

Committee Report

Application No:	DC/19/00986/FUL
Case Officer	Richard Smith
Date Application Valid	16 September 2019
Applicant	Mrs Janet McPherson And Mr Gary A Steel
Site:	Ostlers Lodge The Green Kibblesworth Gateshead NE11 0YN
Ward:	Lamesley
Proposal:	Variation of condition 1 of DC/16/00787/FUL (approved plans) to reposition dwelling towards the western end of the application site.
Recommendation:	Grant Permission
Application Type	Full Application

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

The application site is an area of open undeveloped land within the central part of Kibblesworth village that is landlocked on three sides by the carpark of "The Plough" public house to the north, the residential garden of "The Furrow" to the south and the residential garden of "Fairfax" to the west.

- 1.2 There was an existing single, detached flat roofed, brick-built garage on the site that faced east and was accessed from a minor road (West View) that serves the rear of the pub, The Furrow, the application site and several other residential properties, however this has now been demolished. The land is rectangular in shape, with dimensions of 27m long by 3.95m wide. The land is defined by a number of tall conifer trees that have formed a hedge along the northern boundary, the western and southern boundaries are defined by fencing.

- 1.3 The character of the immediate street scene is predominantly residential, with the pub and the nearby Kibblesworth Academy the only exceptions.

1.4 DESCRIPTION OF APPLICATION

This section 73 application for a variation of condition 1 of planning approval DC/16/00787/FUL by repositioning the dwelling towards the western end of the application site (towards Fairfax) by 3.5 metres. There are no proposed changes to the design or dimensions of the dwelling itself.

1.5 PLANNING HISTORY

Planning permission was granted under application DC/16/00787/FUL the demolition of the existing garage followed by erection of a two storey, two-bedroom dwelling house, which was approved 09.12.2016.

2.0 Consultation Responses:

Northumbria Water	No comments to make
Coal Authority	No objections

3.0 Representations:

3.1 REPRESENTATIONS

Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 1 no representation was received from the owner of Fairfax raising the concerns:

- Overlooking
- Loss of Privacy
- Loss of property value

3.3 The first points raised shall be addressed within the report, however it should be noted that the final point is not a material planning consideration and therefore will not be take into consideration.

3.4 Cllr Gallagher has requested that the application is determined by the and Development Committee so that the relationship between the application site and Fairfax can be explored.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS15 Place Making

CS14 Wellbeing and Health

MWR28 Prov of Facilities in new Developments

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV61 New Noise-Generating Developments

H4 Windfall and Small Housing Sites

CS11 Providing a range and choice of housing

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

- 5.1 The principle of the development has been established through the previous planning approval (DC/16/00787/FUL). The impact upon visual amenity, trees and contamination/coal mining was also considered acceptable. None of these considerations listed are changed as a result of this application.
- 5.2 As the application is to vary the original permission (DC/16/00787/FUL); in so far as the dwelling's location within the plot is different; the key considerations to be taken into account when assessing this planning application are residential amenity and highway safety.
- 5.3 **RESIDENTIAL AMENITY**
It is considered that the impact upon The Furrow, Fairfax and Holly House is of most importance. The Furrow and Fairfax share a boundary with the application site to the south and west respectively and the rear elevation of Holly House faces directly onto the application site.
- 5.4 With regard to The Furrow, it is not considered the proposed development would cause a significant loss of residential amenity, due to the preserved land levels between The Furrow and the application site being similar. Furthermore, there are no windows proposed in the southern elevation, which faces The Furrow.
- 5.5 The proposed dwelling is positioned north of The Furrow, and given the long garden of the neighbouring property, coupled with the main outlook from The Furrow considered to be west and south facing. Given the above, it is considered that in this instance the proposed dwelling through careful design will not significantly impact upon the residential amenity of The Furrow.

- 5.6 Furthermore, it is considered that the proposal can represent a betterment to the residential amenity of The Furrow, as it would tidy up this otherwise vacant strip of land that is adjacent to the pub car park and would help to screen The Furrow from any noise and disturbance associated with the pub, would give added shelter to their garden and potentially create a sun trap during summer months.
- 5.7 Regard is also given to the recently approved planning application to The Furrow (DC/19/00185/HHA) for the erection of a two-storey rear extension which was granted planning permission in April 2019.
- 5.8 Therefore, on balance, it is considered that despite the close proximity of the proposal to the rear garden of The Furrow the proposal should not unduly affect their residential amenity.
- 5.9 With regards Fairfax, the proposed dwelling is located to the south east of this property. Given the location of the proposed dwelling, any potential for overlooking would be to the most southern part of the garden of Fairfax. Coupled with the internal layout of the proposed house, which has a setback of 1.5 metres from the window, to the first-floor level and a distance of 7 metres to the boundary, it is considered on balance that the proposed development would not have a significant loss of privacy, overlooking or visual intrusion.
- 5.10 With an overall height of 5.3 metres, the proposed dwelling has been sympathetically designed as to not appear overbearing in relation to the neighbouring properties. In reference to Fairfax, given the slight change in site levels with Fairfax sited higher than the application site, it is not considered the proposed height of the dwelling will lead to an unacceptable loss out outlook or loss of light.
- 5.11 In terms of sunlight, given the location of the proposed dwelling and the orientation between that and Fairfax, it is considered any loss of sunlight will be limited to early morning and therefore on balance is not considered significant enough to warrant a refusal of planning permission.
- 5.12 With regard to Holly House, the separation distance of 19.5m (based on the submitted plans) between the first-floor windows of bedroom 2 of the proposal and the first-floor rear windows of Holly House is below the Council's "rule of thumb" of 21m between first-floor habitable room windows. That said, this is based on windows being directly in line and in this case the windows are off-set from each other, with the direct line of sight of the proposal being down the rear lane and Holly House is to the right of this. Nonetheless, this change in orientation is less than 45 degrees and ground levels are similar. Therefore, it is considered that the potential for overlooking and loss of privacy is possible and would be a mutual arrangement. Therefore, to help address this issue, the applicant proposes two long and slim windows, only 350mm wide, and

the window closest to Holly House is to be obscurely glazed to prevent any direct outlook, whilst maintaining the aesthetic balance and to provide light in to the room (condition 10). The other window would remain clear glazed to provide outlook and being further away from Holly House would create a more oblique angle that should help to safeguard residential amenity. This arrangement of the windows and the separation distance from Holly House has not been changed and is exactly the same as the approved application.

- 5.13 Given the above, it is considered proposed development will not lead to an unacceptable impact on the residential amenity of the neighbouring properties and thus the development does not conflict with the aims and objectives of the relevant paragraphs in the NPPF, policy CS15 of the CSUCP or saved policy DC2 of the UDP.

5.14 HIGHWAY SAFETY

The provision of a 5m long driveway and an adequate garage means that the proposal would provide safe off-street parking for 2 vehicles. That said, it is recommended that a condition be imposed to require that a roller shutter type garage door be fitted to ensure that a vehicle parked on the driveway does not have to overhang the public highway when the door is being opened or closed (condition 8). Subject to the condition it is considered that the proposal does not raise any highway safety concerns.

- 5.15 With regard to secure cycle storage provision, it is considered that the internal width of the garage at 3.5m would provide adequate space for cycle storage alongside a parked car.

- 5.16 The site already has level access to the public highway and therefore a dropped kerb does not need to be installed for the driveway.

- 5.17 Subject to the above the proposal is considered to be acceptable and thus accords with the NPPF and policy CS13 in that regard.

5.18 CONDITIONS

The current application, given it would effectively grant a new planning consent, allows an opportunity to re-consider the conditions attached to permission DC/16/00787/FUL.

It is considered necessary to reattach the following conditions.

Condition 4 - Materials to be approved
Condition 5 - Materials Implemented
Condition 7 - Unexpected Contamination
Condition 8 - Garage Door Type
Condition 10 - Obscure Glazing
Condition 11 - Hours of construction

With regards to Condition 3 - landscaping details, an amendment to the original condition will be made, in the event that an amended plan is not received prior to Committee, this condition will seek the submission of the landscaping details prior to site occupation.

With regards to Condition 6 - boundary treatments, an amendment to the original condition will be made, in the event that an amended plan is not received prior to Committee, this condition will seek the submission of the boundary treatment details prior to site occupation.

With regards to Condition 9 - implementation of bin storage, an amendment to the original condition will be made, in the event that an amended plan is not received prior to Committee, this condition will seek the submission of the bin store details prior to site occupation.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is therefore recommended that planning permission be granted, as the development has been able to demonstrate, subject to suitable conditions would not cause significant harm to residential amenity. It is considered that the development does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

The development to which this permission relates must be commenced not later than 3 years from the date of 9th December 2016 (by 9th December 2019), the date of permission DC/16/00787/FUL.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2

The development shall be carried out in complete accordance with the approved plan(s) as detailed below - Location Plan (1:1250), received 16.09.2019

Existing Site Plan Sheet 2 (1.200), received 16.09.2019
Proposed Site Plan, Sheet 4 (1.200), received 16.09.2019

Previously approved plans under reference DC/16/00787/FUL

4b, 5b, 6b

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3

Notwithstanding the details hereby approved, hard and soft landscaping details shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The landscaping details approved under condition 3 shall be implemented wholly in accordance with the approved details prior to first occupation of the dwelling and retained for the life of the development.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

No development above damp-proof course shall commence until samples of all materials, colours and finishes to be used on all

external surfaces, have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC1 and ENV3 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

The development shall be completed using the materials approved under Condition 5 and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC1 and ENV3 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

Notwithstanding the details hereby approved, boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling. The details shall include the heights, designs, locations and materials of all proposed boundary treatments

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area, in accordance with the NPPF, saved policies DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

The boundary treatment details approved under condition 7 shall be implemented wholly in accordance with the approved details prior to first occupation of the dwelling and retained for the life of the development.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC1 and ENV3 of the Unitary Development Plan and policy CS15 of the Core

Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

10

The garage door of the development hereby approved shall be a roller shutter type door or an up and over retractable door of a type which does not project forward of the building line whilst opening or closing. Such a non-projecting garage door shall be retained thereafter.

Reason

To provide a satisfactory standard of layout in the interests of highway safety and in accordance with the National Planning Policy Framework and policy CS13 of the Core Strategy and Urban Core Plan.

11

Notwithstanding the plans hereby approved, the bin storage location and collection facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development on site.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, residential amenity and the

appearance and design of the development and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan and policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

The bin storage and collection details approved under condition 11 shall be implemented wholly in accordance with the approved details prior to first occupation of the dwelling and retained for the life of the development.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, residential amenity and the appearance and design of the development and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan and policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

13

The "bedroom" window closest to Holly House, as shown on approved plan 5b, shall be glazed with obscure glass at a level three or greater and also be non-opening. The obscure glazing shall be retained thereafter.

Reason

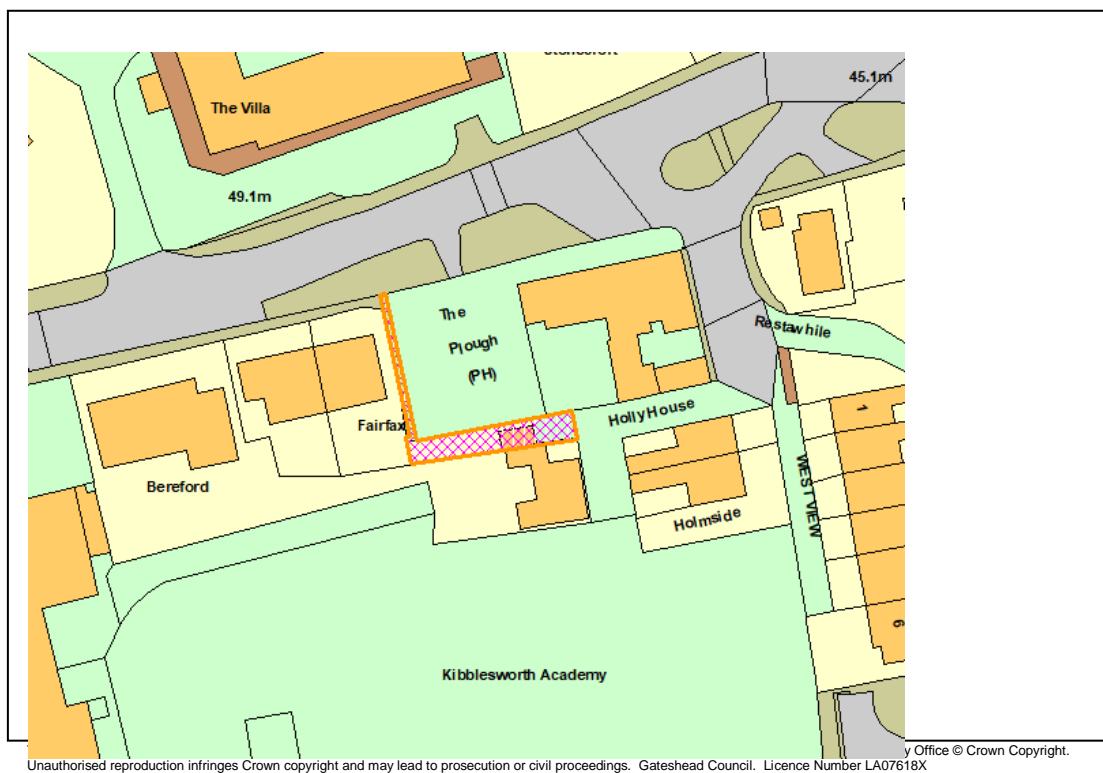
To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with National Planning Policy Framework, policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and saved policies DC2 and ENV3 of the Unitary Development Plan.

14

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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