

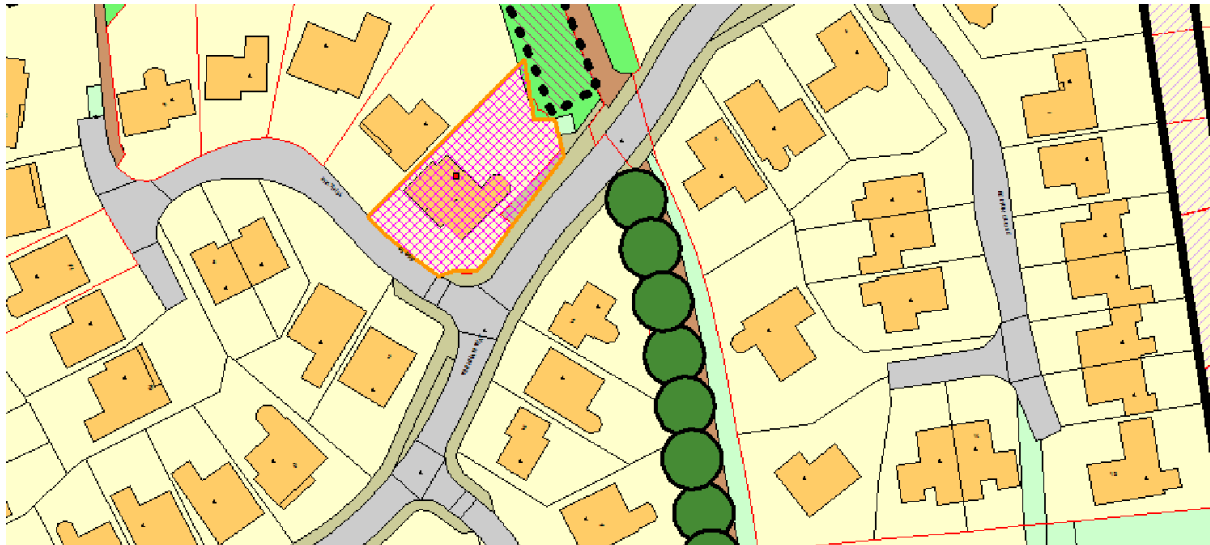


Northumberland County Council

Castle Morpeth Local Area Planning Committee 11th November 2019

Application No:	19/03931/FUL		
Proposal:	Construction of single storey rear lean-to extension and proposed new fence line		
Site Address	1 Chathill Close, Stobhill Farm, Morpeth, NE61 2TH		
Applicant:	Mr Andrew Sparks 1 Chathill Close, Stobhill Farm, Morpeth, NE61 2TH	Agent:	Mr Jonathan Davey 33 Station Close, Station Close, Riding Mill, NE44 6HF
Ward	Morpeth Stobhill	Parish	Morpeth
Valid Date:	20 th September 2019	Expiry Date:	15 th November 2019
Case Officer Details:	Name: Mr Adam Ali Job Title: Planning Technician Tel No: 01670 623948 Email: adam.ali@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

It has been confirmed that the application should be referred to the Committee for determination. In line with the Council's Scheme of Delegation, where a Parish or Town Council has made a bona-fide planning objection to an application recommended for approval, and when a 'Made' Neighbourhood Plan is in place, the application will be considered at the Local Area Council Planning Committee.

2. Description of the proposals

Planning permission is sought for the development of a single storey rear extension.

The single storey rear extension would have a depth of 3.84m, width of 8.35m and a maximum height of 3.25m. The single storey rear extension would be designed in materials to match those of the existing house.

As part of the proposal, the fence line is proposed to be extended to the north east boundary of the subject site. At its widest, the proposed fence line would be located 2.61m east of the existing to be removed fence, at its narrowest it would be located 1.3m to the east of the existing fence. The proposed timber fence would be approximately 2m in height.

3. Relevant Planning History

None relevant

4. Consultee Responses

Morpeth Town Council	Morpeth Town Council object to this planning application as the extension of the fence line would change the character of the area and could also set a precedence.
Highways	The new fenceline is not considered to obstruct visibility or the manoeuvrability of pedestrians and cyclists. It is considered that this development will not have a severe impact on highway safety, and there are no objections in principle to the proposals.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	1

Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

“The application shows the development going beyond the building line which involves taking land looked after by the council and removing laburnum trees part of the original landscaping. This cannot be acceptable.”

The above is a summary of the comments. The full written text is available on our website at:

<https://publicaccess.northumberland.gov.uk/online-applications//search.do?action=simple>

6. Planning Policy

Development Plan Policies

Morpeth Neighbourhood Plan (2016):

Des1 – Design Principles

Castle Morpeth District Local Plan (2003):

H14 – Improvements to Existing Housing

National Planning Policies

National Planning Policy Framework (2019)

National Planning Policy Guidance (2019, as amended)

Emerging Policies

Northumberland Local Plan Publication Draft Plan (NLPPDP) (Regulation 19):

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy HOU 9 - Residential development management

Policy QOP 1 - Design principles

Policy QOP 2 - Good design and amenity

7. Appraisal

The main issues for consideration in the determination of this application are:

- Principle of development
- Design and Visual Impact
- Impact on Amenity

Principle of development

- 7.2 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Ponteland Neighbourhood Plan (made version 2017) and Castle Morpeth District Local Plan (2003, saved policies 2007).
- 7.3 In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (May 2019) can therefore be given some weight in the assessment of this application.

Design and Visual Impact

- 7.4 Policy Des1 of the Morpeth Neighbourhood Plan states development proposals will be supported where they accord with policies in the Neighbourhood plan and elsewhere in the Development Plan.
- 7.5 Policy Des1 states proposals should make a positive contribution to their surroundings and expects proposals to; respect or enhance the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features.
- 7.6 Meanwhile, policy H14 of the Castle Morpeth District Local Plan states; proposals to alter, extend or improve dwellings will be permitted if; there is no adverse impact on the appearance of the property or street scene; and the materials used match or closely complement those of the existing dwelling.
- 7.7 The single storey rear extension element would be designed to match the existing dwelling. The rear building line of the neighbouring properties along Chathill Close is staggered in a way that it is considered that the single storey rear extension at the subject site would cause no harm to the character or appearance of the subject property or surrounding area.

7.8 Objections have been received in relation to the proposed new fence line. The neighbour objection states:

“The application shows the development going beyond the building line which involves taking land looked after by the council and removing laburnum trees part of the original landscaping. This cannot be acceptable.”

7.9 The proposed fence line is within the curtilage of the applicant’s property as shown on the site plan outlined in red submitted as part of this application. The trees in question are not protected and their removal is therefore considered acceptable.

7.10 Morpeth Town Council state in their objection that:

“the extension of the fence line would change the character of the area and could also set a precedence.”

7.11 Upon carrying out a site visit as part of the assessment of this application, it was considered that the proposed fence line would not have an adverse impact on the character or appearance of the subject property or surrounding area and therefore accords with policies H14 of the Castle Morpeth District Local Plan and Des1 of the Morpeth Neighbourhood Plan. To the rear of the site, fronting Whinham Way are railings which are located on the boundary of the footpath, the proposed fence line would run along this same trajectory of the footpath. Meanwhile the plans submitted indicate the grassed area to the side of the subject property is to be retained. It is therefore considered that the proposal would not have an adverse impact on the character or appearance of the subject property or surrounding area and therefore complies with policies H14 and Des1 of the Development Plan.

7.12 In terms of whether or not this proposal “could” set a precedence, each individual planning application is assessed as and when it is submitted and on its own merits against; Development Plan policies and material planning considerations. As such, whether a proposal “could” set a precedence is not a material planning consideration.

7.13 The proposal which includes a new fence line and a single storey rear extension is therefore considered to be acceptable on design grounds.

Impact on Amenity:

7.14 Policies H14 of the Castle Morpeth District Local Plan and Des1 of the Morpeth Neighbourhood Plan state proposals will be permitted provided there is no adverse impact on the amenity of neighbours.

7.15 Given the staggered nature of houses along Chathill Close, it is not considered that the proposed single storey rear extension would cause harm to the amenity of neighbours in terms of a loss of light, outlook or privacy. It is also considered that the proposed new fence line would not

cause any harm to the amenity of neighbours. The proposal is therefore considered to be in accordance with policies H14 and Des1 of the Development Plan and is therefore acceptable on amenity grounds.

Other Matters

Equality Duty:

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications:

These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications:

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the

decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The proposal has been assessed against relevant policies of the Development Plan and is considered to be acceptable on both design and amenity grounds

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1. Drawing numbered: 08.A1, labelled: Location Plan (Received: 20th September 2019)
2. Drawing numbered: 05.A1, labelled: Proposed 3D Views (Received: 20th September 2019)
3. Drawing numbered: 04.A1, labelled: Proposed elevations (Received: 20th September 2019)
4. Drawing numbered: 03.A1, labelled: Proposed Floor and Site Plan (Received: 20th September 2019)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

Informatives:

1. Reminder to not store building material or equipment on the highway:
Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
2. Reminder to not deposit mud/ debris/rubbish on the highway:
In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway

Date of Report: 24.10.2019

Background Papers: Planning application file(s) 19/03931/FUL