South Tyneside Council

Reference:	ST/0651/24/HFUL
Location:	31 Marina Drive South Shields NE33 2NH
Ward:	Beacon and Bents
Description:	Demolish existing detached garage. Construct new detached garage to rear boundary with 2no rooflights. Construct single storey side/rear kitchen/dining and utility room. Part demolish front boundary wall, reduce ground levels and provide porous surfacing to front garden area
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Nick Graham
Case Officer Contact No.:	0191 4247427 or 07741108995

Description of the site and proposal

This application relates to a semi-detached dwelling within a residential area of South Shields. The site is bounded by residential properties to the north-west and south-east, with the highway to the south-west and a rear lane to the north-east, and residential properties beyond both. It is noted there are levels changes to neighbouring properties at 29 and 33 Marina Drive, with 33 Marina Drive set down from levels of the application property.

This application seeks permission to demolish the existing detached garage to the rear of the property and erect a new detached garage, and to erect a single storey side and rear extension. Following amendments to the application, it is also proposed to part demolish the front boundary wall, and to reduce the ground levels and surface the front garden area to provide a driveway.

Neighbours and the Highway Authority were re-notified twice for amended plans in relation to the detached garage and front driveway elements, and in line with the Council's Statement of Community Involvement (SCI). The application description was also amended to reflect the boundary wall would only be part demolished; neighbours were not re-notified of this given the lesser development proposed.

Relevant Planning History

No relevant planning history.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 03/03/2025.

Highway Authority
The amended Site / Roof Plan-Rev 'B' satisfactorily addresses previous comments made and the scheme is considered acceptable, providing the parking and access arrangements are constructed as detailed, with a condition recommended relating to the vehicular access being constructed in advance of first use of the driveway, and informatives in relation to the construction of the new vehicular crossing point and no storage of building materials on the highway.

Case Officer note: Comments relate to final amended proposal.

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 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)

On 4 March 2025, the Council was directed by the Secretary of State for the Ministry of Housing, Communities & Local Government to submit the South Tyneside Local Plan for examination by 12 March 2025 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Plan has now been submitted and is at the examination stage. Paragraph 49 of the National Planning Policy Framework (2024) states that local planning authorities may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the draft Local Plan is now at a more advanced stage of preparation, it is considered that the Policies in the Plan cannot be afforded significant weight. The following Policies, whilst not appraised in detail in the assessment, are considered relevant:

• 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
- Impact on Highway Safety

Impact on Visual Amenity

LDF Policy DM1 (A) seeks to preserve visual amenity. The proposed side and rear extension 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.

The proposed detached garage would also be constructed from matching materials to the main dwelling, asides from the dark grey fibreglass roof and sliding timber doors. The proposed porous resin block paving to the existing front garden area is also considered acceptable in visual amenity terms.

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), subject to a condition requiring the materials used to be those as detailed on the submitted plans.

Impact on Residential Amenity

LDF Policy DM1 (B) seeks to preserve residential amenity. SPD 9 sets out guidelines for householder developments. The proposed side and rear extension would extend approximately 2.1 metres from the rear elevation of the property (and in line with the existing rear extension), and 1.4 metres from the side elevation of the property (and in line with the existing side offshoot), effectively squaring off the development and with a new roof across the entirety of the rear and side elements including the existing built development and a maximum height of approximately 4.1 metres. Given the existing built development and position of neighbouring properties' closest habitable room windows, it is not considered the rear and side extension would adversely impact on the amenity or outlook from these windows, or cause significant overshadowing effects to these neighbours.

In relation to the detached garage to the rear of the garden, although this would measure approximately four metres in height, given its size and positioning, it is not considered

detrimental residential amenity impacts would occur to neighbouring properties' habitable room windows. Limited overshadowing would occur to some parts of the garden area of 33 Marina Drive and this neighbour is set at a lower land level than the application property. However this is not considered to be significantly detrimental to warrant refusal whilst it is also noted an outbuilding of 2.5 metres in height could be constructed without planning permission, and garages of a similar size are located to the rear gardens of other properties at Marina Drive. SPD9 also states the overshadowing of outdoor spaces is given less weight than impact within the dwelling, and it is noted the rear gardens of properties at Marina Drive are approximately 15 metres in length from the original rear elevation of these properties. The paving of the front garden is not considered to cause amenity issues to neighbours.

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. The existing property does not have a driveway and following amendments to the proposal, would result in a part demolition of the boundary wall and the creation of hardstanding to the front of the property. The Highway Authority has been consulted on the amended scheme and considers the proposal as acceptable, subject to a planning condition requiring the vehicular access is constructed prior to the first use of the driveway area, and that the boundary wall does not exceed 3.5 metres in width.

Notwithstanding this, it is noted the paving of the front garden area with a porous material, and the installation of a dropped kerb (as the highway is an unclassified road), does not require planning permission. In this regard, it is not considered a planning condition would be reasonable in this instance. Approval would however be required from the Highway Authority in relation to the dropped kerb itself and an informative is recommended in this regard, along with an informative reminder to not store building materials on the highway. The amended garage position is considered to be acceptable in terms of its set back distance and intervisibility splays adjacent to the rear lane.

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, subject to the conditions as suggested.

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 Drg. No. 0750-8566-181 received 25/10/2024
Existing and Proposed Elevations Drg. No. 1 Rev. B received 12/02/2025
Proposed Site and Roof Plan Rev. A received 12/02/2025

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, asides from the detached garage which shall have dark grey fibreglass roof and timber doors.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1 (A).

Informatives

1 UNIQUE NOTE TO APPLICANT

Your attention is drawn to the Party Wall Etc. Act 1996, which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.

The Act is separate from obtaining planning permission or building regulations approval and you can find out more about it at:
https://www.gov.uk/party-wall-etc-act-1996-guidance

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).

3 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

4 Construction of new vehicle crossing point (S184)

You should note that the construction of a new vehicle crossing point is required. To arrange the access construction works (and to make good any damage or other works to the existing footpath or verge) please refer to https://www.southtyneside.gov.uk/article/38198/Dropped-kerbs-and-crossovers / email: Highways@SouthTyneside.gov.uk / or call: 0191 427 7000 for further information.

5 Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed in writing. You are advised to contact Highways@SouthTyneside.gov.uk for Skips and Containers licences.

Case officer: Nick Graham
Signed: N. Graham
Date: 21/03/2025

Authorised Signatory: *G. Simmonette*
Date: 21/03/2025