



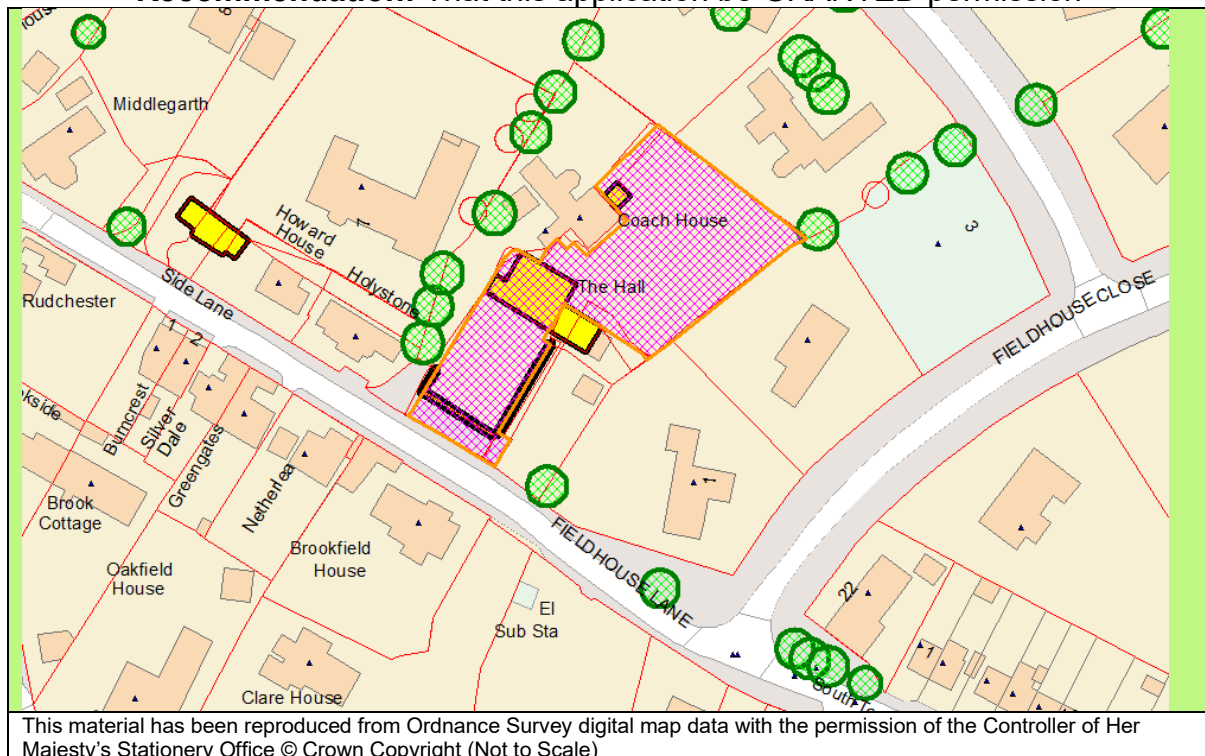
Northumberland County Council

Castle Morpeth Local Area Council Committee

Monday 10th October 2022

Application No:	22/02252/FUL		
Proposal:	Proposed construction of detached standalone garden room to rear garden area.		
Site Address	Hepscott Hall, Side Lane, Hepscott, Morpeth Northumberland NE61 6LT		
Applicant/ Agent	Mr. Richard Sullivan 14 Morwick Road, Warkworth, Morpeth, NE65 0TD		
Ward	Longhorsley	Parish	Hepscott
Valid Date	23 June 2022	Expiry Date	18 August 2022
Case Officer Details	Name: Mr Ben Briggs Job Title: Planning Technician Tel No: Email: Ben.Briggs@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 This application was referred to the Executive Director of Planning and Chairs of the relevant Local Area Council committee for a decision on how the application was to be determined due to parish objection and concern from the neighbour. It was confirmed that the application should be referred to members for a Local Area Council committee decision.

2. Description of the Proposals

2.1 The application is for construction of detached standalone garden room to the rear garden area.

2.2 The application site is located outside of a defined settlement boundary therefore situated in open countryside.

3. Planning History

Reference Number: 15/02934/CLEXIS

Description: Certificate of Lawfulness of existing use for a swimming pool

Status: Approved

Reference Number: CM/91/D/256

Description: TWO STOREY EXTENSION TO PROVIDE LOUNGE AND BEDROOM WITH INTERNAL ALTERATIONS (AS AMENDED BY PLANS RECEIVED 5TH JUNE 1991)

Status: Approved

Reference Number: CM/80/D/617

Description: ERECTION OF 6FT HIGH BRICK BOUNDARY WALL

Status: Approved

Reference Number: CM/79/D/708

Description: Extension to kitchen

Status: Approved

Reference Number: CM/79/D/545

Description: Demolition of garage and conversion of retained outbuildings to one private dwelling (as amended by drawing dated 18th September 1979 and amended site plan)

Status: Approved

Reference Number: CM/76/D/301

Description: New window and doorway into cellar

Status: Approved

Reference Number: CM/74/D/20

Description: Kitchen extension

Status: Approved

Reference Number: 22/01016/LBC

Description: Listed building consent for refurbishment and alterations to existing non-original kitchen extension and construction of detached garden building

Status: Approved

4. Consultee Responses

Hepscott Parish Council 14.07.22	<p>We recently commented on an application earlier this year that a sympathetic alteration to the heritage dovecote to make it a workshop would be acceptable. However, if this is an extra additional modern building on an already overdeveloped site we would have reservations. We assume the Listing Authority have been consulted and would agree to their findings.</p>
Hepscott Parish Council 19.07.22	<p>I wrote to you on 14 July 2022 on behalf of Hepscott Parish Council with regard to the above planning application.</p> <p>We have since been contacted by an anxious resident of a neighbouring property raising several concerns about the application. She states that the proposed "Garden Room" will be the size of a double garage and only 28" from her boundary wall with an overlooking window.</p> <p>HPC agree with her concerns that the proposed building will dominate, overlook and spoil her amenity. It would also interfere with the vista to and from the ancient monument. We also would agree that the development does not fit in with a listed building and for these reasons HPC would like to change their views and object to the application.</p> <p>I would be grateful if you could remove our earlier comment from your website if possible</p>
Morpeth Town Council	<p>No response received.</p>
Building Conservation	<p>Building Conservation has evaluated the development proposals having regard to Section 66 of the PLBCAA and Chapter 16 of the NPPF and Policy ENV 7 of the Northumberland Local Plan. In giving great weight to the conservation of heritage assets we have found that the application preserves the setting and significance of the Grade II listed buildings (Hall, Dovecote and Screen walls and piers) and therefore accords with the legislative framework and Local Plan Policy in respect of heritage assets.</p> <p>For the reasons outlined above, Building Conservation supports the application.</p>

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	9
Number of Objections	1
Number of Support	0
Number of General Comments	0

Notices

Affecting Listed Building - 22/07/22
Morpeth Herald

Summary of Responses:

One objection and a response by the agent has been received.

In summary the objection raises the following concerns:

- The construction is modern, ugly and out of character.
- The construction is to be built one metre from my boundary wall and will overlook the property.
- Noise issues
- Where currently a small garden shed and greenhouse stand, the proposed new room will be the size of a double garage and have a different use.
- Detrimental to the existing building and out of character with the grade II Listed Building and Hepscott Hall cottage.
- No objection if the proposal was to be constructed in the main garden area.

In summary the comments from the agent are the following:

- The proposed garden room will be set two metres away from the boundary with the neighbouring property and not less than one metre as stated on the objection.
- Privacy will not be affected as it will not be possible to see over the boundary wall, as well as vegetation acting as screening.
- Erection of the garden room will not increase the noise due to it being a private garden.
- proposed garden room is a high-quality contemporary structure, lightweight, removal and does not detract from the existing Listed structure.

The full written text is available on our website at:
<https://publicaccess.northumberland.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

4. Planning Policy

4.1 Development Plan Policy

Northumberland Local Plan - 2016 - 2036 (Adopted March 2022)

STP1-Spatial Strategy

HOU 9 - Residential development management

QOP 2 - Good design and amenity

ENV 7 - Historic environment and heritage assets

Morpeth Neighbourhood Plan (MNP) (2016):

Sus 1 – Sustainable Development Principles

Des 1 – Design Principles

Set 1 – Settlement Boundaries

4.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

4.3 Other documents

Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 66)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP). Morpeth Neighbourhood Plan (MNP) (2016). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

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

- **Principle of the development (Open Countryside)**
- **Design and visual impact**
- **Impact on amenity**

Principle of the development

7.3 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres and service villages across the county where sustainable development can be located. The application site is located inside the defined settlement boundary of Hepscoth.

7.4 The proposal would be deemed acceptable as it would not result in a disproportionate addition within the existing site. The principle of the development is therefore acceptable and in accordance with policies STP1 of the Northumberland Local Plan, SET1 of the MNP and the NPPF.

Design and Visual Impact

7.5 In addition to ensuring development is of a proportionate scale to the host property, Policy HOU 9 of the Northumberland Local Plan also seeks to ensure development “*respects, complements and does not have an unacceptable adverse impact on the style and character of the existing dwelling and its setting in terms of its design and use of materials, or on the character of the surrounding area*”.

Similarly, Policy QOP 2 of the Northumberland Local Plan seeks to ensure that the physical presence and design of development preserves the character of the area.

7.6 It is considered that the design of the proposed garden room is wholly acceptable in terms of its appearance, which is sympathetic to the host property, and in terms of its scale and mass, which would remain subordinate to the host. It is also noted that building conservation supports the application as it preserves the setting and significance of the Grade II listed buildings. Therefore, the proposal is acceptable in terms of design and in accordance with Policy QOP 2 and HOU 9 of the Northumberland Local Plan, DES1 of the MNP and the NPPF.

Impact on amenity

7.7 Officers have carefully considered the impact on amenity. It is noted that the addition will have minimal impact on privacy due to the boundary wall and shrubs along the boundary line. Furthermore, concerns regarding the noise were noted. It is considered due to the existing pool facility and garden space that there would be minimal increase in noise. The application has been assessed against relevant policies and it is considered that the proposal would not have a negative impact on the amenity of occupiers of nearby properties, due to the siting, layout, existing facilities and scale of the development. The proposal is therefore in accordance with Policies QOP 2 of the Northumberland Local Plan, MNP and the NPPF.

Other Matters

Equality Duty

7.8 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

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

Human Rights Act Implications

7.10 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.

7.11 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.

7.12 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 works are considered acceptable in principle as appropriate. The proposed works would not result in inappropriate development in the open countryside, would not have an adverse visual impact on the appearance on the site or the character of the surrounding area, and would not have an adverse impact on the amenity of neighbouring properties. The proposal is therefore acceptable in accordance with relevant policies in the Local Development Plan and the NPPF.

9. Recommendation

That this application be GRANTED planning permission subject to the following:

Conditions/Reason

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

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

2. 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 number: 210200096TG0S1, titled: PROPOSED GARDEN ROOM (received 22nd June 2022)
2. Drawing number: 22004 103A, titled: SITE PLAN AS PROPOSED AND SITE LOCATION PLAN (received 22nd June 2022)
3. Drawing number: 22004, titled: Combined Design and Access Statement and Heritage Statement (received 22nd June 2022)
4. Application form (Received 22nd July)

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

3. The facing materials and finishes to be used in the construction of the development shall be in accordance with the details contained within the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with Policies QOP 2 of the Northumberland Local Plan and the National Planning Policy Framework.

Date of Report: 25/08/2022

Background Papers: Planning application file(s)