



South Tyneside Council

Reference:	260134
Location:	55 South Avenue South Shields NE34 6RA
Ward:	Harton
Description:	Application under Section 73 of the Town & Country Planning Act 1990 to vary Condition 2 (approved plans) of 250693 for the alteration and extension to rear to form amended single storey extension.
Recommendation:	Grant Permission with Conditions
Case Officer:	Emma Thomas
Case Officer Contact No.:	0191 4247593 or 07741105284

Description of the Site and Proposal

This application relates to an end terrace property located within a residential area of South Shields.

In January 2026 planning permission (ref: 250693) was granted for an alteration and extension to rear to form amended single storey extension and a side extension at first floor level.

This proposal only refers to the rear extension. The previously approved rear extension was an L shaped structure and projected 2.65m from the rear elevation of the main dwelling at the closest point. The proposed amendment would see the rear extension be a box shape extending the narrower section of structure to a projection of 4m.

Summary of Consultation Responses

N/A

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 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 South Tyneside Local Development Framework are relevant to this planning application:

- LDF Policy DM1 - Management of Development (A and B)
- DM6 - Heritage Assets and Archaeology
- Core Strategy Policy EA3

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

- Supplementary Planning Document 9 (Householder Development)
- Supplementary Planning Document 17 (Monkton Conservation Area Management Plan)

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. The Local Plan is now subject to Main Modifications consultation following receipt of the Inspectors post-hearing letter (12 February 2026) which determined that the plan as submitted is not sound but could be made sound through Main Modifications.

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 an advanced stage of preparation, the weight that can be given to individual Policies in the Plan varies. Local Plan policies subject to Main Modifications consultation may still be subject to objection and, therefore very limited weight should be given to those policies. Policies not subject to Main Modifications can generally be afforded greater weight. 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

S.73 of the Town and Country Planning Act 1990 relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

Although there is no statutory definition of a minor material amendment, Government Guidance set out in “Flexible Options for Planning Permissions” (March 2014) states that a minor material amendment “is one whose scale and nature results in a development which is not substantially different from the one which has been approved.” The development which the application under S.73 seeks to amend has, by definition, already been judged to be acceptable in principle by the grant of the previous permission.

Additionally and importantly, in relation to applications made under S.73 (of the 1990 Act), that section of the Act states:

“... the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and— (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

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. It states that the Local Planning authority will ensure, ‘development, including new buildings, extensions and alterations to existing buildings, is designed to convey sensitive consideration of its surroundings, and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.’

NPPF paragraph 135 states inter alia that planning decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character including the surrounding built environment and maintain a strong sense of place.

Paragraph 139 further states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

With regard to government guidance on design contained within the National Design Guide, the characteristics of context and identity are considered to be of particular relevance to the application proposal.

The primary issue to be considered as part of this application is whether the change in size material and style of the rear extension is considered to be acceptable in terms of design, and to amend condition 2 (approved plans).

The proposed alterations to the previously approved rear extensions would also be considered acceptable, particularly as it would not be visible from the public domain along South Avenue.

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. SPD 9 sets out guidelines for householder developments.

The attached neighbour at 53 South Avenue has a single-storey rear extension along the shared boundary with no. 55, projecting 2.65m from the main rear elevation. The proposed extension would not sit any closer to the boundary than the existing conservatory but would extend 1.35m further into the garden than the previously approved scheme, giving a total projection of 4m. This additional depth is not considered to harm the neighbouring property, particularly given the south-facing rear elevations and the separation from the boundary on both sides.

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 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 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

- Drg. No.3 Rev B - Proposed Front and Rear Elevation - Received 10/03/2026
- Drg. No.4 Rev B - Proposed Side Elevations - Received 10/03/2026
- Drg. No.5 Rev B - Proposed Ground Floor Plan - Received 10/03/2026
- Drg. No.6 Rev A - Proposed First Floor and Roof Plan - Received 10/03/2026
- Drg. No.7 Rev B - Proposed Sections - Received 10/03/2026

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 25/03/2026). 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 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

Case officer: Emma Thomas

Signed: *E. Thomas*

Date: 24/04/2026

Authorised Signatory: Seán Gallagher

Date: 24/04/2026