South Tyneside Council

Reference:	250132
Location:	139 King George Road South Shields NE34 0EU
Ward:	Harton
Description:	Removal of rear garage and new rear Extension
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Description of the Site

The application site (no. 139 King George Road) is a detached dwelling located within a residential area in South Shields. The neighbouring property 137 King George Road is to the north and no. 141 King George Road is to the south. The detached dwellings along this part of King George Road generally and independent in their appearance, being constructed from a variety of external finishes and designs unlike the semi-detached dwellings which share a similar appearance.

Rear gardens are provided to the east, and in the case of the application site, had a detached garage set to the rear of the dwelling built approximately 450mm off the shared boundary with no. 141 King George Road (this garage has been demolished as it was deemed unsafe). The application site also has an existing two storey side extension to the southern side elevation and the rear eastern elevation. The rear garden is enclosed by a 1800mm high timber fence. To the eastern boundary are some low-level shrubs and self-seeded trees which are to be removed.

To the front of the dwellings is the highway, with an area of tree planted verge between the footway and the highway. Some dwellings have a concrete crossover the verge to provide vehicular access. The rear of the property backs on to the dwellings along the western side of West Avenue.

Description of the Proposal

Planning permission is sought for an ‘L’ shaped extension to the rear of the property. The proposed extension would link to the existing side extension to the southern elevation, and extend into the rear garden by approximately 12 metres in length (9 metres from the rear elevation of the dwelling), measure 7.5 metres in width, 2.6 metres to the eaves and 3 metres to the highest point of the flat roof. The proposed extension would be constructed on the site of the now demolished detached garage, and would be finished externally in render, the flat

roof would be dark grey membrane, doors, windows and the roof lanterns would be powder coated aluminium. The southern and eastern elevations of the extension would be blank, with bi folding doors to the north facing elevation. The extension would house a gym and spa pool.

Relevant Planning History

The planning history of the site is as follows:

ST/0258/95/DM Proposed garage, utility and bedroom extension. Approved 16/05/1995.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 24/03/2025.

N/A

Summary of Representations

In terms of publicising this planning application, 6 neighbour notification letters were sent (and it was available online for comment).

In response to this publicity 3 letters of objection from nos. 89 (two letters from this address) and 91 West Avenue have been received, the details of which are collectively summarised below.

- Removal of trees
- Proximity to boundary fence
- Scale and design of the extension
- Increased risk of subsidence
- Noise pollution from the spa function from pump, jets when in use
- Pollution/odour from chemicals used and from ventilation of proposed swim spa in the building
- Removal of land and replacing with hardcore/cement will reduce the drainage of the land in and around the property, and that of neighbouring gardens
- Addition of roof lanterns to an obtrusive building will result in light pollution to neighbours

Relevant planning policy

The following policies are relevant to this application:

- LDF Policy DM1 (A & B)
- Supplementary Planning Document 9

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 NPPF sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities.

Policy DM1(A) requires extensions and alterations to an existing dwellinghouse to convey sensitive consideration to its surroundings; and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

SPD9 (House Holder Developments) of the South Tyneside LDF provides guidance in respect of householder developments.

Objections have been received in respect of the design and appearance of the proposed extension.

SPD9 states that single storey rear extensions of 4m projection are acceptable to detached properties but does allow the scope for extensions larger than this to be granted planning permission where their impacts are considered to be acceptable on their planning merits and based on the site-specific circumstances. The proposed extension would project 9 metres beyond the rear (east) elevation of the host property (with 5.3 metres of this being the site of the former detached garage). The proposed rear extension, although over the recommended 4 metre depth set out in paragraph 8.1 of SPD9, is considered to be a suitably designed rear extension, being proportionate in terms of its overall scale and massing, and projecting to the same depth as the site of the former detached garage. The proposed plans state that the single-story rear extension is to be rendered in finish. Render is a common material to ground floor extensions in the area, and when combined with the red brick to the existing dwelling, would not appear out of keeping from glimpses of the site from West Avenue to the rear.

It is also noted that the neighbouring property to the north, 137 King George Road, has a rear extension of similar size, scale and design as what is proposed here (ref ST/0257/19/HFUL). In the absence of any identified harm, although finely balanced, there is no conflict with that policy SPD9, or with the development plan when taken as a whole in respect of the external appearance of the proposed rear extension.

Impact on Residential Amenity

NPPF paragraph 135(f) states that planning policies and decision should ensure that developments create places which promote health and wellbeing, with a high standard of amenity for existing and future users.

LDF Policy DM1 (B) seeks to preserve residential amenity, stating that the Local Planning Authority will ensure 'development is acceptable in relation to any impact on residential amenity.'

The proposed extension would be set approximately 0.8m from the boundary with the property to the south, No. 141 King George Road. Given the orientation of the two properties there would be no overshadowing to No. 141 as a result of the proposal. No. 141 itself is set approximately 1.4m from the shared boundary. There would be no windows in the southern side elevation of the extension and so there would be no loss of privacy to No. 141 King George Road. As this neighbour lies to the south of the application site, it is not considered that there would be any reduction in residential amenity to that property as a result of the proposal in terms of loss of any overshadowing, or any overbearing impacts.

The proposal would be set approximately 3.5 metres from the site's northern boundary with No. 137 King George Road. Bi- folding doors are proposed to the north facing elevation, however given the existing boundary treatment, it is not considered that there would be any reduction in residential amenity to that property as a result of the proposal in terms of loss of privacy, or any overshadowing, or any overbearing impacts.

The extension would be set between approximately 850mm and 1.1 metres from the rear boundary of the garden (due to a tapering boundary). At this point, the rear boundary is shared with Nos. 89 and 91 West Road. The boundary is formed of a timber fence approximately 1.8 metres in height. No. 91 is set approximately 12.8 metres from the boundary, and no. 89 West Avenue is approximately 8.4 metres off the shared boundary as it has an existing rear extension. Given these distances, the 1800mm high boundary treatment, and the overall low height of the proposed extension, it is considered that there would be no significant adverse impact upon the residential amenity of Nos. 89 and 91 in terms of loss of outlook, overbearing, or overshadowing impacts.

SPD9 states that the overshadowing of outdoor spaces is given less weight than impact within the dwelling. Where the affected space is part of a small plot land/or the overshadowing removes the only area of sunlight a space receives, this may be given increased weight. The proposed extension would not increase overshadowing to the rear garden of no. 89 and 91 West Avenue to the east, and as such the proposed rear extension is not considered to create any significant further levels of overshadowing or any further sustained periods of overshadowing to have an adverse or harmful impact on the attached neighbour over and above the existing situation to a level to warrant refusal of this application.

There would be no windows in the rear (east) elevation of the proposal which would face the boundary with Nos. 89 and 91. Given the close boarded nature of the boundary treatment, it is not considered that there would be a significant loss of privacy to Nos. 89 and 91 as a result

of the proposal. Objection has been made that the proposal would result in a noise nuisance given the use of the spa pool, and the chemicals used in the pool would lead to odour pollution. It is acknowledged that statutory nuisances can be controlled under Environmental Protection law, however lower (non-statutory) levels of nuisance, for example low level or intermittent noise or odour, can nonetheless still be harmful to residential amenity, particularly so when in close proximity to dwellings and their gardens, and which cannot easily or effectively be controlled or mitigated by way of planning conditions. However, given the domestic scale of the extension it is not foreseen that any materially detrimental impacts in terms of noise or smell would be created by the installation of a private spa pool. It is also important to note that the LPA has no control over what items are within the proposed extension, only its external appearance and associated potential impacts.

Objection has been made that the proposed roof lanterns would result in light pollution to neighbours. The application site lies within a residential area with several windows from neighbouring properties in close proximity. The addition of roof lanterns is not considered to cause any difference to light levels to neighbours.

Therefore it is not considered that the proposal would lead to any significant further increase in odours or noise being omitted from the property, above those levels which would normally be anticipated from a dwellinghouse. This would therefore not have a significant adverse impact upon the residential amenity of any neighbouring property and accords with policy DM1(B) of the South Tyneside Local Development Framework and the NPPF in this regard.

Other matters

The occupier of no. 91 West Avenue has raised concerns over possible destabilisation to the foundations of their property when development works are being undertaken. This is not a material planning consideration. This would be a Civil Matter outside of the planning process.

Objection has been made that the proposed extension would result in the loss of trees causing disturbance to wildlife and the landscape. The vegetation along the shared boundary to the east are low level, poor quality shrub/ self planted trees of a low landscape quality. There are no landscape designations or any Tree Protection Orders on the trees and as such their removal cannot be controlled.

Objection has been made in respect of drainage at the property. The submitted application form states that surface water run off will run to existing soakaways. It is considered that the proposed extension would not exacerbate surface water flooding in the surrounding area.

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, or 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 plans as detailed below:

Proposed Elevations Drg. No. 294 Rev P2 received 24/02/2025
Proposed Plans Drg. No. 294 Rev P1 received 24/02/2025

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 detailed on the approved plan Proposed Elevations Drg. No. 294 Rev P2 received 24/02/2025.

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.

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: Adam Williamson
Date: 02/04/2025

Authorised Signatory: *G. Simmonette*
Date: 02/04/2025