South Tyneside Council

Reference:	250621
Location:	20 Grosvenor Drive Cleadon SR6 7SZ
Ward:	Cleadon and East Boldon
Description:	Demolition of existing conservatory and removal of chimney stack, and erection of rear single storey extension, rear dormer and front porch, and insertion of side window
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Nick Graham
Case Officer Contact No.:	0191 4247427 or 07741108995

Description of the Site and Proposal

This application relates to a detached bungalow within a residential area in Cleadon. The proposal seeks permission to remove the existing rear conservatory and to erect a single storey rear extension, rear dormer and front porch, to insert a side window and removal the chimney stack. An additional rooflight is also shown on the plans to the front roofplane however it is not considered planning permission is required for this.

Relevant Planning History

No relevant planning history.

Summary of Consultation Responses

N/A

Summary of Representations

Three representations have been received to the proposal from two addresses. The issues raised are summarised as follows

- The occupants of the application property grew a two metre plus high hedge and when asked if they would reduce the height they refused saying they wanted it that high for privacy reasons. They are now proposing an extension which would severely affect our privacy by adding an extension that is above the height of the hedge. So on these grounds we object to this intrusive plan.
- Following discussions and agreement, we ask that a party wall agreement is put in place by the applicants and agreed prior to works commencing.

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, and a Site Specific Allocations Development Plan Document DPD 2012.

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

- 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)

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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. In terms of the proposed rear extension, although this would be wider this would project no further than the building line of the existing conservatory. The proposed rear dormer would also project no further than the original rear elevation of the property, would be set in from the eaves and set down from the overall ridge height. Both of these elements are considered acceptable in visual amenity terms, along with the removal of the chimney and insertion of ground floor side window, the latter of which is not considered to require planning permission.

The proposed front porch would project 1.8 metres forward of the principal elevation. Although this is in excess of SPD9 guidance which sets out 1.4 metres as generally being acceptable, it is noted in this instance the principal elevation is staggered and therefore would have an appearance of projecting 1.2 metres forward of the principal elevation at the shortest distance. In this regard and given its central positioning this is 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 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. The removal of the chimney, front porch and insertion of ground floor side window are all not considered to cause any adverse amenity, overshadowing or privacy issues given their locations and nature.

Concerns have been raised by a resident in relation to privacy concerns. The proposed single storey rear extension would have no greater depth than the existing conservatory, and although wider would have no side windows facing either property to the north-west or south-east. The extension would also only project 2.4 metres from the rear elevation, within permitted

development thresholds. This is considered acceptable with no adverse amenity, overshadowing or privacy issues identified.

In terms of the rear dormer element, this would project no further than the original rear elevation of the property. The facing windows to the north-west towards properties at Kelvin Grove would be approximately 14 metres from the rear boundary of the site, and approximately 12 metres further from the original rear elevations of properties at Kelvin Grove, an approximate 26 metre distance. This is significantly in excess of SPD9 guidance which sets out a 14 metre distance as acceptable. It is also not considered the rear dormer element would cause any adverse amenity or overshadowing issues given the position of the existing dwelling.

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).

Other matters

A neighbour has requested a Party Wall Act agreement is put in place prior to works commencing. This is a matter separate from the planning process and is not a material planning consideration however an informative is suggested to this effect.

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 plan(s) as detailed below

Existing & Proposed Site Plan and Site Location Plan Drg. No. 01 Rev. 1 received 01/10/2025
Proposed Plans Drg. No. 03 Rev. 1 received 01/10/2025

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 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: 20/11/2025

Authorised Signatory: *G. Simmonette*
Date: **20/11/2025**