



South Tyneside Council

Reference:	250210
Location:	1 Kendal Drive East Boldon NE36 0UB
Ward:	Cleadon and East Boldon
Description:	Proposed rear extension. Change of use from open land area to rear garden, including new boundary treatment.
Recommendation:	Grant permission with Conditions
Case Officer:	Emma Thomas
Case Officer Contact No.:	0191 4247593 or 07741105284

Description of the Site

This application relates to a detached dwelling located at the entrance of the residential housing estate in East Boldon.

Description of the Proposal

This application seeks full householder planning permission for a proposed rear extension and the change of use of the open land area to the side of the property to a residential garden. This would also include new boundary treatment which would be a 1.8m high brick wall and fence to match the existing boundary treatment.

Relevant Planning History

The planning history of the site is as follows:

ST/2710/05/FUL – Proposed first floor side extension above existing double garage and erection of sun room to rear elevation - Grant Permission with Conditions (15/11/2005)

ST/0199/94//DM – Proposed lobby, shower and wc extension at rear of garage – Grant Permission with Conditions (18/04/1994)

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 20/01/2026.

Countryside –

No objections raised. Notes that the exact method of meeting the BNG obligation can be settled at the discharge stage of the deemed BNG condition.

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.

The statutory development plan comprises the East Boldon Neighbourhood Plan and 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 East Boldon Neighbourhood Plan are relevant to this planning application:

- Policy EB3 – Design

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

- LDF CS SC1 - Creating Sustainable Urban Areas
- LDF CS ST1 - Spatial Strategy for South Tyneside
- DM1 – Management of Development
- DM7 - Biodiversity and Geodiversity Sites

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

- SPD3 - Green Infrastructure Strategy'
- SPD9 - Householder Developments

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, the weight that can be given to individual Policies in the Plan varies dependent upon the extent and nature of objections to those Policies. In this regard, it is considered that certain Policies can only be afforded very limited or limited weight whilst others can be afforded significant weight in

assessing this planning application. Relevant Policies are as listed below (with text provided after each Policy regarding the weight that officers consider can be afforded to that Policy):

- LP Policy SP1 - Presumption in favour of Sustainable Development (Limited Weight)
- LP Policy SP3 - Spatial Strategy for sustainable development (Very Limited Weight)
- LP Policy 1 - Promoting healthy communities (Limited Weight)
- LP Policy 35 - Delivering Biodiversity Net Gain (Limited Weight)
- Policy 36: Protecting Trees, Woodland and Hedgerows (Very Limited Weight)
- LP Policy 47 - Design Principles (Very Limited Weight)

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:

- Principle of the development
- Design and visual impact
- Residential amenity
- Ecology

Principle of development

The application property is located within a built-up area and the proposal involves the change of use of part of a grassed (mowed) area into the residential curtilage of 1 Kendal Drive, East Boldon. The land would be used as an extended private garden.

The parcel of land is located at the entrance to Kendal Drive accessed from North Road and is within an established housing estate. The land is bordered by a public footpath and is currently not enclosed.

Local Development Framework (LDF) Policy DM1 (C) states that developments should protect existing soft landscaping where possible. Paragraph 2.17 provides supporting text to DM1 and states that pockets of amenity open space in residential areas can help to maintain good quality urban spaces and contribute to the character and visual amenity of an area.

Further guidance regarding the importance of public green space is provided within Supplementary Planning Document (SPD) 3 'Green Infrastructure Strategy'. Paragraph 8.4 states that green infrastructure provides opportunities to enhance local identity, visual amenity and landscape character, helping to create a sense of place and promoting local pride.

NPPF paragraph 104 states that existing open space should not be built on unless certain exceptional circumstances apply. One of these is that an assessment has been undertaken which has clearly shown the open space, buildings, or land to be surplus to requirements.

The application site comprises a small parcel of land adjacent to a public footway. The land is currently grassed, there is no further soft landscaping or planting within the land. Whilst the area of land does form an area of amenity green space for purposes of providing landscaping (grass strip) between the property, the highway and public footpath, the site does not form part of any formally designated amenity space within the Site Specific Allocations Plan. The parcel of land would be enclosed by a boundary wall/fence. The proposal would not envelop

the entirety of the grassed area leaving some amenity green space. Furthermore, it should be noted that there are a significant number of additional areas of grass landscaping (of various size, form, function and area) within the immediate area and a significant amount of designated area of open space to the immediate area which serve as open space and amenity / recreational areas for use by the local population. The application site, whilst forming part of a landscape grassed area and contributing to the overall character and appearance of the area, does not have a specific or defined function.

As stated above, the area is not allocated as an area of open space and in reviewing South Tyneside Open Space Study (2023) which was prepared in support of the Local Plan provides some useful commentary on areas of land similar to the application site. It terms such areas as 'Amenity Green Spaces' and states that such spaces are open to free and spontaneous use by the public, but neither laid out nor managed for a specific function such as a park, public playing field or recreation ground; nor managed as a natural or semi-natural habitat. These areas of open space will be of varied size, but are likely to share the following characteristics:

- Unlikely to be physically demarcated by walls or fences.
- Predominantly lain down to (mown) grass.
- Unlikely to have identifiable entrance points (unlike parks).
- They may have shrub and tree planting, and occasionally formal planted flower beds.
- They may occasionally have other recreational facilities and fixtures (such as play equipment, informal football or ball courts).

The study refers to examples including both small and larger informal grassed areas in housing estates and states that these areas can serve a variety of functions dependent on their size, shape, location and topography. Some may be used for informal recreation activities, whilst others by themselves, or else collectively, contribute to the overall visual amenity of an area.

The South Tyneside Open Space Study (2023) did not include amenity green spaces smaller than 0.1ha within the analysis, as it considered that these sites would have limited recreation function and therefore should not count towards public open space provision. The application site is classified within this category and does therefore not contribute to the open space calculation to the area / wider study. That said the South Tyneside Open Space Study (2023) does acknowledge that the many smaller amenity/semi-natural spaces and roadside verges within the study area are valuable in terms of their visual amenity and/or biodiversity value and contribute to the wider network of Green Infrastructure.

The South Tyneside Open Space Study (2023) proceeds to identify that (based on wards) that the existing amount of amenity green space within the East Boldon Ward (to which the application is located) currently has 4.64 ha per 100 population, which is in excess of the identified figure of 0.80 ha/1000 population (minimum size 0.1 ha). As such there is not a current deficit of open space provision in the area.

Whilst it cannot be considered that the application site is necessarily surplus to requirements, due to its openness and contribution in terms of visual amenity, in terms of the physical loss of the land it is not considered that the reduction in the area of open space would result in a significant loss in open space provision to the area to warrant the refusal of the application based on the requirements of the NPPF and that replacement open space to offset the loss by equivalent or better provision in terms of quantity and quality in a suitable location is not proposed.

It is recognised that the land does contribute to the overall character and amenity of the area and is highly visible from the surrounding area. The proposal would not impact the existing public footway (other than the verge crossing) and would retain a substantial open grassed area, maintaining a sense of openness at the entrance to Kendal Drive. It is considered that in this instance, the change of use of this parcel of land would be acceptable in principle. Therefore, the proposal would not be contrary to LDF CS Policy ST1, DM1 and SPD3.

Visual Amenity

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

The proposed rear extension would be of an acceptable scale and massing having regard to the existing host property and to the surrounding area, whilst the proposed materials would be in keeping with the materials used in the existing dwellinghouse and as such would be considered to be acceptable.

The proposal would result in a loss of a small, grassed area of land to extend the residential curtilage of 1 Kendal Drive creating a larger rear garden. The land would be enclosed by a 1.8m high brick wall / fence to match the existing boundary treatment.

Given the nature of the proposal, the boundary enclosures would be visible from the public domain. SPD9 sets out that *'the design, height and materials of walls and fences should complement the original character and materials of the property and neighbourhood.'*

SPD 9 also provides guidance with respect of front gardens, stating that *'it is advised that boundary treatments should not exceed 1 metre in height.'*

The proposal would extend the front/side garden of 1 Kendal Drive with a 1.8m high boundary timber/brick wall to the side/rear boundary. This is in keeping with the materials used around the existing property.

The proposal would also have an impact on the local area with respect of the loss of part the existing grassed area, which at present is open, visible and accessible to the public. It is considered from a visual amenity perspective, that whilst the loss of part of the grassed open space is regrettable, it is not considered that this alone would result in a negative impact sufficient to refuse planning consent for this reason and would not cause material harm to the visual amenity of the area. As detailed above, there are examples of other grassed areas in the immediate locality of various sizes and topography, and furthermore the proposal would seek to retain a substantial amount of the existing open space (grassed area) through only seeking to change the use and enclose 105m² of the land to include within the residential curtilage and consequently it is considered that the proposal would not result in unacceptable negative impacts on the immediate area with respect of visual impact.

The development would be located approximately 25m from the boundary of the Esat Boldon Conservation Area, however it is considered that given the above there would be no significant harm to the visual amenity of that Conservation Area.

Therefore, in this regard the development is considered to be in keeping with the character of the area and in this respect the proposal would accord with Policy EB3 of the East Boldon Neighbourhood Plan, LDF Policy DM1 (A) and the guidance contained within SPD9.

Residential Amenity

Due to the location of the property at the entrance of Kendal Drive, the surrounding residential properties to the east, south and west are located at a sufficient distance and would not be adversely impacted by the proposed development.

The property to the north (no. 3 Kendal Drive) hosts a conservatory close to the southern boundary shared with no. 1 Kendal Drive. The proposed rear extension at no. 1 Kendal Drive would be set back 3.819m from the side boundary shared with no. 3 which is a sufficient distance. Although windows are proposed along the side elevation facing no. 3, due to the 3.819m set back from the side boundary, the stagger of the buildings and the existing boundary treatment, it is considered that there would be no harm to the adjacent neighbour in terms of loss of privacy. The proposal is considered to not materially affect the outlook from no. 3 through privacy, over dominance, or overshadowing impacts.

It is considered that the proposal would accord with adopted South Tyneside LDF Development Management Policy DM1 (B) and the associated SPD9 in relation to residential amenity.

Biodiversity Net Gain

From the 2nd of April 2024, the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications unless falling under one of the listed exemptions. This application was valid from the 21.11.2024 and so is legally required to deliver biodiversity net gains of at least 10%.

NPPF Paragraph 187 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. NPPF Paragraph 193 d) also advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. The application is supported by a Biodiversity Net Gain Assessment (BNGA) and a completed version of DEFRA's Biodiversity Metric.

Biodiversity Net Gain calculations using The Statutory Metric suggest that the proposals will result in a net loss of -0.03 area units (-18.21%). As this falls short of the mandatory 10% net gain, compensation will be required off-site as sufficient compensation for habitat losses cannot be delivered within a residential garden. The final details of how the mandatory BNG will be achieved through the submission and approval of a biodiversity net gain plan by way of a deemed condition. The submitted information has been reviewed by the Council's Countryside Team who have indicated that the details are acceptable.

It is therefore considered that the proposed development is capable of achieving a 10% net gain in biodiversity, in accordance with the mandatory requirement. This would be achieved by the discharge of a Biodiversity Gain Plan condition, post decision, through the purchase of statutory credits. Subject to the statutorily applied deemed BNG planning condition, the proposal is considered to be acceptable from a BNG point of view and to deliver a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act.

Subject to the suggested planning conditions, the proposal would accord with LDF Policies EA3 and DM7; and the NPPF (with regards to ecology / biodiversity).

Other Matters

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.

Conclusion

Having regard for the above it is considered that the proposal would result in no significant harm to the visual amenity of the property or the area, residential amenity and would comply with the biodiversity net gain, providing that settled at BNG discharge stage.

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 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. RBD-001KENPLANNING-001 Rev C - Existing and Proposed Plans – Received 24/06/2025
 - Additional Information - Boundary Treatment – Received 04/02/2026

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 in the submitted application form (received 15/07/25) and on drawing no. RBD-001KENPLANNING-001 Rev C (received 24/06/2025). 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 Approval of a Biodiversity Gain Plan 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.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be South Tyneside Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Commencing a development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

2 Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed in writing. You are advised to contact Highways@SouthTyneside.gov.uk for Skips and Containers licences.

Case officer: Emma Thomas

Signed: *E. Thomas*

Date: 29/01/2026

Authorised Signatory: **Seán Gallagher**

Date: 06/02/2026