

**Committee Report**

<b>Application No:</b>	<b>DC/18/00418/COU</b>
<b>Case Officer</b>	<b>Chris Johnson</b>
<b>Date Application Valid</b>	<b>25 May 2018</b>
<b>Applicant</b>	<b>Mrs Joanne Lawlor</b>
<b>Site:</b>	<b>36 Harewood Close Whickham Whickham NE16 5SZ</b>
<b>Ward:</b>	<b>Whickham South and Sunnyside</b>
<b>Proposal:</b>	<b>Change of use from public open space to private garden</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Change of Use</b>

**1.0 The Application:****1.1 DESCRIPTION OF THE APPLICATION SITE**

The application site is an area of public open space adjacent to 36 Harewood Close. It contains 3 mature trees and two smaller trees to the northern end of the site. Harewood Close is a residential area to the south of Whickham consisting of family homes with minimal boundary treatments and several areas of public open green space.

**1.2 DESCRIPTION OF THE APPLICATION**

The application proposes the change of use of the application site from its existing use as public open space to an area of private garden. The erection of a temporary post and rail fence is proposed to support the growth of a beech hedge which will enclose the majority of the site. This fence is to be removed once the hedge matures.

**1.3 RELEVANT PLANNING HISTORY**

DC/10/00452/HHA - Erection of conservatory at rear of dwellinghouse (retrospective application). Granted: 09.06.2010.

**2.0 Consultation Responses:**

None.

**3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of 23 representations have been received - 22 in objection to the proposal and 1 in support of the proposal.

3.2 The objections are summarised as follows:

- The proposal would be out of keeping with the streetscene.

- Harewood Close is characterised by its openness and contains several areas of public green open spaces such as the application site. The proposal would be prejudicial to this character.
- The proposal would result in the loss of high value mature trees.
- The proposal would be detrimental to residential amenity.
- The proposal would obstruct views into and out of the cul-de-sac and would threaten highway safety.
- The proposal would result in the loss of public open space for children to play.
- The proposal would result in the loss of wildlife habitat.
- The proposal would be overbearing for neighbouring properties.
- The proposal would cause a loss of views for neighbouring properties.
- The proposal will be harmful to the visual amenity of the area as the openness of the cul-de-sac provides pleasant views.
- The proposed beech hedge is an inadequate means of enclosure and will be unsightly.
- The proposal could affect the future saleability of neighbouring properties.
- Public open spaces should not be sold privately.
- Not enough people were consulted on the proposal.
- The site notice was displayed in the wrong place.
- The proposal sets a dangerous precedent and will result in more land being sold off and built on.

3.3 The point in support of the application is:

- The land is in poor condition and will be maintained more regularly than it currently is if it were privately owned.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

GPGSPD Gateshead Placemaking Guide SPG

CFR23 Protecting and Improving Existing Open Space

DC2 Residential Amenity

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

#### **5.0 Assessment of the Proposal:**

- 5.1 The main planning considerations relating to the proposal are; the loss of public open space; the impact of the works on the appearance and amenity of the area, and the impact on highway safety.
- 5.2 **LOSS OF PUBLIC OPEN SPACE**  
Open space includes all open space of public value, and can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development. Saved policy CFR23 of the Council's Unitary Development Plan (UDP) only permits the loss of public open space exceptionally, and any development or change of use proposal resulting in such loss will be assessed to ensure that, as far as possible, the open space in question is the lowest-quality area of public open space in the neighbourhood in which it is located, in terms of recreational value, accessibility, visual quality and biodiversity. Existing public open space will where possible be improved, especially to enhance visual quality, biodiversity, nature conservation interest and recreational opportunities.
- 5.3 An assessment of the neighbourhood has been carried out to determine if the application site can be considered the lowest-quality in the area. There are several public open green spaces within the neighbourhood. There are several areas which can be considered lower quality than the application site. These sites can be considered lower quality due to their size, shape and location. This reduces their recreational value, visual quality and accessibility. Therefore, the site is not the lowest quality in the neighbourhood and the proposal is contrary to policy CFR23.
- 5.4 Section 8 of the National Planning Policy Framework (NPPF) aims to promote high quality public spaces, which encourage the active and continual use of public areas. Existing open space should not be built on unless: an assessment has been undertaken which has clearly shown the open space is surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 5.5 There is no assessment or evidence to suggest that the open space is surplus to requirements. Conversely, there have been a number of written objections to the proposal from neighbours citing the value of the application site as an area for children to play and as a habitat for wildlife. There has been no indication that any alternate open space is to be provided elsewhere to replace what is lost as a result of the development. Neither is there any indication that the development is for alternative sport or recreation, the need for which would outweigh the loss as a result of the development. The proposed use of the site is a private garden. Therefore, the proposal does not meet the aims and objectives of the NPPF.

- 5.6 Policy CS14 of the Core Strategy and Urban Core Plan (CSUCP) promotes the wellbeing and health of communities by improving access for all to green spaces, gardens, play, exercise and recreation opportunities. The application site provides an open green space which offers exercise and recreation opportunities and a space in which children can play. The loss of this public open space can be considered prejudicial to policy CS14 of the CSUCP.
- 5.7 Overall, it is considered that that the proposed development and loss of public open space would have an unacceptable detrimental impact on the neighbourhood. The proposal conflicts with saved policy CFR23 of the UDP, policy CS14 of the CSUCP and the aims and objectives of the NPPF.
- 5.8 **AMENITY AND APPEARANCE**  
Where development has an adverse impact on the amenity or character of an area; causes undue disturbance to nearby neighbours and residents; or conflicts with other adjoining uses, planning permission will generally be refused. The application site forms an important part of the street scene. It provides a sense of openness and this is a key characteristic of Harewood Close, a product of the low boundary treatments and several open green spaces within the neighbourhood. It makes a positive contribution to the area. Enclosing this area would have an adverse impact on the amenity of the area. The area provides space for informal play for children and improves the area aesthetically. It is prejudicial to saved policy DC2 of the UDP, policy CS15 of the CSUCP and the aims and objectives of the NPPF.
- 5.9 **HIGHWAYS**  
The application site is on adopted highway and while the Local Highway Authority have not objected to the principle of the stopping up of this area of highway, if planning permission was granted for the change of use to private garden, the applicant would be required to make an application to the Secretary of State for the highway to be stopped up under section 247 of the Town and Country Planning Act 1990. The relocation of the existing lighting column adjacent to 35 Harewood Close and diversion of any utilities infrastructure in this area may be required as part of the process, the applicant will be required to meet all associated costs.
- 5.10 Policy CS13 aims to mitigate the effects of development on existing transport networks. A number of objectors to the application have claimed that the proposal threatens highway safety, as the lack of boundary treatment at present provides good driver/pedestrian visibility which the proposal would reduce.
- 5.11 The proposed hedge would not run along the perimeter of the application site but would be set back by 2m from the south western (outer front) corner and 5m from the back of the pavement (in line with the existing garage) to the front of the house. Along the side of the house, the land outside of the proposed hedge tapers down until the hedge meets the back of the pavement immediately adjacent to the driveway to no 35 Harewood Close. This would limit the inter-visibility of vehicles reversing off the driveway of no 35 and pedestrians using this section of the footpath.

- 5.12 Consequently, if Members were minded to grant permission, it would be recommended that a condition was imposed to ensure that an appropriate visibility splay of 2.4m x 2.4m was provided for the drive at 35 Harewood Close.
- 5.13 Overall, subject to the imposition of a condition to secure a suitable visibility splay, it is considered that the proposal could comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP and that highway safety should not therefore be a reason for refusal.
- 5.14 **OTHER MATTERS**  
Other planning considerations raised by residents includes the loss of high value trees. The trees on the application site are neither protected under Tree Protection Orders nor within a conservation area, and as such, currently, have no formal protection. The application plans do not indicate that any works to the trees is intended. However, should planning permission be granted, and the land then become private garden, the Local Planning Authority would have to consider whether it would be appropriate for a Tree Preservation Order to be made.
- 5.15 Several objectors claimed there were not enough neighbours notified and that the site notice was too far away from the application site. A site notice was displayed on Harewood Close, close to the application site as well as 27 neighbours being notified of the proposal. This exceeds the statutory requirement for such an application. It is considered that all of those who would be affected by the proposal have been given ample time in which to comment on the application.
- 5.16 Several objectors have stated that the proposal would result in the loss of views from their property and that the proposal would affect the future saleability of their property. Neither of these concerns are material planning considerations and cannot be given any weight in the decision-making process.
- 5.17 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule. The proposal is not CIL chargeable development.

## **6.0 CONCLUSION:**

Taking all relevant planning considerations, objections and letters of support into account it is recommended that planning permission should be refused. It is considered that the loss of public open space and the detriment to amenity as a result of the development would be unacceptable. The proposal conflicts with saved policies CFR23 and DC2 of the UDP, policies CS14 and CS15 of the CSUCP, and the aims and objectives of the NPPF.

## 7.0 Recommendation:

That permission be REFUSED for the following reason(s).

1

The proposed development would result in an unacceptable loss of public open space. This is contrary to saved policy CFR23 of the Unitary Development Plan, the National Planning Policy Framework and policy CS14 of the Core Strategy and Urban Core Plan.

2

The application site forms an important part of the street scene. Enclosing this area as private garden would have an unacceptable detrimental impact to the amenity of the area. This is contrary to saved policy DC2 of the Unitary Development Plan, policy CS15 of the Core Strategy and Urban Core Plan and the aims and objectives of the National Planning Policy Framework.

