

Committee Report

Application No:	DC/18/01213/FUL
Case Officer	Joanne Munton
Date Application Valid	29 November 2018
Applicant	Mr Garry Birkett
Site:	Land To West Of 10 Beverley Gardens Ryton NE40 3BD
Ward:	Ryton Crookhill And Stella
Proposal:	Proposed Single Dwelling (revised application) (additional information received).
Recommendation:	REFUSE
Application Type	Full Application

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

The site is that of an existing garage building, running east to west and measuring 6.0 metres deep by 3.3 metres wide, and land to the north. The site sits at the northern end of a collection of garages on the south western side of a lane, opposite the ends of terraces at Beverley Gardens and North View.

1.2 To the north is a motor salvage yard, to the east are allotment gardens, to the south are terraced dwellings and associated detached garages and to the west is open grassed land, with desire line paths showing evidence of public usage. Public right of way Ryton77 also runs east to west, immediately north of the site.

1.3 The application site is in the Green Belt.

1.4 DESCRIPTION OF APPLICATION

The application proposes the replacement of the existing single storey garage with a detached dwelling with rooms in the roof. On the ground floor the dwelling would provide an integral garage, a kitchen/dining room, separate utility and living/family room, and on the first floor would provide three bedrooms, two en-suites and a separate bathroom.

1.5 The building would run north to south and would be 6.5 metres deep by 13.3 metres wide, with a height of 6.2 metres to the ridge and 2.6 metres to the eaves.

1.6 Parking provision would be hardstanding in front of the proposed dwelling and there would be a private garden at the northern end of the site.

1.7 Existing hedgerow would be retained on the eastern/north eastern boundary and close boarded timber fencing is proposed on the south east and south west boundaries.

1.8 This application is a revised proposal following the withdrawal of DC/18/00400/FUL earlier in 2018.

1.9 RELEVANT PLANNING HISTORY

DC/18/00400/FUL - Erection of single dwelling - Withdrawn 07.06.2018

2.0 Consultation Responses:

Coal Authority	Conditions recommended
Northumbria Water	No objection
Environment Agency	No response

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.

3.2 Councillor Buckley has objected to the application, raising concerns regarding the impact on the Green Belt.

3.3 Additionally, 19 objections have been received from residents, raising concerns including:

- Impact on Green Belt and potential to set a precedent for land surrounding the application site;
- Land is not previously developed;
- Residential properties are available elsewhere;
- Use of land is for parking cars;
- Impact on existing condition of access road, infrastructure and services;
- Increased congestion on lane and increased parking demand, in addition to existing local parking and access issues;
- Increased impact on highway safety in relation to the existing narrow lane;
- Impact on children playing in the street and highway safety;
- Loss of privacy;
- Overbearing impact;
- Loss of light;
- Loss of views;
- Out of character with the surrounding area;
- Overdevelopment of the site;
- Impact on amenity of potential future occupiers in terms of proximity to a salvage yard;
- Inadequate living space for potential future occupiers;
- Increased light pollution;
- Loss of open space;
- Impact on wildlife corridor, habitats and birds in particular;

- Restricted access to paths on land to the west;
- Impact on appearance of countryside and recreational value of the public right of way.

3.4 One letter of support has also been received, commenting that the proposal would be a positive and attractive addition in the area.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CFR20 Local Open Space

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS19 Green Belt

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are the principle of the development, Green Belt, visual amenity, residential amenity, highway safety and parking and ground conditions.

5.2 PRINCIPLE

5.3 Green Belt

The application site in its entirety is in the Green Belt (contrary to the detail in the submitted planning statement).

5.4 Paragraph 133 of the NPPF states that:

'the essential characteristics of Green Belts are their openness and their permanence.'

5.5 Paragraph 134 of the NPPF sets out the five purposes of the Green Belt:

'a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

5.6 Policy CS19 of the CSUCP reflects the above.

5.7 Paragraph 143 of the NPPF states that:

'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

5.8 Additionally, NPPF paragraph 145 states that:

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are [amongst others]:

- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

5.9 In this case, the above exception is formed of two parts that must be assessed:

1. Whether the proposal would be redevelopment of previously developed land, and

2. Whether the proposal would have a greater impact on the openness of the Green Belt than the existing development

5.10 Taking each part in turn:

1. Whether the proposal would be redevelopment of previously developed land

5.11 The NPPF defines previously developed land as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

5.12 It is considered that the application site would fall within the above definition. It must be noted, however, that falling within the definition of 'previously developed land' does not stop land from being designated as Green Belt land, as in this case.

5.13 Turning to the second part of the exception:

2. Whether the proposal would have a greater impact on the openness of the Green Belt than the existing development

5.14 The existing building on site is a single storey garage constructed of timber and corrugated metal, with a footprint of 19.8sqm. The scheme proposes a detached dwelling with rooms in the roof, and with a footprint over four times larger than the existing garage (87.14sqm), and with additional hardstanding parking area and formalised garden.

5.15 It is considered that the proposed dwelling would result in additional bulk significantly over and above that of the garage on the immediate site, and would introduce domestic paraphernalia, formalisation of external space and, at the very least, the potential for hard boundary treatment surrounding the site. Therefore, it is considered that the proposal would have a greater impact on the openness of the Green Belt than the existing development.

5.16 Also, whilst the planning statement refers to dwellings on the main road restricting views of the land, openness is not assessed wholly on views and whether the site is visible from a public area. In any event, there is a public right of way (Ryton 77) immediately north/north east of the application site and the site is widely visible from the public domain.

5.17 Further, the proposal would have a greater impact on the purpose of the Green Belt, particularly safeguarding the countryside from encroachment.

5.18 The proposal would have a greater impact on the openness of the Green Belt than the existing development. The proposal would not fall within the

exception identified in NPPF paragraph 145 and would be inappropriate development within the Green Belt.

- 5.19 Consequently, as stated above and in NPPF paragraph 143, in order for the proposal to be acceptable in Green Belt terms, very special circumstances must exist. Paragraph 144 of the NPPF states:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. '

- 5.20 No very special circumstances have been proposed with the submission, and based on the information currently available officers are of the view that no such circumstances exist that would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness.

- 5.21 Therefore, the proposal remains inappropriate development within the Green Belt and would not comply with policy CS19 of the CSUCP and the NPPF.

5.22 Loss of Open Space

The NPPF defines open space as:

'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.'

- 5.23 The majority of the existing site is taken up with the garage building and space for car parking. It is understood that parking associated with the salvage yard to the north also takes place on the land.

- 5.24 The application form confirms that the land within the red line boundary is privately owned and therefore public access and use is likely to be significantly restricted. From desire line paths it appears that the application site is not a primary access to the grassland to the west and it is considered that the site itself would have minimal public value as open space at most.

- 5.25 It should be noted however, that this does not impact on the allocation of the land as Green Belt.

5.26 Housing Policy

Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.

- 5.27 It is considered that the location of the proposal is sustainable and that the proposal would comply with saved policy H4 of the UDP.

- 5.28 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area being suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms. The scheme proposes one dwelling with three bedrooms, so this policy requirement would be satisfied.
- 5.29 Policy CS11(4) of the CSUCP requires that new residential development provides 'adequate space inside and outside of the home to meet the needs of residents.' It is considered that the proposal would provide adequate space internally and externally.
- 5.30 It is considered that the proposal accords with saved policies H4 and H5 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.
- 5.31 VISUAL AMENITY/DESIGN
Whilst the majority of dwellings in the locality have two storeys, it is considered that given the detached nature and location of the proposed dwelling, the proposal would not have an unacceptable impact on visual amenity in the area in terms of design.
- 5.32 Fenestration would maintain an adequate level of vertical emphasis, reflecting the nearby terraced properties, and the proposed materials would draw from dwellings in the surrounding area. Final details of materials could be secured through a condition if the application was to be granted.
- 5.33 Subject to conditions, the proposal would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.
- 5.34 RESIDENTIAL AMENITY
The nearest residential property is 10 Beverley Gardens, 25 metres to the south east across the street. Given the application site location and distance from residential neighbours, the proposal would not result in an unacceptable impact on the residential amenity of neighbouring dwellings. If the application was to be granted, a condition could be imposed to ensure construction hours would not result in unacceptable noise/disturbance at neighbouring dwellings.
- 5.35 In terms of the residential amenity of potential future occupiers of the proposed dwelling, the proposal would provide adequate internal and external space for future occupiers. Additionally, in terms of privacy, the windows serving the bathroom and en-suites would be rooflights (at an angle rather than first floor vertical windows). The proximity to the salvage yard to the north would not lead to an unacceptable level of noise at the dwelling.
- 5.36 Therefore, subject to condition, the proposal would comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.37 HIGHWAY SAFETY AND PARKING

The access lane is narrow and there are no footways leading to the plot of an acceptable/usable width. It is considered that the addition of one dwelling is unlikely to have an unacceptable impact on the access road and surrounding highway.

- 5.38 The garage dimensions shown on the proposed drawing would not meet the council's cycle parking requirements (7m x3m), however, a condition requiring final details of secure and weatherproof cycle parking could be imposed if the application was to be granted.
- 5.39 In terms of paths near the site, public right of way Ryton77 runs east to west, immediately north of the site open grass land and it is considered that the proposal would not impede access to the right of way. There are also desire line paths showing evidence of public usage on the grass land to the west of the application site, and it is considered that the proposal would also not obstruct usual means of access to this land.
- 5.40 Subject to conditions, the proposal would comply with the aims and requirements of policy CS13 and the NPPF.
- 5.41 **GROUND CONDITIONS**
The application is supported by a Phase I Contaminated Land Risk Assessment and a Coal Mining Risk Assessment. If the application was to be granted, conditions could be imposed requiring further site investigations and, where required, further Risk Assessment and implementation of remediation measures.
- 5.42 Subject to conditions, the proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.43 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**
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 housing related. The development is located within Charging Zone A, with a levy of £60 per square metre for this type of development.
- 5.44 **OTHER MATTERS**
The availability of other residential properties instead of developing the land as proposed is not a material planning consideration in this case. Similarly, the application is considered on its planning merits, and the potential for other applications coming forward for land nearby is not a material planning consideration as these, if submitted, would be dealt with separately on their own merits.
- 5.45 Additionally, it is considered that the addition of one dwelling would not put an unacceptable strain on local infrastructure or services.

5.46 The site is not in a wildlife corridor and there is separate legislation outside of planning that seeks to protect species and habitats. Additionally it is considered that the proposal would not result in an unacceptable level of light spill/light pollution.

5.47 Loss of view is also not a material planning consideration.

6.0 CONCLUSION

6.1 It is considered that issues of visual amenity, residential amenity, highway safety and parking, and ground conditions could be addressed by conditions.

6.2 However, the proposal would not fall within any of the exceptions to inappropriate development in the Green Belt and no very special circumstances exist that would clearly outweigh the potential harm to the Green Belt by reason of this identified inappropriateness. Therefore, the proposal remains inappropriate development within the Green Belt and is contrary to policy CS19 of the CSUCP and the NPPF.

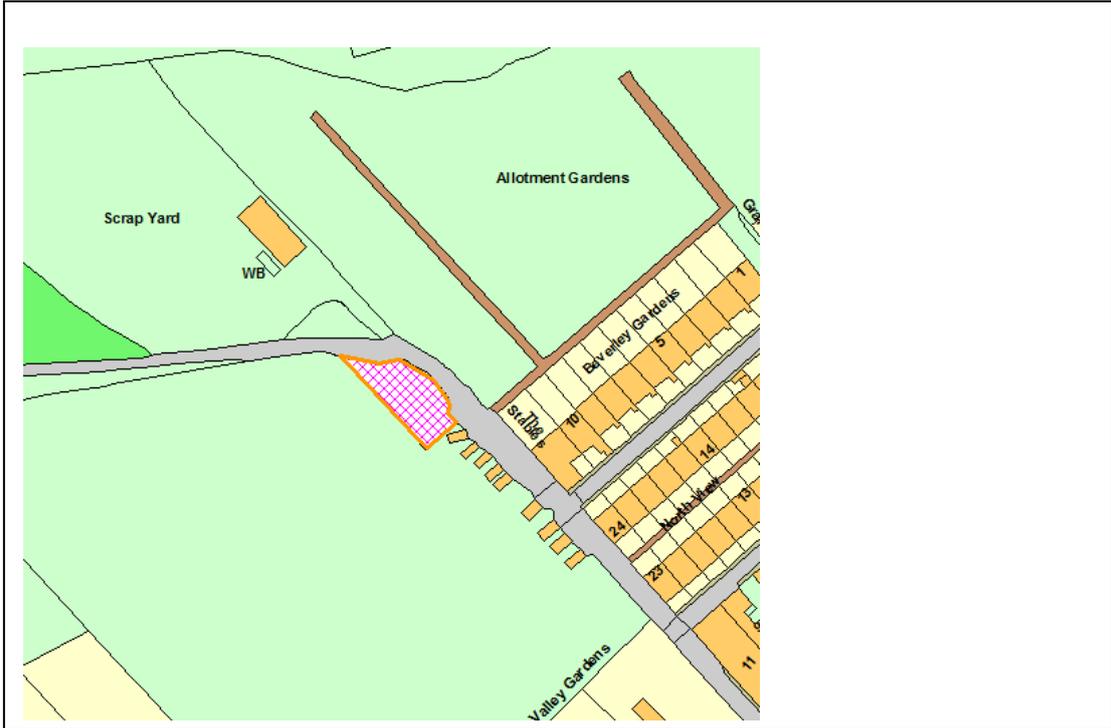
6.3 Therefore, it is recommended that the application be refused.

7.0 Recommendation:

That permission be REFUSED for the following reason:

1

The proposal would be inappropriate development in the Green Belt and no very special circumstances exist that would clearly outweigh this harm to the Green Belt. Therefore, the proposal is contrary to the aims and requirements of policy CS19 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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