



South Tyneside Council

Reference:	ST/0705/24/HFUL
Location:	14 High Trees South Shields NE34 8EW
Ward:	Cleadon Park
Description:	Proposed Extension to side of property over existing garage
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Samantha Gallagher
Case Officer Contact No.:	0191 4247447 or 07741109243

Description of the site and of the proposals

The application property is a west facing, two storey detached dwelling situated adjacent to similar detached dwellings. The property is located on High Trees, a relatively modern housing estate in the residential area of South Shields. The property benefits from a single storey garage to the side and a single storey rear extension. The driveway of the property is located immediately to the front of the existing garage.

Planning permission is sought for a first floor side extension above the existing garage/rear extension to form a bedroom. The proposed extension would have a pitched roof with a lowered ridgeline and set back from the front elevation of the dwelling. The dimensions of the proposal can be scaled off the plans submitted.

Summary of Consultation Responses

Countryside- the application does not need a bat survey but please attached the breeding bird and bat Informatives.

Summary of Representations

No responses received

Relevant planning policy

The following policies are relevant to this application:

- LDF Policy DM1
- Supplementary Planning Document 9
- LP Policy SP1 - Presumption in favour of Sustainable Development
- LP Policy 1 - Promoting healthy communities
- LP Policy 47 - Design Principles

- LDF CS EA3 - Biodiversity and Geodiversity

Assessment

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.

LDF Policy DM1 seeks to preserve the visual amenity of the area (limb A) and the residential amenity of neighbouring properties (limb B), whilst Supplementary Planning Document 9 provides guidance for householder developments.

With regard to the visual amenity impact of the proposal, the proposed extension would be constructed of materials to match those of the main dwelling. In this case no gap has been retained between the two storey extension and the common boundary but the extension would be significantly set back from the front elevation (3.4m) of the property. A third depth set back would equate to approximately 2.4m, and as such in this case the proposed set back would be above the third set back as set out in SPD9. Given that the proposed set back would be over and above the guidance set out in SPD9 it is considered that in this case an extension up to the common boundary would be acceptable. It is also proposed for the extension to have a significantly lowered ridgeline compared to the main dwelling. This set back together with the lowered ridgeline and matching roof design would ensure that the two-storey side extension would remain subordinate to the main dwelling and would be in keeping with the main dwelling and the surrounding street scene.

With regards to neighbour amenity impact, the proposal would be sufficiently separated from the neighbours to the rear to prevent loss of privacy or increased overshadowing or overdominance impacts to these dwellings. No windows are proposed in the side elevation of the extension preventing loss of privacy to the adjacent neighbour (no. 15 High Trees). The neighbour to the north would be located over 7m from the proposed extension and therefore it is considered that the proposal would not be harmful to his neighbour with regards to outlook, overdominance or overshadowing impacts.

The neighbour most likely to be impacted by the proposal is the neighbour directly to the south of the application site, no. 15 High Trees. This neighbour is set back compared to the application site, resulting in a staggered building line on this part of High Trees, as a result of this, the proposed extension would not extend past the front or rear elevations of this neighbour therefore having no impacts on the habitable room windows in the front or rear elevations of this property. No. 15 High Trees has a landing window in the gable elevation facing the application site. Whilst the outlook from this window will be affected by the proposal as detailed within and in accordance with SPD9, landing windows are not considered to be habitable rooms and therefore any impact on this part of the property is given limited weight in the assessment of this application.

Having regard to the design, scale, massing and relationship with neighbouring properties of the proposed development, it is considered that it would not give rise to significant harm to the visual amenity of the area or the residential amenity of any neighbouring properties.

Ecology and Biodiversity net gain

The Councils Countryside Team have confirmed that the application does not need to be supported by a bat survey but have requested that the bat and breeding bird Informatives be included on any consent granted.

The application is for a householder development. In terms of biodiversity net gain, the development would fall under the de minimus exemption under regulation four the biodiversity gain requirements (exemptions) Regulation 2024.

Therefore, on the basis of the above, the development would be in accordance with Policy EA3 of the LDF Core Strategy and the NPPF in respect of ecology.

Conclusion

In conclusion, and having regard for all of the above, it is considered that the proposal would have an acceptable impact upon the residential and visual amenity of the area. It is considered that the proposal complies with all relevant local and national planning policy and the application is therefore 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 and Location Plan Drg. No. RBD-001 received 28/11/2024

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 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

- 2 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 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).

- 4 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, though please note some birds such as pigeons may nest outside of this period. 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.

Case officer: Samantha Gallagher

Signed: S Gallagher

Date: 13/01/2025

Authorised Signatory: Helen Lynch

Date: 14/01/2025