



South Tyneside Council

Reference:	250406
Location:	2 Braemar Drive South Shields NE34 7TZ
Ward:	Horsley Hill
Description:	Conversion of garage/conservatory into habitable space incorporating now raised flat roof; new apertures to front/rear elevations and rear pitched rooflights; erection of pergola structure to rear elevation; new outhouse to rear garden
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 a semi-detached bungalow in the Horsley Hill area of South Shields. The property is located in a predominantly residential area and is bounded by properties at Braemar Drive to the east and west, Cheviot Road to the north and Callum Drive to the south.

Description of the Proposal

This application seeks full householder planning permission to convert the existing garage and conservatory to habitable space incorporating a raised flat roof, with new apertures to the front and rear elevations, rear pitched rooflights, the erection of a pergola structure to the rear elevation and an outhouse to the rear garden in place of the existing shed.

Relevant Planning History

No relevant planning history.

Summary of Consultation Responses

N/A

Summary of Representations

Two representations have been received from the same property in objection to the proposal. The issues raised are summarised as follows

- Visual Impact - The proposed hut is planned for the front aspect of our property, where it would be highly prominent. This position makes it visible from the street and neighbouring homes, and would detract significantly from the visual character of the area. It would appear unsightly and out of keeping with the surrounding environment.
- Potential Disturbance - Although the intended use of the hut is unclear, its proximity to our children's bedrooms raises concern. Should it be used for social gatherings or similar activities, the noise and disruption would likely impact their ability to rest and could negatively affect our overall enjoyment of our home. This uncertainty adds considerable unease.
- Given these concerns, we respectfully request that the Council reconsider the proposal, taking into account the potential for diminished residential amenity and the visual disruption to the local streetscape.

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, a Development Management Policies Development Plan Document (DPD) 2011, a Site Specific Allocations Development Plan Document DPD 2012.

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

- LDF DM1 - Management of Development
- LDF CS ST1 - Spatial Strategy for South Tyneside
- Supplementary Planning Document 9 (Householder Development)

Although the Publication draft South Tyneside Local Plan is now at a more advanced stage of preparation having been subject to two statutory consultation periods, Borough Council decided on 5 September 2024 not to endorse submission of the Local Plan to the Secretary of State for Examination. As such only negligible weight can be afforded to relevant policies at this time and less weight than would have been afforded in the period between completion of the Regulation 19 consultation in March 2024 and prior to Borough Council's decision. For this reason, the report does not seek to identify specific policies from this Plan.

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.

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):

- Policy SP1: Presumption in favour of Sustainable Development (limited)
- Policy 1: Promoting Healthy Communities (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 Residential Amenity

Impact on Visual Amenity

LDF Policy DM1 (A) seeks to preserve visual amenity. SPD9 sets out guidelines for householder developments.

The proposed alterations to the garage and conservatory including the amendments to openings within these and matching brickwork, is considered acceptable in visual amenity terms. Similarly, the proposed rear pergola, given its overall height and massing, is also considered acceptable.

Concerns have been raised by a neighbour regarding the proposed outbuilding from a neighbouring property who considers it would be highly prominent from the front aspect of their property and would appear unsightly. Although this would be visible from the front of the property to the rear, the outbuilding is proposed within the rear garden where such structures are to be expected.

It is also noted that although Permitted Development rights have been removed from this property in relation to its enlargement, porches and means of enclosure, they have not been removed in relation to development incidental to the enjoyment of the dwellinghouse, which includes outbuildings to rear garden areas. This outbuilding would only marginally exceed the Permitted Development criteria (by approximately 0.3 metres in height at its tallest point as it is within two metres of the boundary) and where planning permission would not be required for such an outbuilding where it is incidental to the use of the dwelling. Therefore if the

maximum height of the outbuilding was reduced by 0.3 metres to no greater than 2.5 metres planning permission would not be required. This is a significant fallback position, whilst it is also noted at its closest point to this affected neighbour the height would not exceed 2.5 metres in any case. In this regard this outbuilding element of the proposal is also considered acceptable in visual amenity terms.

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

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. SPD9 sets out guidelines for householder developments.

In terms of the conversion of the garage and conservatory, and the position of the pergola relative to the adjoining neighbour which also has a rear extension, it is not considered any adverse amenity, privacy or overshadowing impacts would occur to any neighbour as a result of these elements.

Concerns have been raised by a neighbour regarding the intended use of the outbuilding and the proximity to their property with potential for noise and disruption. On the basis of the submitted plans, it would appear that a relatively small outbuilding is proposed and it is noted such uses are expected within the rear of a residential property. Additionally and as stated above, minor adjustments to the building would mean the outbuilding would meet Permitted Development criteria. In this regard and given the possible significant fallback position, this is also considered acceptable in residential amenity terms with no adverse amenity, privacy or overshadowing impacts considered to occur to any neighbour.

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).

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

Proposed Elevations and Floor Plans Drg. No. C-07 received 30/06/2025

Proposed Elevations Drg. No. C-06 Rev A received 30/06/2025

Proposed Floor Plan Drg. No. C-05 Rev A received 30/06/2025

Proposed Site Plan Drg. No. C-04 Rev A received 30/06/2025

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 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, asides from the pergola and outbuilding elements.

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 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

3 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: 03/09/2025

Authorised Signatory: *G. Simonette*
Date: 05/09/2025