

**Committee Report**

<b>Application No:</b>	<b>DC/23/00157/FUL</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>3 April 2023</b>
<b>Applicant</b>	<b>MR WAYNE LASKEY</b>
<b>Site:</b>	<b>Site West Of Worley Avenue / South Of Earls Drive (Opposite Numbers 50-60) Low Fell Gateshead Borough NE9 6AA</b>
<b>Ward:</b>	<b>Low Fell</b>
<b>Proposal:</b>	<b>Use as residential amenity and garden land with construction of a driveway and a single residential outbuilding / garage for the storage of vehicles and residential paraphernalia, with the felling of 8 trees, the replacement planting of 8 trees and new boundary hedgerow.</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site comprises the western parts of the three northernmost garden plots of land, which are located between Worley Avenue to the east and the rear of Glenbrooke Terrace to the west, in Low Fell Conservation Area. The site slopes down from east to west.

1.2 The site is effectively the western half of the red line boundary of previously refused application DC/21/00879/FUL for two dwellings, which was also dismissed at appeal.

1.3 Worley Avenue and gardens are first shown on the 2nd edition OS maps of 1895-1898, and the gardens are separated from smaller front gardens immediately outside the properties by a wide path. There are a collection of garages and a back lane between the site and properties at Glenbrooke Terrace to the west. The road at Earls Drive runs east to west along the northern boundary of the site, and to the south of the site further gardens following the same linear pattern and size.

1.4 The garden plots have trees along the boundaries, which have also colonised parts of the gardens, and which are protected by virtue of their presence within the Conservation Area. Many are now of medium-large size, mainly sycamore, and form a visible feature for some distance along the nearby streets. The site boundaries are largely hedges, vegetation and timber fence, including a new timber fence around the application site. There has been

recent clearance of the understorey within the site, and aggregate/road planing materials have also recently been brought onto the site.

#### 1.5 DESCRIPTION OF APPLICATION

The application proposes the use of the site as residential amenity and garden land, installation of a new vehicle access and construction of a driveway, and construction of a residential outbuilding/garage for the storage of vehicles and residential paraphernalia. The application also proposes the felling of 8 sycamore trees, the replacement planting of 8 trees and new boundary hedgerow, both elements proposed on the southern boundary. 5 existing sycamore trees are proposed to remain.

- 1.6 The proposed building would be located at the south western part of the site, closest to Glenbrooke Terrace. It would be 7.5m wide and 9.0m deep, with a dual pitched roof and the height to the ridge of 6.2m. There would be two garage doors on the northern elevation, facing Earls Drive, and an internal staircase leading to additional floor space in the roof area, with a window on the northern elevation to serve this. Two more windows and a side door are proposed at ground floor level on the eastern elevation.

- 1.7 A driveway is proposed to serve the building, leading to a proposed new vehicle access on the northern boundary at Earls Drive. The remainder of the site is indicated on proposed plans to be an area of "garden".

- 1.8 Submitted application plans also show a 2m high timber fence between the application site and land to the east and a new timber fence on the northern boundary with Earls Drive (no dimensions provided). An officer site visit confirmed the presence of this boundary treatment, as well as new timber fence on the western and southern boundaries of the site, and also around the neighbouring land to the east.

#### 1.9 RELEVANT PLANNING HISTORY

Application site:

DC/21/00879/FUL

Erection of two dwellinghouses (Use Class C3) with associated accesses, with surrounding gardens, and curtilage areas across remaining parts of site with felling of 5 trees (description amended 05/01/22, amended plans received 05/01/22 and additional information received 06/01/22 and 12/01/2022)

REFUSED 17.02.2022

Appeal Dismissed 28.09.2022

Site at Garage Block Adjacent 7 Glenbrooke Terrace (to the south west of the application site, not part of this application site or the wider gardens area):

DC/22/01257/FUL

Proposed demolition of existing garages and erection of 2no. dwellings (C3 use) (amended site plan received 30.01.2023, bat survey report received 02.03.2023, additional plan received 09.03.2023).  
PENDING

## **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.
- 3.2 An objection has been received from Ward Councillor Ron Beadle, raising concerns regarding overdevelopment, loss of visual amenity, potential impact on traffic and harm to the Conservation Area.
- 3.3 Objections from 26 resident households have also been received, raising concerns regarding the following:
- Questioning use of proposed building and whether this would be a dwelling, and building does not need to have a second floor; the proposal description is misleading
  - The site could be used for commercial storage rather than residential
  - Development at the site has been previously refused planning permission
  - Loss of unique arrangement resulting in an undesirable precedent for development in this location
  - The site's sole use and purpose should be a garden/allotment that belongs to the dwelling it was intended for
  - Proposed building is large and unnecessary
  - Other application at Glenbrooke Terrace did not include loss of trees
  - Loss of healthy, established, mature trees that have a cumulative importance to leafy vista of street
  - Proposed planting could cause harm to existing neighbouring trees elsewhere
  - Harm to Conservation Area
  - Cars would not be able to enter and leave the application site in a forward gear
  - Reduced space for on street parking and increase in congestion
  - Highway safety on busy street

- Proposal would degrade a significant area of green infrastructure on the route of a Gateshead Health Walk
- Harm to ecology and habitats
- Disturbance from construction phase and general use of site
- Loss of privacy
- Development should not increase flood risk elsewhere
- Proposal would attract anti-social behaviour
- Development would cause increased pollution
- Work already commenced
- Impact on climate change

3.4 5 letters of support have also been received, commenting on the following points:

- Car crime is high in the area and garage would provide security
- Application site was previously an eyesore, with anti-social behaviour, fly tipping and vandalism
- Proposed building design would fit in with area and proposal would look better than previous appearance of the site
- Area would be enhanced and replacement trees would be native species
- Local residents have space to park at rear of properties
- Already development at Worley Mews

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

GPGSPD Gateshead Placemaking Guide SPG

IPA17 Conservation Area Character Statements

National Design Guide

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

- 5.1 The key considerations to be taken into account when assessing this planning application the impact the proposal will have on heritage assets, design, trees, residential amenity, highway safety and parking, and ecology.
- 5.2 **USE OF SITE/PLANNING UNIT**  
The application includes the proposed use of the site as an area for residential amenity and garden land. It is considered that this would not constitute a material change of use of land in general and that an approval of this planning application would only reinforce the existing established use of the land as such. The garage/outbuilding is proposed to be used in association with this garden/amenity use. Whilst no information has been provided to explain which dwelling this garden and domestic garage and store would be associated with, a condition could be imposed to restrict the use of this land to garden/amenity use only (ie. Building not to be inhabited as a residential dwelling nor land used for commercial purposes).
- 5.3 However, the proposal would result in a new planning unit on site (the combined western parts of three previously longer strips of separate garden land running east to west), of a different shape and character, and the proposal for a large garage and driveway would make this arrangement permanent. Similarly, an implication of granting this application is that it a new planning unit(s) at land to the east of the application site would also be created as a result.
- 5.4 Furthermore, application plans show a 2m high timber fence between the application site and land to the east and a new timber fence on the northern boundary with Earls Drive (no dimensions provided). No elevations of boundary treatment have been submitted, and an officer site visit confirmed the presence of this boundary treatment, as well as new timber fence on the western and southern boundaries of the site, and also around the neighbouring land to the east.

5.5 Permitted development rights normally allow for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, subject to limitations, in this case: no higher than 1m adjacent a highway used by vehicular traffic, no higher than 2m if not, or the former height where boundary treatment has been maintained, improved or altered (whichever would be greater). Historic imagery and previous officer site visit records show a partial fence line along Earls Drive which did not extend to the western boundary of the site; this has been completely replaced (ie. beyond maintenance/improvement/alteration) and new treatment has been added further west, where there previously was not any, to provide a full enclosure of close boarded timber fencing along the northern boundary of the site. This fence is adjacent Earls Drive and higher than 1m above ground level (based on officer site visit), and would therefore require planning permission, and is consequently also considered as part of this application.

5.6 CONSERVATION AREA, DESIGN AND TREES (VISUAL AMENITY)  
The site is within Low Fell Conservation Area. Paragraph 199 of the NPPF clarifies:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

5.7 NPPF paragraph 130 also states:

*Planning policies and decisions should ensure that developments [amongst others]:*

*(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

5.8 Paragraph 40 of the National Design Guide states that Well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

- 5.9 The character statement for Low Fell Conservation Area is provided in IPA17 (June 2000), and specifically characterises land West of Durham Road as follows:

*The character of this area is strongly influenced by the Victorian terraces of Albert Drive and Earls Drive (which run at right angles to Durham Road, sloping from east to west), and Worley Avenue (which runs parallel with Durham Road). The terraces are constructed of red brick with stone dressings and slate roofs. Earls Drive and Worley Avenue have long leafy gardens, which are bounded by brick walls or privet hedges. They have all been subject to unsympathetic alteration in their fenestration, doors and roof materials.*

*...Poor modern infill along Earls Drive and at Worley Mews detracts from the harmony of the area.*

- 5.10 Worley Avenue retains its cohesion and strength of character in its linear form. The site forms a well preserved feature of Low Fell Conservation Area along with the neighbouring gardens, which retain their distinctive linear pattern that is not compromised by modern development. The proposal site, along with the adjacent gardens, is considered to contribute positively to the significance of the Low Fell Conservation Area.

- 5.11 IPA17 for Low Fell Conservation Area also sets out specific guidance:

*There will be a presumption against change involving the sub-division or further sub-division of gardens and grounds, which would contribute to an increased density of development in the Conservation Area. Sub-division and development of this nature would result in an erosion of the essential character of the area and often result in a loss of tree cover.*

*The mature tree cover and well established gardens in this area are two of the most important factors contributing to the Area's special character. There will be a general presumption against development that would directly or indirectly lead to the loss of trees, hedges and shrubs which contribute to, or which in the future might contribute to, the character of the Conservation Area.*

*All new buildings should be designed with reference to their surroundings and to respect the character of the Conservation Area. Special regard needs to be paid to the arrangement of plot, plan form,*

*bulk, height, materials, colour and design of buildings and, if appropriate, the setting of nearby listed buildings.*

5.12 Local Plan policy CS15 states:

*Development will contribute to good place-making through the delivery of high quality and sustainable design, and the conservation and enhancement of the historic environment. This will be achieved by:*

*1. Development being required to:*

- i. Respond positively to local distinctiveness and character,*
- ii. Create safe and inclusive environments,*
- iii. Ensure connectivity, accessibility and legibility,*
- iv. Respect and enhance significant views and the setting of heritage assets,*
- v. Respond to the unique character and importance of the River Tyne, its tributaries and its setting,*
- vi. Respond positively to opportunities to introduce public art, and*
- vii. Respond to local design and conservation guidance.*

*2. Taking a proactive approach to sustaining the historic environment in a manner appropriate to the significance of the relevant heritage asset and requiring development to support and safeguard the historic environment by:*

- i. Promoting the use, enjoyment and understanding of the historic environment,*
- ii. Positively responding to those heritage assets which are at risk, and not leaving heritage assets at risk, or vulnerable to risk, and*
- iii. Where appropriate positively adapting heritage assets to ensure the continued contribution to quality of place.*

5.13 Local Plan policy MSGP24 states:

*1) The design quality of proposals will be assessed with regard to the following criteria:*

- a. The proposal's compatibility with local character including relationship to existing townscape and frontages, scale, height, massing, proportions and form;*
- b. Layout and access;*
- c. Space between buildings and relationship to the public realm;*
- d. Detailing and materials, and;*
- e. The use of a high-quality landscaping scheme, structural landscaping and boundary treatment to enhance the setting of any development*

5.14 Local Plan policy MSGP25 also states:



*3. Development which results in the sub-division of gardens and grounds within Conservation Areas will be permitted where:*

- a) there is historic evidence to demonstrate that the garden or ground was previously sub-divided into physically separate plots; or*
- b) the development will not harm the historic environment; or*
- c) the development contributes to the restoration of a historic garden or parkland.*

5.15 Additionally, as an objective, Gateshead Placemaking SPD states (at p39):

*The heritage value of much of the Borough is integral to its character. The importance of this is in part recognised by the number of buildings which are listed as being of special architectural or historic interest. However, it is not just important individual buildings which make up the character of an area, it is also factors such as urban grain, plot size, street type, landform features, building materials and building scale... Gateshead Council will seek to: Preserve and enhance positive qualities of the Borough's distinctive townscape, landscape and streetscape character*

5.16 And as a principle, Gateshead Placemaking SPD states (at p82):

*New developments should be designed with regard to the local context*  
*...*  
*Within areas of distinctive and attractive character development proposals should reinforce the established pattern of the built form, spaces and movement routes.*

5.17 The application proposes to formally sub-divide existing plots: merging three plots of land, then re-dividing this land again, but north to south, resulting in the application site as the western part. This would be directly contrary to IPA17 guidance, and the policies referred to above, and it is considered that the proposal to redevelop the site in such a way would be at odds with the very strong established uniform and repetitive linear pattern of the surrounding streets, and would diminish its positive contribution to the setting, character and appearance of the Conservation Area.

5.18 In their decision letter (paragraph 9), dismissing the appeal for the two dwellings proposed on this and the plot closer to Worley Avenue, the Planning Inspector made the following observations, that remains pertinent for this application: "The proposal would formalise the merging of the three end strips and then subdivide them broadly east-west, as opposed to the prevailing broadly north-south splits. The result would be two plots lacking the strong linearity of the adjoining strips. Indeed, the width and depth of the two plots created would be distinctly and incongruously at odds with the prevailing plot pattern of surrounding streets and would, for these reasons I conclude, erode the distinct sense of character noted within the CACA for the sub-area of the CA to the west of Durham Road."

- 5.19 Whilst planning permission is not normally required for boundary treatment up to 2m high not adjacent a highway used by vehicles (ie. the fence running north to south delineating an east/west division), this application seeks to formalise the subdivision by creating a relatively square piece of land as a new planning unit. Granting planning permission for the proposed development including the garage and driveway would mean that the merging of the linear sites, running east to west, would not be reversible.
- 5.20 The status of the site as overgrown gardens with substantial trees is valuable to the character of the Conservation Area and not considered to be a concern that requires remedy: the long-term presence of a copse would continue to enhance the area. It is considered that the neglect or abandonment of the plots would not be justification for new development in the Conservation Area.
- 5.21 As with the linear form of the strip gardens adding to its character, the appeal inspector notes (paragraph 8) that “despite the clearance of undergrowth vegetation from the site’s interior, the depth of trees within and around the site are significant and positive contributors to the area’s character and its appearance. Individually, the trees may not be particularly note-worthy. However, as a group within the site and taken with other trees and vegetation on adjacent plots and Earl’s Drive more widely, the site makes a positive and important contribution to the character, appearance and setting of Earls Drive and Worley Avenue and are far from being detrimental to the area’s appearance, as the appellants seek to argue.”
- 5.22 The site is also located close to the edge of the Conservation Area where the quality of the urban area reduces considerably into an estate of C20th semi-detached houses with less green space and fewer mature trees; therefore, retaining the gardens and tree cover is extremely important to maintaining the integrity and special character of the Conservation Area.
- 5.23 With likely loss of 90% of Ash trees within the next 10 years, sycamore will become an increasingly important tree in the landscape, that contributes well to supporting wildlife. None of the trees at this site are considered hazardous or dangerous to persons or property. Whilst it is acknowledged that they do have some growth defects which detract from their individual quality, in this instance their contribution to the area is in terms of their qualities as a group. The trees on site collectively have a very high level amenity value and strongly contribute to the character of the Conservation Area.
- 5.24 The application proposes to remove 8 sycamore trees from the site. In addition to this, the remaining trees on the site would be at a high risk of being detrimentally impacted from the proposal as a result of further damage to their rooting zones as a result of compaction and other construction activities.
- 5.25 The trees are particularly vulnerable to indirect construction activities as there has been extreme disturbance to the soil structure around their roots. It is likely that harm has already taken place as the ground has already been scraped of all vegetation and compacted by machines during this process. It is understood that no precautions, ground protection or barriers to protect the

soil structure have been used in this process resulting in soil compaction. Further, the soil has been contaminated with unwashed hard core and road plainings spread over the site. Harmful contaminants from these will leech into the soil causing further harm to the trees.

- 5.26 The proposal is supported by an Arboricultural Method Statement and Tree protection scheme designed to minimise the harm and impact the proposal will have on the trees on the site. Unfortunately, the principles and recommendations contained in the reports have not been implemented prior to the harm that has already taken place on the site. Further disturbance from the proposed development would add to the harm that has already taken place to the health of the trees on the site. Consequently, the proposed tree protection scheme would be ineffective in protecting the remaining trees on the site.
- 5.27 Policy MSGP36 permits loss of trees where it can be clearly demonstrated that harm can be reduced to acceptable levels through the implementation of positive mitigation and enhancement measures either on site or elsewhere. The proposed replacement hedge and tree planting is welcomed, although the location of some of the trees is not appropriate. The trees to rear of the proposed building would not be able to develop, as they would conflict with the new structure, most are proposed to be located close to each and all along the southern boundary, some very close to the proposed building.
- 5.28 Therefore, whilst the new planting would, in time, go some way to minimising the harm to the existing trees directly impacted by the proposal therefore such trees would be likely to be of a type, size and quality that would make a very limited contribution to the character and appearance of the Conservation Area. The very formal linear arrangement of the proposed new trees would also conflict with the collective unplanned, verdant, tranquil character of the gardens and trees in this location, which acts as a counterpoint to the rhythm and uniformity of the surrounding terraces.
- 5.29 The existing and proposed trees on site may also themselves be subject to longer term resentment from future occupiers and subsequent pressure for removal. This would harm the leafy nature of the area which does much to define its special character.
- 5.30 It is also noted that paragraph 131 of the NPPF sets out the important contribution trees make to the character and quality of urban environments and in helping to mitigate and adapt to climate change, stating that existing trees should be retained where possible.
- 5.31 Therefore, the proposal would, in principle, be fundamentally contrary to planning policies which seek to conserve and enhance the historic environment.
- 5.32 In terms of the design of the building, whilst the proposed materials of slate roof, red brick and stone detailing would be typical of the area, it is considered that the form and bulk of the proposed building would be excessive. It is

acknowledged that there are garage buildings immediately to the west of the site, however, these are established and much more modest and appropriate in scale, although themselves do not positively contribute to the Conservation Area. The addition of a new building close to existing discordant garage buildings and eroding the vegetated garden setting would be detrimental, would not respond positively to local distinctiveness and character, and would be contrary to local design and conservation guidance.

- 5.33 Similarly, it is considered that the proposed vehicle access would allow for open views of the hardstanding and building on site, and would further exacerbate the harm to the established verdant and tranquil nature of the gardens.
- 5.34 In terms of proposed boundary treatment, the submitted site plan shows timber fencing around the north and eastern boundaries, which is already in place, and hedge and replacement trees along the southern boundary. That said, an officer site visit confirmed that there is close boarded timber fence along all boundaries of the site. Particularly along Earls Drive, it is considered that this boundary treatment is excessive, hard, incongruous and directly at odds with the very strong established character of soft, green and open garden areas.
- 5.35 The modern infill development at the southern end of Worley Terrace and on Earls Drive opposite are identified in the Conservation Area Character Statement, as detractors in this area which is relevant when considering this proposal to further infill original gardens with modern development.
- 5.36 However, fundamentally, it is considered that the proposed development would not make a positive contribution to local character and distinctiveness. The proposal does not contribute to the Conservation Area's significance and character, or conserve and enhance the spaces between and around buildings including gardens and boundaries, or meet the requirements permitting subdivision of gardens and grounds.
- 5.37 Paragraph 202 of the NPPF states:

*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 including, where appropriate, securing its optimum viable use.*

- 5.38 The proposal would not sustain or enhance the significance of the heritage asset, as required by policy. It would lead to less than substantial harm to the significance of a designated heritage asset. The Planning Inspector, for the dismissed appeal for the two dwellings, on this and the adjoining site, also considered the public benefits of that development and concluded that whilst the delivery of two additional dwellings would support the aim of increasing housing supply, given the modest scale of that development this could only be given very little weight and it did not outweigh the identified harm to the Conservation Area. In this case, there isn't even the public benefit of

increasing housing supply or the modest economic benefits that an additional household would bring. It is considered that the proposal would not bring about any public benefits, and certainly none that would outweigh the identified harm to the heritage asset.

- 5.39 The application does not demonstrate clear and convincing justification for the harm to the Conservation Area as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 5.40 NPPF paragraph 134 confirms:

*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.*

- 5.41 Therefore, the proposal would cause unacceptable harm to the designated heritage asset and visual amenity of the area, and it is recommended that the application be refused for this reason, in accordance with the NPPF and policies CS15, CS18, MSGP24, MSGP25 and MSGP36 (in terms of impact on trees) of the Local Plan.

- 5.42 ECOLOGY

Paragraph 174 of the NPPF states:

*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

*(c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

*(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

*(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into*

*account relevant information such as river basin management plans;  
and*

*(f) remediating and mitigating despoiled, degraded, derelict,  
contaminated and unstable land, where appropriate.*

- 5.43 Local Plan policy MSGP37 also requires development to provide net gains in biodiversity.
- 5.44 The application is supported by an Ecological Impact Assessment and a Biodiversity Net Gain Assessment. The latter suggests that based on calculations, the metric indicates a predicted net gain of 0.33 habitat units, constituting a change of 17.16%. However, officers have concerns regarding the assumptions made about both the pre-development habitat baseline and the post-development habitats that could be achieved on site.
- 5.45 The field survey on which the assessment is based was undertaken on 4th February 2023, outside the optimal survey period (April-September) and assessed the site as being dominated by 'Urban-unvegetated garden'. The site photographs show the site to have been recently cleared, with only bare earth remaining around the trees, which would not remain to be the case during the growth season without continued clearance of the site. Additionally, historic aerial photographs of the site from 2020, 2021 and 2022 show the site as being continuously vegetated. Therefore, officers consider that the site would be more appropriately classified as 'Urban – vegetated garden' with mature trees/hedgerows.
- 5.46 It is also considered that it would not be feasible to create 'Lowland Meadow' within the site, as indicated within the Ecological Impact Assessment and Biodiversity Net Gain Assessment. Insufficient information has been provided to demonstrate how this could be achieved, and this also appears to be in conflict with proposals within the submitted Biodiversity Net Gain metric (ie. creation of an area of 'Grassland-Modified grassland'). In either scenario, it is unclear how the site would be secured and maintained as such for a 30 year period.
- 5.47 It is considered that the post-development habitats would be more appropriately identified as 'Urban – Vegetated Garden'. The post-development habitat plan (and associated metric calculation) also fails to take into account the proposed garage and driveway, which raises concerns about the accuracy of the assessment overall. Insufficient information has been provided on the proposed retention of trees/ tree planting to demonstrate how it has been determined that 0.293 habitat units would be provided by the 'Urban Trees' on site post-development, nor how these would be managed and maintained for a period of 30 years in the context of this site.
- 5.48 Therefore, the application does not demonstrate that the development would deliver a genuine net gain in biodiversity or that this is achievable on site in the long term, which is contrary to the aims and requirements of policies CS18, MSGP36 and MSGP37 of the Local Plan.

5.49 HIGHWAY SAFETY AND PARKING

The driveway is proposed to exit onto Earls Drive, and it is acknowledged that the existing on-street parking in this area is known to be in high demand. Transport officers have previously completed numerous spot-check surveys of the area: two of an afternoon and three of an evening/late evening, reviewing the section of Earls Drive from Durham Road to the unnamed rear lane to the west of the site.

- 5.50 Whilst the addition of a new access point on Earls Drive is not ideal, it is considered that it would not be unacceptable in principle in terms of highway safety. The driveway would result in approximately one on-street parking spaces being lost, however, during previous inspections Council officers observed at least two spaces free on the street at any given time (as observed between Durham Road and the unnamed rear lane to the west of the application site). Significantly more unoccupied on-street parking space was observed west of Glenbrooke Terrace.
- 5.51 Regarding the proposed layout, a 2m x 2m pedestrian visibility splay would need to be provided at the vehicle access, accommodated within the curtilage of the site and with nothing above 0.6m in height within this splay. Submitted plans do not demonstrate an appropriate splay, whilst there is potential for this to be achieved on site generally, this would rely on the removal of trees and, in the absence of evidence to the contrary, potential impact on the roots and health of trees proposed to be retained.
- 5.52 Additionally, as above, it is considered that the design of the boundary treatment would cause harm to the Conservation Area, and the application does not propose an appropriate treatment that would both be appropriate in terms of design and providing an adequate visibility splay. As such, it is considered that insufficient information has been submitted with the application to allow the Local Planning Authority to be satisfied that an acceptable visibility splay could be provided at the proposed access.
- 5.53 Notwithstanding the above, although there would be no turning facility for vehicles on site, the application proposes one vehicle access to a site that would not accommodate a dwelling with associated movements/trips, and it is acknowledged that there are existing driveways on Earls Drive that do not allow for vehicle turning. Whilst the ability for vehicles to enter and exit the site in a forward gear is desirable, it is considered that a lack of this provision would not warrant recommendation to refuse the application in itself.
- 5.54 The separation distance between the edge of the new driveway and the unnamed rear lane to the west (to the rear of Glenbrooke Terrace) would be approximately 9.2m, and whilst officers would not anticipate the separation distance shown to be a significant highway safety concern in Planning terms, it is noted that the vehicle dropped crossing protocol, separately regulated by the Council's Network Management team, requires a minimum 10m junction separation distance to be provided for new crossings, as well as a 2m x 2m pedestrian visibility splay.

- 5.55 The heavy parking that occurs along Earls Drive may make manoeuvres into/out of the driveway difficult, however, this is the nature of the location of the applicant's site and the Council would not consider road markings (or similar measures) post-completion of the development to deter instances of indiscriminate parking.
- 5.56 However, insufficient information has been submitted with the application to allow the LPA to be satisfied that vehicles could access and exit the site without resulting in unacceptable harm to highway safety, and/or unacceptable loss of trees, contrary to the aims and requirements of policies CS13 and MSGP15 of the Local Plan.
- 5.57 **RESIDENTIAL AMENITY**  
In terms of noise/disturbance, as above, it is considered that the proposal would not result in a material change of use. A new garage/outbuilding in a residential area would not give rise to concerns regarding long term impact in terms of noise, but if the application was recommended to be granted, condition(s) could be imposed relating to hours of construction/works.
- 5.58 The building is proposed to be set back within the site and there would be approximately 13m between the side elevation and the rear offshoot elements at properties on Glenbrooke Terrace to the west. There are also existing single storey garages between the site and these neighbouring properties, albeit at a reduced height and bulk. There are no openings proposed on the western elevation, and it is considered that the proposal would not result in an unacceptable loss of privacy, light or outlook, or unacceptable overbearing impact or overshadowing at these neighbouring residential properties. If planning permission were to be granted, a condition restricting the insertion of new openings at the building could be imposed.
- 5.59 The proposed building would also be approximately 60m away from the front elevations of properties on Worley Avenue to the east, and approximately 19m to the boundary with garden land to the east. It is considered that the proposal would not result in an unacceptable impact on residential amenity at land or properties to the east of the site.
- 5.60 Further, whilst the southern elevation of the proposed building would be almost running along the southern boundary of the site, given there are no openings on this gable elevation and given the orientation and proposed positioning of the building, it is considered that the proposal would not result in an unacceptable loss of privacy, light or outlook, or unacceptable overbearing impact or overshadowing at neighbouring garden land to the south.
- 5.61 Subject to conditions if the application was recommended to be granted, the proposal would not conflict with the aims and requirements of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan.
- 5.62 **OTHER MATTERS**



Whilst the proposal would result in the loss of trees, new planting is also proposed, and it is considered that the impact of the development on climate change would not warrant refusal of the application.

- 5.63 The application is for minor development that would not result in a more vulnerable use, in flood zone 1 and, although within the local authority defined critical drainage area, the site is less than 0.5ha, therefore, a flood risk assessment and a drainage assessment were not required to be submitted as part of the application.
- 5.64 Additionally, it is considered that the proposal would not give rise to a significant increase in anti-social behaviour.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues into account, the development would cause less than substantial harm to the significance of Low Fell Conservation Area, which would not be outweighed by public benefits. The application fails to demonstrate that a Biodiversity Net Gain would be forthcoming and insufficient information has been provided to demonstrate that an acceptable visibility splay can be provided at the site access, without resulting in the damaging loss of trees from the site. Therefore, the proposal would be contrary to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims and objectives of the NPPF, The National Design Guide, Local Plan policies CS15, CS18, MSGP24, MSGP25 and MSGP36, and the Gateshead Placemaking SPD, and it is recommended that planning permission should be refused.

## **7.0 Recommendation:**

That permission be REFUSED for the following reason(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the refusal reasons as necessary:

1

The proposed development would result in less than substantial harm to the significance of the Low Fell Conservation Area by means of inappropriate merging and subdivision of grounds, loss of trees and inappropriate building and boundary treatment design, which would not respond positively to local distinctiveness and character and would be contrary to national and local design and conservation guidance. This harm would not be outweighed by public benefits nor does the application demonstrate clear and convincing justification for the harm to the Conservation Area. The proposal is contrary to the aims and objectives of the National Planning Policy Framework, The National Design Guide, Local Plan policies CS15, CS18, MSGP24, MSGP25 and MSGP36, and the Gateshead Placemaking SPD.

2

The application does not demonstrate that the development would deliver net gain in biodiversity or that this is achievable on site in the long term, contrary to the National Planning Policy Framework and policies CS18, MSGP36 and MSGP37 of the Local Plan.

3

Insufficient information has been submitted with the application to allow the Local Planning Authority to be satisfied that an appropriate visibility splay could be achieved on site so vehicles could access and exit the site without resulting in unacceptable harm to highway safety or an unacceptable loss of trees. This is contrary to the aims and requirements of the National Planning Policy Framework and policies CS13 and MSG15 of the Local Plan.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X