South Tyneside Council

Reference:	250055
Location:	1 Alansway Gardens South Shields NE33 4UP
Ward:	Westoe
Description:	Removal of existing conservatory and construction of sun room to rear.
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Samantha Gallagher
Case Officer Contact No.:	0191 4247447 or 07741109243

Description of the Site

Planning permission is sought for the demolition of the existing single storey rear conservatory and the construction of a single storey sunroom extension at 1 Alansway Gardens, South Shields. The property is located within a modern residential cul-de-sac of similar detached dwellings. The site is located within the Westoe Conservation Area and permitted development rights were removed from this property when the estate was constructed.

Description of the Proposal

The existing rear conservatory is proposed to be demolished and a single storey rear extension would be constructed measuring 4.3m in width and 3.6m in projection on a similar footprint to the existing conservatory. The sun room would have a pitched roof with an eaves and ridge height of 2.3m and 3.5m respectively. The rear elevation would host large doors with the east side elevation hosting a window. The west elevation (facing the neighbour at No. 2) would not include any openings and be a solid brick elevation.

The existing site plan does not show the existing conservatory to the rear, however this is shown on the existing and proposed plans and elevations (Drg, No. 001 Rev 0 received 22/01/2025) and the viewed as part of the case officers site visits. It is therefore considered that the local planning authority have sufficient information to understand the existing situation on site to aid the assessment of the proposals.

Existing and Proposed Plans and Elevations Drg. No. 001 Rev 0 received 22/01/2025

The proposed materials would be roof tile, facing brick, white upvc fascias/frames etc to match existing as closely as possible.

Relevant Planning History

The planning history of the site is as follows:

ST/2040/07/FUL - Proposed replacement of existing wooden windows with new U.P.V.C. frames to rear and one side of dwelling. – GRANTED

ST/0115/21/HFUL - Conversion of existing garage to kitchen and erection of detached garage- GRANTED.

The existing conservatory appears to not been constructed without planning permission. However, having looked at the historic mapping for the area it appears the conservatory has been in place since at least 2001.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 25/02/2025.

None received

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

- LDF Policy DM1 (A, B, G)
- DM6 - Heritage Assets and Archaeology

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

- Supplementary Planning Document 9 (Householder Development)
- SPD10 - Westoe Conservation Area Management Plan - Adopted August 2007

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
- LP Policy SP24 - Heritage Assets

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 and impact on the Weste Conservation Area.
- Impact on Residential Amenity
- Biodiversity Net Gain

Impact on Visual Amenity

LDF Policy DM1 (A) seeks to preserve visual amenity.

The Westoe Village Conservation Area Management Plan (SPD10) sets out development principles for managing development within the Conservation Area. Development principles within Character Area 5 seek to preserve the distinctive built form character of Alansway Gardens. Any alterations should also be sympathetic to the area's established architectural detailing and materials. No. 1 Alansway Gardens hosts white upvc windows to the side elevation and back of the property. The proposed extension would replace an existing conservatory and would not be visible from the public domain. Additionally, the materials would match the existing dwelling and surrounding properties, therefore the proposal would be sympathetic to the areas established architectural detailing and materials.

Policy DM1 (A) and DM6 requires extensions and alterations to an existing dwellinghouse to convey sensitive consideration to its surroundings and to designated heritage assets, such as the Westoe Village conservation area. The proposed rear extension would not be visible from the public domain, therefore would not have an adverse impact on the streetscene and visual amenity. The design of the extension would also be considered acceptable as the materials and design would match the existing property and other extensions. It is therefore considered that the proposals would not impede the architectural character of the dwelling or

the character and appearance of the Conservation Area and would accord with LDF Policies DM1 (A), DM6 and the guidance contained within SPD 9 and SPD 10.

Having regard to the above, the proposed development is considered to have no significant harm to the visual amenity of the property or to the character and appearance of the Westoe Village Conservation 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 proposed development is considered acceptable in terms of residential amenity as part of the rear extension would use the same footprint as the existing conservatory; retaining a 1m gap from the common boundary shared with no. 2 Alansway Gardens; the adjacent neighbour located west of the application. Although the projection of the extension would increase by 0.6m, it is a minor increase and the rear elevation of No. 4 hosts a conservatory themselves which has approximately the same projection as the current conservatory. Therefore, the proposed sunroom would only project 0.6m past this conservatory. As such the proposal would not be harmful to this neighbour with regards to privacy, outlook, overdominance or overshadowing.

The neighbour to the east is set back from the applicant dwelling and therefore the rear sunroom extension would not impact on this neighbour due to the presence of the existing property. Therefore, it is considered that the proposal would not adversely impact on the neighbour to the east of the application site in terms of loss of outlook or overdominance, privacy and overshadowing.

The neighbour to the rear boundary (no. 15 Hepscott Terrace) is located at a distance far away enough to not be affected by the proposal. Therefore, the proposal would not adversely impact the neighbouring properties in terms of loss of outlook, privacy and overshadowing.

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).

Biodiversity net gain

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 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 and the character and appearance of the Westoe conservation 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

Existing and Proposed Plans and Elevations Drg. No. 001 Rev 0 received 22/01/2025

Proposed Site Plan Drg. No. 003 received 22/01/2025

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 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).

2 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: Samantha Gallagher

Signed: S Gallagher

Date: 13/03/2025

Authorised Signatory: Helen Lynch

Date: 13/03/2025