

Committee Report

Application No:	DC/21/00879/FUL
Case Officer	Joanne Munton
Date Application Valid	12 July 2021
Applicant	Mssrs WAYNE LASKEY AND NEIL & CAT TRUEMAN
Site:	Site West Of Worley Avenue / South Of Earls Drive Earls Drive (Opposite Numbers 42-62) Low Fell Gateshead NE9 6AA
Ward:	Low Fell
Proposal:	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).
Recommendation:	REFUSE
Application Type	Full Application

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

The application site comprises the majority 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 red line plan includes less of both the northern and southern plots at the eastern end, making these shorter than the central plot, whose full width between Worley Avenue and Glenbrooke Terrace is shown to be included in the red line plan.

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 paling fence, and there has been recent partial clearance of the understorey inside the site. Despite a hedge being shown running through the site on the existing site plan submitted, from an officer site visit, this is not present in the indicated location, and instead there is a hedge that runs along the southern boundary of the site,

1.5 DESCRIPTION OF APPLICATION

The application proposes the merging of two larger parts of the northern and southern garden plots within the red line with the central plot, and then the subdivision of this land to form a new eastern and a new western plot, and the construction of two new dwellinghouses (one on each plot).

1.6 The application also proposes the removal of 5 trees, the planting of 10 replacement trees and the creation of two new vehicle access points onto Earls Drive.

1.7 The dwellings are proposed to be a modern design, each with two double storey gable elements with a flat green roof between these. The dwellings are proposed to be orientated so that Plot 1 (west) would have the gable elements facing north/south (ie. Onto Earls Drive) and Plot 2 (east) would have the gable elements facing east/west, so the roof slope and mansard roof feature would face onto Earls Drive.

1.8 The proposed materials are as follows:

Roof – standing seam rolled zinc

Walls - Olde English grey brick and Siberian larch boarding, with rolled zinc continuing from roof and sandstone horizontal feature band between ground and first floors

Glazing/windows - Polyester Powder Coated Aluminium

1.9 Plot 1 (west) would have 4 bedrooms and Plot 2 (east) would have 4 bedrooms on the first floor and a guest bedroom on the ground floor.

1.10 RELEVANT PLANNING HISTORY

There is no relevant planning history for the site.

2.0 Consultation Responses:

Tyne And Wear Fire And Rescue Service No objection

Tyne And Wear Archaeology Officer No objection

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 39 Objections were initially received, raising the following concerns:

- Inappropriate use for the site; alternative uses suggested; housing could be provided elsewhere
- Undesirable precedent for other land at Worley Avenue
- Restricting the potential development of land further south
- Affordable homes not proposed
- Increased parking demand and impact on highway safety, including congestion, inappropriate parking and access for deliveries and emergency vehicles
- Out of keeping with the surrounding area and Conservation Area
- Proposal not in line with a presumption against change, involving the sub-division of gardens and grounds, which would contribute to an increased density of development in the Conservation Area
- Overdevelopment
- Lots of planting already removed
- Impact on/loss of mature trees and green space in terms of impact on amenity, increased flood risk, climate crisis and impact on ecology (including loss of habitat)
- The continuous gardens at the front of Worley Avenue provide an important visual and ecological corridor
- Replacement planting and green roof may not take/be established
- Loss of privacy
- Loss of outlook
- Overbearing
- Additional noise
- Concern over health issues and impact on air quality
- Disturbance early mornings/late evenings
- Disruption during construction phase
- Loss of natural light
- Loss of view
- Anomalies and assumptions in the details submitted with the application
- Surrounding environment should not be impacted for financial gain
- The development would degrade a significant area of green infrastructure on the route of a Gateshead Health Walk

3.3 14 Letters of support were received, commenting on the following:

- Concern about existing condition of site, fly tipping, vermin, anti social behaviour and trees making it dark
- Trees overhanging the path are dangerous
- Area in need of this type of housing
- Redeveloping the site would be an improvement for the area and make use of the current site, which is in poor condition
- Proposed scheme would be well designed and high quality
- The area has a lot to offer, including local schools
- Existing residents should make more use of off street parking

3.4 1 Representation was received, commenting on the following:

- Proposal would cut off future development of the land at Worley Avenue; with Worley Mews at one end and these dwellings at the other there would be an impact on access to land between the sites

3.5 Amended plans were received on 5 January 2022.

3.6 16 further objections were received, raising the following concerns:

- It is a uniquely historical site and the proposal would destroy the character of the whole conservation area
- Alternative, less sensitive sites available
- Loss of trees and question how only 5 would need to be removed, potential for more tree damage/removal in the future
- Out of keeping with the surrounding area and Conservation Area, and the development would disrupt the pattern of the area, degrade the historic character and conflict with the conservation area guidance.
- Proposal not in line with a presumption against change, involving the sub-division of gardens and grounds, which would contribute to an increased density of development in the Conservation Area
- Undesirable design precedent
- Increased parking demand and impact on highway safety
- No visitor parking provision, and houses should be assessed as requiring 2 cars per household
- The traffic survey does not take into account Earls Drive traffic flow or traffic at busy times backing up onto Durham Road
- Obstruction and disruption during construction
- Impact on bats and birds and other wildlife
- There has already been loss of habitat

- Impact on/loss of mature trees and green space in terms of impact on amenity, increased flood risk, climate crisis and impact on ecology (including loss of habitat)
- Measures to deliver biodiversity net gains would take many years
- Spread of Japanese Knotweed
- Impact on established welfare and wellbeing in Gateshead, and the development would degrade a significant area of green infrastructure on the route of a Gateshead Health Walk
- Loss of value of properties
- Inaccuracies in detail submitted with the application, as most strips of gardens land are cared for by private owners
- Responsibility of landowners to maintain the site
- Proposed Tree Protection Plan appears to be in neighbouring garden, potential impact on property

3.7 3 further letters of support were received, commenting on the following:

- Addition of homes in a housing shortage
- Currently the land is not used for anything of value and is unsightly
- High standard design that would improve the appearance of the street
- Should allow the area to grow and develop
- Example of newer housing at the southern end of Worley Avenue
- Residents' parking scheme suggested
- Positive addition to the area that would not set a precedent for land further south
- The way people use their homes is changing

3.8 A representation has also been received from the owner of the southernmost plot of land within the red line boundary, in response to the notice served. The comments are no objection provided that no part of the development is on this part of the site, which should be used only as garden land.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

MSGP8 Digital Infrastructure

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

GPSPD 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 are housing policy, and the impact the proposal will have on heritage assets, design, trees, residential amenity, highway safety and parking, ecology and ground conditions.

5.2 HOUSING POLICY

Policy CS11 indicates that 60% of new private housing across the plan area and within the plan period will be required to be of 3 or more bedrooms. The proposal would satisfy this requirement.

5.3 Policy CS11(4) requires adequate space inside and outside the home to meet the needs of residents. Policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). This policy will apply one year after adoption (1 February 2022) to allow for a transition period, and is therefore now in effect.

- 5.4 Policy CS11 requires 15% affordable homes for developments of 15 units or more, so this would not be a requirement for this proposal.
- 5.5 Whilst the details submitted with the application do not clearly set out the assessment against NDSS, officers have considered the proposed amended floorplans against NDSS.
- 5.6 The floorplans for Plot 1 show a double bed in each of the four bedrooms, however, while the width requirements in the standards are met for double rooms, bedroom 4 falls short of the 11.5sqm floor area requirement (measuring at 11.36sqm), so this could only be a single bedroom. For the purposes of the NDSS this equates to a 4bed(b) 7person(p) house. Based on submitted plans, the minimum gross internal floor area requirement (of 115sqm for a two storey dwelling) would be comfortably met. However, no storage provision is shown at this dwelling other than an indicated wardrobe area at 1.88sqm. This falls short of the requirement in the standards for a minimum of 3sqm of storage for any new 4-bed dwelling.
- 5.7 Including the guest room on the ground floor, Plot 2 would have 5 bedrooms, which are shown on plans to all be doubles. As with Plot 1, one of the bedrooms, the room labelled as a guest bedroom on the ground floor, although indicatively shown with a double bed, can only, due to its width/floor area, be considered as a single bedroom. Plot 2 is therefore, for the purposes of the NDSS 5b 9p dwelling. The nearest provision for this in the standards is 5b8p, so these amounts have been used to assess compliance. Based on submitted plans (and on the understanding that the walk-in wardrobes would be built-in), the minimum gross internal floor area and the storage area requirements would be met. The area and width requirements for double rooms would also be met, with the exception of the ground floor guest room, which would meet the requirements for a single room.
- 5.8 Therefore, the submitted plans do not fully comply with NDSS requirements and, as such, the scheme is not in complete accordance with policy MSGP12. However, it is considered that as the gross overall floor area is comfortably in excess of the NDSS requirement, that there is scope within the floor plan of Plot 1 to accommodate the storage requirement. If the application was recommended to be granted, a condition could be imposed to require final details of the internal storage space for Plot 1. Subject to that condition, the development would be in accordance with MSGP12.
- 5.9 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.

5.10 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;

5.11 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.

5.12 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.

5.13 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.

5.14 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.

5.15 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.*

5.16 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*

5.17 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.*

5.18 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

5.19 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.

- 5.20 The application proposes to formally sub-divide existing plots (leaving two separate parts at the eastern end), merge three plots of land, then re-divide this land again, but north to south. This would be directly contrary to IPA17 guidance, and the policies referred to above, and it is considered that the proposal to develop the site for residential dwellings would compromise the site and diminish its positive contribution to the setting, character and appearance of the Conservation Area.
- 5.21 The status of the plots 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.
- 5.22 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, and 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 5 sycamore trees from the site. However, several trees shown to be retained would have substantial buildings and paving beneath their canopies, which would very likely result in issues during construction, and, more widely, there are significant concerns that there would be extreme pressure from future occupants for future removal.
- 5.25 MSGP Policy 36 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. It is proposed that 10 new medium sized trees be planted within the site. Whilst this may be physically possible, most are proposed to be located very close to each other and/or existing trees, and it is considered that there would be very little space available that is not occupied by the dwelling or hardstanding for

cars, or existing trees, therefore such trees would be likely to be of a type, size and quality which would make a very limited contribution to the character and appearance of the Conservation Area. They may also themselves be subject to longer term resentment from future occupiers and subsequent pressure for removal, given proximity to other features on site.

- 5.26 The application also includes the proposal to crown lift all remaining trees to 6m. This would also significantly alter the natural appearance of the trees, the mass of their crowns in the streetscape, and ultimately their health. This would harm the leafy nature of the area which does much to define its special character.
- 5.27 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.
- 5.28 Therefore, the proposal would, in principle, be fundamentally contrary to planning policies which seek to conserve and enhance the historic environment.
- 5.29 In terms of the proposed designs of the dwellings, these constitute non-traditional forms and materials with respect to the existing pattern of development. The proposed dwellings would be detached and in mixed orientation, with no reference to the terraces, there would be double peaked roofs including flat ridges, a wide range and inappropriate materials and colour (ie. grey zinc walls and roof, grey brick for houses and garden walls, timber cladding, green roof), and there would be an erratic pattern of windows (slots and mixture of rectangular opening sizes). It is considered that the proposed dwellings would have an inappropriate design in their context, would not respond positively to local distinctiveness and character, and would be contrary to local design and conservation guidance.
- 5.30 The modern infill development at the southern end of Worley Terrace and on Earls Drive opposite are identified as detractors in this area which is relevant when considering this proposal to further infill original gardens with modern development.
- 5.31 In terms of proposed boundary treatment, the submitted site plan shows timber fencing around the two plots, but also along the northern boundary with Earls Drive on land outside of the red line plan. The timber fence proposed along the southern boundary would replace the hedge currently in place, as observed on officer site visit and comparing locations of other neighbouring features, as this does not appear to be accurately shown on submitted plans. Whilst final details of the location and appearance of boundary treatment(s) could be required by condition in general, the removal of the southern boundary hedge would compound concerns regarding impact on the well established gardens in the area and this being one of the most important factors contributing to the Area's special character, and would be directly contrary to the specific guidance in IPA17 (above).

- 5.32 If the application was recommended to be granted, a condition removing permitted development rights for enlargements to the dwellinghouses and buildings within the curtilages would be necessary.
- 5.33 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.

- 5.34 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.

- 3.35 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, and it is considered that the proposal would not bring about public benefits that would outweigh the identified harm to heritage assets. The application also does not demonstrate clear and convincing justification for the harm to the Conservation Area.
- 5.36 Whilst small sites can make an important contribution to local housing supply, there are no public benefits which would outweigh the unacceptable harm to both the character and appearance of the Conservation Area, as identified above.

- 5.37 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.

- 5.38 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.

- 5.39 RESIDENTIAL AMENITY/LIVING CONDITIONS
NPPF paragraph 130 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;

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.40 The National Design Guide at paragraph 123 advises that well-designed homes and buildings:

- provide good quality internal and external environments for their users, promoting health and well-being;*
- relate positively to the private, shared and public spaces around them, contributing to social interaction and inclusion; and*
- resolve the details of operation and servicing so that they are unobtrusive and well-integrated into their neighbourhoods.*

5.41 Local Plan policy MSGP17 states:

Development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. Planning permission will be granted for new development where it:

- 1) does not have an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses;*
- 2) safeguards the enjoyment of light, outlook and privacy; and*
- 3) ensures a high quality of design and amenity*

5.42 In terms of potential future occupiers, NDSS requirements have been discussed above, and it is considered that subject to the recommended condition, if the application was recommended to be granted, the proposal would provide appropriate internal storage space.

5.43 However, in terms of other living conditions for future occupiers, whilst the dwelling at Plot 1 would be centrally located in its site, the north east part of Plot 2 would be immediately adjacent land to the north east that is not within the application red line boundary and it is indicated on the site plan that the applicants are seeking adverse possession of the land (shown as a pink hashed area on plans). Whilst there is a note that the applicants are looking to acquire this land, it does not form part of the application site, and, even if the

land was in the applicant's ownership, it is not part of this proposal and cannot be assumed that it would ever be.

- 5.44 Therefore, at the time of assessing this planning application, and mindful that this corner of land is not within the red line boundary, the proposed plans show an external utility door opening out into land that the applicants do not own and that is not within the application site (which is impractical). In addition, two storey, full height glazing, serving the hall and landing, and windows serving bedroom 4 (a habitable room) at first floor level, are shown as being approximately 1m from the shared boundary.
- 5.45 Considering the proposed proximity of Plot 2 to the north east boundary, and the proposed scale, design and arrangement (including location and extent of the proposed glazing), it is considered that the proposal would result in an unacceptable overbearing and oppressive impact and overlooking/loss of privacy at this separate garden/amenity land.
- 5.46 Additionally, while no boundary treatment is proposed between Plot 2 and this unrelated land (ie along the perimeter of the application site), a 1.1m tall brick boundary wall is shown on land outside of the application site along the boundary of the hatched land and Earls Drive. Although on the application plans, this section of wall is not part of this application. Furthermore, the northern wall of the proposed utility would be on the boundary with this land, which would make the proposed access door into the utility area unworkable. Therefore, a condition for details of boundary treatment at ground floor level (in the interests of privacy and reducing disturbance at the neighbouring land) would not be reasonable.
- 5.47 In any event, boundary treatment at ground floor level would also not alleviate concerns that Plot 2 would result in an overbearing impact and loss of privacy at this unrelated garden land to the north east, due to habitable room windows at first floor level.
- 5.48 In terms of the unrelated square of land to the south east of Plot 2, there would not be a window at ground floor level directly opposite the land at this location (and 1.8m timber fence is proposed on the boundary in any event) but there would be a first floor window serving bedroom 2. This would be approximately 2m from the boundary, and whilst the proposed dwelling would not run all the way along the northern boundary, it is considered that the proposal would result in an unacceptable overbearing impact and loss of privacy at this other neighbouring garden land.
- 5.49 Further, given the proposed distances, it is considered that Plots 1 and 2 would not result in an unacceptable impact on amenity at garden land further south.
- 5.50 The relative position of the two houses and their windows, results in a separation distance between the habitable room windows in Plot 2 (west elevation) and the side (east) elevation of Plot 1 of 14.9m. Between these elevations there is 1.8m high boundary treatment proposed, there would be

offsetting of the bi-folding doors at Plot 2 and windows at ground floor at Plot 1, and offsetting of windows at first floor level (particularly with the window at the northern end of side elevation of Plot 1 serving an en-suite and therefore would have been required to be obscurely glazed). As such, it is considered that the arrangement between the two proposed dwellings would not result in unacceptable harm to amenity of future occupiers at each proposed respective dwelling.

- 5.51 In terms of noise/disturbance, the application proposes dwellings in a residential area, so long term impact would not be anticipated, but if the application was recommended to be granted, condition(s) could be imposed relating to construction management and hours of operation.
- 5.52 However, the proposal would cause unacceptable harm to future occupiers, and to users of the adjoining parcels of land through loss of privacy, overlooking (to both parties) and by the creation of an overbearing and oppressive form of development for the uses of the immediately adjoining garden land (that could not be made acceptable through conditions), and it is recommended that the application be refused for this reason in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan.
- 5.53 **HIGHWAY SAFETY AND PARKING**
The driveways are proposed to exit onto Earl's Drive, and it is acknowledged that the existing on-street parking in this area is known to be in high demand. Transport officers have completed numerous spot-check surveys of the area: two of an afternoon and three of an evening/late evening, reviewing the section of Earl's Drive from Durham Road to the unnamed rear lane to the west of the site.
- 5.54 Whilst the addition of new development is not ideal, it is considered that it would not be unacceptable. The driveways would result in approximately two on-street parking spaces being lost, however, during 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.
- 5.55 Additionally, officers are satisfied that the amended plans submitted demonstrate acceptable visibility at the two driveways. Boundary treatment at each side of the driveway openings is shown to be 0.6m high to aid visibility. If the application was recommended to be granted, it is considered that a condition removing permitted development rights for boundary treatments in these locations (ie. Where 0.6m high treatment is shown) would be necessary.
- 5.56 Further, dedicated cycle storage is indicated on submitted plans, and if the application was recommended to be granted, conditions could require final details of the storage and implementation of the approved scheme.

- 5.57 Subject to conditions if the application was recommended to be granted, the proposal would not conflict with the aims and requirements of policies CS13 and MSGP15 of the Local Plan.
- 5.58 **ECOLOGY**
The application is supported by an Ecological Impact Assessment and a Biodiversity Net Gain Assessment. The latter confirms that based on calculations, the metric indicates a predicted net loss of -0.15 habitat units, constituting a change of -11.40%, and suggests financial contributions to offset this loss.
- 5.59 It is considered that harm and loss to ecology and biodiversity could be adequately addressed (mitigated/compensated) in the requirements of planning conditions and obligation(s), if the application was recommended to be granted.
- 5.60 Subject to conditions and obligations if the application was recommended to be granted, the proposal would not conflict with the aims and requirements of policies CS18, MSGP36 (in terms of ecology impact) and MSGP37 of the Local Plan.
- 5.61 **GROUND CONDITIONS**
The site is not in a Coal Authority defined high risk area.
- 5.62 In terms of potential land contamination impact on the proposed sensitive end use, the site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not situated on potentially significant contaminated land based on previous historic use. Overall, the potential level of contamination possibly being a hazard to site operatives and future site users is considered to be very low, and significant contamination of soils and made ground beneath these areas is not anticipated.
- 5.63 As such, if the application was recommended to be granted, it is considered that conditions requiring site investigations, risk assessment and remediation relating to contaminated land would not be necessary, except for in the event that suspected contaminated land is unexpectedly encountered during works, the submission of a risk assessment, implementation of any required remediation measures, and the submission a verification report demonstrating the effectiveness of the remediation. Additionally, conditions requiring the submission of any required gas protection measures and implementation of an approved scheme could be imposed if the application was recommended to be granted.
- 5.64 Subject to conditions if the application was recommended to be granted, the proposal would not conflict with the aims and requirements of policies CS14 and MSGP20 of the Local Plan.
- 5.65 **DIGITAL INFRASTRUCTURE**
MSGP8 states that 'The necessary physical infrastructure to enable access to information and digital communication networks will be integrated into all

appropriate new developments.' The supporting text clarifies that all proposals for new dwellings and new business premises will be required to demonstrate that engagement has taken place with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development. The requirements of this policy will be satisfied by the submission of a statement (required either at application stage or through a planning condition) explaining the outcome of this engagement. As such, a condition could be imposed to satisfy this requirement.

5.66 COMMUNITY INFRASTRUCTURE LEVY (CIL)

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This proposal has been assessed against the Council's CIL charging schedule and the site is in residential CIL Zone C, which has a charge of £0 per sqm.

5.67 OTHER MATTERS

Loss of view and loss of property value are not material planning considerations.

5.68 The application is for minor development, in flood zone 1 and, although within the local authority define 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.

5.69 HOUSING DELIVERY TEST

On 14 January 2022, DLUHC provided an update on technical note on the Housing Delivery Test 2021 measurement. As a result of the disruption of the national lockdown, DLUHC have confirmed a reduction in the homes required within the 2019 to 2020 year by a month and within the 2020 and 2021 year by four months in the Housing Delivery Test.

5.70 Given this update is so recent, the Council are making an assessment, and in the case that the Council remain unable to demonstrate a five year supply of deliverable housing sites and the presumption in favour of sustainable development, outlined in Paragraph 11(d) of the NPPF, remains engaged, a balancing exercise is provided below:

5.71 The proposed development results in harm to a designated heritage asset and this provides a clear reason for refusing the development proposed. Therefore, the 'tilted balance' is not engaged by virtue of footnote 7 to paragraph 11(d) of the Framework. Weight has been given to the contribution the proposed development would make to the supply of housing in Gateshead, but the LPA considers that this benefit would not outweigh the proposed harm to the designated heritage asset.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, whilst the proposal would modestly contribute to housing stock in the borough, 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 development would also cause unacceptable harm to future occupiers, and to users of the adjoining parcels of land through loss of privacy, overlooking (to both parties) and by the creation of an overbearing and oppressive form of development for the uses of the immediately adjoining garden land (that could not be made acceptable through conditions).

6.2 Therefore, the proposal would be contrary to the aims and objectives of the NPPF, The National Design Guide, Local Plan policies CS14, CS15, CS18, MSGP12, MSGP17, 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

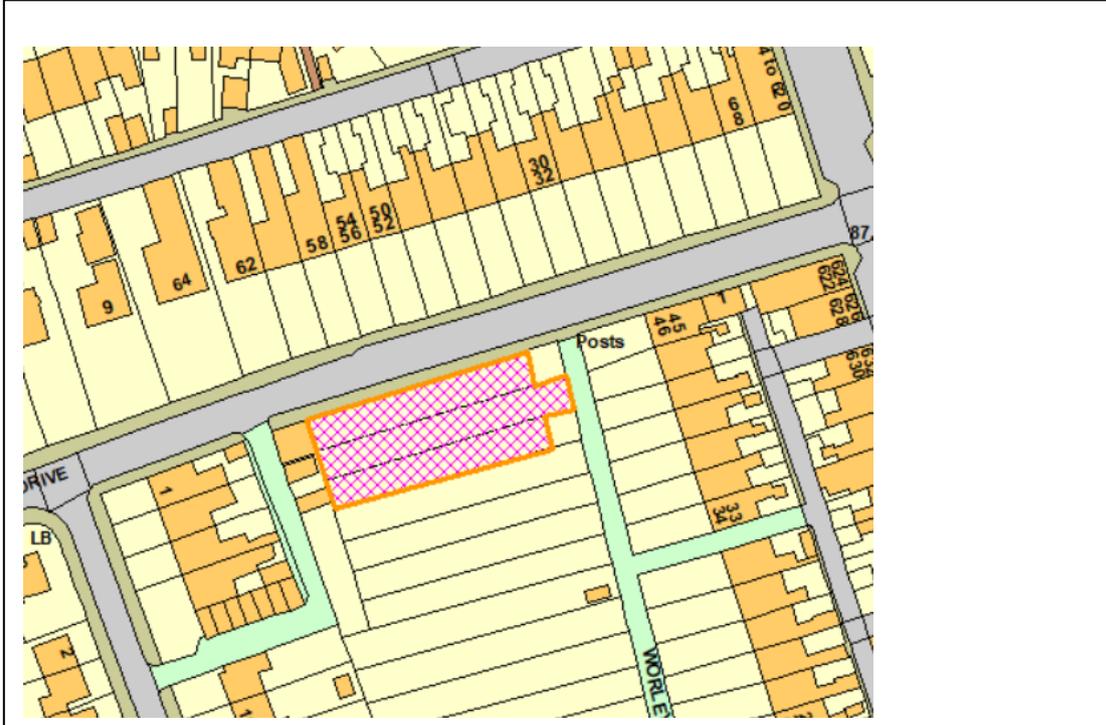
The proposed development would result in less than substantial harm to the significance of the Low Fell Conservation Area by means of inappropriate merging and subdivision of grounds, loss of trees and inappropriate building design, which would not respond positively to local distinctiveness and character 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 proposed scale, design and arrangement (including location and extent of the proposed glazing) of the development would result in an unacceptably overbearing and oppressive impact and unacceptable level of overlooking/loss of privacy at garden land to the north east of the application site from Plot 2. The arrangement at the north east part of the application site would also result in impractical access arrangements and an unacceptable level of privacy being afforded to future occupiers of Plot 2.

The relationship of Plot 2 with the adjoining land to the south east, would also result in an unacceptably overbearing and oppressive impact and unacceptable level of overlooking/loss of privacy on that area of land.

The proposal is contrary to the aims and objectives of the National Planning Policy Framework, The National Design Guide, Local Plan policies CS14 and MSGP17, and the Gateshead Placemaking SPD.



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