

Committee Report

Application No:	DC/18/00512/FUL
Case Officer	Tracy Long
Date Application Valid	31 May 2018
Applicant	Ms Irene Carmichael
Site:	Meynell House Dipwood Road Rowlands Gill NE39 1DA
Ward:	Chopwell And Rowlands Gill
Proposal:	Demolition of existing detached garage and shed buildings and erection of 5-bedroom detached house in garden of dwellinghouse with new vehicular and pedestrian access onto Derwent Avenue (description amended 14 June 2018).
Recommendation:	REFUSE
Application Type	Full Application

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

The application site is the eastern part of the existing garden area to Meynell House, a two storey, semi detached, residential property, at the junction of Dipwood Road and Derwent Avenue, within Rowlands Gill Conservation Area. The existing Meynell House site is roughly square in shape and measures 0.17 hectares. The site is generally level. The site is within a residential area of Rowlands Gill and is surrounded by other residential properties.

1.2 DESCRIPTION OF THE APPLICATION PROPOSAL

This planning application proposes the sub-division of the existing garden to Meynell House and the erection of one new house in the south eastern area of the garden. The proposed house would be a two storey (with loft accommodation), 5 bedroom, detached house with an attached garage. The application also proposes the demolition of the existing detached garage and shed buildings within the garden area.

1.3 The planning application has been submitted with the following supporting information

- Heritage statement
- Design and access statement
- Tree survey / report
- Preliminary Risk Assessment (contamination)

1.4 RELEVANT PLANNING HISTORY

DC/03/00263/FUL

Planning permission for the sub-division of the garden at Meynell House and the erection of 1 new detached 4 bed house was REFUSED planning permission on 7 April 2003 on the grounds of harm to the Conservation Area.

- 1.5 This decision was subsequently appealed. The appeal was DISMISSED on 28 May 2004 on the grounds of harm to the Conservation Area.

2.0 Consultation Responses:

Archaeology Officer No archaeological investigation or monitoring is required as part of this scheme.

3.0 Representations:

- 3.1 The Council sent neighbour notification letters to 9 properties surrounding the site, as well as displaying a notice opposite the site along Dipwood Road. A notice also appeared in the Journal on 13 June 2018.

- 3.2 5 representations letters have been received from local residents.

- 3.3 4 letters of support have been received on the following grounds :

- It would be good for / enhance the area
- It would remove 3 unsightly buildings
- Would ensure that nothing inappropriate could be built on the site in future
- The gardens of Meynell House are too large for the owners to maintain
- There have been several similar applications approved in the Conservation Area

- 3.4 1 letter has also been received which neither objects to nor supports the application. This representation states that there is no major objection to the proposal assuming that the development is an appropriately sized property to allow the sense of space and light to prevail within the area.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV10 Dev in Gdns/Grounds in Conservation Area

ENV44 Woodland, Trees and Hedgerows

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H5 Housing Choice

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

5.1 The main material planning considerations are considered to be the impact on the Conservation Area, impact on trees, residential amenity, highway safety and the potential for contaminated land.

5.2 NPPF
The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 11 states that there is a presumption in favour of sustainable development.

5.3 HERITAGE / DESIGN ISSUES
This site is situated within Rowlands Gill Conservation Area, which is a designated heritage asset.

5.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications within a

Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

- 5.5 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset (such as Rowlands Gill Conservation Area), great weight should be given to the assets conservation. Paragraph 194 of the NPPF goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 5.6 Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 5.7 Paragraph 196 of the NPPF explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.8 Saved Policy ENV10 of the Council's Unitary Development Plan (UDP) states that planning permission will not be granted for development (especially that which would involve sub-division) in gardens and grounds which make a contribution to the character of a conservation area.
- 5.9 Policy CS15 of the Council's Core Strategy and Urban Core Plan (CSUCP) also seeks the conservation and enhancement of the historic environment / heritage assets.
- 5.10 The main issue in assessing such a proposal is therefore the effect of the development on the significance of the designated heritage asset – Rowlands Gill Conservation Area.
- 5.11 With regards to the proposed demolition of the existing detached garage and garden shed buildings. All the buildings are of a considerable age and in need of maintenance. However the existing garden buildings form part of the domestic paraphernalia normally associated with a dwelling. It is considered that their removal would not detract from the overall appearance of the area as the garden would remain intact. The removal of the three existing outbuildings in the garden is therefore considered to be acceptable from a heritage point of view.
- 5.12 With regards to the subdivision of the existing garden and the construction of an additional new house. The pattern of development at this part of the conservation area is characterised by large properties within substantial plots. Meynell House is a large semi detached house, on a corner plot at the junction of Dipwood Road and Derwent Avenue, with a substantial garden area. The road frontage to this site is wide and spacious. The garden area around the building is also large and spacious. Council officers are therefore of the opinion

that the garden of Meynell House does make a positive contribution to the character of the conservation area, as character is defined not just by buildings and structures but also by the spaces and views between them.

- 5.13 The house opposite to the east (The Poplars) is a large detached house set in a spacious plot. The grouping of The Poplars and Meynell House then leads to a considerable length of undeveloped woodland, which borders the road along Dipwood Road. It is therefore considered that this site makes a significant contribution to the Conservation Area as a whole.
- 5.14 Council officers are of the opinion that the sub-division of this spacious corner garden site and the building of a new house in the side garden of Meynell House would interrupt this pattern of development and alter it significantly. The width of the roadside frontage would diminish and the density of the development pattern in this location would intensify. The street frontage would therefore become more built up and would erode the sense of openness that currently exists, which is significant to the character and appearance of the conservation area. Council officers are therefore of the opinion that the proposal would substantially harm the character and appearance of this part of the conservation area, and its significance taken as a whole.
- 5.15 The proposed scale and massing of the proposed house is greater than that of Meynell House. It has a particularly dominant roof which features a large hipped roof with high ridge line and pitched gable projections. The proposed ridge height measures 9.4 metres high and the eaves height measures 5.2 metres high. The proposed external materials include red brick, natural slate and white (timber or plastic) sliding sash windows. The proposed scale and design of the house is considered appropriate for the locality. The proposed external materials (subject to the use of timber not plastic for the windows) are considered typical of the area.
- 5.16 It is acknowledged that the proposed development would bring some benefits in terms of providing an additional new family house in the Borough and removing 3 existing dilapidated buildings from the garden. Council officers have considered the benefits that would arise from the proposal but do not consider that the benefits would outweigh the substantial harm that would be caused by the development to the significance of the heritage asset.
- 5.17 It is therefore recommended that planning permission be refused for the proposal on the grounds of substantial harm to the Rowlands Gill Conservation Area, that would not be outweighed by substantive public benefits, contrary to the aims and objectives of the NPPF, saved policy ENV10 of the UDP and policy SC15 of the CSUCP.
- 5.18 TREES
There are a number of large trees on the site which provide a green frontage and contribute to the character and appearance of the Conservation Area. All of the trees on the site are protected given that they are situated within a Conservation Area. Therefore no tree works should be carried out to the trees without the prior written approval of the Council.

- 5.19 An Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted as part of the planning application. These reports identify that 3 trees (trees 9, 10 and 11) as well as 2 hedges (hedges 3 and 4) will need to be removed to build the proposed development. Council officers do not consider their loss to be a significant loss of amenity to the area as a whole, as the trees in question are not particularly valuable in amenity terms.
- 5.20 However the proposed dwelling is to be constructed very close to an Atlantic Cedar (tree T12). This tree has been classified in the submitted tree report as having a categorisation of A Good - a tree of high quality with a remaining safe useful life expectancy of more than 40 years. Council officers are of the opinion that the construction process for the proposed development will have a negative impact on the health and amenity provided by this tree, as its rooting environment could be damaged by the construction process and its form negatively impacted by the need to perform cyclical pruning in order to accommodate the growth of the tree which has the potential to grow very big (currently 15m in height but has significant potential to grow to 20 plus metres).
- 5.21 The submitted Arboricultural Method Statement has described how to theoretically protect this tree using ground protection. However Council officers are of the opinion building a dwelling so close to such a large tree will compromise the health and form of the tree. Cyclical pruning of trees is also not recommended as it can have a detrimental effect on the health, form and function of a tree. Council officers are also of the view that this tree is very likely to be the subject of a significant level of post development resentment from future occupiers of the proposal, as it will block light to habitable rooms and the garden.
- 5.22 Council officers are therefore of the opinion that the proposed development will have a negative impact on one high value tree (tree T12 the Atlantic Cedar) in terms of compromising its health and the form of the tree. It is therefore recommended that planning permission be refused on the grounds that the proposed development would harm a tree of high value contrary to the NPPF, saved policy ENV44 of the UDP and policy CS18 of the CSUCP, which seek to protect trees of value.
- 5.23 RESIDENTIAL AMENITY
Given the remaining distances between the proposed house and the existing properties surrounding the site and also taking into account the existing trees and hedges that provide an element of screening around the proposed house, it is considered that the development would not cause any significant harm to the living conditions of adjacent residents or the living conditions of future occupiers of the proposed house through loss of light, overshadowing or visual intrusion.
- 5.24 The proposed development is therefore considered to be acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the UDP and policy CS14 of the CSUCP, which seek to protect residents living conditions.

5.25 HIGHWAY ISSUES

5.26 Access

There are two existing vehicle accesses to Meynell House – one off Dipwood Road to the north and a second off Derwent Avenue to the east. The existing vehicle access off Dipwood Road to Meynell House would be retained to serve only Meynell House. The existing vehicle access off Derwent Avenue which is very close to the junction with Dipwood Road would be closed as part of the proposed development to improve highway safety at the junction. The final details of the closure of the existing access would need to be approved by the Council as it would require the reinstating of the footway and the provision of full kerbs. These details could be covered by a planning condition should planning permission be granted. A new vehicle and pedestrian access is proposed off Derwent Avenue to serve the new proposed house. The proposed access arrangements for both the existing Meynell House and proposed house are considered to be acceptable.

5.27 Traffic Generation

Council officers are of the opinion that the traffic movements associated with one new house would be limited and can be safely accommodated on the surrounding roads.

5.28 Car Parking Provision

The proposed car parking provision for the new house includes an attached garage with an associated block paved driveway within the site. The proposed car parking provision is considered to be acceptable.

5.29 Cycle Parking Provision

The submitted Design and Access Statement and proposed site layout drawing show that an existing shed in the rear garden of the proposed house could be used as secure cycle parking storage – which Council officers consider to be acceptable.

5.30 Bin Storage /Collection

The proposed layout shows an enclosed bin store immediately adjacent the new driveway, with easy access for bin lorries to collect from along Derwent Avenue. The proposed bin storage and collection arrangements are therefore considered to be acceptable.

5.31 The proposed development is therefore considered to be acceptable from a highway safety point of view and accords with the aims and objectives of the NPPF, policy CS13 and of the Council's CSUCP and the Council's Cycling Strategy.

5.32 LAND CONTAMINATION

The risk of the proposed development being affected by contamination is considered to be low given that the site is within a garden area. A Phase 1 Desk Top study report has been submitted as part of this planning application. This report recommends that a soils investigation which includes for soil gas

monitoring and some limited contamination testing should be undertaken. Council officers agree with these recommendations.

- 5.33 Given that the site has some potential to be contaminated and given the future sensitive residential land use, planning conditions will be required should planning permission be granted to ensure that further investigations with a Phase II detailed risk assessment and where required remediation, monitoring and verification reports are carried out.
- 5.34 Council officers are however of the opinion that any issues relating to gas monitoring and gas mitigation measures will be covered by Building Regulations and it is therefore not considered necessary in this instance to also require the proposed gas monitoring and mitigation measures by planning conditions as well.
- 5.35 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accords with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.36 **OPEN SPACE/PLAY PROVISION**
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.37 The NPPG (Paragraph: 031 Reference ID: 23b-031-20161116) is clear that tariff style contributions should not be sought from residential developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000sqm.
- 5.38 While it cannot be concluded that the proposed development would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, it is considered it is not possible to require any contribution for either play or open space in this case based on the above assessment.
- 5.39 **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 and the development is CIL chargeable development as it is for qualifying housing related development. As such this development is CIL charge liable.
- 5.40 **OTHER ISSUES**
- 5.41 **Maintenance of Garden**
The submitted Design and Access Statement explains that the applicant finds the site difficult to maintain. Whilst this may be the case Council officer do not

consider that this outweighs the substantial harm that would be caused as a result of the proposed development.

5.42 Consistency

The submitted Heritage Statement states that saved policy ENV10 of the UDP is subject to interpretation. In regard to saved policy ENV10 there is not a blanket objection to the development of gardens or grounds in Conservation Areas. The test / consideration is whether a development site / proposal contributes positively to the significance of the Conservation Area.

5.43 In addition the applicant considers that the Council has been inconsistent in applying this policy when considering and determining planning applications. A number of local residents have also written in support of the proposed development on the grounds that similar developments have been approved in the Conservation Area.

5.44 The Design and Access Statement refers to five other planning applications for new houses which were granted permission between 2008 and 2015 in Rowlands Gill Conservation Area.

5.45 Council officers have reviewed the five examples provided but do not consider these cases to be directly comparable to the current proposal. The examples given do not relate to spacious corner plots which contribute positively to the Conservation Area, were recommended for refusal by the Council and / or were dismissed at Appeal by the Planning Inspectorate. In addition planning policy has changed significantly particularly in relation to heritage assets since the introduction of the NPPF in 2012.

5.46 The details of the sites are provided below.

5.47 The Poplars, Dipwood Road – DC/08/00052/FUL

Planning application to sub-divide rear garden (not a corner plot but with a road frontage) and construct 1 new detached two storey with roof accommodation) house. This was recommended for approval by officers on the grounds that the site was historically two separate plots as shown on the Ordnance Survey map of 1939. The application was refused permission by Planning Committee on 3 April 2008 on the grounds of harm to the Conservation Area and trees. This decision was subsequently appealed where it was allowed by the Planning Inspectorate on 22 October 2008. The house has since been built and is known as Yewdale House. The Planning Inspectorate placed emphasis on clear historic mapped evidence that the side garden was previously two separate plots in allowing the appeal. Council officers are of the opinion that the reasons for allowing this appeal on the grounds of re-instating the historic plot layout to be a different set of circumstances to the current proposal at Meynell House. Planning policy has also changed significantly since with the introduction of the NPPF in 2012.

5.48 The Poplars Dipwood Road – DC/09/00393/FUL

Planning application to demolish the existing two storey dental surgery and construct a new two storey semi detached house (not a corner plot but with a

road frontage). This was recommended for approval by officers and was approved under delegated powers on 6 July 2009. This proposal was approved on the grounds that the replacement of a flat roof two storey dental surgery with an appropriately designed house would enhance the Conservation Area. Council officers are of the opinion that the reasons for approving this development (replacement of existing building with a more appropriately designed building) to be a different set of circumstances to the current proposal at Meynell House. Planning policy has also changed significantly since with the introduction of the NPPF in 2012.

- 5.49 Lennox Lodge, Lintzford Road – DC/06/01445/OUT
Outline application to sub-divide rear garden (not a corner plot) and construct 1 new detached bungalow. This was recommended for refusal by officers and was refused permission by Planning Committee on 15 February 2007 on the grounds of insufficient information to assess the impact on the Conservation Area and trees. This decision was subsequently appealed where it was allowed by the Planning Inspectorate on 14 January 2008. This permission has not been implemented. The consent has since expired and planning policy has changed significantly since with the introduction of the NPPF in 2012.
- 5.50 4a Orchard Avenue – DC/13/00225/FUL
Planning application to sub divide garden (not a corner plot but with a road frontage) and construct 1 detached 3 storey house. This was recommended for refusal by officers and was refused permission by Planning Committee on 17 July 2013 on the grounds of harm to the Conservation Area. This decision was subsequently appealed where it was dismissed by the Planning Inspectorate on the grounds of harm to the Conservation Area. Given that this appeal was dismissed, the principle of sub-division has not been agreed at this site.
- 5.51 Holmside, Stirling Lane – DC/15/00861/FUL
Planning application to sub divide garden (back land site in rear garden with no site frontage - not a corner plot) and construct 1 detached, two storey house. This was recommended for approval by officers and was granted permission by Planning Committee on 20 November 2015. In this instance the decision was taken that the development site on its own did not positively contribute to the significance of the Conservation Area.

6.0 CONCLUSION

- 6.1 Taking all the relevant material planning issues into account, including the comments made by local residents in support of the application and the comments made by the applicant in their submitted documents, Council officers are of the opinion that the proposed development would cause substantial harm to the Conservation Area and a high value tree (tree T12). It is acknowledged that the proposed development would bring some benefits in terms of providing an additional family house and removing some existing dilapidated buildings from the garden. However Council officer do not consider that these benefits outweigh the substantial harm that would be caused by the proposed development. It is therefore recommended that planning permission be refused

as the proposed development is contrary to both national and local planning policies.

7.0 Recommendation:

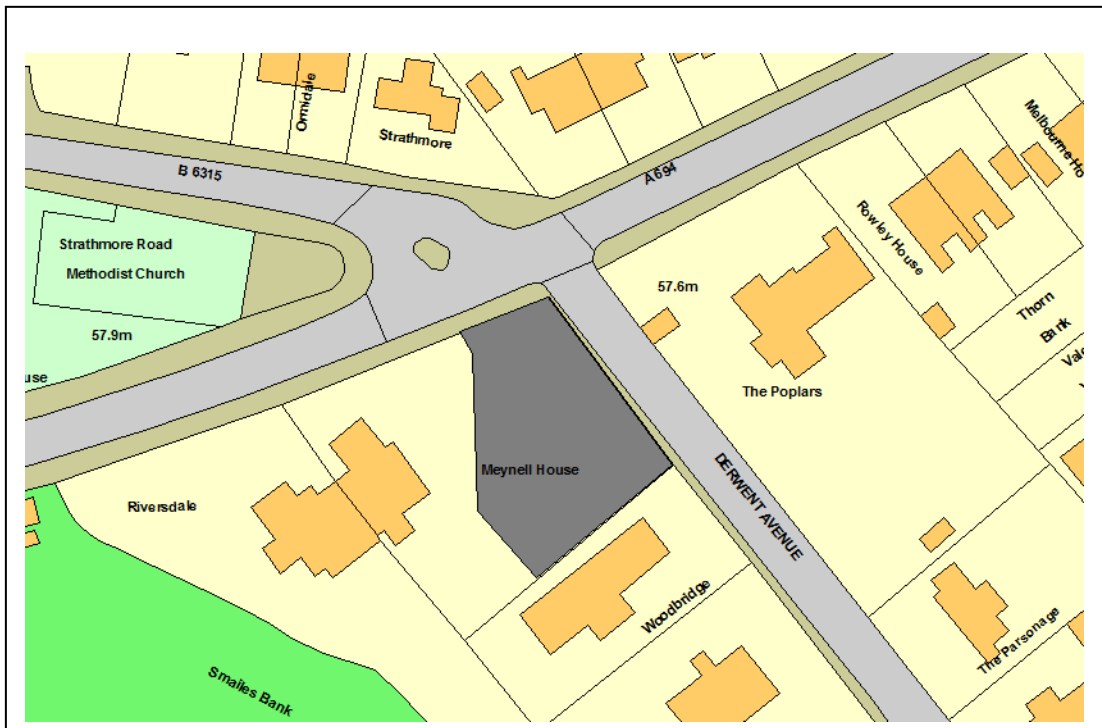
That permission be REFUSED for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary

1

The sub-division of the existing garden and the construction of a new house would result in substantial harm to the significance of the Rowlands Gill Conservation Area, that would not be outweighed by substantive public benefits, contrary to the aims and objectives of the National Planning Policy Framework, saved policy ENV10 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

2

The proposed development due to the position of the proposed house will have a negative impact on one very high value tree (tree T12 the Atlantic Cedar) in terms of compromising its health and the form of the tree, contrary to the aims and objectives of the National Planning Policy Framework, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.



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