

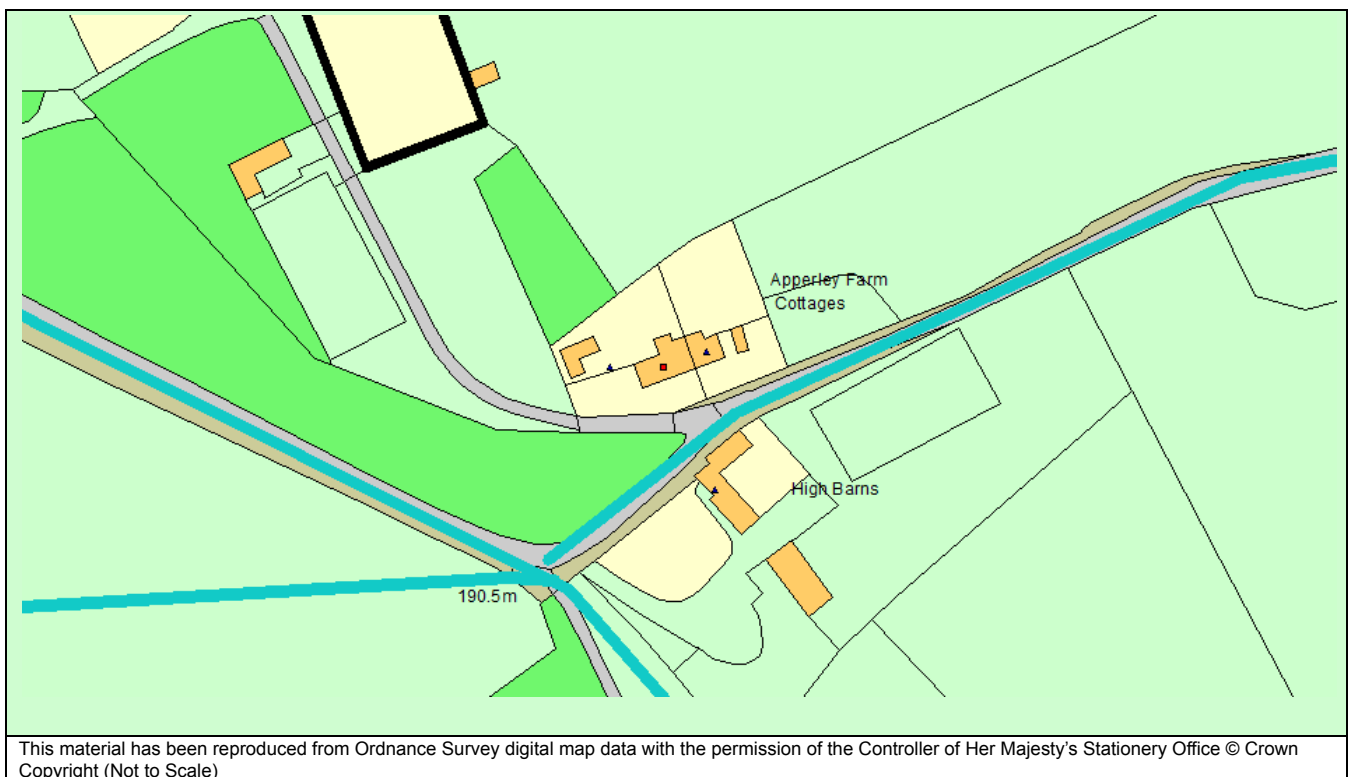


# Northumberland County Council

## Tynedale Local Area Planning Committee 9 April 2019

<b>Application No:</b>	18/03325/FUL		
<b>Proposal:</b>	Construction of single storey rear extension, first floor side extension with dormer		
<b>Site Address</b>	Apperley Farm West Cottage, Stocksfield, Northumberland, NE43 7SJ		
<b>Applicant:</b>	Mr & Mrs Atkins Apperley Farm West Cottage, Stocksfield, Northumberland, NE43 7SJ	<b>Agent:</b>	Mr Benjamin Kinch Peterel Field Business Village, Dipton Mill Road, Hexham, NE46 2JT
<b>Ward</b>	Stocksfield And Broomhaugh	<b>Parish</b>	Stocksfield
<b>Valid Date:</b>	26 November 2018	<b>Expiry Date:</b>	1 February 2019
<b>Case Officer Details:</b>	Name: Ms Amber Windle Job Title: Planning Assistant Tel No: 01670 620447 Email: Amber.Windle@northumberland.gov.uk		

**Recommendation:** That this application be REFUSED permission



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## 1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation the application has been referred to the Head of Service for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application should be referred to the Committee for determination.

## 2. Description of the proposals

2.1 Planning permission is sought for the development of a single storey extension and first floor gable extension with dormer to the rear of Apperley Farm West Cottage, Stocksfield.

2.2 The ground floor flat roof extension would protrude 5.8m from the existing rear elevation, measure 6.7m in width and 3.58m in height. The extension would be constructed of natural Siberian Larch timber cladding and would feature aluminium sliding doors on both the west and north elevations.

2.3 The dormer extension to the first floor would require the existing gable roof of a previous extension (believed to be the previously converted garage extension) to be raised to accommodate the development. The ridge of the roof would be raised from 5.15m to 6.24m and would be set down from the roof of the original house by 0.25m. The dormer is to be North facing and wrapped in Zinc. 3no. additional sets of conservation style windows will be added to the front elevation of the property in the roof space.

2.4 The site to which the application relates is a semi-detached property, located in the open countryside and within the designated Green Belt. The property is set within a modest plot, and has previously received planning permission for two other householder extensions and a garage conversion. Planning permission was refused for a further 2 storey rear extension and was later dismissed at appeal, on the grounds that the development would lead to disproportionate additions to the original dwelling and the impact on the openness of the Green Belt. The adjoining property, Apperley Farm East Cottage has been significantly extended to the side and rear.

## 3. Planning History

**Reference Number:** T/20051420

**Description:** Construction of a detached single garage

**Status:** PER

**Reference Number:** T/20041408

**Description:** Construction of 2 storey rear extension

**Status:** REF

**Reference Number:** T/960551

**Description:** Proposed construction of kitchen extension to rear

**Status:** PER

**Reference Number:** T/950474

**Description:** Proposed double garage and lean to extension to rear (As amended by plans received 21.6.95)

**Status:** PER

**Reference Number:** T/20051420

**Description:** Construction of a detached single garage

**Status:** PER

**Reference Number:** T/960551

**Description:** Proposed construction of kitchen extension to rear

**Status:** PER

**Reference Number:** T/950474

**Description:** Proposed double garage and lean to extension to rear (As amended by plans received 21.6.95)

**Status:** PER

### Appeals

**Reference Number:** T/20041408

**Description:** Development Appeal

**Status:** DISMIS

## 4. Consultee Responses

Building Conservation	Building Conservation cannot support the proposed extensions to this traditional farm cottage
Broomley And Stocksfield Parish Council	No response received.

## 5. Public Responses

### Neighbour Notification

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

### Notices

Site Notice - Affecting Listed Building, 6th December 2018

Hexham Courant 6th December 2018

## Summary of Responses:

None received.

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

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PF7AWIQSJ3L00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

*Tynedale LDF Core Strategy (2007)*

GD1 The General Location of Development  
BE1 Principles for the Built Environment

*Tynedale District Local Plan (2003)*

GD2 Design Criteria for Development, including Extensions and Alterations  
H20 Extensions to dwellings in the countryside  
H33 Residential Extensions  
NE7 New buildings in the Green Belt  
NE14 Use of existing buildings in the Green Belt

### 6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)  
National Planning Practice Guidance (NPPG) (2014, as amended)

### 6.3 Emerging Policy

*Northumberland Local Plan – Publication Draft Plan Regulation 19 (January 2019)*

STP 1 Spatial Strategy (Strategic Policy)  
STP 2 Presumption in Favour of Sustainable Development (Strategic Policy)  
STP 3 Principles of Sustainable Development (Strategic Policy)  
STP 7 Strategic Approach to the Green Belt (Strategic Policy)  
STP 8 Development in the Green Belt (Strategic Policy)  
HOU 8 Residential development in the open countryside  
HOU 9 Residential development management  
QOP1 Design Principles  
QOP 2 Good Design and Amenity  
ENV 3 Landscape  
ENV 7 Historic Environment and Heritage Assets

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal, regard must be given to the policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the relevant development plans for this application are the Tynedale LDF Core Strategy (2007) and Tynedale District Local Plan (2000) and the proposed works shall be considered in the light of the saved policies of these documents.

7.2 The Northumberland Local Plan (Publication Draft Plan) was published for consultation in January 2019. In accordance with Paragraph 216 of the NPPF; the policies contained within the document at this stage carry some weight in the assessment of planning applications.

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

Principle of Development  
Green Belt  
Design and Visual Impact  
Impact on Residential Amenity  
Other Considerations

#### *Principle of Development*

7.4 The site is located outside of the established settlement of Stocksfield and is therefore deemed to fall within open countryside, whereby Policy GD1 of the Tynedale Core Strategy states that development will generally be limited to the re-use of existing building unless otherwise allowed under alternative Policies in the development plan.

7.5 Policy H20 of the Tynedale Local Plan states that extensions to residential properties in the countryside, including those in the Green Belt, will be allowed if proposals:

- a) Are sympathetic to the character of the original building and do not substantially increase its size; and
- b) Comply with Policies H33 and H34.

7.6 Policy HOU 8 of the emerging Northumberland Local Plan (Publication Draft Plan) relates specifically to residential development in the open countryside. This policy sets out criteria for proposed development to adhere to, some of which are similar to the criteria set out above within Policy H20 of the Tynedale District Local Plan.

7.7 The proposed development would result in a disproportionate addition to the existing property over and above the size of the original dwelling. The floor area of the original dwelling is 90.5m<sup>2</sup>, and the previous extensions to the dwelling have already increased the original floor area substantially, not including the detached garage and outbuilding. The proposed extension and dormer extension to the rear would increase the floor area figure again adding an additional 74m<sup>2</sup>. The volume of

the dwelling overall would be substantially increased over its original size and the proposed extensions could not be argued to appear subordinate to the original building, when taken with existing extensions and could not be considered to be limited. Therefore, the proposed development would substantially increase the size of the original property contrary to Local Plan Policy H20.

### *Green Belt*

7.8 The application site is located within the Green Belt. Development within the Green Belt is strictly controlled. Policy NE7 of the Tynedale District Local Plan sets out that planning permission will only be granted for a limited number of purposes within the Green Belt, one of which accounts for the limited extension, alteration or replacement of existing dwellings.

7.9 Policy NE14 of the Tynedale District Local Plan addresses the re-use of existing buildings, stating that “proposals for the change of use, conversion or extension of existing buildings in the Green Belt will be permitted where all of the following criteria are met:

- (a) The buildings are of permanent and substantial construction; and
- (b) The proposed use and any associated use of land are in keeping with their surroundings and the proposed development does not have a materially greater impact than existing on the openness of the Green Belt or the purposes of including land within it”.

7.10 Paragraph 134 of the NPPF states that “Green Belt serves five purposes:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.

7.11 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new dwellings as inappropriate in the Green Belt, and lists a number of exceptions to this. One exception to this as stated within Paragraph 145 is “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”. Given the stance of Paragraph 145 of the NPPF, appropriate weight can be afforded to Policies NE7 and NE14 of the Tynedale District Local Plan, as a result of their consistency with the aims of the NPPF.

7.12 Policy STP 8 of the emerging Northumberland Local Plan (Publication Draft Plan) relates to development in the Green Belt. Policy STP 8 states “development which is appropriate in the Green Belt, as defined in national planning policy, will be supported” and “development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal”.

7.13 The proposed development by virtue of its scale massing and appearance together with the increase in floor area and volume could not not be considered, when taken in conjunction with existing extensions to be limited and would not be subordinate to the existing dwelling. As aforementioned in paragraph 7.7 of this appraisal (Section 7), the proposed extension would result in an additional floor area of 74m<sup>2</sup> to the already significantly extended property. Therefore, the proposal as a whole would have a materially greater impact on the openness of the Green Belt than the existing building. It is considered that the proposed development would result in a disproportionate addition over and above the size of the original building that would be inappropriate development in the Green Belt, and would not be in keeping with its surroundings.

7.14 As a result of the above, the proposed development would be inappropriate development in the Green Belt and as such should not be approved except in very special circumstances. Very special circumstances necessary to outweigh the harm imposed upon the Green Belt by reason of inappropriateness, and any other harm, do not exist. The proposal does not accord with Policy NE1 of the Tynedale LDF Core Strategy, Policies NE7 and NE14 of the Tynedale District Local Plan and the principles set out within Chapter 13 of the NPPF. In addition, the proposals would not be in line with emerging Policies STP 7 and STP 8 of the Northumberland Local Plan (Publication Draft Plan).

#### *Design, visual impact and Heritage Issues*

7.15 Apperley Farm West Cottage is a traditional semi detached, stone and slate property. The property is accessed by a shared access track from the adopted highway to the north of the site. The track serves Apperley Farm West Cottage and its immediate 2no. Neighbouring properties and a further small group of properties to the north of the site.

7.16 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 124 of the NPPF states “good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities”.

7.17 Paragraph 127 of the NPPF states “planning policies and decisions should ensure that developments:

- 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;
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- 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 quality of life or community cohesion and resilience”.

7.18 Policy BE1 of the Tynedale LDF Core Strategy sets out the principles for the built environment and seeks to ensure that a development is of a high quality design which maintains and enhances the distinctive local character of the former Tynedale District’s towns, villages and countryside.

7.19 Policy GD2 of the Tynedale District Local Plan sets out the design criteria that all types of development should follow. Criterion (a) of Policy GD2 states the design of proposed development “should be appropriate to the character of the site and its surroundings, existing buildings and their setting, in terms of the scale proportions, massing, positioning and appearance of buildings, use of materials, structures and landscaped and hard surfaced areas”.

7.20 Policy H33 of the Tynedale District Local Plan which relates to residential extensions states “extensions to existing dwellings will be approved providing that they respect the character of the existing building, the surrounding area and the amenities of nearby residents”.

7.21 Policy QOP 1 of the emerging Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development to follow. Criterion (a) states proposals will be supported where design “makes a positive contribution to local character and distinctiveness and contributes to a positive relationship between built and natural features, including landform and Topography”.

7.22 Policy HOU 9 of the emerging Northumberland Local Plan (Publication Draft Plan) relates to residential extensions and Criterion (a) states householder proposals will be supported where the enhancement “is well-related and subordinate in size and massing to the existing dwelling, and in combination with the existing dwelling forms a visually indivisible single dwelling as a whole”.

7.23 The materials are proposed to be natural Siberian Larch timber cladding, aluminium sliding doors and windows and the dormer to the first floor would be wrapped in zinc, coloured to match the new windows of the extension. The materials used for the proposed development would not be in keeping with the original dwelling. Whilst modern design can complement traditional buildings, and differing materials provide a sympathetic contrast, it is not considered that this is the case here.

7.24 The floor area figures have been set out within paragraph 7.7 of this appraisal (Section 7). The figures indicate that the proposed development would significantly increase the size of the original dwelling and the area of living accommodation. The cumulative increase in the size of living accommodation would be unacceptable and a disproportionate addition over and above the size of the original dwelling. The modern flat roof appearance of the proposed extension and dormer would also not be sympathetic or well-related to the original dwelling, or any of the previous extensions to the property. Therefore, the proposed development would have a harmful impact upon the character and appearance of the existing dwelling and the site and wider landscape.



7.25 The Council's Conservation officer has raised objections to the proposals on the grounds of the design, scale and massing and the subsequent impact that this would have on what they consider to be a non-designated heritage asset. By virtue of its design and scale, the proposed development would not accord with Policy BE1 of the Tynedale LDF Core Strategy, Policies GD2, H20 and H33 of the Tynedale District Local Plan, and the principles of Chapter 12 of the NPPF in relation to design.

#### *Impact on residential amenity*

7.26 Apperley Farm West Cottage is one of three properties located at the end of the shared access track. The rear boundary of the property overlooks the open countryside and is partially screened from the grade II listed Apperley Farmhouse to the north of the site by a small woodland.

7.27 The proposed development would be located on the northern, rear elevation of the property and would be visible from the adjoining property, Apperley Farm East Cottage. The rear extension and dormer would not be adequately screened to the east, due to the projection of the extension and removal of an existing hipped roof above the existing rear kitchen extension. The alterations to the front elevation in regards to raising the ridge height above the existing side extension and addition of 3no. sets of conservation style windows in the roof space would be visible from the shared access track and to the neighbour directly opposite. Although visible from the neighbouring properties, it is considered that the proposed development would not adversely impact upon the residential amenity of Apperley Farm East Cottage or the directly opposite property, High Barns. The proposal would therefore accord with Policies GD2 and H33 of the Tynedale District Local Plan and Policy QOP 2 of the emerging Northumberland Local Plan (Publication Draft Plan) in this respect.

#### *Other Considerations*

7.28 The applicant has argued that the proposed development within this application is not dissimilar in scale to the extensions carried out to the adjoining property, Apperley Farm East Cottage. Members should be aware that although it appears that the adjoining property has had relatively large additions the property has achieved this through incremental additions, the largest of which was a two storey extension permitted prior to the adoption of the Tynedale District Local Plan. Subsequent applications have linked a detached garage to the dwelling. Whilst it is appreciated that the result of these incremental alterations is a much larger dwelling than that originally built, this does not create a precedent for proposed development at the application site and each application must be considered on its merits, in accordance with any current planning policies together with any material planning considerations.

#### *Equality Duty*

7.29 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

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

## Human Rights Act Implications

7.31 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.

7.32 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.

7.33 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 proposed development would not accord with Policies GD2, H20 and H33 of the Tynedale District Local Plan which relate to design and highlight the importance of respecting the character of the existing building and surrounding area. The proposed development would also not accord with Policies BE1 and NE1 of the Tynedale LDF Core Strategy which sets out the main principles that should be followed in relation to the natural and built environment. The proposal would not adhere to Policy GD1 of the Tynedale LDF Core Strategy which sets out the principles for the location of development. The proposal would also fail to adhere to Policies NE7 and NE14 of the Tynedale District Local Plan which relate to development within the Green Belt.

## **9. Recommendation**

That this application be REFUSED for the following reasons:

1. The proposed development, by virtue of its scale, would result in a significant increase in the floor area and volume of the original dwelling, which would result in a disproportionate addition over and above the size of the original building. The proposed development would represent inappropriate development within the Green Belt. Very special circumstances necessary to outweigh the harm imposed upon the Green Belt by reason of inappropriateness, and any other harm, do not exist and as such the proposal is considered to be unacceptable as a matter of principle and contrary to Policies GD2, NE7, NE14 and H20 of the Tynedale Local Plan, and the National Planning Policy Framework.

2. The proposed development, by virtue of its design, materials and appearance, would result in unsympathetic and discordant additions to the dwelling, which would be harmful to the character and original form of the dwelling. The proposal is considered to detract from the character of the existing dwelling and as such is considered to be contrary to Policy BE1 of the Tynedale Core Strategy, Policies GD2, H20 and H33 of the Tynedale Local Plan and the National Planning Policy Framework.

**Background Papers:** Planning application file(s) 18/03325/FUL