

Committee Report

Application No:	DC/17/01016/COU
Case Officer	Andrew C Softley
Date Application Valid	5 September 2017
Applicant	Mr Paul Barrett
Site:	42 Park View Avenue Shipcote Gateshead NE9 5EN
Ward:	Saltwell
Proposal:	Change of use from amenity land to private curtilage, creation of a balcony and patio area on south elevation
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The property is located within the housing scheme that constitutes the redevelopment of the former Gateshead College site on Durham Road, Gateshead, which is located within Saltwell Conservation Area and is accessed from Enfield Road and East Park Road.

1.2 The application site is a brick built three storey end terrace property that features a pitched slate roof and is located on land that slopes steeply downwards from east to west. The property has off-street parking and a bin store to the front, a large raised balcony/terrace to the rear at first-floor level and double Juliet balconies also to the rear at ground floor level. This is a design characteristic built into a number of the properties across the estate to make use of the expansive views over Saltwell Park towards Sunnyside in the west afforded by the significant drop in land level from east to west.

1.3 DESCRIPTION OF THE APPLICATION

This application proposes change of use of a small portion of amenity land to private curtilage to allow a balcony and a patio area on the south facing elevation to be constructed at ground floor level. The balcony/patio would have a footprint of 2.8m by 8.5m, albeit only 5.75m would project beyond the rear elevation of the property. Due to the steeply sloping nature of the site the overall height of the balcony, when measured from the footpath to the rear of the site, would be 4m in order to tie-in with the floor level of the property, which is 2.85m above the footpath. The balcony would feature brick pillars with smoked glass screens and the patio would be defined by timber fencing. All the materials and finishes proposed are to match those used for the construction of the existing house, as the materials are still readily available because the housing development is ongoing elsewhere within the wider site.

1.4 The application is required to be heard by Planning and Development Committee, as the applicant is a member of staff who works within Building Control, which is within the service Development, Transport and Public Protection.

1.5 **RELEVANT PLANNING HISTORY**

DC/11/01356/FUL: Planning permission granted for redevelopment of former Gateshead College site to provide 175 dwellings, including 16 live/work units, and associated access, open space and landscaping (amended 20.1.12 and 27.01.12). Granted 26.3.2012.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS14 Wellbeing and Health

CS15 Place Making

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

DC1C Landform, landscape and after-use

DC2 Residential Amenity

CFR20 Local Open Space

CFR23 Protecting and Imp Existing Open Space

5.0 Assessment of the Proposal:

5.1 **ASSESSMENT**

The main issues to be considered are the principle of the change of use and what impacts it would have visual/residential amenity and Saltwell Conservation Area.

5.2 PRINCIPLE

The housing development approved under DC/11/01356/FUL did not require any open space to be created, as the neighbourhood in which the site is located was not deficient and the development would not result in a shortfall being created. That situation remains valid today and hence the proposal is in accordance with the aims and objectives of saved UDP policy CFR20.

5.3 With regard to saved UDP policy CFR23, it sets out that loss of open space that accords with CFR20 will only be permitted exceptionally, and any development or change of use resulting in such loss will be assessed to ensure that, as far as possible, the open space in question is the lowest-quality in terms of recreational value, accessibility, visual quality and biodiversity.

5.4 In this case, the steeply sloped nature of the land means it is of little or no recreational value and has limited accessibility. In addition, as part of the original landscape philosophy for the housing development the land in question is approved to simply be grass seeded and left as a green slope and therefore is considered to be of low visual quality, biodiversity and cannot be used recreationally. Therefore, it is considered that the proposal does accord with the aims and objectives of saved policy CFR23 of the UDP, as the land is arguably not public open space in the first place and certainly if it is considered to be public space is of the lowest quality in the local area.

5.5 It is also worth noting that the scale of building works is modest relative to the remainder of open space/amenity land in this part of the development; is rectangular in shape and immediately adjacent to number 42 and thus would not fragment the wider piece of land; and hence the main purpose for this area of land as a visual break, rather than a recreational space, between Park View Avenue and North Dene House to the south would be retained. As a result, it is considered that the proposal raises no wellbeing or health related issues and thus accords with the aims and objectives of policy CS14 of the Core Strategy and Urban Core Plan (CSUCP).

5.6 Therefore, subject to the other material planning considerations, it is considered that the 'principle' of the change of use is acceptable, as the proposal accords with the relevant local plan policies, as set above.

5.7 VISUAL/RESIDENTIAL AMENITY

The proposed balcony and patio are not considered to raise any significant visual/residential amenity concerns, as the design, location and materials proposed would all be similar and in keeping with the design of the existing property and the associated terrace. Furthermore, the estate has been designed with the majority of properties having elevated balconies and external spaces, which along with the significant land level changes does allow an element of mutual overlooking. Therefore, this additional balcony, which would be at a lower land level than the property's existing raised balcony should not create any additional overlooking or residential amenity issues over and above the current designed in arrangement.

- 5.8 With the regard to the material change of use itself, the current area of amenity land is approved to be grass seeded and left as a green slope and therefore is considered to be of limited visual amenity value. Therefore, the proposed design, which follows the design of the existing houses and would use the same brick, is not considered to pose any visual amenity concerns.
- 5.9 As a result, having weighed the issues together, it is considered that the proposal does not create any significant visual/residential amenity issues and thus the proposal is in accordance with the National Planning Policy Framework (NPPF), policies CS14 and CS15 of the CSUCP and saved policies ENV3 and DC2 of the UDP.
- 5.10 **CONSERVATION AREA**
The proposed design and layout would follow the stepped pattern along the rear of the terrace of properties and materials will match the existing, as the exact bricks are still available because the development is still under construction elsewhere on the site. Therefore, it is considered that the submitted proposal would not harm the character and appearance of Saltwell Conservation Area, as a designated heritage asset, as it continues the design themes established for the main development and is a small addition within this context. The proposal is considered to accord with the NPPF, policy CS15 of the CSUCP and saved policy ENV7 of the UDP as a result.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that planning consent be granted, as the application has demonstrated that the proposal is acceptable in principle, would safeguard visual/residential amenity and preserve the character and appearance of Saltwell Conservation Area. Thus the proposal does accord with the national and local policies and the recommendation takes account of all material planning considerations, including the information submitted by the applicant.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -
"Proposed Elevations 4.9.2017" and "Proposed Site Plan".

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number "Proposed Elevations 4.9.2017".

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

