



South Tyneside Council

Reference:	250271
Location:	16 Whitburn Hall Front Street Whitburn SR6 7JQ
Ward:	Whitburn and Marsden
Description:	Renew aluminium windows and door to brown uPVC.
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Nick Graham
Case Officer Contact No.:	0191 4247427 or 07741108995

Description of the Site

This application relates to 19 Whitburn Hall, a residential flat within an apartment block known as Whitburn Hall. The apartment block dates from the early 1980s and occupies the site of the former Whitburn Hall stately home, which fell into disrepair in the latter half of the 20th century and was demolished to make way for the apartments. There are existing reminders of the old Whitburn Hall in the grounds of the apartment block, including a summerhouse, garden features, the gate keepers lodge and the former coach house. The site is located close to the village centre to the south of Front Street. The ground level of the site is lower than that of Front Street and there is a line of mature trees just within the boundary, which is marked by a high stone boundary wall. To the west and east of the building are extensive grounds that once belonged to the hall. The site is within the Whitburn Conservation Area and is subject to an Article 4 Direction.

Description of the Proposal

This application seeks planning permission for to replace aluminium windows (and a door) with brown uPVC equivalents. Following consideration of the proposal it was noted that a door was also proposed to be amended; the description was subsequently update. Neighbours were not re-notified of this change as the details of the applications are unchanged from the original submission.

Relevant Planning History

No relevant planning history at this property, however wider planning history within the overall building relating to similar proposals, including recently at 24 Whitburn Hall (ref. ST/0517/24/HFUL) for the replacement of 3 wood windows with 3 uPVC windows. This application was approved in May 2025.

Summary of Consultation Responses

Historic Environment Officer – no comments received.

Whitburn Neighbourhood Forum – no comments 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.

The statutory development plan comprises the Whitburn 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 Whitburn Neighbourhood Plan are relevant to this planning application:

- WNP Policy WNP2 - Whitburn Design Guidelines
- WNP Policy WNP4 - Whitburn Conservation 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)
- LDF Policy DM6 - Heritage Assets and Archaeology

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

- Supplementary Planning Document 6 (Parking Standards)
- Supplementary Planning Document 9 (Householder Development)
- Supplementary Planning Document 12 (Whitburn Conservation Area Management Plan)

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):

- Policy SP1: Presumption in favour of Sustainable Development (limited)
- Policy SP24: Heritage Assets (limited)
- Policy 43: Development Affecting Designated Heritage Assets (very limited)
- Policy 47: Design Principles (very limited)

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 the Whitburn village conservation area
- Impact on Residential Amenity
- Biodiversity Net Gain

Impact on Visual Amenity

Policy DM1 concerns the 'Management of Development' and Criterion 'A' seeks to ensure that new development conveys sensitive consideration of its surroundings. SPD9 provides supplementary guidance in relation to householder developments.

Whitburn Hall is a relatively modern building with part of its original design incorporating aluminium windows to reflect the period of its construction. There have been several planning applications to enclose patios and balconies with wood effect uPVC since the early 2000s which were approved on the basis that this was akin to installing a conservatory on a house, as such, this kind of development would not materially detract from the original fenestration. However, the proposed replacement of aluminium windows at the site with uPVC was previously resisted (and prior to decisions referenced) for the following reasons:

- It was considered that UPVC frames would appear 'chunky' due to their increased thickness compared to aluminium and would not respect the design of the building;
- There was concern that the piecemeal replacement of original windows would create a patchwork effect which would harm the appearance of the building.

A key planning application was submitted in 2016 (ref. ST/0343/16/FUL) from a representative of the management company seeking planning permission to address these previously raised concerns and gain approval for uPVC windows and balcony screens throughout the building. This application approved uPVC windows as the slimline uPVC had a frame width of 60mm compared to the 63mm aluminium frames - negating the concern regarding frame widths and approved a scheme that would be consistent approach across the building as a whole. Planning permission was granted subject to a condition that windows would be as per the details proposed (or similar in appearance) and retained thereafter.

Since the 2016 approval, no.16 Whitburn Hall has not replaced their windows or balcony balustrades and now seeks approval to replace these windows / openings with brown coloured uPVC windows.

From the case officer's site visit, it was clear that not all residents replaced windows/balconies/openings following the 2016 planning permission. As such there is a mixture of window colours and materials with the primary material being wood grain effect uPVC. This application would therefore install windows/doors that would be more in keeping with the building as a whole, compared to the existing windows/doors within the premises, albeit only in part of the building. The four windows to the front of the apartment are also proposed to be amended. A condition is suggested as part of any approval granted to ensure the windows have a mahogany colour finish, consistent with a recent approvals within the same building at no.19 Whitburn Hall (ref. ST/0517/24/HFUL) and no.24 Whitburn Hall (ref. 250119).

Subject to the above, it is considered that the proposed use replacement windows/door and use of wood effect uPVC, is acceptable in the context of the period and style of the building and that the development proposed is acceptable in design and materials in accordance with Policy DM1(A) and DM6 of the South Tyneside LDF and SPD9.

Impact on the Whitburn Village Conservation Area

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has statutory duty to seek to preserve or enhance the character / appearance of a Conservation Area.

The use of uPVC is normally discouraged in a Conservation Area primarily as most buildings where the Council have control (e.g. due to an Article 4 Direction) are older buildings, the character / appearance of which would be significantly harmed by the introduction of modern 'plastic' windows.

However, as explained above it is considered that the use of such 'modern' materials would not be unexpected in this case as the building in question dates from the late 20th Century when uPVC was available. In addition, also as detailed above, it is considered that the slim frame width and the matching of the existing pattern of glazing modules / window designs proposed would be in keeping with the character and appearance of the building.

In addition, although within the Conservation Area, the northern elevation of Whitburn Hall is not prominently visible from the public realm due to the difference in levels and the partial screening provided by the high walls and trees along the boundary. This, in addition to the size and modern appearance of the building, results in the site appearing somewhat detached from the wider Conservation Area.

In conclusion, as there are already at least two balconies at Whitburn Hall that are visible from Front Street and have been enclosed by timber or wood effect UPVC, and as the building is not that prominent in the street-scene, no material harm is envisaged to the character and appearance of the locality given the location of this proposal and its windows/door to the northern and southern elevations of the building. In addition, it is considered that the works would be a further step on ensuring the window materials are consistent across the building enhancing the building and the wider conservation area in accordance with Policy DM6 of the South Tyneside LDF and SPD12 and policies of the Whitburn Neighbourhood Plan.

Impact on Residential Amenity

LDF Policy DM1 (B) seeks to preserve residential amenity. SPD 9 sets out guidelines for householder developments.

Given the nature of the proposal replacing existing windows/door, it is not considered that the proposals would negatively impact the amenity of nearby residents. 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

In terms of Biodiversity Net Gain, the proposed development would be below the threshold as it would impact an area of less than 25 square meters of on-site habitat. This would fall under de minimis exemption under Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Therefore, on the basis of the above, the proposed development would be in accordance with Policy EA3 of the LDF Core Strategy and the NPPF with 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, the residential amenity of any neighbouring properties or the setting of Whitburn Conservation 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.

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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 received 07/11/2025

Existing and Proposed Floor Plan received 07/11/2025

Window Elevations received 18/06/2025

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 frames of the windows hereby approved shall have a Mahogany colour finish to all external surfaces.

In order to protect the character and appearance of the building in question and the wider Conservation Area in accordance with Policies DM1 and DM6 of the South Tyneside Local Development Framework.

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 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>

Case officer: Nick Graham

Signed: N. Graham

Date: 15/01/2026

Authorised Signatory: *G. Simmonette*

Date: 15/01/2026