

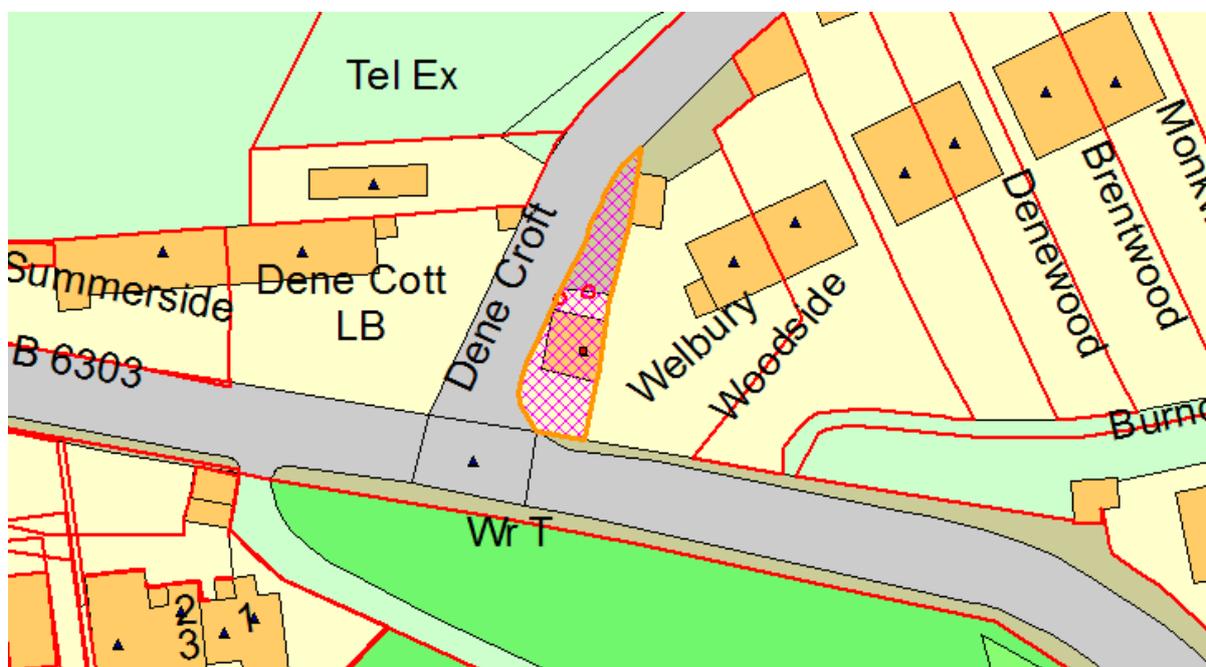


# Northumberland County Council

## Virtual Tynedale Local Area Committee: 13 April 2021

|                              |  |                     |  |
|------------------------------|--|---------------------|--|
| <b>Application No:</b>       | 20/03348/FUL   |                     |  |
| <b>Proposal:</b>             | Construction of a first floor extension and a new pitched roof to the existing extension (amended 23.2.21)                     |                     |  |
| <b>Site Address</b>          | Dene Croft , The Dene, Allendale, NE47 9PX   |                     |  |
| <b>Applicant:</b>            | Mr and Mrs Lees<br>Dene Croft , The Dene,<br>Allendale, NE47 9PX   | <b>Agent:</b>       | Floris<br>Peterel Field Business Village,<br>Dipton Mill Road, Hexham,<br>NE46 2JT |
| <b>Ward</b>                  | South Tynedale   | <b>Parish</b>       | Allendale  |
| <b>Valid Date:</b>           | 9 October 2020   | <b>Expiry Date:</b> | 16 April 2021  |
| <b>Case Officer Details:</b> | Name: Miss Charlie Hall<br>Job Title: Planning Technician<br>Tel No: 01670 624525<br>Email: Charlie.Hall@northumberland.gov.uk |                     |  |

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



### 1. Introduction

1.1 Under the Virtual delegation scheme, which is as a result of amendments to the constitution and governance measures in response to the coronavirus epidemic, the

application was referred to the Director of Planning and Chair and Vice Chair of the Tynedale Local Area Council Planning Committee who agreed that the application raises wider community issues and so should be considered by Members of the Virtual Tynedale Local Area Council Planning Committee.

## **2. Description of the Proposals**

2.1 The application seeks permission for a new pitched roof to the existing extension and a new first floor extension to the north elevation of Dene Croft, The Dene, Allendale.

2.2 The application seeks permission for a new pitched roof to the existing extension to the north of the property, this would replace an existing flat roof. The proposed roof would project a maximum of 5.82m from the existing pitched roof and would be 5.68m in width. The proposed roof would be set 0.25m below the ridge height of the existing roof. The proposed roof would be finished with slate and would have 2no. roof lights to the east elevation.

2.3 The application also seeks permission for a first floor extension to the north elevation of the property, which would extend from the existing two storey extension. The extension would be situated on stilts to allow for car parking underneath at ground floor level. The proposal would project from the north elevation by 6m and would be 5.6m at the widest point. The proposed extension narrows towards the end of the extension as the western wall would be set at an angle due to the road located adjacent to the property. The extension would have a pitched roof which would be finished with slate and would have 2no. roof lights to the east elevation and 1no. roof light to the west. The proposal would be situated on stilts and would be 2.3m above the ground level adjacent to the property and would be 5.86m in overall height. Due to the property being located on a hill the most northern point of the extension would be 1.51m above ground level and 5m in overall height. There would be a floor to ceiling window proposed on the west elevation and a large corner window on the west and north elevations. The extension would be constructed from stone.

2.4 The land under the proposal would be used for car parking for the site. The plans show that there would be 2no. parking spaces under the proposed extension. Part of this area would have to be excavated with a retaining wall constructed due to the topography of the site. No details of this have been provided at this stage and details would need to be conditioned should Members be minded to approve.

2.5 The application property is a traditional stone built detached cottage located on the corner of The Dene and the B6303. The application site is located on a hill resulting in the north of the site being higher than the original dwelling to the south. The property has an existing two storey rear extension.

2.6 The site is located within the settlement of Allendale within the North Pennines Area of Outstanding Natural Beauty.

## **3. Planning History**

**Reference Number:** 19/03864/ELEGDO

**Description:** Replacing wood pole on highway boundary with steel pole set back approximately 4 metres away in corner of garden area.

**Status:** No Objection

#### 4. Consultee Responses

|                          |   |
|--------------------------|---|
| Allendale Parish Council | Cllr Crellin proposed to support the application with Cllr Galley seconding this with the proviso that the new building in relation to the existing dwelling does not exceed the guidance as set out in Allendale Neighbourhood Development Plan (ANDP) Policy 9: Extensions to Dwellings. This was unanimously carried by the Council with the exception of Cllr Dunn who abstained. |
| North Pennines AONB      | No response received.   |
| Ministry Of Defence      | No objection  |
| Forestry Commission      | General advice given  |
| Highways                 | No objection subject to conditions  |

#### 5. Public Responses

##### Neighbour Notification

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

##### Notices

No Site Notice Required.

No Press Notice Required.

##### Summary of Responses:

None received

#### 6. Planning Policy

##### 6.1 Development Plan Policy

*Allendale Neighbourhood Plan 2015*

ANDP1 - General development Principles  
ANDP9 - Extensions to Dwellings

*Tynedale LDF Core Strategy (2007)*

BE1 - Principles for the Built Environment  
NE1 - Principles for the Natural Environment  
GD1 - The General Location of Development  
GD4 - Principles for Transport and Accessibility

*Tynedale District Local Plan (2003)*

GD2 - Design Criteria for Development, including Extensions and Alterations  
GD4 - Range of Transport Provision for all Development  
GD5 - Car Parking Standards  
NE15 - Development in the North Pennines AONB  
H33 - Residential Extensions  
NE15 - Development in the North Pennines Area of Outstanding Natural Beauty

## 6.2 National Planning Policy

*National Planning Policy Framework (NPPF) (2019)*  
*National Planning Practice Guidance (NPPG) (2018, as amended)*

## 6.3 Emerging Planning Policy

*Northumberland Local Plan Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted 29th May 2019*

HOU 9 - Residential development management  
QOP 1 - Design Principles  
QOP 2 - Good Design and Amenity  
ENV 6 - North Pennines Area of Outstanding Natural Beauty  
TRA 2 - The Effects of Development on the Transport Network  
TRA 4 – Parking Provision in New Development

## 6.4 Other Documents

North Pennines AONB Building Design Guide  
North Pennines AONB Planning Guidelines

## **7. Appraisal**

7.1 The main considerations in the determination of this application are:

- Principle of the Development;
- Design and Visual Impact;
- Impact on the North Pennines AONB;
- Impact upon residential amenity; and
- Highway safety and car parking.

### Principle of the development

7.2 Policy GD1 of the Tynedale LDF Core Strategy relates to the principles for the general location of development. The policy states local centres such as Allendale, Bellingham, Corbridge and Haydon Bridge should be the focus for development, but to a lesser extent than the main towns. It follows on to state *“in all cases the scale and nature of development should respect the character of the town or village concerned”*. Policy STP 1 of the Northumberland Local Plan (Publication Draft Plan) identifies Allendale as a service centre and the service centres within Northumberland should accommodate employment, housing and services that maintains and strengthens their roles. The proposal is within the residential curtilage and would therefore accord with policy GD1 of the Tynedale LDF Core Strategy and Policy STP 1 of the Northumberland Local Plan (Publication Draft Plan) as a matter of principle.

### Design and visual amenity

7.3 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.

7.4 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”.

7.5 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”. Policy ANDP 9 of the Allendale Neighbourhood Plan, is consistent with the criteria set out within Policy GD2 and H33 of the Tynedale District Local Plan.

7.6 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”.

7.7 Allendale Neighbourhood Plan policy ANDP 9 sets out a criteria that planning applications should adhere to for permission to be granted. Policy ANDP 9 states that planning permission will be granted for applications that accord with Policy ANDP 1 provided that:

- The overall design, size, appearance, scale, height and mass of the extension remains visually and functionally subservient to the host dwelling;
- The external facing materials used in the construction of the extension match or complement the materials used in the construction of the host dwelling;
- No significant and adverse impact arises from the development on the amenity of neighbouring residents;
- The cumulative effects of such extensions across the surrounding countryside are acceptable; an

- The effects of any significant increased run-off from rainwater arising on the additional hard surfaced area created by the extension can reasonably be mitigated.

7.8 The original dwelling is a small traditional cottage, that has been previously extended and now includes a two storey flat roof extension to the north elevation and a lean-to style porch to the west. This proposal seeks to increase the size, volume and massing of the existing property. The proposed extension and new roof along with the previous works that have been carried out would result in a 101% volume increase to the original property. As stated above policies GD2 and H33 of the Tynedale Local Plan state that any extension should be appropriate and respect the character of the property in terms of size, massing, proportions and appearance. The Allendale Neighbourhood Plan states that the size, appearance, scale, height and mass of the any new development must remain visually and functionally subservient to the host dwelling. Given the large increase to the original property the proposed works would not allow the original dwelling to be the dominate feature.

7.9 It is acknowledged that the proposed pitched roof over the existing flat roofed extension would be an improvement in design terms and would be appropriate to the character of the original dwelling. However, the design of the proposed additional extension, whilst predominantly to be constructed of stone, would include the use of stilts to allow parking under the first floor extension and also includes modern single glazing panels, including a large corner window which do not reflect the character of the existing property. This is exacerbated by the location of the property on the corner of a junction to The Dene which would make the design differences more prominent in the wider area.

7.10 The proposed works in addition to the existing extensions to the property would result in a disproportionate additional above and beyond the size of the original dwelling house. The size, design, scale, massing and proportions proposed would not respect the character of the original property and the surrounding area. Therefore, the proposal would not accord with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and H33 of the Tyendale Local Plan, Policy QOP1 of the Emerging Northumberland Local Plan, Allendale Neighbourhood Plan and the NPPF.

#### Impact on the North Pennines AONB

7.10 Policy NE15 of the Tynedale District Local Plan relates to development within the North Pennines AONB. The policy states *“priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty”* and *“development within or adjacent to the AONB which adversely affects the special scenic quality of the AONB will not be permitted”*.

7.11 Policy ENV6 of the Northumberland Local Plan (Publication Draft Plan) also relates to development within the North Pennines AONB and sets out specific criteria for all types of development to adhere to. Policy ENV6 states that *“small scale development will be supported where it does not impact on the AONB’s special qualities”*.

7.12 The North Pennines Design guide States that any extension should *“respect the original building so that the existing volume or massing of the house remains the dominant form”*.

7.13 As discussed above, the proposed scale and design of the proposed extensions would not be in keeping and would not respect the historic and traditional character of the original property, the surrounding area and the wider AONB.

7.14 Therefore, it is considered that the proposal would not accord with the North Pennines AONB Design Guide as the volume and massing of the original house would no longer remain the dominant form and the proposed design would not respect its character. The proposal would not accord with Policy NE15 of the Tynedale District Local Plan and Policy ENV 6 of the Northumberland Local Plan (Publication Draft Plan) and the North Pennines AONB Design Guide.

#### Impact on Residential Amenity

7.16 The application property is bound by roads to the south and west of the site and there is one neighbouring property to the north east (Welbury). The application site is a narrow site which would result in the proposed extension being built up to the eastern boundary. The neighbouring property to the east has a side extension that is heavily glazed, as well as other windows to the facing elevation. The proposed extension would be approximately 7m from the existing extension at Welbury, and combined with the impact on the existing extensions and the new pitched roof this would cause an overbearing impact on the neighbouring property. However, it is acknowledged that due to the difference in levels between the sites, with Welbury being set higher, their impact is somewhat mitigated. In addition the main elevation of the property with habitable windows faces south with uninterrupted outlook. It is therefore considered that the proposed works would have some impact on the neighbouring property but would not be sufficient to warrant refusal of the application.

7.17 Overall, it is considered that the proposed extension would not have significant detrimental impact on the residential amenity of the neighbouring property to the extent that permission should be refused. In this respect the proposal would accord with GD2 and H33 of the Tynedale Local Plan and the NPPF.

#### Highway Safety and Car Parking

7.18 Policy GD4 of the Tynedale LDF Core Strategy sets out the principles for transport and accessibility. Policy GD4 of the Tynedale District Local Plan sets out the criteria relating to transport provision for all types of development. Policy GD6 of the Tynedale District Local Plan relates to the car parking standards outside the built-up areas of Hexham, Haltwhistle, Prudhoe and Corbridge.

7.19 Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) sets out criteria relating to the promotion of sustainable connections. Policy TRA 2 of the Northumberland Local Plan (Publication Draft Plan) sets out criteria relating to the effects of development on the transport network. Policy TRA 4 of the Northumberland Local Plan (Publication Draft Plan) relates specifically to parking provision in new development.

7.20 The Council's Highway Development Management team has been consulted on this application and has no objection to the proposed development subject to conditions. The Council's Highways Development Management team considers that the proposed development would not have an adverse impact on highway safety. The proposed development is considered to be in accordance with Policies GD4 and

GD6 of the Tynedale District Local Plan, Policies TRA 1 and 2 of the Northumberland Local Plan (Publication Draft Plan), in relation to highway safety, and is acceptable in line with the NPPF.

### Equality Duty

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

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

### Human Rights Act Implications

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.

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.

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 proposal would adhere to Policy GD1 of the Tyendale Local Plan which sets out the principles for the location of development. However, the proposed development would not accord with Policies GD2 and H33 of the Tyendale Local Plan and the Allendale Neighbourhood Plan which relates to the design, scale and

massing and highlights the importance of respecting the character of the existing building and surrounding area. The proposal also fails to accord with Policy NE15 of the Tynedale Local Plan and the North Pennines AONB Design Guide which relates to the impact the proposal would have on the North Pennines AONB.

## **9. Recommendation**

That this application be REFUSED permission subject to the following:

### Conditions/Reason

1. By virtue of its design, scale, and massing the proposal would result in a disproportionate addition over and above the size of the original building. The proposed works would not allow for the original dwelling to remain the dominate form and due to the proposed scale and design would not respect the character of the original cottage nor the surrounding AONB. The proposal would be contrary to Policies GD2, H33 and NE15 of the Tynedale Local Plan, the Allendale Neighbourhood Plan, the North Pennines AONB Design Guide and the and the principles of the National Planning Policy Framework.

**Background Papers:** Planning application file(s) 20/03348/FUL