

**Committee Report**

<b>Application No:</b>	<b>DC/19/00001/FUL</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>15 January 2019</b>
<b>Applicant</b>	<b>Mrs I Carmichael</b>
<b>Site:</b>	<b>Land Adj Meynell House Dipwood Road Rowlands Gill NE39 1DA</b>
<b>Ward:</b>	<b>Chopwell And Rowlands Gill</b>
<b>Proposal:</b>	<b>Demolition of existing detached garage and shed buildings followed by erection of 5-bedroom detached house in garden of dwellinghouse with new vehicular and pedestrian access.</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

**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 eastern area of the garden. The proposed house would be a two storey (with loft accommodation), 5 bedroom, detached house. 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

### 1.5 DC/18/00512/FUL

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. REFUSED planning permission on 20 September 2018 due to harm to the Conservation Area and harm to the adjacent tree (tree T12).

1.6 The difference between this application and the current application (DC/19/00001/FUL) is that the proposed house has been moved further to the north towards the Dipwood Road frontage and the attached garage on the south elevation of the house has been removed. These changes have been made to provide more space between the proposed house and the large adjacent tree to the south west (tree T12).

### 1.7 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.

1.8 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      The proposal will not impact on any archaeological features.

## 3.0 Representations:

3.1 The Council sent neighbour notification letters to 11 properties surrounding the site, as well as displaying a notice opposite the site along Derwent Avenue. A notice also appeared in the Newcastle Journal on 23 January 2019.

3.2 6 letters of support have been received – 4 from 3 local residents, 1 from Councillor Bradford and 1 from Councillor McNestry.

3.3 4 letters of support have been received from 3 local residents on the following grounds:

- It would be good for / enhance the area
- It would remove 3 unsightly buildings
- The gardens of Meynell House are too large for the owners to maintain
- There have been several similar applications approved in the Conservation Area
- The new proposal will not harm the trees

- 3.4 One letter of support has been received from Councillor Bradford on the grounds that the main issue for the previous application that was refused planning permission was the need to protect the tree close to the proposed house. Now that the garage has been removed there seems to be little objection to the development.
- 3.5 One letter of support has also been received from Councillor McNestry on the grounds that the applicant has complied with protection of the tree, the position of the garage has been moved, so I see no objection to this planning application. Also similar house builds in gardens in this area have been approved in the past so see no reasons for the application not to be approved.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

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

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV51 Wildlife Corridors

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 asset's 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, slate and white plastic 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 public benefit by 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 limited public benefits would outweigh the less than 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 less than 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 CS15 of the CSUCP.
- 5.18 TREES  
There are a number of large trees and hedges 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 individual trees (trees 9, 10 and 11), a group of trees (group 2) as well as 2 hedges (hedges 3 and 4) will need to be removed to build the proposed development. The reports also suggests the removal of group 1 for good tree management reasons. Council officers do not consider their loss to be a significant loss of visual amenity to the area as a whole, as the trees and hedges in question are not particularly valuable in amenity terms.
- 5.20 The previous planning application (DC/18/00512/FUL) was refused planning permission due to harm to the Conservation Area and harm to the adjacent tree (tree T12) which is an Atlantic Cedar which 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.

- 5.21 This current revised planning application DC/19/00001/FUL is considered by Officers to be an improvement on the previous scheme DC/18/00512/FUL in that the dwelling has been re- positioned further north towards the Dipwood Road frontage, in order to have less of an impact on the retained trees.
- 5.22 In revising the scheme, Council officers consider that the proposed dwelling is now impacting on the root protection zones of trees T5, T6 and T7 along the northern boundary of the site along Dipwood Road. However, the supporting Arboricultural Method Statement has demonstrated that these trees can be retained safely using special tree friendly foundations. Council officers are of the opinion that this should allow the proposal to be built whilst minimising the impact on the trees, providing extreme care is taken and the methodology is followed.
- 5.23 Although the trees can potentially be retained safely during the construction process they are going to be very close to the proposed house when it is built. Council officers are of the view that living in close proximity to trees can often lead to resentment from the future occupiers of the proposed house, as trees will drop leaves, twigs, branches and honey dew, as well as blocking light to habitable rooms and the garden. This can sometimes cause damage to property and can sometimes result in unreasonable requests to fell or prune trees. Therefore, Council officers are of the opinion that the revised proposal could have a negative impact on the retained trees in the short and medium term.
- 5.24 If planning permission is granted for this revised proposal planning conditions will be necessary to confirm which trees are to be removed, to approve and provide tree protection measures during construction and to approve the detailed pile foundation construction methodology to protect the trees that are to be retained on site.
- 5.25 Council officers are therefore of the opinion that the proposed development in this revised planning application is an improvement on the last application DC/18/00512/FUL in terms of its impact on tree T12. Subject to suitable planning conditions, the revised proposal could be acceptable from a tree point of view and could then accord with the aims and objectives of the NPPF, saved policy ENV44 of the UDP and policy CS18 of the CSUCP, which seek to protect trees of value.
- 5.26 **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, and that would be retained if the development were to receive planning permission, it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing, visual intrusion or loss of privacy.

5.27 The existing trees that are to be retained on the site will however be very close to the proposed house when it is built. Council officers are of the view that living in close proximity to trees could lead to resentment from the future occupiers of the proposed house, as trees will drop leaves, twigs, branches and honey dew, as well as blocking light to habitable rooms and the garden.

5.28 The proposed development is on balance 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.

## 5.29 HIGHWAY ISSUES

### 5.30 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.

### 5.31 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.

### 5.32 Car Parking Provision

The proposed car parking provision for the new house includes a driveway within the site where 2 vehicles can park. The proposed car parking provision is considered to be acceptable.

### 5.33 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.

### 5.34 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.



- 5.35 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 of the Council's CSUCP and the Council's Cycling Strategy.
- 5.36 **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.
- 5.37 Given that the site has some potential to be contaminated and given the future sensitive residential land use, planning conditions would 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.
- 5.38 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, if planning permission were to be granted, to also require the proposed gas monitoring and mitigation measures by planning conditions as well.
- 5.39 These planning conditions would 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.
- 5.40 **ECOLOGY**  
No ecological information has been submitted of this planning application. The proposed development site is located within a designated Wildlife Corridor and comprises a large residential garden containing a number of mature and semi-mature trees, ornamental shrubs and hedging, areas of lawn and several small single storey timber buildings used for storage.
- 5.41 Habitats/features within and adjacent the proposed development have the potential/are likely to be used by a limited range of statutorily protected and/or priority species including breeding birds, foraging and commuting bats, hedgehog and terrestrial amphibians.
- 5.42 Given the nature of the buildings to be demolished, it is considered likely that they pose a negligible risk for roosting bats. The proposals require the retention of the majority of the existing trees on site and those trees to be removed are considered to pose a negligible risk for roosting bats. The proposals have the potential to reduce the value of the proposed development site for foraging and commuting bats through increased disturbance (e.g. increased light levels) and habitat loss.

- 5.43 The demolition of the buildings, loss of habitat and reduced connectivity resulting from the installation of additional/new boundary fencing has the potential to impact breeding birds and/or hedgehog.
- 5.44 In order to avoid/minimise adverse impacts on biodiversity during the construction phase and following occupation of the development, and to provide enhanced opportunities for biodiversity in accordance with the principles of the NPPF; if planning permission was to be granted, suitably worded planning conditions and informatives relating to the following, would be required:
- Breeding Bird Informative – to control timing of site clearance works to protect breeding birds
- Bat Box Condition – to approve details and provide 2 integral bat roost features in the new house
- Bat Informative – to remind the developer that bats and their roosts are protected in law.
- 5.45 Subject to the above planning conditions and informatives, the proposed development would be considered to be acceptable from an ecology point of view, as it would accord with the NPPF, saved policies DC1 (d), ENV46, ENV47, ENV51 of the Council's UDP and policy CS18 of the Council's CSUCP.
- 5.46 **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.
- 5.47 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.
- 5.48 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.
- 5.49 **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 in residential CIL zone B. As such this development is CIL charge liable.
- 5.50 **OTHER ISSUES**

5.51 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, for the current occupiers of Meynell House, Council officers do not consider that this outweighs the substantial harm that would be caused as a result of the proposed development.

5.52 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.

5.53 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.

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

5.55 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.

5.56 The details of the sites are provided below.

5.57 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 house with roof accommodation. 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.

- 5.58 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.
- 5.59 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.
- 5.60 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.
- 5.61 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 and the local Councillor 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 less than substantial harm to the Conservation Area. It is

acknowledged that the proposed development would bring Some public benefits in terms of providing an additional family house and removing some existing dilapidated buildings from the garden. However, Council officers do not consider that these public benefits outweigh the less than 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 less than 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.



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