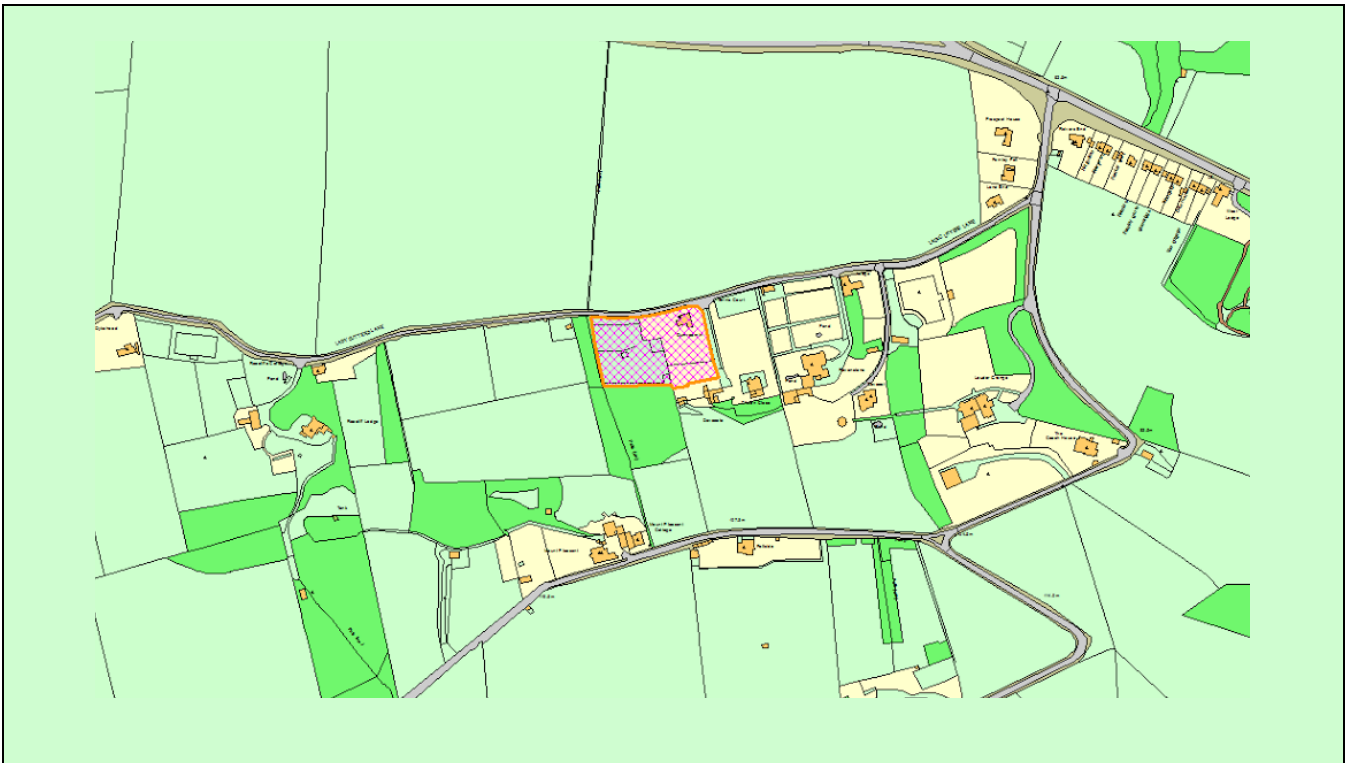


NORTHUMBERLAND

Northumberland County Council

Tynedale Local Area Council Planning Committee 13 February 2018

Application No:	16/01972/FUL		
Proposal:	Proposed demolition of bungalow and erection of a replacement dwellinghouse as amended by plans received 28th July 2017		
Site Address	Dunroamin, Ladycutter Lane, Corbridge, Northumberland, NE45 5RZ		
Applicant:	Mr & Mrs Ian Marsden C/o Agent	Agent:	Miss Nicola Allan Dilston House Cottage, Corbridge, Northumberland, NE45 5RH
Ward	Corbridge	Parish	Corbridge
Valid Date:	28 July 2017	Expiry Date:	22 September 2017
Case Officer Details:	Name: Mr Daniel Puttick Job Title: Senior Planning Officer Tel No: 01670 622635 Email: daniel.puttick@northumberland.gov.uk		



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1. Introduction

- 1.1 This application falls to be determined by members of the Tynedale Local Area Council Planning Committee as it raises significant planning issues relating to the Green Belt and has received a number of objections from members of the public. The application has previously fallen to be determined by Members of previous committees, and has been the subject of Judicial Review. For these reasons it is considered necessary for the revised scheme to be determined by the Committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the demolition of the property known as Dunroamin and the construction of a replacement dwelling at Ladycutters Lane, Corbridge, which is located approximately 1km south of Corbridge. The existing property to be demolished is a detached bungalow, constructed of stone/pebble dashed and brick walls with tile roof, having accommodation within the roof. The property is very basic in appearance with no architectural detailing of any significance. The property is set in large grounds with mature trees along the eastern boundary of the site. There are some ornamental trees and leylandii within the site, which are not of any amenity value, and there is one considerable tree within the site that would be kept as part of this application. The existing building is set close to Ladycutters Lane whilst most properties along the lane are set some distance from the road. The land to the rear/ south of the property rises and continues to do so to the top of the valley. The site is located on the very western edge of a run of properties along this road and beyond the site boundaries to the north, west and partly to the south there are open fields. Some out buildings which belong to the property to the east known as Dilston Close also bound the south/ rear of the site. The nearest neighbouring residential property is Dilston Close which bounds the site to the east. Dilston Close property is approximately 65m to the south east of the existing property.
- 2.2 The existing property is an 'L' shaped building which measures 21m in length on its front/north elevation. It has a depth of 7.5m on its western elevation and 13.8m on its eastern elevation. The property reaches an eaves height of 2.5m and ridge height of 5.1m. There is also a single storey porch extension projecting 1.7m from the rear elevation and measuring 3.3m in length.
- 2.3 The proposed replacement dwelling would comprise living accommodation set over two floors, in a one and a half storey style building. The dwelling would feature five bedrooms, and would be constructed in stone with a slate roof. The property would have a width of 18.75m, (existing 21m) and it would measure 11.85m in total depth (existing maximum of 13.8m). It would measure 7.2m (existing 5.1m) in height, with a height to the eaves of the roof measuring 2.6m (existing 2.5m).
- 2.4 The site retains the existing curtilage boundaries to the north and east, however it would be extended to the west to accommodate the new dwelling in its proposed location. To the north of the proposed dwelling, ground levels would be altered to facilitate the provision of a new turning and parking area.

An existing vehicular access along the northern boundary would be utilised as the main access point for the replacement property.

- 2.5 The applicant has also submitted a planning statement that sets out the applicant's main arguments for the development. In summary it seeks to demonstrate that the new property would be larger in size than the existing dwelling, but not to a degree that would be material. It also sets out how the proposed property has similar proportions to the existing dwelling, refers to two recent replacement dwellings nearby, that the new house position would ensure retention of the substantial trees on the eastern boundary and garden area which are attractive mature specimens, provide screening and will minimise the impact of the new house in the landscape.
- 2.6 The site is located in open countryside to the south of Corbridge, and falls entirely within the Green Belt.

3. Planning History

Reference Number: 14/04232/FUL

Description: Demolition of existing dwelling & construction of replacement dwelling

Status: Withdrawn

Reference Number: 15/02206/FUL

Description: Demolition of existing dwelling and erection of a replacement dwellinghouse

Status: Withdrawn

Reference Number: T/93/E/273

Description: Extension to existing dwelling, (As amended by plans received 13.5.93).

Status: Permitted

Reference Number: T/20040207

Description: Construction of single storey side extension and porch

Status: Permitted

4. Consultee Responses

Corbridge Parish Council	Corbridge Parish Council have previously raised no objections to the application. No further response received following additional consultation on receipt of amended plans.
Highways	The Highway Authority raise no objections to the application, subject to conditions relating to the implementation of parking, access and provision of a construction method statement.
Building Conservation	The Building Conservation Team have previously stated that a two storey dwelling would be acceptable at the site, subject to

	details of the amount of cut and fill. No further response has been received following consultation on receipt of amended plans.
County Ecologist	The Council's Ecologists raise no objections to the application, subject to conditions.
Tree And Woodland Officer	No response received.
Public Protection	Public Protection have no comments to make as the application falls below their risk appetite.
Northumbrian Water Ltd	Northumbrian Water have no comments.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	3
Number of Support	0
Number of General Comments	0

Notices

General site notice
No Press Notice Required

Summary of Responses:

A total of seven letters of objection have been received from two local residents in relation to this application, received at various stages during the consultation process. As such, some comments relate to previous proposals. The following is a summary of all the material considerations raised:

- The proposed house is in the Green Belt and is materially larger than the existing house, Dunroamin
- The cumulative planning history of the site cannot be ignored when making planning decisions in Green Belt. Previous applications have resulted in significant extensions to the original building.
- No reasonable person could conclude that a 73sqm building could be extended and then replaced with a 428sqm building.
- Permitted development rights should not be taken into account on a scheme for a replacement dwelling involving extension of curtilage into open countryside, given the position of Policy H21 of the Local Plan.
- The proposed building is overbearing and the mass is unbalanced, more akin with a care home.
- The information within the design and access statement is inaccurate and misleading. The property would be highly visible from the public domain.
- The development would have a greater impact on the amenity of the area and would be more prominent than the existing dwelling.

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

6. Planning Policy

6.1 Development Plan Policy

Tynedale Local Development Framework: Core Strategy

GD1 The general location of development
NE1 Principles for the natural environment
BE1 Principles for the built environment
H1 Principles for housing
H3 The location of new housing

Tynedale District Local Plan

GD2 Design criteria for development, including extensions and alterations
GD4 Range of transport provision for all development
GD6 Car parking standards
NE7 New buildings in the Green Belt
NE8 New dwellings in the Green Belt
NE27 Protection of protected species
NE33 Protection of trees, woodland and hedgerows
NE37 Landscaping in new developments
BE15 Reconstruction of buildings in the open countryside
H32 Residential design criteria
H21 Extension of residential curtilages into the open countryside
CS27 Sewage
LR11 Outdoor sports facilities for new residential development
LR15 Play areas in new residential developments

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2012)
National Planning Practice Guidance (NPPG) (2014) As updated

7. Appraisal

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

- Principle of the Development
- Design and Residential Amenity
- Highways Safety
- Sewage Disposal
- Ecology
- Financial Contributions

Principle of the Development

- 7.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 both indicate that in dealing with planning applications, local authorities should have regard to the development plan unless material considerations indicate otherwise. The NPPF maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise.
- 7.3 The NPPF is a material consideration and states at Paragraph 214 of that for 12 months from the day of its publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. Paragraph 215 states that in other cases following the 12 month period set out in Paragraph 214, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, indicating that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 7.4 The policies of the Tynedale Core Strategy and Tynedale Local Plan provide the starting point for the determination of this application. The most recent development plan document is the Tynedale Core Strategy, adopted in October 2007. Policy GD1 of the Core Strategy, the first in this Strategy, sets out spatial distribution aims for new development to ensure that development proposals are directed towards settlements of the District that can accommodate a scale commensurate with their size and function.
- 7.5 The application site is located in open countryside to the south of Corbridge, forming one of a small number of dwellings spread amongst the hillside around Prospect Hill. Policy GD1 identifies Corbridge as a smaller village location suitable for small scale development only. The site, being located on the rural landscape surrounding Corbridge, falls outside the settlement boundary identified within the inset maps associated with the development plan, and is therefore deemed to fall within open countryside whereby Policy GD1 of the Core Strategy limits development to the re-use of existing buildings, unless specifically covered by development plan policies.
- 7.6 Policy BE15 of the Tynedale Local Plan refers to the re-construction of buildings within the open countryside, stating that such proposals will be permitted provided all of the following criteria are met:
- a) the new building is not materially larger than the building it replaces
 - b) the design and materials conform with the criteria set out in Policy GD2
 - c) if it is to be re-built for residential use, then evidence is provided that residential was the lawful use of the building immediately prior to its destruction
 - d) the building was of a type where rebuilding is not specifically excluded by other policies in this Local Plan.
- 7.7 Subject to consideration and conformity with the above criteria, the demolition of an existing residential dwelling and its replacement is accepted within open countryside locations such as this. The principle of the development, in this respect, is acceptable in planning policy terms provided that the development

proposals fulfil the criteria set out in Policy BE15, taking account of material considerations and other policies elsewhere in the development plan.

Green Belt

- 7.8 In addition to the building falling outside the settlement of Corbridge, and therefore within open countryside, it is located within the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belts serve five purposes which, as set out in Paragraph 80 of the NPPF, 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.
- 7.9 Paragraph 87 of the NPPF sets out that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF requires local planning authorities to ensure that substantial weight is given to any harm to the Green Belt, stating that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.10 Policy NE7 of the Tynedale Local Plan refers to development within the Green Belt, stating that planning permission will only be granted for the construction of new buildings for a limited number of purposes. One of these purposes include proposals for the limited extension, alteration or replacement of existing dwellings, subject to policies in the Built Environment and Housing chapters (of the Local Plan) being satisfied. As a starting point, the replacement of a dwelling within the Green Belt is acceptable in accordance with Policy NE7 of the Tynedale Local Plan, which is somewhat consistent with the aims of the NPPF in that it permits the replacement of a dwelling within the Green Belt. The Policy does not, however, require the replacement dwelling to be restrained to the point where it is not materially larger, and there is a degree of inconsistency with the Framework in that respect. Given the aims of both Policy NE7 and Paragraph 89 seek to establish exceptions to Green Belt Policy, in line with the Frameworks predecessor PPG 2, some moderate weight can be and is afforded to Policy NE7 in line with Paragraph 215 of the NPPF. Further weight is afforded to the Policy given its requirement to conform with Policies elsewhere in the plan, specifically Policy BE15, which does impose a requirement for a replacement dwelling, not necessarily in the Green Belt however, to not result in a building that is materially larger than the one it replaces. Reading the two Policies together, given the requirement within Policy NE7 for proposals to comply with Policies elsewhere, moderate weight can be attributed to the development plan

despite its age, as it is regarded as being generally consistent with the aims of the NPPF in its treatment of Green Belt.

- 7.11 Policy NE8 of the Tynedale Local Plan states that there will be a presumption against the construction of new dwellings in the Green Belt. It goes on to state that planning applications in the Green Belt for the siting or replacement of a residential caravan or chalet will be treated as proposals for a new dwelling in the Green Belt. Clearly, the wording of this policy is at odds with the aims of the NPPF which, as a material consideration, does set out that certain forms of development in the Green Belt are not inappropriate. Such forms include the provision of new dwellings through replacement buildings, converted buildings and provision of affordable housing. In line with Paragraph 215 of the NPPF, minimal weight can be afforded to this specific Policy in determining this application. In any event, Policy NE7 does allow for replacement of existing dwellings within the Green Belt.
- 7.12 As a material consideration, regard is had to Paragraph 89 of the NPPF which states that a local planning authority should regard the construction of new buildings as inappropriate development in Green Belt. Exceptions to this are:
- Buildings for agriculture and forestry;
 - Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - Limited infilling in villages, and limited affordable housing for local community needs in policies set out in the Local Plan; or
 - Limited infilling or the partial or complete redevelopment of developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it.
- 7.13 The principle of replacing a dwelling within the Green Belt falls on whether the replacement building would result in one that is materially larger than that it replaces. The NPPF and NPPG do not possess guidance to assist in determining whether a building is materially larger, with the matter resting with the decision taker based on fact and degree, relevant to the specifics of any given case. Case law has established that a number of factors need to be taken into account in assessing applications for planning permission relevant to the one at hand, with *R (Heath & Hampstead Society) v. Camden LBC & Vlachos* [2008] establishing that emphasis need to be placed on the comparative sizes of the existing and replacement dwellings as a starting and main point in determining whether or not a building is materially larger. In this instance, an objective assessment of the size of the proposed dwelling, versus that of the original, is required in order to provide a starting point to determine whether or not the proposed development would be inappropriate within the Green Belt. Carnwath LJ agreed with Sullivan J below that the test is "primarily an objective one by reference to size", with the general intention being that the new building should be similar in scale to that which it replaces.

Given the like for like replacement proposed, in there being one dwelling proposed to be replaced with another dwelling on the same site, affording size primacy is the logical starting point.

- 7.14 The proposed development has been the subject of extensive discussions with a number of revised plans submitted to the local planning authority during the course of the application process. The current amended plans submitted in support of this application accompany a revised planning statement. The statement and plans indicate that the existing building comprises living accommodation within a dwelling set over one and a half storeys, having rooms in the roof of the existing dwelling. The floor area of the existing building amounts to approximately 221sqm, being 21m in length, 7.5m in width and 13.8m in depth. The height to the eaves of the existing building is 2.5m, with a height to the ridge of 5.1m. From a review of the plans and assessment on site, Officers are satisfied that these measurements are correct and provide an overall external volume of the dwelling of 833m³.
- 7.15 In comparison, the proposed dwelling would comprise accommodation over two floors in a one and a half storey arrangement. The proposed dwelling would have a floor area measuring approximately 360sqm, being 18.7m in width and 11.8m in depth at its largest point. Unlike the existing building, the proposed dwelling would have a squarer footprint rather than the L-shaped footprint exhibited in the existing arrangement. The height to the eaves of the proposed dwelling would measure 2.6m, with a height to the ridge of the pitched roof of 7.2m. The proposed building would have an overall external volume of approximately 1,184m³.
- 7.16 *R (Heath & Hampstead Society) v. Camden LBC & Vlachos [2008]* established that in most cases floor space will undoubtedly be the starting point, if indeed it is not the most important criterion. Owing primacy to size, an increase in the size of the floor area marginally in excess of 60% provides an important baseline to establish whether or not the building would be materially larger. In this instance, it is considered that an increase of this size would result in the proposed dwelling being materially larger than the one it replaces, based on floor area alone. However, it is acknowledged that the additional floor area is gained from the greater level of accommodation provided within the roof space and dormer windows than at present where only a smaller amount of accommodation is contained in the roof of the existing building.
- 7.17 Although there is no guidance in the NPPF or NPPG to assist in making such an assessment, it is considered that an increase of 62.9% as stated within the applicant's submissions represents a material increase in overall size of floor area. The resultant building would be larger, clearly, however the NPPF establishes that a larger building is inappropriate where the increased size of the building becomes material.
- 7.18 Sullivan J made clear in *Heath & Hampstead* that "the fact that a materially larger replacement dwelling is more concealed from public view than a smaller but more prominent existing dwelling does not mean that the replacement dwelling is appropriate development". Reference to this indicates that primacy should be had to size. Size, as outlined previously, can and should consider multiple factors in order to ensure an informed conclusion can be reached as

to whether or not a building is materially larger. In this instance, regard should therefore also be had to the increase in the overall volume of the proposed dwelling, versus that of the existing.

- 7.19 Officers have calculated the volume of the existing dwelling based on supporting information and find that the applicant's submission of a volume of approximately 833m³ is accurate. By comparison, the volume of the proposed dwelling is calculated at approximately 1,184m³. This increase, as a percentage figure, is in the region of 42% which is less than the percentage increase calculated for the floor area of the building. The volume increase is somewhat smaller when compared to the floor area increase due to the design of the dwelling incorporating a greater amount of floor area within the roof space by utilising the available internal room and providing dormer windows on the rear elevation. The resultant increase in volume of the dwelling, though notable, is below a 50% increase and is one which, in absence of guidance contained within the NPPF or development plan, is not considered to be material by the local planning authority.
- 7.20 The primary view of the building is gained from Ladycutters Lane, with wider views afforded of the general area from vantage points to the north and across the valley. The layout of properties along Ladycutters Lane is varied, with a number of substantial period dwellings set in mature grounds into their plots and not widely visible from the highway. Dunroamin, however, occupies a position slightly elevated from Ladycutters Lane, owing to the topography of the landscape here, and is visible from the public domain.
- 7.21 The existing dwelling has a total frontage of 21m. By comparison, the principal elevation of the proposed dwelling would have a frontage of 18.7m. The width of the property's frontage would be reduced, and would represent a reduction in the region of approximately 11%. This reduction in width would serve to reduce the extent of development facing the highway, compensated for by a squarer form. The increase in the height of the building, from a building with a height to ridge line of 5.1 to a dwelling with a proposed height of 7.2m, would represent an increase in the overall height of the dwelling in the region of 41%. Again, as with the volumetric calculations, in absence of any guidance contained within the NPPF or development plan, this increase is not considered to be material and it is reiterated that the width of the dwelling would actually be reduced.
- 7.22 Taking the above into consideration, it is evident that the floor space within the new dwelling would be larger to a degree which the local authority considers would be material. The volumetric increase of the building, over and above that of the existing dwelling, would not be material. Likewise, the increase in the height of the dwelling is not considered to be material, with weight afforded to the design resembling a dwelling of a similar style to that which exists on site in the form of a bungalow with accommodation in the roof. In this instance, however, dormer windows are proposed on the rear elevation whilst the overall design of the front elevation remains comparable. Additionally, the width of the building would be reduced, and when taking into account the factors set out above, based on the merits of this particular application the local planning authority conclude that the size of the proposed dwelling would not be materially larger than the one it would replace.

- 7.23 The NPPF highlights the importance of Green Belts, and recognises that one of its key characteristics is its openness. Although the proposed development would not be inappropriate within the Green Belt, this does not necessarily mean that it would preserve its openness.
- 7.24 In Turner [2016] EWCA Civ 466, Arden, Floyd and Sales LJJ, it is stated that "the concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach suggested by Mr Rudd. The word "openness" is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents."
- 7.25 The judgment of Sullivan J in the Heath and Hampstead Society states that the openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there. The decision also notes that it does not follow that openness of the Green Belt has no visual dimension.
- 7.26 Regard is had to the conclusion set out previously relating to the proposed building not being materially larger than the one it replaces in terms of its objective and comparative sizes. When regard is had to Turner [2016], it is considered that the replacement of one dwelling that is not materially larger than the existing building, on a site which contains only one dwelling, in exercising planning judgement it can be said that the site would not be more built up to a degree that would become material. Taking account of the various objective factors, including the floor space, volumetric increase, scale and massing, Officers consider that the proposed dwelling, though larger, would not appear materially larger than the one it is replacing. When applying the visual dimension referred to in case law, important factors to consider relate to the overall mass of the proposed development. As set out previously, the width of the building would be reduced and although taller, the increase in height within the proposed building is not regarded as being material.
- 7.27 Other factors considered in reaching such a conclusion include the overall layout of the site at present, versus that proposed within the application. The site is home to a single dwelling, with extensive hardstanding and a surrounding of paddock land used for equestrian purposes. As a result of the proposed development, the site would accommodate a single dwelling and would remain to be surrounded by paddock. Though the design of the dwelling is different, and is larger in scale, overall the visual dimension in respect of the Green Belt would be unharmed by virtue of a building occupying the site of a scale which is not materially larger than the building it would replace.
- 7.28 It is acknowledged that the proposed dwelling would not be sited in the same location as the existing building. The supporting information indicates that

there are a number of logical reasons why this is not proposed, including allowing for the existing dwelling to provide habitable accommodation whilst the proposed dwelling is under construction. A condition requiring the demolition of the existing building upon completion, or at an appropriate time thereafter, of the new dwelling would ensure its removal from the site, thus ensuring the development remains compliant with the aims of the Framework and Development Plan. Importantly, Paragraph 89 of the NPPF and Policy NE7 of the Tynedale Local Plan do not impose a requirement upon a replacement building to be situated in the same location. Given that the site would ultimately feature a single dwelling contained by paddock land, the overall change to its location is somewhat negligible in the context of considering whether the development amounts to inappropriate development within the Green Belt. Siting, design and scale remain factors relative to design which are assessed later within this report.

- 7.29 In exercising planning judgement, the authority conclude that the development would not result in the construction of a dwelling that is materially larger than the one it replaces. The proposed development would therefore not represent inappropriate development within the Green Belt and is acceptable as a matter of principle in line with Policies NE7 and BE15 of the Tynedale Local Plan, and Paragraph 89 of the NPPF. Having regard to the visual intrusion that may occur, as was the case in *Turner vs Secretary of State* [2016] although larger, the effect on openness would be not be material as the site would not appear to be more developed than it currently is. The site would still accommodate one dwelling, and though this dwelling would be greater in size, the increase would is not considered to be material. For the reasons set out above, and taking account of the building not being materially larger than the one it replaces, it is considered that the proposals would have no greater impact on openness of the Green Belt in this location, thereby preserving its key characteristics without conflict to the five purposes of including land within the Green Belt.
- 7.30 In conclusion, the NPPF maintains that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Exceptions to this are set out in Paragraph 89. It is considered that the proposed dwelling, replacing an existing building in the same use as a dwelling, would not be materially larger than the one it replaces, and as such the proposed development is not inappropriate within the Green Belt, given its conformity with Paragraph 89 of the Framework. It turns, therefore, that the application presents an appropriate form of development within the Green Belt, with a balanced judgement finding that the new dwelling would maintain openness of the Green Belt without conflict to the purposes of including land within Green Belt. The proposals, on the whole, are acceptable as a matter of principle in accordance with Policy GD1 of the Tynedale Core Strategy, Policies NE7 and BE15 of the Tynedale Local Plan and Chapter 9 of the NPPF.

Design and Impact upon Residential Amenity

- 7.31 The design of the dwelling has changed significantly during the course of the application, from its contemporary origins to one which is more harmonious with its setting. The existing building is a modest bungalow with

accommodation in the roof and a number of outbuildings in its grounds, surrounding by hardstanding and paddock. The proposed dwelling would offer a similar appearance, presenting to the highway a dwelling which resembles the bungalow which currently occupies the site. To the rear of the building it is proposed to provide dormer windows, maximising internal floor area and headroom.

- 7.32 The form of the building is functional, providing a good level accommodation over two floors in a one and a half storey style. It is acknowledged that previous schemes have presented more innovative design solutions for the site, however during the course of discussions the architectural style has been muted. Notwithstanding this, the scheme does present a suitable design reflective of the dwelling which currently occupies the site. The material palette is consistent with the local area, with enough detail in the design to provide some distinctiveness. The relocation of the building further into the site would make the building more visible than the existing dwelling, however the landscaping and hardstanding proposed would offer arguably a more attractive appearance to the residential unit than currently exists. Conditions can be imposed to secure appropriate materials to be used within the exterior of the building, as well as landscaping and hardstanding within the site. Subject to accordance with such conditions, the design of the proposed development is considered to be acceptable in accordance with the aims of Policy BE1 of the Tynedale Core Strategy, Policies GD2, BE15 and H32 of the Tynedale Local Plan which set out design criteria for development of this nature, and the aims of the NPPF.
- 7.33 The existing dwelling sits within generous grounds and is located a considerable distance from the nearest neighbouring dwelling. Although the dwelling is proposed to be moved further into the site and in a more central location, the separation distances involved are such that the replacement dwelling would have no greater impact upon the living conditions and amenity of nearby residents upon completion in respect of any overbearing impact, loss of sunlight or loss of privacy. Due to its location and the spacing between properties along Ladycutters Lane, the impact upon the amenity of local residents is negligible. The application is acceptable in this respect and would accord with the aims of Policies GD2 and H32 of the Tynedale Local Plan, and the aims of the NPPF.

Highways Safety

- 7.34 The application has been assessed on its merits by the Highway Authority for its impact upon the safety of the road network. The Highway Authority raise no objections to the proposed development, and are satisfied that suitable access and parking can be provided for the proposed dwelling. In this respect, the development would not be likely to impact upon the safety of the road network in the area and as such the application is viewed to be acceptable in accordance with the aims of Policies GD4 and GD6 of the Tynedale Local Plan, and the aims of the NPPF. Conditions are recommended to ensure the implementation of car parking within the site, provide adequate access and secure a construction management statement relative to the development. Accordance with such conditions would ensure the proposals remain

acceptable and development plan compliant, preventing any severe impact upon the safety of the highway.

Ecology

- 7.35 The application has been accompanied by an ecological survey, which as in turn been assessed by the Council's Ecologist. No objections have been raised to the application during the course of its consultation and assessment by the Ecologists, who recommend that conditions be imposed to secure mitigation to compensate for any potential harm to protected species of wildlife which may be affected by the development. Subject to accordance with such conditions, including a landscaping condition to secure precise details of proposals, the development is unlikely to impose harm to protected species of wildlife. In turn, the development would maintain the favourable conservation status of protected species and would provide some limited biodiversity gain. The application is viewed to be acceptable in this respect in accordance with Policy NE1 of the Tynedale Core Strategy, Policies NE27, NE33 and NE37 of the Tynedale Local Plan, and the aims of the NPPF.

Sewage Disposal

- 7.36 Northumbrian Water have been consulted on the proposed development and have provided no comment to the proposed method of foul sewerage disposal. The development would not affect the statutory undertaker's interests and would provide a suitable means of disposal for foul and waste water at the site. Precise details of the method of disposal have not been provided as part of the application and therefore it is considered necessary to secure adequate details by means of an appropriately worded condition before the installation of any plant. Subject to accordance with such a condition the proposed development would be acceptable in line with Policy CS27 of the Tynedale Local Plan, and the wider aims of the NPPF.

Financial Contributions

- 7.37 Policies LR11 and LR15 of the Local Plan set standards and design criteria for outdoor sports and play facilities respectively. The Council's SPD "New housing: Planning obligations for sports and play facilities" (adopted March 2006) also requires the making of financial contributions towards off-site sports and play provision for all new residential developments involving less than ten units. However, in this case the proposal involves a replacement dwelling and as such would result in no net increase in the number of dwellings on the site. Consequently it is considered that the requirements of Local Plan Policies LR11, LR15 and the SPD are not applicable.

Other Considerations

- 7.38 Policy H21 of the Tynedale Local Plan states that the extension of gardens into adjacent countryside will be permitted where there is no adverse effect on the character, landscape value or nature conservation interests of the area and where necessary the garden is screened appropriately. It also states that permitted development rights for buildings in these extended garden areas will be removed.

- 7.39 For reasons set out within this report, the extension of the garden into the adjacent paddock to facilitate the construction of the proposed dwelling is considered to be acceptable. In light of the position of Policy H21, it is considered necessary to remove permitted development rights for further outbuildings, extending this to extensions and ancillary structures within the site to ensure the proposed development remains development plan compliant. Subject to accordance with such a condition, the development would be acceptable in line with Policy H21 of the Tynedale Local Plan.
- 7.40 Letters of objection set out that the planning history of the site has resulted in significant extensions to the original building, and indicate that the effect of this has cumulatively significantly increased the size of the original dwelling. Regard is had to Paragraph 89 of the NPPF, which states at bullet three that one of the exceptions to Green Belt policy includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. It is clear that there is policy support to avoid cumulative increases in property sizes within the Green Belt to avoid harm to its openness.
- 7.41 However, bullet four is clear in its wording, stating ‘the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces’. Unlike bullet three of Paragraph 89 of the NPPF, there is no reference within bullet four to the size of the original building. The wording of this section distinctly refers to the replacement of a building, and when reading the content of the Framework as a whole it is concluded that this wording should refer to the building at the time the application is made. Had the Framework intended to refer to the size of the original building, as it does in bullet three, reference would be made within the wording of bullet four. Simply put, there is no requirement to assess the replacement dwelling against the size of the original building. To do so would be irrational.
- 7.42 The planning history of the site does form a material consideration, and regard is had to this insofar as it is relevant to the issues at hand. However for the purposes of assessing this application, bullet four of Paragraph 89 of the NPPF is clear that the replacement of a building is not inappropriate development within the Green Belt, provided the new building is in the same use and not materially larger than the one it replaces.

8. Conclusion

- 8.1 The application is considered to present the replacement of a dwelling within the Green Belt, which would not be materially larger than the one it replaces. The principle of the development is considered to be acceptable in planning policy terms, as an exception to established Green Belt policy as set out in Policy NE7 of the Tynedale Local Plan, and Paragraph 89 of the NPPF.
- 8.2 The design of the proposed development is considered to be acceptable in accordance with Policies BE1 and NE1 of the Tynedale Core Strategy, Policies GD2, H21, H32, BE15 and NE37 of the Tynedale Local Plan, and the aims of the NPPF.

- 8.3 There are no outstanding objections from consultees. Conditions are recommended by the Highway Authority and Council's Ecologists, and form part of the recommendation set out below. Subject to accordance with such conditions, the proposed development would be acceptable and in accordance with the development plan and the NPPF.

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 other than in complete accordance with the approved plans. The approved plans for this development are:-

Site Plan as Proposed- 22210-2006 Rev A
Proposed Plans- 22210-2004 Rev E
Proposed Elevations- 22210-3001 Rev D
Proposed site plan- 22210-2005 Rev D

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

03. Prior to development above damp proof course level details of all facing materials and finishes including colour to be used in the construction of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall not be constructed other than in accordance with these approved materials.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Core Strategy Policies BE1 and NE1 and Local Plan Policies GD2 and H32.

04. The stone to be used in the construction of the exterior of the building shall be laid with its natural quarry bed horizontal, with a mortar to match the natural colour of the stone and with flush or very slightly recessed joints.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Core Strategy Policies BE1 and NE1 and Local Plan Policies GD2 and H32.

05. Notwithstanding the details shown on the submitted plans, the sills (and lintels if not covered by eaves) shall be of stone.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Core Strategy Policies BE1 and NE1 and Local Plan Policies GD2 and H32.

06. Prior to occupation of the dwelling hereby approved a detailed landscaping scheme, showing both hard and soft landscaping proposals for the whole of the application site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include, where required, the location of any planting of trees, shrubs, areas to be seeded with grass, vegetation on the earth mounds over the lower ground floor, external facing materials of any paths, steps, hardstanding areas and other works or proposals for improving the appearance of the development. The plan shall detail where proposed the species and number of trees, hedgerows, shrubs and use only Northumberland native species. Once approved the plan shall be implemented in full during the first planting season (November - March inclusive) following the commencement of development'. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site and in the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Core Strategy Policies BE1 and NE1 and Local Plan Policies GD2 and H32.

07. All trees and hedges within, and to the boundaries of the site identified on the approved application plans as being retained, shall be retained and protected throughout the course of development. These measures shall be implemented throughout the course of the construction of the development, unless otherwise approved in writing with the Local Planning Authority. Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees and hedges in the interests of visual amenity in accordance with the provisions of Core Strategy Policies BE1 and NE1 and Local Plan Policies GD2 and NE37.

08. Prior to occupation of the dwelling hereby approved, details of all proposed means of enclosure, and boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority, and shall thereafter be implemented in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Core Strategy Policies BE1 and NE1 and Local Plan Policies GD2 and H32.

09. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, porches, dormer windows, roof lights or free standing buildings or structures shall be added to or constructed within the curtilage of the dwellinghouse hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact of such development on the appearance of the dwellinghouse and neighbouring properties may be properly assessed in the interests of amenity and in accordance with Core Strategy Policies BE1 and NE1 and Local Plan Policies GD2 and H32.

10. Prior to the commencement of any development, full details of existing and proposed ground levels, including spot heights, within the whole of application site and proposed internal finished ground floor levels, shall be submitted to, and agreed in writing by, the Local Planning Authority, and thereafter the development shall be carried out in complete accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion from the outset of development, in accordance with the provisions of Core Strategy Policies BE1 and H1 and Local Plan Policies GD2 and H32.

11. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework, in the interests of highway safety, in accordance with the provisions of Local Plan Policies GD4 and GD6.

12. No development will take place unless in accordance with the recommendations of the report Dunroamin House, Proposed Development Bat Risk Assessment - Summer 2015, Ruth Hadden, including:
- i. Sensitive timing of any demolition works in spring to autumn to avoid hibernating bats.
 - ii. Provide Method Statement to the demolition contractors; a copy of which must be supplied to and held by the site foreman.
 - iii. Advice given for the safe removal of any bats found from harm during the development under different weather conditions.
 - iv. Provision of 2 Schwegler 2F bat boxes that will be erected on a tree to the southwest.
 - v. External lighting that may reduce bat use of the new residential property will be avoided. High intensity security lights will be avoided as far as practical, and any lighting in areas identified as being important for bats will be low level (2m) and low lumin. Light spillage to areas used by foraging or commuting bats should be less than 2 lux. Where security lights are required, these will

be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

Reason: To maintain the favourable conservation status of protected species and to maintain and enhance the biodiversity value of the area, in accordance with Local Plan Policy NE27.

13. The existing dwelling which is identified as 'Dumroamin' on the Existing Site Layout (drawing no: 22210-1000) shall be completely demolished within 3 months of substantial completion of the new dwelling hereby approved or before occupation of the dwelling hereby approved (whichever comes first), or demolished within a time period as otherwise agreed in writing with the local planning authority.

Reason: The permission is granted on the basis that the new dwelling is a replacement of the existing property, and to achieve a satisfactory form of development on the site

14. If demolition does not commence before August 2018 updating bat surveys will be required to be submitted to and approved in writing by the local planning authority, with any additional or amended mitigation necessary to be approved in writing. Thereafter, demolition will be undertaken in accordance with the approved methodology contained within an updated survey and mitigation carried out in accordance with the approved scheme.

Reason: to maintain the favourable conservation status of a protected species, in accordance with Policy NE27 of the Tynedale Local Plan.

15. Notwithstanding the detail contained within the application, no new foul sewage plant shall be installed at the site until precise details of its location, specification, method of installation and means of its maintenance have first been submitted to, and approved in writing by, the local planning authority. Thereafter, any such plant shall be installed and maintained in accordance with the approved details.

Reason: To ensure adequate provision is made for the disposal of foul sewage in the interests of amenity and biodiversity, in accordance with Policy CS27 of the Tynedale Local Plan.

Background Papers: Planning application file(s) 16/01972/FUL