South Tyneside Council

Reference:	250088
Location:	5 Harton Rise South Shields NE34 6DX
Ward:	Westoe
Description:	Construct single storey front porch and living room extension. Demolish existing detached garage and kitchen offshot. Construct new single storey side/rear garage, kitchen and store extension with 1 No. rooflight. Enlarge existing bathroom window.
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Emma Thomas
Case Officer Contact No.:	0191 4247593 or 07741105284

Description of the Site

The application property is a semi-detached dwelling located in a residential area of South Shields.

Description of the Proposal

Planning permission is sought to construct a single storey front porch and living room extension and to demolish the existing detached garage and kitchen offshot. Construction of a single storey side/rear garage, kitchen and store extension with 1 no. rooflight and to enlarge the existing bathroom window.

There is a planning application for the attached neighbouring property (no. 3 Harton Rise) which is running alongside this application (ref 250087).

Summary of Consultation Responses

None Received

Summary of Representations

Objection received from 7 Harton Rise –

- The proposed new build would be higher than the existing flat roof garage;
- Restricted light through the kitchen window; and
- Property devaluation.

Officer comment – Property devaluation is not a planning matter.

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

- LDF Policy DM1 (A, B)

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

- 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:

- Policy SP1: presumption in favour of Sustainable Development
- 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 Visual Amenity

The proposed front extension and replacement garage would be visible from the public domain along Harton Rise, however the proposed front extension would match the existing front extension at no. 3, creating a symmetry to the semi-detached dwellings. The

replacement garage would be set back 4.34m from the front elevation of the main dwelling and the proposed materials would match the existing dwelling. The proposed new bathroom window is also considered to be acceptable.

It is considered that the whole proposal would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials and is acceptable in terms of its design and also local visual amenity.

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. 3 Harton Rise) is located south of the applicant property. The proposed single storey rear extension at no. 5 would mirror and be linked to the rear extension at no. 3 Harton Rise (which is the subject of a separate planning application). Nevertheless, should No. 3's extension not be constructed then there would be no significant harm to that property's residential amenity given the extension's limited project along the boundary of 1.9m. The proposed front extension would also mirror and be attached to the front extension at no. 3 and the proposed garage extension would be set back 5.6m from the side boundary shared with no. 3.

The adjacent neighbour (no. 7 Harton Rise) is located north of no. 5 Harton Rise. No. 7 hosts a single storey rear extension and the kitchen window is located on the rear elevation of the rear extension. The kitchen window is located a minimum of approximately 4m from the boundary with the host property, although given the tapering boundary this distance increases to approximately 5m. No. 7 have objected against the proposal stating that the proposed new build garage would be higher than the existing flat roof garage and would restrict light through the kitchen window.

The existing garage measures a maximum height of 2.2m and measures a depth of 4.83m. The proposed pitched roof ridge height would measure 3.4m high, however the eaves would measure 2.4m high adjacent to the boundary with No. 7 and the depth would measure 8.47m. The existing garage is located along the rear boundary of no. 7 and would be extended by 1.77m to the front and 1.87m to the rear.

Whilst consideration has been taken into account regarding the comments made by no. 7, in terms of loss of light, the highest part of the proposed pitched roof (the ridge) would be set back 2.8m from the side/rear boundary and therefore a minimum of 6.8m from No. 7's kitchen window with the eaves only measuring 0.2m higher than the existing garage roof. Whilst the garage would be marginally higher adjacent to the boundary it is considered that there would not be any significant further harm to the residential amenity of No. 7 than experienced by that property at present to warrant refusal of the application.

The proposed front extension and enlarged bathroom window are also considered to be acceptable in terms of loss of outlook, privacy, overdominance and overlooking.

There are no residential properties directly to the rear of the applicant dwelling and other neighbouring properties are located at a sufficient distance.

Therefore the proposal would be acceptable in relation to the consideration of the residential amenities of the surrounding neighbours and would 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.

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. 1 - Existing and Proposed Floor Plan and Elevations – Received 06/02/2025
- Drg. No. 2 Proposed Ground Floor Plans and Front Elevations - Received 06/02/2025
- Proposed Site and Roof Plan – Received 06/02/2025

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 as stated on drawing no. 1 (received 06/02/2025). Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

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 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: *E.Thomas*
Date: 17/03/2025

Authorised Signatory: Seán Gallagher
Date: 26/03/2025