



Northumberland

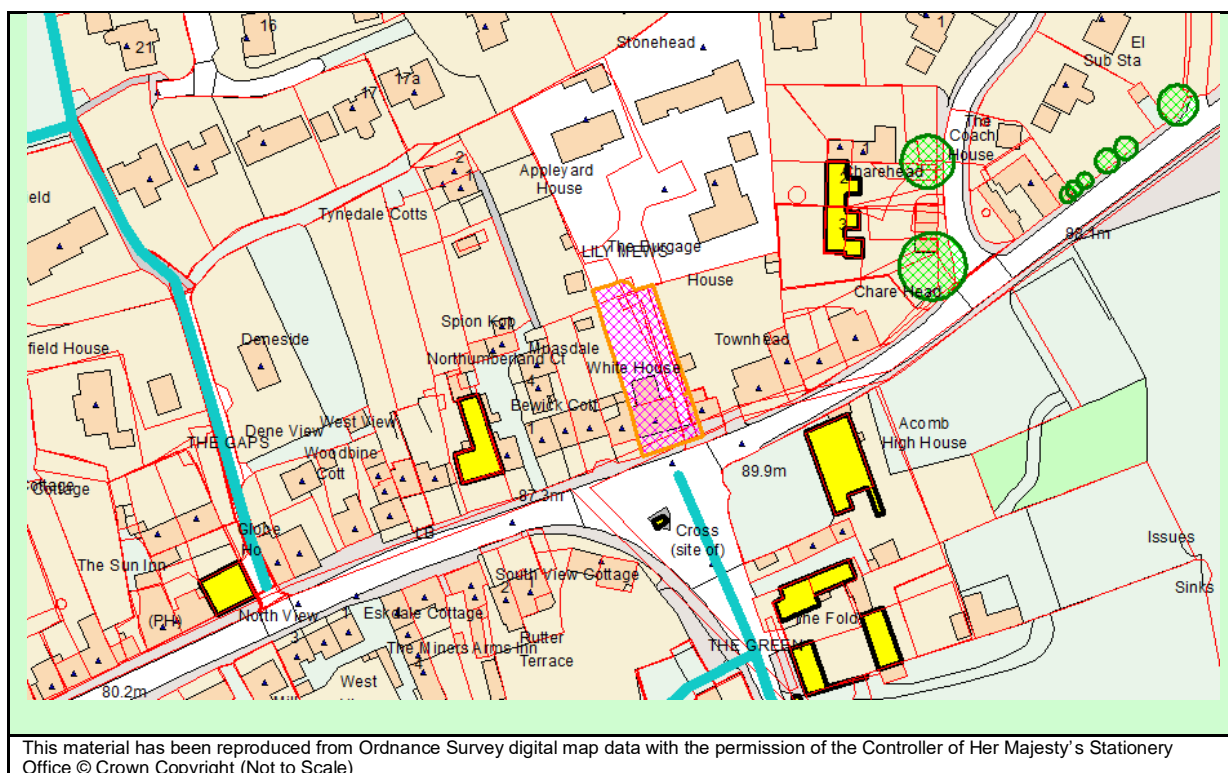
County Council

Tynedale Local Area Council Planning Committee

Tuesday 13th December 2022

Application No:	22/03046/FUL		
Proposal:	Retention of garage and garden wall, retrospective change of use of former open land to curtilage of property (Amended Description 03/10/2022).		
Site Address	White House, The Green, Acomb, Hexham Northumberland NE46 4PJ		
Applicant/ Agent	Mr Darryl Bingham 19 Burswell Avenue, Hexham, NE46 3JL,		
Ward	Hexham Central With Acomb	Parish	Acomb
Valid Date	23 August 2022	Expiry Date	14 December 2022
Case Officer Details	Name: Mr Callum Harvey Job Title: Senior Planning Officer Tel No: 07966 325 979 Email: Callum.Harvey@northumberland.gov.uk		

Recommendation: That Planning Permission be GRANTED for the proposed development



1. Introduction

- 1.1 This application is subject to an objection from Acomb Parish Council. Following referral to the Director of Planning and the Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Chair Referral Scheme, it was agreed that this application be determined by Members of the Tynedale LAC Planning Committee.

2. Description of the Proposals

- 2.1 The application site, known as White House, is located on The Green in Acomb.
- 2.2 Retrospective planning permission is sought for the change of use of a small portion of land to the rear of White House, to form an extended area of residential curtilage. This area was previously approved as part of a vehicular turning head under consent 14/02291/FUL, which granted permission for the construction of three dwellings to the rear of White House. That decision included the granting of consent for an extended rear curtilage of White House, as shown on that approved site plan and as described under Paragraph 2.4 of that officer report.
- 2.3 Retrospective planning permission is also sought for the erection of a detached outbuilding within this area to the rear of White House. The outbuilding is constructed of timber cladding with a dual pitched roof, and with aluminium bifold doors on the southern elevation which faces into the rear garden of White House. The outbuilding measures 6.3m in length, 5m in width, and 3.4m in height to roof ridge. The received floor plans indicate the provision of a single garage measuring 6m x 3m internally, and a small garden room within the building. The roof as currently constructed comprises lightweight metal tile-effect sheeting with a dull finish. Following discussion with the recommending officer, the received

plans now state that slate roof tiles will be used in the event that planning permission were granted. Adjacent to the outbuilding, and within the red line boundary, lies an additional proposed parking bay which would also serve White House.

- 2.4 The proposal also seeks retrospective planning permission for a stone boundary wall to the rear of White House, forming the eastern boundary of the rear curtilage of the property.
- 2.5 The application site falls within the Acomb Conservation Area. White House is considered a non-designated heritage asset, and the proposed works are within the setting of White House. The site is also within the Lower Risk Coal Advice Area as identified by the Coal Authority.

3. Planning History

Reference Number: 14/02291/FUL

Description: Demolition of one disused, corrugated steel shed and smaller garden structures, and erection of 3 no. dwellings including one house and two bungalows each with a double garage and large garden areas.
Renovation of dairy building at site entrance into an office.

Status: Permitted

Reference number: 16/01241/VARYCO

Description: Variation of conditions 10 (landscaping), 11 (conservation strategy), 15 (method statement), and 24a (archaeological), Remove condition 17 (method statement - duplicate) of approved planning application 14/02291/FUL

Status: Permitted

Reference Number: 19/00652/FUL

Description: Construction of a two storey rear extension to existing dwelling

Status: Refused

Reference Number: 19/04166/FUL

Description: Proposed two storey rear extension.

Status: Refused

Reference Number: 20/01020/FUL

Description: Proposed two storey rear extension.

Status: Permitted

Reference Number: 20/04195/FUL

Description: Two storey rear extension.

Status: Pending Consideration

4. Consultee Responses

Acomb Parish Council	<u>First comments, received 14.09.2022:</u>
----------------------	---

Acomb Parish Council wishes to object to this application on the following grounds:

1. It is retrospective.
2. The Heritage Statement claims that the White House is of low level significance. However, it is shown as A Non-designated Heritage Asset in the Acomb Neighbourhood Plan (Appendix A) and therefore is not of low level significance.
3. The application claims that all natural materials have been used, but the roof is described as Tile effect roof sheeting and it utilises aluminium bi-fold doors.
4. Most importantly, the Block Plan 20-02-11 dated Jan 2021, included in the, as-yet unapproved, Planning Variation 19/00068/VARYCO shows 3 on-site parking spaces and a further 2 spaces in the Lily Mews Hammerhead. The Block Plan (22-70-02, dated August 22) in Application 22/03046/FUL shows the loss of the 3 on-site spaces and the garage appears to have been constructed on half of the Lily Mews Hammerhead. The application claims 2 existing spaces will be lost, and 2 proposed spaces will be created. However, the creation of 1 single garage (plus an allowance of 1 Hammerhead space) is at the expense of 5 previously proposed spaces. The result will be that any overspill parking from Lily Mews, Artyhoose or the White House will be onto the already crowded area of The Green (aka The Pant or Trough). This land, which already has a parking problem, is owned by Acomb Parish Council (as opposed to Northumberland County Council) and is also used as a turning circle for local buses. Clearly there are insufficient parking arrangements for the whole development (including the 3 Lily Mews properties).
5. The development of the White House and Lily Mews has been carried out in a piecemeal fashion with no overall plan for approval by any of the statutory consultees, the Parish Council or the County Council. Instead, several, often conflicting, Planning Applications have been submitted. This Development, inside the Conservation Area, has regularly proceeded regardless of Planning Approval.

Second comments, received 15.10.2022:

Acomb Parish Council wishes to add comment to the revised plans which have been submitted for the above application.

1. The revised Block Plan (Rev A) shows that the only change from the earlier Block Plan in this application, is to move the red line surrounding the property to create a parking place and reduce the size of the hammerhead turning accordingly. It has not created an extra parking space, unless the garage (already built) itself has been moved. The Parish Council's previous

	<p>comments about varying Block Plans should also be noted.</p> <p>2. The revised plans show that the garage roof is now “slate roof covering”. The previous version showed “metal sheet tile effect covering”. The garage is built and roofed. Have only the plans been changed? Photograph of current garage is attached.</p>
Highways	No objection subject to recommended conditions

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	2
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

Site Notice – Affecting the Character or Appearance of a Conservation Area:
Displayed 13.09.2022

Press Notice – Hexham Courant: Advertised 13th October 2022

Summary of Responses:

None Received.

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (March 2022)

Policy STP 1 Spatial strategy
 Policy HOU 9 Residential development management
 Policy QOP 1 Design principles
 Policy QOP 2 Good design and amenity
 Policy QOP 5 Sustainable design and construction
 Policy QOP 6 Delivering well-designed places
 Policy TRA 2 The effects of development on the transport network
 Policy TRA 4 Parking provision in new development
 Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment
 Policy ENV 7 Historic environment and heritage assets
 Policy ENV 9 Conservation Areas
 Policy WAT 3 Flooding
 Policy POL 1 Unstable and Contaminated Land
 Policy POL 2 Pollution and air, soil and water quality

Acomb Neighbourhood Plan (2019)

Policy 4 Flooding
Policy 8 Acomb Conservation Area
Policy 9 Non-designated Heritage Assets
Policy 10 Design in New Development

6.2 National Planning Policy

National Planning Policy Framework (July 2021)
National Planning Practice Guidance (2018, as updated)

6.3 Other documents

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

Historic England's 'Conservation Principles, Policies and Guidance' (2008)

Historic England's Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets (2015)

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 policies in the Northumberland Local Plan and the Acomb Neighbourhood Plan. The National Planning Policy Framework (NPPF) (July 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
Heritage and Design
Residential amenity
Highway safety
Surface water drainage
Contaminated land

Principle of development

7.3 The application proposes works that are domestic in nature to extend and carry out within residential curtilage in the service village of Acomb. The principle of development is acceptable and in accordance with Policies STP1 and HOU 9 of the Northumberland Local Plan and the NPPF.

7.4 The overall acceptability of the scheme is subject to other matters as set out later in this report.

Heritage and Design

7.5 The application site lies within the Acomb Conservation Area, a designated heritage asset.

- 7.6 When determining this application, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Members, as the decision maker, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 7.7 Policy ENV1 of the Local Plan states that the character and/or significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by giving great weight to the conservation of designated heritage assets.
- 7.8 Policy ENV7 of the Local Plan states that proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings. The Policy goes on to state that decisions affecting a heritage asset will be based on a sound understanding of the significance of that asset and the impact of any proposal upon that significance.
- 7.9 The Policy also states that where development proposals would cause less than substantial harm to the significance of designated heritage asset, this will be weighed against the public benefits of the proposal, including securing the optimum use that is viable and justifiable.
- 7.10 Policy ENV9 of the Local Plan states that within a conservation area, it will be ensured that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance. The Policy goes on to state that development must respect existing architectural and historic character and cultural associations, by having regard to:
- i. Historic plot boundaries, layouts, densities and patterns of development; and
 - ii. The design, positioning, grouping, form, massing, scale, features, detailing and the use of materials in existing buildings and structures; and
 - iii. The contribution made by the public realm, private spaces and other open areas, including hard and soft landscape features, trees, hedges, walls, fences, watercourses and surfacing.
- 7.11 Similar to Policies ENV1, ENV7 and ENV9 of the Local Plan, Policy 8 of the Acomb Neighbourhood Plan requires any proposal within the Acomb Conservation Area to demonstrate how it will preserve or enhance the character or appearance of the Acomb Conservation Area, as defined in the Acomb Conservation Area Character Appraisal. Policy 8 goes on to state that proposals in the Conservation Area and its setting should have regard to:
The aim of making a positive contribution to local character and distinctiveness by reflecting the vernacular scale, massing, layout, means of enclosure, detailed design and materials characteristic of the Acomb Conservation Area through:
- i) the use of appropriate materials for Acomb including natural sandstone and natural slate roofing materials;
 - ii) The maintenance of 'plain' rooflines, avoiding the addition of dormer windows which would detract from the special character of Acomb Conservation Area;
 - iii) The incorporation of timber sliding sash windows;
 - iv) The use of locally distinctive detailing of masonry, doorways, rooflines, chimneys and chimney-pots, windows and rainwater goods;

- v) The provision of appropriate boundary treatment including sandstone walls and/or hedgerows; and
- vi) The retention of existing boundary walls.

- 7.12 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.13 Paragraph 200 of the NPPF then states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.14 Paragraph 202 of the NPPF then states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.15 Acomb Parish Council object to this application on the Neighbourhood Plan identifies White House as a non-designated heritage asset. As a point of clarity, the recommending officer notes that Figure 13 on Pages 36-37 of the Neighbourhood Plan identifies White House as a "potential non-designated heritage asset."
- 7.16 White House is considered to be a non-designated heritage asset. The building is in a prominent location atop the crest of the hill on Main Street in the centre of Acomb, located at The Green. The building's southern principal elevation is prominent from public vantage points at The Green and along Main Street, and the Conservation Area's Character Appraisal notes that the buildings along this stretch of Main Street are of interest. Paragraph 6.1.7 of the Character Appraisal notes the eighteenth century White House, with its reverse stepped gable coping, and an adjoining terrace of four neighbouring stone houses. Whilst the building is currently in need of some external refurbishment, as is the picket fence to the front, in the opinion of the recommending officer it is undoubtably of architectural merit within the historic core of Acomb, and the southern principal elevation makes a notable contribution to the character of the Conservation Area.
- 7.17 Policy ENV7 of the Local Plan states that proposals that affect the significance of non-designated heritage assets shall require a balanced judgement, taking into account the scale of any harm or loss and the significance of the heritage asset. This is in line with Policy 9 of the Neighbourhood Plan, and Paragraph 203 of the NPPF.
- 7.18 Policies QOP1, QOP2 and HOU9 of the Local Plan and Policy 10 of Neighbourhood Plan require proposals to be of a high quality design in keeping their surroundings, making a positive contribution to local character and distinctiveness. The requirements of these Policies tie in to the requirements of other Policies set out above.

- 7.19 As a starting point, the recommending officer is mindful that the proposed works are to the rear of White House, an area of limited views from public vantage points from Main Street. The rear of White House has recently been developed with the construction of three detached dwellings and their associated boundary treatments, garaging and hardstanding under decision 14/02291/FUL.
- 7.20 The proposed boundary wall to the rear of White House is in a similar location to the boundary wall approved under decision 14/02291/FUL, and is constructed of natural stone which is sympathetic to the host building. It is considered that the boundary wall does not harm the character or appearance of the Conservation Area, or harm the significance of White House.
- 7.21 The proposed outbuilding is situated at the end of the rear curtilage of the property. The degree of visual screening between the site and neighbouring dwellings to the west and east, as well as the degree of screening from Main Street and The Green to the south is noted. It is considered that the scale, massing and positioning of the outbuilding does not harm the character or appearance of the Conservation Area, or harm the significance of White House.
- 7.22 The proposed outbuilding is constructed of timber-clad elevations. The use of timber for outbuildings of this scale is considered appropriate within residential curtilages, and it is not considered that the use of stone or brick elevations is necessary. The Parish Council have raised concerns with the use of aluminium bi-fold doors on the southern elevation. The recommending officer considers the scale of the opening and the use of aluminium frames to be acceptable – the use of timber frames is not considered necessary, whilst aluminium frames are preferred to upvc frames. The Parish Council have also raised concerns with the use of lightweight metal tile-effect roof sheeting. The recommending officer agrees that this roofing material is unacceptable. Following discussions with the applicant, amended plans have been received which show the use of a slate roof covering. The recommending officer considers the use of *natural* slate roof tiles to be acceptable, and it is recommended that if Members grant approval for this application they impose a condition requiring the installation of *natural* slate roof tiles within three months of the date of the decision. This is considered a reasonable period of time for the applicant to source and install the new tiles, therefore this condition would accord with Paragraph 56 of the NPPF. Subject to the use of this planning condition, it is considered that the external materials of the outbuilding do not harm the character or appearance of the Conservation Area, or harm the significance of White House.
- 7.23 The proposal also seeks to extend the rear curtilage of White House to add an additional parking bay, adjacent to the northern elevation of the outbuilding. This would not harm the character or appearance of the Conservation Area, or harm the significance of White House.
- 7.24 For the reasons set out above, subject to the described planning condition, the proposal is considered acceptable, in accordance with Policies HOU9, QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan, Policies 8, 9 and 10 of the Acomb Neighbourhood Plan, and the NPPF.

Residential amenity

- 7.25 The proposed works would not have an adverse impact on the amenity of neighbouring residents, in accordance with Policies HOU9, QOP1 and QOP2 of the Northumberland Local Plan, Policy 10 of the Acomb Neighbourhood Plan, and the NPPF.

Highway safety

- 7.26 The proposal seeks approval for a single bay detached garage and an additional single parking bay, to serve the three bedroom dwelling at White House. The proposed works also encroach into an area which was previously approved as a vehicular turning head under decision 14/02291/FUL, therefore approval for a change of use of land is also sought.
- 7.27 The Highways officer has been consulted and they note that the proposal seeks to provide sufficient car parking for the three bedroom dwelling. Subject to recommended conditions, they have no objection to the proposal. The recommending officer notes that one such condition requires White House to not be occupied until the hereby approved car parking is implemented. The recommending officer notes that this is a standard condition recommended on many different types of applications, however in this instance it is not considered necessary as White House is already occupied, whilst the car parking bays have already been implemented. Therefore, this condition is not recommended should Members decide to grant planning permission. The second condition ensures the outbuilding remains occupied ancillary to White House, and shall be used for car parking ancillary to White House. This is considered reasonable and necessary, and this condition is therefore recommended to be imposed should permission be granted.
- 7.28 The Parish Council have raised concerns with the loss of the previously approved vehicular turning head under this application. They consider that the turning the loss of the turning head would lead to insufficient parking provision across the Lily Mews development to the north of the site, for the adjacent holiday let unit to the east of the site, and for White House itself, leading to parking on The Green to the south of the site. It is noted that sufficient car parking for the three dwellings to the north of the site, known as Lily Mews, was approved and implemented within each of those plots under decision 14/02291/FUL. The turning head as approved under 14/02291/FUL was not required nor intended for the parking of vehicles. In respect of the adjacent holiday let, this is subject to a separate planning application; whilst the Highways officer has no objection to that proposal, the car parking provision for that development is a separate matter when determining the current application. The recommending officer is also mindful of previous complaints from neighbouring residents regarding indiscriminate parking on The Green during construction works at White House and at Lily Mews. These works have since finished, therefore if Members were to grant permission for the current application there would not be a need for the parking of construction vehicles at the site or in the local area such as at The Green.
- 7.29 The Highways officer has no objection to the proposal. Subject to a recommended condition, the proposal would not have an adverse impact on highway safety in accordance with Policies TRA2 and TRA4 of the Northumberland Local Plan and the NPPF.

Other Matters

Equality Duty

- 7.30 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

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

Human Rights Act Implications

- 7.32 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.
- 7.33 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.
- 7.34 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 For the reasons set out in the above report, and subject to recommended conditions, it is considered that the proposal is an acceptable form of

development. Officers therefore recommend that planning permission be granted.

9. Recommendation

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

Conditions

1) The development hereby permitted shall be retained in complete accordance with the approved plans. The approved plans for this development are:-

22-07-01 Revision A – Site Location Plan

22-07-02 Revision A – Site Block Plans

22-07-03 Revision A – Garage and Garden Room

22-07-04 Revision A – Garden Wall

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

2) Notwithstanding the approved plans, within three months of the date of this decision, the dual pitched roof of the hereby approved outbuilding shall be relaid with natural slate roof tiles of similar appearance to those at the host property currently known as White House.

Reason: In the interest of the appearance of the development, in the interest of the character and appearance of the Conservation Area, and in the interest of the significance of White House which is a non-designated heritage asset, in accordance with Policies HOU9, QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan, Policies 8, 9 and 10 of the Acomb Neighbourhood Plan, and the National Planning Policy Framework.

3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any other re-enacting or revoking Order with or without modification), the hereby approved outbuilding shall only be used as a garage and garden room ancillary to the residential dwelling currently known as White House.

Reason: In the interests of residential amenity, and to secure sufficient car parking provision for the dwellinghouse in the interest of highway safety, in accordance with Policies HOU9, QOP1, QOP2, TRA2 and TRA4 of the Northumberland Local Plan, Policy 10 of the Acomb Neighbourhood Plan, and the National Planning Policy Framework.

Informatives

Standard coal working informative

Background Papers: Planning application file(s) 22/03046/FUL; 14/02291/FUL.