Road (or any other neighbour).

In terms of overshadowing impacts, given the orientation of the properties, as the adjoining objectors dwelling lies to the northeast of the application site, and as the sun rises in the east and moves westwards during the day, by mid-day in the winter the dwelling will cast a shadow over part of no. 21a's rear garden. The extensions would marginally increase overshadowing to the rear garden of no. 21a during the afternoon, however it is considered that this would not be to such a significant further level or sustained period to have an adverse or harmful impact on the attached neighbour. SPD9 states that the overshadowing of outdoor spaces is given less weight than impact within the dwelling. Where the affected space is part of a small plot land/or the overshadowing removes the only area of sunlight a space receives, this may be

given increased weight. A large proportion of the rear garden of no. 21a would be unaffected by overshadowing from the proposed development given its approx. 15 metre width and substantial depth of approx. 38 metres. It is therefore considered on balance, the occupiers of no. 21a Whitburn Road (or any other neighbour) would not be significantly adversely impacted in terms of loss of overshadowing (to the extent that planning permission should be refused).

The proposed extension would introduce windows to the western elevation looking towards 31 Whitburn Road. These windows would serve a bedroom to the 1st floor and a dressing room and ensuite to the 2nd floor. No. 31 Whitburn Road is set behind the front building line of the application site, and as such there would be no direct line of sight between the proposed windows and habitable room windows in the eastern gable of no. 31 Whitburn Road. It is therefore considered on balance, the occupiers of no. 31 Whitburn Road (or any other neighbour) would not be significantly adversely impacted (to the extent that planning permission should be refused) in terms of loss of privacy, outlook or overdominance.

Sufficient useable amenity space would be retained to the host dwelling.

Overall, it is not considered that the proposal has any potential to materially harm the residential amenity of any neighbouring occupier. Therefore, the proposed development is considered to be in accordance with Policy DM1 (B), while having regard to the principles set out in SPD 9.

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.

It is considered that in the site circumstances and context of this particular case that the proposal would be in accordance with Local Development Framework (LDF) Policy DM1 (A, and B), and the design guidance in Supplementary Planning Document (SPD) 9 'Householder Developments'. The proposal would also be in accordance LDF Policy DM6 and guidance in SPD14 'Cleaton Conservation Area Management Plan'. Having regard to all other material planning considerations, it is considered that the proposal would be an acceptable form of development, subject to the conditions listed below.

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 119124- 01 Rev P1 received 05/09/2024

Existing and Proposed Roof and Site Plans Drg. No. 119124- 02 Rev P1 received 05/09/2024

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 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 Policy DM1.

4. The development hereby approved shall be carried out in full accordance with the working method statement set out within appendix B of the Preliminary Bat Roost Assessment, 29 Whitburn Road, Cleadon by A1 Ecology Ltd received 12/11/2024.

To mitigate construction impacts upon ecology in accordance South Tyneside LDF Policy DM7.

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. **Bat Informative**

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 a bat or signs of 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.

Natural England Bat Advice Line: 0345 1300 228

3. **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.

4. 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

Case officer: Adam Williamson

Date: 07/01/2025

Authorised Signatory: *G. Simmonette*

Date: 07/01/2025