

**Committee Report**

<b>Application No:</b>	<b>DC/20/00707/COU</b>
<b>Case Officer</b>	<b>Amy Dunbar</b>
<b>Date Application Valid</b>	<b>17 September 2020</b>
<b>Applicant</b>	<b>Mr David Martin</b>
<b>Site:</b>	<b>Land Adjacent 8 Village Heights Windmill Hills Gateshead NE8 1PW</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Change of use from grass verge (adopted highway land) to private garden and erection of an enclosing timber fence 1.8m tall (amended plans received 06.12.2020 and 07.12.2020).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

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

The application site is a small area of grassed land which is designated as adopted highway land. The site is situated within a residential street adjacent to the rear elevation of 8 Village Heights and the south east facing garden boundary of 10 Village Heights. A lighting column is also located on the south eastern edge of the application site.

**1.2 DESCRIPTION OF APPLICATION**

The application seeks planning permission to change the use of an area of grassed land to private garden and enclosing this land with a 1.8-metre-high timber fence. The timber fence has already been erected however amended plans submitted on 6<sup>th</sup> and 7<sup>th</sup> December 2020, demonstrate that the area of enclosed land would be reduced in size to cover an area of 16.5m<sup>2</sup> rather than 30m<sup>2</sup> as originally proposed, therefore if planning permission is granted, some of the fence would have to be removed to reflect the amended details.

**1.3 PLANNING HISTORY**

No relevant planning history. However, in 2019 works were undertaken at 8 Village Heights to convert a garage into a lounge and kitchen. This work did not require planning permission but the relevant approval under Building Regulations was sought and granted. These alterations included the formation of patio style doors that allow direct access from 8 Village Heights into the application site.

**2.0 Consultation Responses:**

None

**3.0 Representations:**

3.1 The Council issued neighbour notification letters to properties surrounding the application site on 30th September 2020.  
10 letters of objection have been received which are summarised below:

- inaccurate site description
- obstructs private access to rear garden of 10 Village Heights
- loss of privacy
- concerns over health issues
- concerns over safety of residents
- loss of communal space/ green space
- extension might be built in the future
- impact on utilities
- retrospective nature of application
- plans do not reflect what has been built
- placement of fence
- loss of sunlight/natural light
- loss of a view
- maintenance of remaining land
- land would become 'dead and lifeless'-enclosing the land without purchase or planning permission sets a poor precedent
- suggestion that Council should charge a large sum of money for land
- concerns that an extension will be constructed on this land
- noise disturbance
- inadequate car parking
- increase in traffic
- out of character with surrounding area
- out of character with conservation area
- overbearing
- overdevelopment
- gate opens outwards onto rear door of 6 Village Heights

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

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

- 5.1 The key considerations to be taken into account when considering this planning application are the principle of the development and its impact on visual amenity, residential amenity and highway safety.
- 5.2 **PRINCIPLE OF CHANGE OF USE**  
The site is not a designated area of open space but has been considered under this use as part of this planning assessment.
- 5.3 The area of space to be enclosed is small in size and is unlikely to have a significant recreational or ecological value. The application would not involve the loss of the entire section of open space therefore the visual benefit of the open space will not be completely lost with some maintained grassland remaining. Given that the area of enclosed land is of a limited quality due to its size and value, it is considered that the proposed change of use is acceptable in principle subject to all other material planning considerations being satisfied.
- 5.4 **VISUAL AMENITY**  
At the time of writing, the application site (as originally submitted) is currently enclosed by a timber fence which is to be repositioned around a smaller extent of land following amendments to the site area. The fence would fit in with the character of the wider street scene as there are a number of timber fences in the nearby vicinity, furthermore the fence matches the height of the adjacent fence. It is not considered that the development would constitute overdevelopment of the site.
- 5.5 An objection was raised with regards to the developments impact on the Conservation Area. The application site is not located within a Conservation Area therefore it would not have any impact on a designated heritage asset.
- 5.6 Overall, it is considered that the development would not have a harmful impact on the character and appearance of the site or the wider street scene and that the application is in accordance with Policy CS15 of the CSUCP and saved Policy ENV3 of the UDP.
- 5.7 **RESIDENTIAL AMENITY**  
It is not considered that the proposal would have any significant impact on the amenity of adjacent properties as a result of a loss of privacy, outlook, natural light nor would it be anticipated to increase noise disturbance or have an overbearing impact on adjacent properties.
- 5.8 An objection was raised with regard to the privacy and personal safety of the occupants of No.8 and No.10 Village Heights. An access gate to No.10 Village Heights is located in the side boundary fence of that property giving residents of No.10 direct access to/from the area of open land. The original extent of the enclosed land (that included the full length of the side boundary fence of No.10 Village Heights) resulted in access to/from that side gate being obstructed. Although issues surrounding private rights of access to property are not considered to be material planning matters, the applicant has amended the proposed plans to ensure that the access gate to No.10 is not enclosed by the proposed fence there the occupants of No.10 would not have to pass through

the private garden of No.8 in order to gain access to the rear garden of their property.

5.9 It is considered that the proposal is in accordance with policy CS14 of the CSUCP and saved policy DC2 of the UDP.

5.10 HIGHWAY SAFETY

The application site has been assessed by Transport Officers and it is considered that the development would not have any impact on highway safety, highway capacity or demand for parking in the surrounding area.

5.11 The land is adopted highway and there may be utilities present within the site given the presence of the street lighting column, therefore the applicant has been advised that a formal application for a Stopping Up Order is submitted to the Department of Transport for consideration.

5.12 Overall, this proposal is considered acceptable from a highways perspective and is in accordance with policy CS13 of the CSUCP.

5.13 OTHER MATTERS

Some comments submitted by neighbouring residents cannot be considered as material planning matters and are therefore not relevant to the decision making process. These matters are listed below:

- Inaccurate description of the site
- Obstruction of private right of access
- Personal circumstances, specifically health conditions
- Matters regarding the purchase of the land
- Impact on utilities
- Retrospective nature of application
- Loss of an open view
- Maintenance of remaining land
- Condition of remaining land
- Potential for an extension to be built on this land in the future
- Existing gate within the fence opens outwards which could potentially conflict with the outward opening rear door of 6 Village Heights

**6.0 CONCLUSION**

6.1 Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.

6.2 It is recommended that planning permission is granted subject to conditions.

**7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -  
Site location plan (submitted 06.12.2020)  
Diagrammatic 'Elevation' (submitted 07.12.2020)

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.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

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.

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan titled 'Diagrammatic Elevation'.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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