South Tyneside Council

Reference:	ST/0695/24/FUL
Location:	15 Long Row South Shields NE33 1JA
Ward:	Beacon and Bents
Description:	First floor external balcony with galvanised steel guardrail and galvanised steel support posts
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Nick Graham
Case Officer Contact No.:	0191 4247427 or 07741108995

Description of the Site

This application relates to a flat in a three storey block of flats in the established residential area of South Shields' river front. The River Tyne lies approximately 10m to the west. The principal (front) elevation of the block of flats faces to the northwest. To the southwestern elevation there are projections at first and second floor level containing Juliet balconies and balconies. To the north of the block of flats lies an infilled dock covered by a group of bushes.

Description of the Proposal

This application seeks planning permission to construct a balcony at first floor level to the southwestern elevation at 15 Long Row which is within an apartment block. The proposed balcony would project 1.7 metres from the south western face of the building, measure 3.295 metres in width, and be approximately 2.8 metres above ground level. The balcony would have an 1100mm high glass balustrade, and a 1800mm high glass screen to the northwestern and southeastern side elevations. The balcony projection would be supported by 2 no steel posts.

Following the receipt of amended plans to incorporate the privacy screens, neighbours were provided opportunity for comment in line with the Council's Statement of Community Involvement (SCI).

Relevant Planning History

None relevant

Summary of Consultation Responses

N/A

Summary of Representations

One letter of objection has been received with the following comments:

-Not in keeping with the rest of the block of apartments.
-Changes in size will make these two balcony extensions (along with no.18 Long Row – ST/0696/24/FUL) over 50% bigger than the other 10 apartments.
-Drawing show balcony false roof cover, again this will throw out the balance and the symmetrical look of the apartment block.

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 Development Management Policies Development Plan Document (DPD) 2011.

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 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 main issues relevant to the assessment of this proposal are the;

- Impact on visual amenity;
- Impact on neighbouring amenity;

Impact on visual amenity

Policy DM1 (A) of the South Tyneside LDF requires the design of new development to convey sensitive consideration of its surroundings, and where possible enhance its local setting and reinforce local identity.

The NPPF (para. 131) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and; that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Objections have been raised over the design and appearance of the balcony on the host building. Given the nature of the proposal, the balcony extension would be visible from the public domain and surrounding properties, along with views from the Shields ferry and North Tyneside. In respect of design, SPD9 states that a balcony should respect the character of the host dwelling where it forms part of the street scene. The proposal is located on a large building which is characterised by its large windows and balconies to its south-western elevation overlooking the River Tyne. It is acknowledged that the proposed balcony is a different design to the existing balconies on the building, however the use of glass for the balustrading will ensure the structure has a light appearance on the host building and would not result in a dominating feature to this elevation. It is also noted a balcony of a similar style has been recently approved within the same building and to the same elevation at no.19 Long Row (ref. ST/0520/24/HFUL).

In this regard it is considered the development would be in compliance in respect of design and local visual amenity, and would be in accordance with LDF Policy DM1 (A) in this regard.

Impact on neighbouring amenity

Policy DM1(B) of the South Tyneside LDF seeks to protect residential amenity of neighbours from harmful impacts from development.

Paragraph 135(f) of the NPPF aims to ensure that developments create places that have a high standard of amenity for existing and future users.

SPD9 states that the design of a balcony should respect the character of the host dwelling where it forms part of the street scene. However, balconies can often cause problems of overlooking, and those features that would unreasonably affect the amenities of neighbouring residents by way of loss of privacy will not be considered favourably.

The proposed balcony would overlook the river Tyne to the southwest. The balcony would not project beyond the existing projection to the north west, and a 1800mm high screen is proposed to the south eastern and north western side elevations. As such views could not be afforded from the balcony into the windows of neighbouring property to the southeast and northwest and it is not considered that the proposed balcony would result in any significant loss of residential amenity to any other neighbouring occupiers. There are several balconies in the vicinity, including to the block of flats containing the host property.

Given all of the above the proposal is considered to be acceptable in terms of residential amenity and in accordance with LDF Policy DM1 (B).

Other matters

The proposal is not considered to affect the (jointly) non-designated assets, the Spirit of South Tyneside at the south side of the former dock no. 4 entrance and fleet [stainless steel tall ships] within the former dock.

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.

Conclusion

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.

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 & Proposed Part Ground and First Floor Plans, Elevations, Roof Plans and Site Layout Plans Drg. No. A/3734/15/1A received 08/01/2025

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 as detailed on the approved plans below.

Existing & Proposed Part Ground and First Floor Plans, Elevations, Roof Plans and Site Layout Plans Drg. No. A/3734/15/1A received 08/01/2025

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

4 Prior to the first use of the balcony hereby approved, the privacy screens shown on the approved plans listed in condition 2 above shall be installed in full accordance with those approved plans. Thereafter the screens shall remain in place at all times.

In the interests of residential amenity, in accordance with South Tyneside LDF Development Management Policy DM1.

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

Case officer: Nick Graham
Signature: N. Graham
Date: 14/02/2025

Authorised Signatory: *G. Simmonette*
Date: 14/02/2025