South Tyneside Council

Reference:	250199
Location:	198 Mortimer Road South Shields NE34 0RP
Ward:	West Park
Description:	Demolish part of existing garage and build 2 storey side extension and ground floor rear extension
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Samantha Gallagher
Case Officer Contact No.:	0191 4247447 or 07741109243

Description of the Site

The application property is a northeast facing, two storey semi-detached dwelling situated adjacent to similar dwellings. The dwelling has a hipped roof and has a large front garden. The rear garden is bounded by high boundary treatments with a detached garage to the side/rear of the main dwelling. The driveway for the property is immediately adjacent to the neighbour driveway which also leads to their garage, however use of the garage for the parking of a vehicle has been removed by the erection of a side porch extension to the neighbour (no. 200 Mortimer Road).

Description of the Proposal

Planning permission is sought for a two storey side extension and single storey rear extension. The proposed two storey extension would have a hipped roof, 2.2m in width with a lowered ridgeline. The extension would fall flush with the rear wall of the host property. The proposed single storey extension would project 3.5m from the rear elevation of the dwelling and would have a lean too roof. The proposals would be constructed of matching materials to the host dwelling. The dimensions of the proposal can be scaled off the plans submitted.

Relevant Planning History

The planning history of the site is as follows:

ST/0222/22/HFUL - Demolish part of existing garage and build 2 storey side extension and ground floor rear extension – GRANTED

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 15/04/2025.

N/A

Summary of Representations

1no. representations have been received in objection to the proposal. The issues raised are summarised as follows:

- This extension will make access to the rear of my property extremely difficult due to a pre-existing porch, both properties will have to store rubbish bins at the front on the main road which would be unsightly, and the double height brick wall will be only 2 feet from my porch blocking out light.

Officer Comment- the extension is proposed to be built up to the boundary of the site and not over the neighbour's land. Access to the neighbours garage would still be achievable on their property. The storage of bins at the front of a property is not a material planning consideration. The design of the extension and its impact on neighbouring properties (including any windows within the proposed elevations) is considered later in this report.

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 Core Strategy 2007 and a 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, B, G)

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:

- LP Policy 1 - Promoting healthy communities
- LP 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
- Highway Safety

Impact on Visual Amenity

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

Supplementary Planning Document (SPD) 9: Householder Developments states that two-storey and first floor side extensions can create a terracing effect within the street scene and give rise to inappropriate design. Therefore, proposals must have regard to the general principles set out in Section 3 of SPD 9. The guidance further states to achieve the desired subordinate appearance and to minimise any terracing effect, two-storey side extensions on semi-detached and high-density detached properties should:

- retain a minimum 1 metre gap between the extension and the side boundary of the application site;
- provide a minimum 1 metre set-back between the front wall of the upper storey extension and the main front wall of the house; and
- provide a significantly lowered ridge line and a roof shape that corresponds to the main dwelling.

SPD also states that in circumstance where a 1 metre gap has not been retained the extension should not occupy more than two- thirds of the depth of the dwelling and should be located towards the rear 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 set back 3m from the front elevation of the property. A third depth set back would equate to approximately 2.8m, and as such in this case the proposed set back would be above the third set back 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 an extension up to the common boundary would be acceptable in this case. It is also proposed for the extension to have a significantly lowered ridgeline compared to the main dwelling. The set back together with the lowered ridgeline and hipped roof would ensure the

two-storey side extension remains subordinate to the main dwelling and would be in keeping with the main dwelling and the surrounding street scene.

The single storey extension is situated to the rear of the application site and would not be visible from the main street scene. The proposal as a whole would not have an adverse impact on the built form of the original dwelling or the visual amenity of the surrounding area. A condition is suggested to ensure the facing materials match the original dwelling.

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.

Two Storey Extension
The proposed two storey extension would be built flush with the rear elevation of the dwelling and therefore this element of the works would not impact the attached neighbour at No. 196 Mortimer Road. The only neighbour likely to be affected by this element of the proposal would be No. 200 Mortimer Road, the adjacent dwelling to the southeast of the application site. The proposed two storey extension would not breach the two-storey building line of Mortimer Road and would therefore not project past the neighbour at No. 200 Mortimer Road, having no impact on the habitable room windows in the rear of this dwelling. The northeast elevation of No. 200 Mortimer Road has a window facing the applicant property and a glazed entrance porch set 0.7m of the boundary with the application site. The window in the gable of No. 200 Mortimer Road is obscure glazed and appears to serve a non-habitable room. The proposed two storey extension, due to its subservient design and location on the dwelling would cause very little additional overshadowing to the side elevation of No. 200 Mortimer Road over and above the existing situation as a result of the host dwelling to warrant a reason of refusal. Additionally, as per the guidance set out in SPD9, the porch is a non-habitable room and therefore any impact on this part of the property is given limited weight in the assessment of this application.

Given the existing site circumstances, it is not considered that the proposal would have a harmful impact on the neighbour at No. 200 Mortimer Road with regards to outlook and overdominance, loss of privacy or overshowing and loss of daylight. The proposed two storey extension is therefore considered to be in accordance with Policy DM1 (B) and SPD9.

Single storey extension
The single storey extension would project 3.5m from the rear elevation of the host dwelling. The adjoining property has an extension on the common boundary with the application site which projects approximately 3.2m. The neighbour at No. 196 Mortimer Road has no windows facing the application site and due to the presence of the extension at No. 196, the proposed extension would not be harmful to this neighbour with regards to outlook and overdominance, loss of privacy or loss of daylight to the rear habitable room windows. The single storey extension would be built up to the boundary with No. 200 Mortimer Road. However, extension would be located 2m away from the neighbouring property itself. No. 200 Mortimer Road also has a detached garage, brick store and 1.8m high boundary wall along the boundary with the application site. The garage, store and boundary treatment would obscure the majority of the proposed single storey extension from the habitable room windows on the ground floor of No. 200 Mortimer Road. Given the site circumstances, the proposed single storey extension would have a limited impact on No. 200 Mortimer Road with regards to outlook and overdominance, loss of privacy or overshadowing. As such it is

considered that the proposed single storey extension would not be harmful to neighbouring properties with regards to neighbour amenity and therefore complies with Policy DM1 (A) and SPD9.

Impact on Highway Safety

LDF Policy DM1 (G) seeks to preserve highway safety. Maximum car parking standards are set out in SPD6.

Though the extension would reduce the length of the properties drive, a driveway of 9m in length would be retained at the front of the property. It is therefore considered that the proposal would be acceptable with regards to off-street parking and highways safety.

Having regard to the above, the proposed development is considered to have no significant harm to the highway safety of the area and is considered to be in accordance with LDF Policy DM1 (G).

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 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 Elevations Drg No 2 received 19/03/2025

Existing and Proposed Floor Layouts Drg No 1 received 19/03/2025

Existing and Proposed Site Layout Plan Drg No 3 received 19/03/2025

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 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 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

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).

Case officer: Samantha Gallagher

Signed: S Gallagher

Date: 16/04/2025

Authorised Signatory: Helen Lynch

Date: 16/04/2025