



South Tyneside Council

Reference:	260464
Location:	10 Kelvin Grove, South Shields, NE33 3HU
Ward:	Horsley Hill and Westoe Crown
Description:	Demolition of rear offshot and conservatory. New rear, side and porch single storey extension. 2.4 metre high fence to rear boundary.
Recommendation:	Grant Permission Householder with Conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Description of the Site

The application site consists of 10 Kelvin Grove, which is a semi detached dwelling, with the adjoining neighbour, 12 Kelvin Grove to the north, and 8 Kelvin Grove to the south. The rear garden lies to the east of the dwelling and is enclosed by a mixture of 1800mm high and 2400mm high fencing. To the front (west) of the dwelling is an area of hardstanding and an approximately 400mm high wall with railings above marking the front boundary. To the rear there is an existing single storey extension, conservatory and several sheds.

Description of the Proposal

Planning permission is sought for the erection of a single storey wrap around extension and the erection of a 2.4 metre high fence to the rear of the above address.

To the front the proposed extension would project approximately 1.4 metres from the front elevation of the dwelling and would contain a porch. The side extension would project approximately 1.3 metres from the side of the dwelling, and the rear extension would project approximately 4 metres from the rear of the dwelling. The proposed extension would be flat roofed, and measure approximately 2.6 metres to the highest point. Internally the ground floor of the dwelling would be reordered.

The proposed extension would be constructed from brick to match the host dwelling.

It is also proposed to erect a 2400mm high fence to the areas of the rear fenceline where there is an existing 1800mm high fence to the northern and southern boundaries.

The plans also show an area of increased hardstanding to be provided to the front of the property. This would be surfaced with permeable paving.

Relevant Planning History

None relevant

Summary of Consultation Responses

N/A

Summary of Representations

1 representation has been received in objection to the proposal. The issues raised are

1. RWP- where will this drain into. Will the drains be extended to accommodate this change
2. Where will the run off from the driveway go?
3. Change of use of the rear room from lounge to kitchen. How will the increase in noise be accommodated? Kitchen cupboards fitted to party wall may close loudly, extra sockets on the party wall could be heard, chopping blocks, blenders, white good may transmit extra noise if placed solidly against party wall.
4. Fire proofing of party wall from kitchen risks.
5. Increase use of rear drain from kitchen waste.
6. Party wall act 2026
7. Have any changes to party wall chimney been proposed.

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 South Tyneside Local Plan 2023-2040. Relevant policies are listed below:

- Policy SP1: Presumption in favour of Sustainable Development
- Policy 1: Promoting Healthy Communities
- Policy 47 Design Principles

The Local Development Framework (LDF) development plan documents also remain part of the development plan at the current time. The following LDF policies are relevant to this planning application:

- DM1 Management of Development (A, B & G)

The following Council planning guidance documents are also relevant to this planning application:

- Supplementary Planning Document 9 (Householder Development)

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

Policy 47 of the Local Plan sets out that all development, including extensions and alterations to existing buildings, shall provide for high quality design that contributes positively to the character and visual amenity of the borough's townscapes, landscapes and seascapes.

LDF Policy DM1 seeks to preserve residential and visual amenity.

SPD9 provides guidance on householder developments.

In terms of front extensions, SPD9 states that in the case of terraced and semi-detached houses, front extensions should not normally project forward from the original dwelling by more than 1.4 metres and side windows should be avoided or fitted with obscure glazing in situations where there would otherwise be an adverse impact on the privacy of a neighbour. The proposed front porch would be visible from Kelvin Grove, and would project forward beyond the existing front porch by 0.2 metres, with a greater width by 1.2 metres. The porch would therefore project forward from the original dwelling by 1.4 metres, which aligns with guidance in SPD 9. The proposed development would be of an acceptable scale and massing having regard to the existing host property and the surrounding area, as the ground area covered by the proposed porch would only be marginally larger than the existing.

In terms of side extensions, SPD9 states that they should not normally have a width greater than half the width of the existing property. The proposed side extension would comply with this.

In terms of rear extensions, SPD9 states that single storey rear extensions that would extend beyond the rear wall of the original dwelling house by up to 3 metres in respect of semi-detached or terraced houses will generally be acceptable. The proposed rear extension would project a maximum of 4m from the rear elevation of the host property. This would exceed the standards as set out in SPD9. However given that the property's rear garden is relatively large it is not considered that there would be such significant harm in this regard to warrant refusal.

The flat roof design of the front/side/rear extension would be acceptable: there are a number of other flat roof extensions in the area. Having regard for the above it is not considered that the front/side/rear extension would result in significant harm to the visual amenity of the area.

Turning to the proposed rear 2.4 metre fence, it is therefore important to ensure that the style and materials match or complement the existing style of the boundary treatment in the surrounding area or, where appropriate, the dwelling itself. It is considered that the additional 600mm in height above the existing 1800mm high fence would be acceptable and it would not appear visually as unduly overbearing or oppressive.

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 Policy 47.

Impact upon residential amenity

Policy 47 of the Local Plan seeks to protect residential amenity.

In line with this, Policy DM1(B) of the South Tyneside LDF seeks to protect residential amenity of neighbours from harmful impacts from development.

The Council's SPD9 guidance sets out a presumption against development that would not maintain a reasonable outlook from the habitable room windows of neighbouring properties. This generally means that a development should not be so large and/or so close that it forms a very dominant feature when looking out from habitable rooms of a neighbouring property. This SPD9 guidance defines 'habitable rooms' as living, dining, kitchen, bedroom, study, games room etc. and 'non-habitable rooms' as a bathroom, hall, cloakroom, landing and toilet.

The proposed front/side rear extension would be set adjacent to the site's southern boundary with northern side elevation of No. 8 Kelvin Grove. Given the orientation of the two properties it is not considered that there would be significant harm in terms of overshadowing to No. 8. That property is set 2.4 metres from the shared boundary and in its northern side elevation at ground floor level has 2no. windows which appear to be secondary windows which serve a lounge and kitchen. These windows would face the proposed extension and would be set 3.2 metres from the proposed side extension with a 1800mm high fence in between. The outlook afforded by these windows would be reduced by 1.2 metres. Although given the windows' limited outlook as existing and given that they are secondary windows serving a lounge and kitchen respectively, and given that the lounge and kitchen also have another window to the front and rear elevation it is not considered that there would be such significant harm in terms of loss of outlook or overdominance to warrant refusal. Furthermore, SPD9 states that windows on shared boundaries outlook cannot be protected.

The proposed front extension would project 1.4 metres forward of the front building line of No. 10 Kelvin Grove. Given the distance of Nos. 12 and 8 Kelvin Grove from the boundary to the north and south and this limited projection to the front, it is not considered that this would result in significant harm to Nos. 12 and 8 Kelvin Grove in terms of overdominance, loss of light, overshadowing, or loss of outlook.

The proposed rear extension would project approximately 4 metres beyond the original rear building line of the existing dwelling. In terms of overshadowing issues, as stated above, SPD9 discourages development that cause a significant overshadow of habitable windows of neighbouring properties over and above that of the existing situation. The rear elevation of no. 12 Kelvin Grove contains a conservatory and projecting kitchen lean to. The proposed extension would project approximately 900mm further than the conservatory to the rear of no. 12. Given the sites orientation, there is already a degree of existing overshadowing from the existing rear extension to no 12, as number 10 lies to the north of the application site. As the sun rises in the east and moves westwards during the day, by mid morning, the existing height of the dwelling already causes a degree overshadowing to rear of both of the dwellings.

SPD9 states that the overshadowing of outdoor spaces is given less weight than impact within the dwelling. Where the affected space is part of a small plot land/or the overshadowing removes the only area of sunlight a space receives, this may be given increased weight.

The proposed extension would not increase overshadowing to the rear garden of no. 10 to the north, and as such the proposed rear extension is not considered to create any

significant further levels of overshadowing or any further sustained periods of overshadowing to have an adverse or harmful impact on the attached neighbour over and above the existing situation to a level to warrant refusal of this application. The rear garden of no. 10 would be unaffected by overshadowing from the proposed rear extension.

It is therefore considered on balance, the occupiers of no. 10 Kelvin Grove would not be significantly adversely impacted in terms of loss of privacy, outlook, overdominance or overshadowing from the proposed two storey extension.

The proposed 2.4 metre high fence would be positioned to the rear of the property and be constructed in a style typical of residential areas. It would be marginally higher than that for which provision exists in terms of permitted development rights. However, given its position to the rear of the property this would not appear unduly prominent in the wider locality.

Therefore, it is considered to be acceptable in residential amenity terms and would not adversely affect any neighbouring property by way of amenity, privacy or overshadowing relative to the existing property. 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 Policy 47 of the Local Plan.

Other matters

Comments have been received questioning will drains be extended to accommodate the proposed extension. This would be a matter for building control.

Comment has been made questioning where will the run off from the driveway go. The submitted plans show the driveway to be surfaced with a permeable material and as such any surface water would soak away under the driveway. Furthermore, this is development which does not require planning permission providing that a porous surface is used and is permitted development under Schedule 2 Part 1 Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Comment has been made in respect of noise from the change of use of the rear room from lounge to a kitchen. The internal reordering of rooms does not require planning permission. Furthermore, no evidence has been provided that the proposal would result in any materially unacceptable impact upon residential amenity. This lies outside the control of planning.

Comment has been made regarding fireproofing of party wall from kitchen risks. This is a building control matter.

Comment has been made regarding an increased use of rear drain from kitchen waste. This is not a material planning objection.

Comment has been made regarding the Party Wall Act. This is separate legislation from the planning process and would be a Civil matter.

Comment has been made asking are any changes to party wall chimney proposed. The plans show no alterations to the chimney.

Conclusion

In conclusion it is considered that the proposal would have an acceptable impact in terms of the residential amenity of all neighbouring properties and the visual amenity of the area. Overall it is considered that the proposal would be in accordance with Local Plan Policy 47, Local Development Framework (LDF) Policy DM1 and the objectives of Supplementary

Planning Document (SPD) 9 'Householder Developments', and so is an acceptable form of development. Approval is recommended.

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.

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 Site Plans Drg No C-04 received 20/07/2026

Existing and Proposed Ground Floor Plan Drg No C-01 received 22/06/2026

Proposed Elevations Drg No C-03 received 22/06/2026

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 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 Plan policy 47 and South Tyneside LDF 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: Adam Williamson

Date: 24/08/2026

Authorised Signatory: Seán Gallagher

Date: 26/08/2026