



South Tyneside Council

Reference:	260128
Location:	26 Nicholas Avenue, Whitburn, South Tyneside, SR6 7DG
Ward:	Whitburn and Marsden
Description:	Cladding to front elevation, window alterations, proposed oak porch, new pedestrian access, and widened vehicular access
Recommendation:	Grant Permission with Conditions
Case Officer:	Evie Werndly
Case Officer Contact No.:	0191 4247176

Description of the Site

This application relates to a detached bungalow located in a residential area of Whitburn, and lies outside of the Whitburn Conservation Area.

The detached neighbouring property, no.28, is situated to the south-west of the applicant property, and the detached neighbouring property, no.24, is situated to the north-east.

Description of the Proposal

This application seeks full householder planning permission for alterations to the front elevation of the property. The existing brick and white UPVC cladding would be finished with stone cladding, which would also span 1.2m along each respective side elevation from the front elevation. The existing 2no. white UPVC windows to the front elevation would be replaced with 2no. sage green UPVC windows.

This application also seeks planning permission for the construction of a front porch. The proposed porch would project beyond the rear elevation of the existing property by 1.2m, with a width of 2.5m. The proposed porch would have a dual-pitched canopy with a maximum height from ground level of approximately 4.4m.

This application also seeks planning permission for a new pedestrian access, with a width of 1.2m, and the widening of the existing vehicular access from approximately 4.5m to 5.503m in width.

Relevant Planning History

No planning history.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 27/03/2026.

Transport Development Officer

It is our consideration that the scheme is acceptable providing the vehicular access crossing of the footway is widened to accommodate the wider driveway area.

Assessment of Proposal Checklist

- **Highway Safety** – No highway safety concerns are envisaged providing the vehicular access crossing of the footway is extended to reflect the wider private driveway to avoid damage to the footway, kerbing and public utility apparatus below.
- **Parking** – Parking is proposed to be improved as part of the proposal, which is acceptable, providing the vehicular accessing crossing of the footway is widened accordingly.
- **Highway Works** – Widening of the vehicular access crossing of the footway to reflect the proposed wider driveway entrance.

Recommended planning conditions and notes to applicant are required should consent be granted. A standard condition would state that the wider driveway should not be brought into use unless and until a means of vehicular access to the additional parking area has been constructed. A note to the applicant would indicate that a modified vehicular access crossing point is required, and that building materials shall not be stored on the highway.

Officer Response to Consultation Response

The request from Highways for the implementation of a condition regarding the construction of vehicular access prior to the use of the private driveway is not considered reasonable, given that the street is an unclassified road and therefore planning permission is not required for the vehicle access. Alternatively, a standard informative would be added to the consent granted, stating that alterations to the adopted highway to create or widen a vehicular footway crossing will require the approval of the Council as Local Highway Authority.

Summary of Representations

None 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.

The following policies of the Whitburn Neighbourhood Plan are relevant to this planning application:

- Policy WNP2 – Whitburn Design Guidelines

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

- DM1 – Management of Development

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

- LDF CS ST1 - Spatial Strategy for South Tyneside
- Supplementary Planning Document 6 (Parking Standards)
- 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 Local Plan has been subject to examination in public hearings in July 2025 and January 2026 and is now progressing towards Main Modifications consultation subject to receipt of the Inspector's post-hearing letter. 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:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- 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,
- 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 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
- Highway Safety

Impact on Visual Amenity

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

The proposed porch, with a projection of 1.2m and width of 2.5m, and the widening of the vehicular access by 1m, would be small in scale and therefore acceptable having regard to the existing host property and to the surrounding area.

The proposed materials, stone cladding, to the front elevation, and spanning 1.2m in length along the respective side elevations from the front elevation, would vary from the existing brick and white UPVC cladding. Although the remaining side elevations would maintain the existing brick, this would not be largely visible as the brick would be obscured by the respective neighbouring properties, no.24 and no.28 Nicholas Avenue.

The immediate vicinity has substantial architectural variation, with many approved large extensions and alterations to surrounding properties. For example, the adjacent property, no.24 Nicholas Avenue, hosts white render and black UPVC cladding, which varies from no.26's existing brick and white UPVC cladding. The proposed sage green UPVC windows and door would also vary from the existing white UPVC windows and door. However, there are white, black, and grey UPVC windows within the immediate vicinity, so the sage green windows would not be too visually prominent. The roof tiles to the front porch would match those on the existing property, and the vehicle access and hard standing would have block paving to match the existing. Therefore, the proposed materials would be considered to be acceptable.

The design of the proposed porch with an oak frame canopy roof would complement the street scene and the character of the area. For example, the property situated opposite the host property, no.31, also hosts a porch with a dual-pitched roof.

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), and Policy WNP2.

Impact on Residential Amenity

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

The proposed oak porch and window alterations would not result in any unacceptable impacts on neighbouring properties regarding outlook, dominance, overshadowing, or loss of privacy.

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).

Impact on Highway Safety

LDF Policy DM1 (G) seeks to preserve highway safety.

The Council's Transport Development Officer has been consulted on the scheme and has noted that there are no concerns with regard to highway safety and works. The additional proposed private parking space would also improve parking as part of the proposal. The means of vehicular access to the additional private parking has been addressed above, in response to the consultation comments. A standard informative would be added to the consent granted, stating that alterations to widen a vehicular footway crossing, which would allow easier access to the widened private driveway, would require the approval of the Council as Local Highway Authority.

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 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 Site and Roof Plan and Location Plan Drg No. 01 – received 23/02/2026
- Proposed Floor Plan Drg No. 03 – received 23/02/2026
- Existing and Proposed Elevations Drg No. 04 – received 23/02/2026

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 All works shall be carried out in accordance with the details of all external materials provided.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside 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 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).

- 3 Alterations to the adopted highway/footway to create or widen a vehicular footway crossing will require the approval of the Council as Local Highway Authority.

Please see <https://southtyneside.gov.uk/article/3281/Apply-for-a-dropped-kerb> or call 0191 427 7000 for further information.

Case officer: Evie Werndly

Signed: E.Werndly

Date: 07.04.2026

Authorised Signatory: Seán Gallagher

Date: 09/04/2026