South Tyneside Council

Reference:	ST/0537/24/HFUL
Location:	15 Central Avenue Whitburn SR6 7LB
Ward:	Whitburn and Marsden
Description:	Single Storey Rear Extension
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Emma Thomas
Case Officer Contact No.:	0191 4247593 or 07741105284

Description of the Site

This application relates to a south facing semi-detached dwellinghouse in Whitburn.

Description of the Proposal

This application seeks full householder planning permission for a single storey rear extension.

Relevant Planning History

The planning history of the site is as follows:

Reference: ST/0444/23/VC
Description: Application under Section 73 of the Town & Country Planning Act 1990 to vary Condition 2, Approved Plans, of ST/0617/20/HFUL to add a rear window.
Decision: Grant Permission with Conditions
Date: 13/09/2023

Reference: ST/0161/23/NMA
Description: Application for Non-Material Amendment in relation to approved Planning Application ST/0617/20/HFUL that granted a first floor extension and dormer loft conversion. Amendment now sought to omit plinth design at base of the proposed dormer extension (to continue vertically above the existing brickwork up to roof level (flat roof) of the dormer. To add one window into the newly constructed bathroom.
Decision: Refuse Non-Material Change
Date: 25/04/2023

Reference: ST/0617/20/HFUL
Description: First floor extension and dormer loft conversion.
Decision: Grant Permission Householder with Conditions
Date: 27/07/2021

Summary of Consultation Responses

No responses were received in response to the statutory consultation period which ended on 01/10/2024.

Summary of Representations

1 no. representation has been received in objection to the proposal. The issues raised are summarised as follows

- No project plan has been provided so we have no idea of the time that would be involved. Prolonged exterior and interior renovations have already caused considerable noise and dust which has seriously affected the enjoyment and privacy of our garden
- Builders would need access to our property for some of the work
- The proposed extension may block natural light to our property. Due to very close proximity to our kitchen window, construction work would significantly infringe on our peace and privacy
- Possible subsidence issues. Excavation for foundations could disturb our foundations
- Our domestic waste water pipe would be underneath the proposed construction which could mean further problems e.g. it could be blocked for periods of time during construction
- The uninterrupted view we have enjoyed would be significantly impacted
- Proposed construction so close to our kitchen window could affect the value of our property

Officer comment
The construction process, access to the neighbour's property, loss of view and value depreciation of the property are not material planning considerations. Subsidence issues and water pipes would be matters dealt with under the building regulations.

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

The following policies of the Whitburn Neighbourhood Plan are relevant to this planning application:

- WNP Policy WNP2: Whitburn Design Guidelines (B & C)

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

- LDF Policy DM1 (A and B)

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

- Supplementary Planning Document 9 (Householder Development)

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.

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

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 acceptable.

The proposed rear extension would be located behind the existing dining room and would not be visible from within the public realm along Central Avenue. Therefore it is considered to be acceptable and would not have a detrimental impact on the existing dwelling and street scene.

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 attached neighbour (no. 13 Central Avenue) has commented that the proposal may block natural light to their property due to the very close proximity to the kitchen window and the proposed extension would significantly impact the uninterrupted view they have.

No. 13 Central Avenue is the attached neighbour located east of the applicant property and both rear elevations face south. The proposed rear extension at no. 15 Central Avenue would project 3m from the rear elevation of the main dwelling closest to the attached neighbour and be set back 0.25m from the side boundary shared with no. 13. Although the rear extension would project a further 2m into the rear garden, this would be set back 3m

from the side boundary shared with no. 13. Furthermore the side elevation would not host any windows.

Although the proposal may create some tunnelling to the kitchen window of no. 13, it is not considered substantial enough to warrant refusal of this application, particularly as the conservatory would be set back 0.25m from the shared boundary and 3m from the rear elevation. On balance, the proposal is considered to be acceptable in terms of loss of outlook or privacy, or through over dominance and /or overshadowing.

Given the nature of the development, it is not considered that the development results in harm to the amenity of surrounding residents; therefore it is not considered harmful to the amenity of residents to warrant a reason of refusal to this application. The proposals are therefore considered to accord with LDF Policy DM1 (B) and SPD 9.

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).

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

- Drg. No. C63b - Existing and Proposed Elevations – Received 06/09/2024
- Drg. No. C63a - Proposed Ground Floor – Received 06/09/2024

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 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).

Case officer: Emma Thomas
Signed: Emma Thomas
Date: 29/10/2024

Authorised Signatory: Seán Gallagher
Date: 29/10/2024