

Committee Report

Application No:	DC/21/00373/FUL
Case Officer	David Morton
Date Application Valid	24 March 2021
Applicant	Mr Neils Trinder
Site:	Sandygate Cottage St Cuthberts Road Marley Hill Whickham NE16 5EB
Ward:	Whickham South And Sunnyside
Proposal:	Proposed demolition of existing single storey garage, erection of replacement garage and associated engineering operations
Recommendation:	REFUSE
Application Type	Full Application

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

The application site is located on St Cuthberts Road and is located within Marley Hill Conservation Area and the Green Belt. The application site lies to the south of Sandygate Cottage across St Cuthbert's Road.

1.2 The Marley Hill Conservation Area character statement (contained within IPA17) describes Marley Hill as an almost ideal model of the Durham pit village, with neat terraces and generous community facilities. It lies in an exposed location below the summit of Blackamoor Hill. The site of the village is on the whole reasonably flat, though it dips sharply towards a small dene on its eastern side.

1.3 St Cuthberts Road leads between the church and The Grange towards the site of the colliery. Beyond The Grange is a group of five houses reflective in scale of the colliery officials' houses nearby. Next, set down the hill, are Sandygate Farm and cottages. The oldest buildings in Marley Hill, they are a much-altered agricultural vernacular group of stone and slate.

1.4 DESCRIPTION OF THE APPLICATION

The planning application seeks planning permission for the demolition of the existing storage garage located on site and the replacement with a larger garage. The proposed development would also require the undertaking of engineering operations i.e. earth removal/reprofiling.

1.5 The application follows application DC/20/00326/FUL, this application was refused based upon its impact on the Green Belt and Marley Hill Conservation Area. While the external appearance of the proposed garage differs from that previously refused, the scale and bulk remains unchanged.

1.6 The application was accompanied by the following information;

- Design and Access/Heritage Statement; and
- Bat Risk Assessment.

1.7 PLANNING HISTORY

The planning history associated with the application site is summarised as follows;

- DC/20/00326/FUL; Planning permission refused for 'Demolition of existing single storey garage, followed by construction of replacement garage within same footprint (resubmission).' Date; 06 July 2020.
- DC/19/01174/FUL; Planning permission refused for 'Demolition of existing single storey garage, followed by construction of replacement garage within same footprint.' Date; 22 January 2020.
- DC/19/00991/NMA; Application refused for non-material amendment for 'Proposed non-material amendment to DC/13/01084/HHA garage design.' Date; 04 October 2019.
- DC/13/01086/CON; Conservation Area Consent application approved for 'Demolition of existing garage and utility room.' Date; 04 October 2013.
- DC/13/01084/HHA; Planning permission granted for 'Erection of new garage to replace the existing one and demolition of utility room.' Date; 04 October 2013.

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. A total of six letters of support have been received, in addition to a request to speak on behalf of residents from a Ward Councillor (Councillor Jonathan Wallace).

3.2 The letters are summarised as follows;

- The garage ought to be granted planning permission given it would result in a visual improvement;
- The proposed development is more in keeping with the surrounding area;
- The existing building is ugly;
- The footprint of the building is no greater than the existing.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP25 Conservation/Enhancement Heritage Assets

MSGP37 Biodiversity and Geodiversity

5.0 Assessment

5.1 The considerations are the impact of the development on the Green Belt, heritage assets, residential amenity, highways, and protected species.

5.2 GREEN BELT

In terms of the control of new development in the Green Belt, the relevant national policy is contained in paragraphs 143 to 147 of the NPPF and states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt (inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances).

5.3 Paragraph 145 d) of the NPPF sets out the following exception (to the above);
"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces"

5.4 Paragraph 145 g) also sets out the following exception;
"limited infilling or the partial or complete re-development of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would - not have a greater impact on the openness of the Green Belt than the existing development"

5.5 Paragraph 146 b) states that engineering operations need not be inappropriate development '... provided they preserve its [the Green Belt's] openness and do not conflict with the purposes of including land within it.'

5.6 Paragraph 134 of the NPPF gives five purposes of the Green Belt. These are; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and

other urban land. Policy CS19 of the Core Strategy is in broad compliance with paragraph 134 of the NPPF and also sets out purposes for including land in the Green Belt in Gateshead.

- 5.7 The applicant, through their submitted material, has sought to demonstrate that the proposed development would form an exception within the Green Belt under several different paragraphs of the NPPF.
- 5.8 *Paragraph 145 d) of the NPPF.*
The applicant states within their Design and Access Statement that '*... the proposed building will be located on the footprint of an existing garage building...*' As such, the Applicant has submitted that the resulting development would not be materially larger than the existing property.
- 5.9 Officers disagree with the Applicant's implied view that the footprint is the only consideration as to whether the development is materially larger. Material increase in size must be assessed as a volume not just footprint.
- 5.10 Based on the submitted plans, officers have calculated that the proposed development would lead to approximately a 35% increase in the volume of the garage (increasing from 147 metres cubed to 199 metres cubed).
- 5.11 In addition to the volumetric increase, whilst the gutter heights (eaves) of the existing and proposed building would remain the same, the proposed development proposes an increase in the overall ridge height of 1.68 metres (an increase of 63% on the existing building). As such, it is considered by officers that the proposed garage would be materially larger than the one it replaces and fails to meet the exception test set out in Paragraph 145 d) of the NPPF.
- 5.12 *Paragraph 145 g) of the NPPF*
The Applicant has also suggested that the proposed development would qualify as an exception under Paragraph 145 g) in that it would be redevelopment of a previously developed site, which does not have a greater impact on the openness of the Green Belt. Again, officers disagree with this assertion.
- 5.13 As set out above, the application proposes an increase in both the volume and height and would be materially larger than the current building. Further to the increase in scale and bulk, the development's location away from the cluster of buildings that form the farm steading would enforce and emphasise this impact on openness.
- 5.14 It is the view of officers that the proposed development would clearly have a '*... greater impact on the openness of the Green Belt than the existing development...*' and fails to meet the exception test set out in Paragraph 145 g) of the NPPF.
- 5.15 *Paragraph 146 b) of the NPPF*
Further to the above, the application would also necessitate the need for engineering operations to take place. It is considered that the proposed

engineering operations i.e. the removal of earth to allow the erection of the proposed garage would result in a development which couldn't be considered to maintain the openness of the Green Belt; this is view is taking into account the works are necessary to facilitate the erection of a building which would be harmful to the Green Belt. As such, the engineering operations fail to meet the exception test set out in Paragraph 145 b) of the NPPF.

- 5.16 In conclusion, it is the view of officers that the proposed development does not meet any Green Belt exceptions test(s) set out in the NPPF and therefore represents inappropriate development within the Green Belt. As the proposed development would be inappropriate development in the Green Belt and would be harmful to the Green Belt by loss of openness, permission should not be granted unless 'very special circumstances' exist that clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal.
- 5.17 The Applicant has not expressly referenced any 'very special circumstances', owing to the fact they believe the development to be appropriate development within the Green Belt. The applicant has offered rationale to their design choices and the reason for the increase in the height of the proposed development, citing the need for the proposed development to better reflect the Conservation Area. Officers has considered this, and the other factors forwarded within the submitted Design and Access Statement and consider they do not constitute very special circumstances that clearly outweigh the harm to the Green Belt and any other harm.
- 5.18 Paragraph 134 of the NPPF sets out the 'five purposes' of including land within the Green Belt. It is considered that the proposed development would conflict with the aims, specifically in regard to 'safeguarding the countryside from encroachment'.
- 5.19 Based on the above assessment, it is considered that the proposal would constitute inappropriate development in the Green Belt, would harm the openness of the Green Belt and no very special circumstances have been demonstrated that would clearly outweigh this (and any other) harm. The proposal is considered to be contrary to Paragraphs 134 and 143-147 (inclusive) of the NPPF.
- 5.20 HERITAGE ASSETS
Heritage specific policies are contained within the NPPF at paragraphs 184 and 202. The objective of the policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances its significance. That significance is the value of a heritage asset to this and future generation because of its heritage interest, which may be archaeological, architectural, artistic or historic. This significance may derive not only from its physical presence but also from its setting.
- 5.21 In order to make a sound decision a planning authority needs to understand from the applicant the significance of any heritage asset affected (paragraph 189).

- 5.22 Designated heritage assets are subject to specific policies within the NPPF, including Paragraph 196, which 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."
- 5.23 The above requirements are amplified by policy MSGP25 of the Local Plan which states that development within the setting of a heritage asset will not be permitted if the development: dominates the asset or its setting in scale, massing, materials or as a result of siting; or is otherwise harmful to its significance.
- 5.24 The application site is located on St Cuthbert's Road and is located within Marley Hill Conservation Area adjacent to the oldest buildings in the village at Sandygate which pre-date the development of Marley Hill village, and the old groups of Marley Hill pit cottages to the south which have now been cleared. Sandygate Farm, Cottage and outbuildings are shown on the historic maps, on the north side of Sandygate Lane. On the south side are small enclosures, likely animal pens and vegetable gardens, not dwellings.
- 5.25 The proposed development is outside the village envelope on land which has historically been void of development. It is accepted that the removal of the existing garage would have a positive impact on the conservation area, as the existing garage is considered to be an unfortunate addition within the conservation area. This said, the replacement of the existing commercial/rural looking garage with one of a domestic appearance and a much larger scale is not considered to be reflective of the historic development and land use of the farmstead or village and would result in less than substantial harm to Marley Hill Conservation Area.
- 5.26 The applicant has suggested that the proposed development would offer public benefit and has stated the proposal would create;
"... an improved ancillary building for the existing dwelling would benefit both the existing dwelling and the surrounding area. Views from St Cuthberts Road and Tanfield Railway line (a significant tourist attraction) would also be improved by the proposed development."
- 5.27 Officers do not consider that the proposal would offer a public benefit, the proposed development may be constructed of improved materials. However, by virtue of its increased scale the proposed development would actually be more visible from public vantage points in a location that is out of keeping to the historical context of these buildings. Further, it would be possible to improve the appearance of the existing building e.g. rendering, amendments to window detailing or landscape screening, without needing to demolish and rebuild it as a larger structure.
- 5.28 Further, it is acknowledged that planning permission was granted for a similar proposal in 2013 (DC/13/01084/HHA). However, officers would note that;
1. This planning approval has lapsed and is no longer implementable.

2. The planning approval differs from the application being considered as;
 - a. The 2013 application proposal didn't include any engineering operations; and
 - b. The 2013 proposal was marginally lower in height than that proposed now.
3. Whether the 2013 application has a genuine prospect of being constructed is questionable, even if the approval remained extant, the applicant has indicated that the proposal would result in the building of '*... a significant amount of 'dead' walling (i.e. wall constructed below the level of the internal floor) would be required in order ensure suitable foundations were created in which is otherwise poor quality backfill on the site...*'

5.29 Further, Officers would make it clear that the policy context has changed since 2013 (and even since the 2020 refusal). The current proposal must be assessed against current national and local policy, and it is clear that the scheme fails to comply with the requirements of MSGP25 and Paragraph 200 of the NPPF. This harm is not outweighed by the (lapsed) 2013 planning approval and/or any other material planning considerations.

5.30 On the basis of the above, it is considered that the proposal would result in harm to the significance of Marley Hill Conservation Area. In the absence of any public benefit, the development is therefore considered to conflict with the requirements of the NPPF, and Policies CS15 and MSGP25 of the Local Plan for Gateshead.

5.31 IMPACT ON RESIDENTIAL AMENITY

Given the distances between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.

5.32 It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF and Policies CS14 and MSGP17 of the Local Plan for Gateshead.

5.33 TRAFFIC, ACCESS AND PARKING

It is considered that the development will be unlikely to lead to a significant increase in traffic movements, given the nature and scale of the proposal being ancillary to the existing domestic property. Therefore, it is considered that the proposed development would not lead to any significant impact on the wider highway network.

5.34 The proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and Policies CS13 and MSGP15 of the Local Plan for Gateshead.

5.35 ECOLOGY

The applicant has been supported by bat risk assessment; this assessment has concluded the potential impact of the proposed development on roosting bats is

negligible. If planning permission was to be granted a condition pertaining to the provision of bat roost features would be recommended.

5.36 On the basis of the above, it is considered that the development complies with the requirements of the NPPF, and Policy CS18 and MSGP37 of the Local Plan for Gateshead.

5.37 OTHER MATTERS

All letters of support have been considered and afforded appropriate weight in the decision-making process. However, none of the points made outweigh the policy considerations outlined in the above report.

6.0 CONCLUSION

6.1 The application is considered to be unacceptable as the development represents inappropriate development in the Green Belt. Further, the proposed development would result in less than substantial harm to Marley Hill Conservation Area (with no public benefit). No very special circumstances have been put forward by the applicant to clearly outweigh the identified harms and, as such the application is contrary to the NPPF and Local Plan Policy.

6.2 It is therefore recommended that the application be refused for the following reasons set out below.

7.0 Recommendation:

That permission be REFUSED for the following reason(s):

1

The proposal would represent inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and also contrary to one of the purposes of including land within the Green Belt. No very special circumstances have been demonstrated. The development is therefore contrary to paragraphs 134 and 143-146 (inclusive) of the National Planning Policy Framework and policy CS19 of the Local Plan for Gateshead.

2

The proposed development, due to its scale and design would be an incongruous form of development, resulting in less than substantial harm to the significance of the Marley Hill Conservation Area. The less than substantial harm would not be outweighed by public benefits and the application is therefore contrary to National Planning Policy Framework (NPPF) paragraph 196. In addition, the development would fail to enhance, or better reveal, the significance of the Conservation Area as recommended in NPPF paragraph 200. It is considered that the development is contrary to the aims and objectives of the NPPF, and Policies CS15 and MSGP25 of the Local Plan for Gateshead.



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