



Northumberland

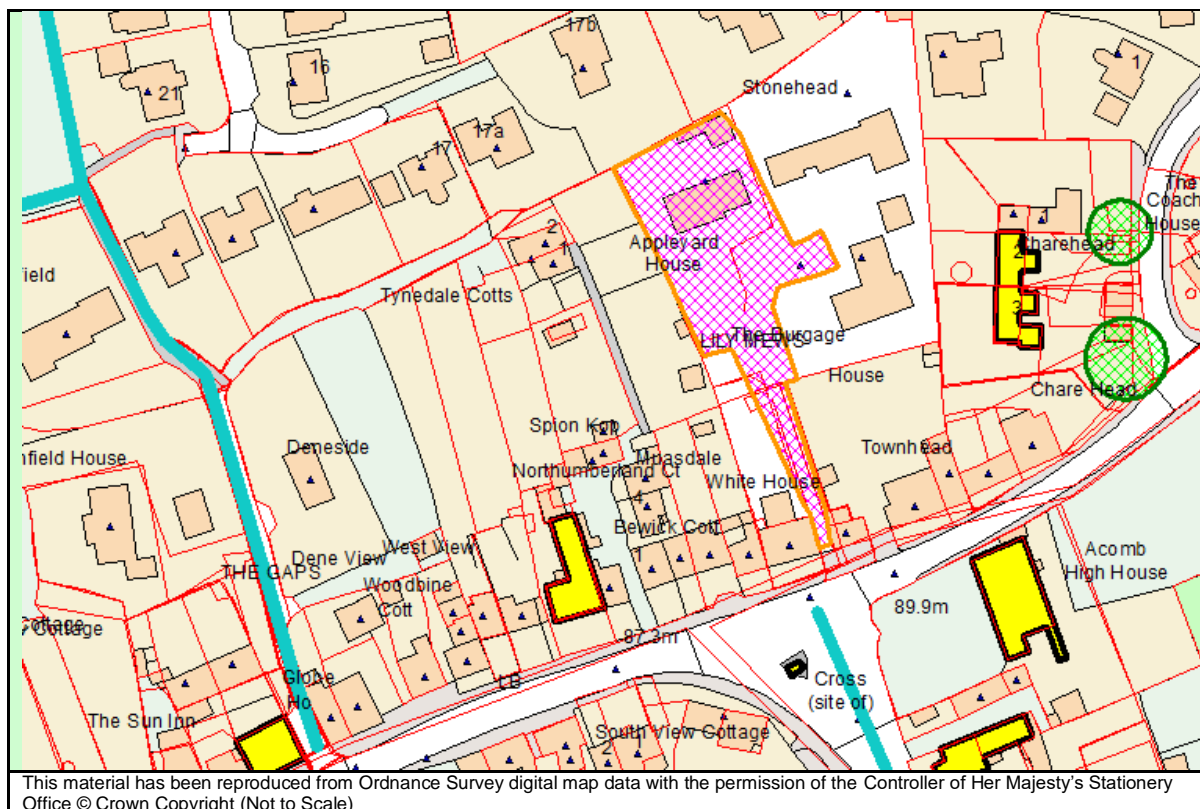
County Council

Tynedale Local Area Council Planning Committee

Tuesday 13th December 2022

Application No:	22/03159/FUL		
Proposal:	Retrospective - Construction of two garden buildings		
Site Address	1 Lily Mews, The Green, Acomb, Northumberland		
Applicant/ Agent	Mr Darryl Bingham 19 Burswell Avenue, Hexham, NE46 3JL,		
Ward	Hexham Central With Acomb	Parish	Acomb
Valid Date	13 September 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 1 Lily Mews, is a recently constructed property located to the rear of White House, which is located on The Green in Acomb.
- 2.2 Retrospective planning permission is sought for the construction of two outbuildings to the rear of the property. Planning permission is required as permitted development rights for outbuildings were removed when the property was granted planning permission, under Condition 14 of decision reference 14/02291/FUL. These rights were removed in the interest of the character of the area, and in the interest of the amenity of neighbouring residents.
- 2.3 The first outbuilding comprises a garden shed and garden room, with an attached open sided loggia and decking. The structures measure 11.5m in width at the widest point, and 5.8m in depth at the furthest point. The shed is the highest structure and measures 4m in height to roof ridge. The structures are constructed of timber cladding with aluminium bi-fold doors. The roofs as currently constructed comprise 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.
- 2.4 The proposal also seeks retrospective permission for a second garden shed measuring 3.7m in depth and 3.4m in width, with a dual pitched roof measuring 2.1m in height. The shed is constructed of timber cladding with a timber door. 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.
- 2.5 The application site falls within the Acomb Conservation Area. 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: 20/01315/VARYCO

Description: Variation of conditions 2 (approved plans) and discharge of conditions 3 (materials), 8 (rainwater goods) and 10 (landscaping) of application 16/01241/VARYCO - changes to plot 1, increase roof pitch, introduce rooflights and other minor elevation changes (amended description)

Status: Pending Consideration

4. Consultee Responses

Acomb Parish Council	<p>Acomb Parish Council wishes to object to this application on the following grounds:</p> <ol style="list-style-type: none">1. It is retrospective.2. The application claims that 'all natural materials' (as it is in a Conservation Area) have been used, but the roofs are described as 'Tile effect roof sheeting' and it would appear to utilise aluminium bi-fold doors.3. The Block Plan 22-69-02 dated Aug 22, included in this Application, shows a different red line delineation from Block Plan 20-70-02 dated Aug 2022, included in the, as-yet unapproved, Planning Application 22/03046/FUL. This is different again from the Block Plan (20-01-11, dated Jan 21) in Application 19/00068/VARYCO. Which is correct? Who owns which piece of land?4. 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.
Historic England	No comment

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	11
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting Character and Appearances of the Conservation Area:
Displayed 16th September 2022

Press Notice - Hexham Courant: Advertised 22nd September 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)

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 principle of constructing two outbuildings in the curtilage of a dwelling is acceptable in accordance with Policy HOU9 of the Local Plan. The acceptability of the proposal is dependent on other matters as set out below.

Heritage and Design

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

7.5 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.

7.6 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.

7.7 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. 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.

7.8 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.

- 7.9 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.

- 7.10 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.

- 7.11 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.

- 7.12 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.

- 7.13 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 into the requirements of other Policies set out above.

7.14 It is noted that the outbuildings would be located to the rear of the property, and would not be visible from public vantage points. It is considered that their positioning, scale and massing is acceptable. 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 western elevation of the garden room, facing out onto the decking. 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 outbuildings do not harm the character or appearance of the Conservation Area.

7.15 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

7.16 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.

Equality Duty

7.17 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

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

Human Rights Act Implications

- 7.19 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.
- 7.20 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.
- 7.21 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:-

22-69-01 – Site Location Plan
22-69-02 – Site Block Plans
22-69-03 – Garden Store and Loggia
22-69-04 Revision A – Garden Shed

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 roofs of the hereby approved outbuildings shall be constructed of natural slate roof tiles of similar appearance to those at the host property currently known as 1 Lily Mews.

Reason: In the interest of the appearance of the development, and in the interest of the character and appearance of the Conservation Area, 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.

Informatives

None

EIA

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

Background Papers: Planning application file(s) 22/03519/FUL; 14/02291/FUL.