



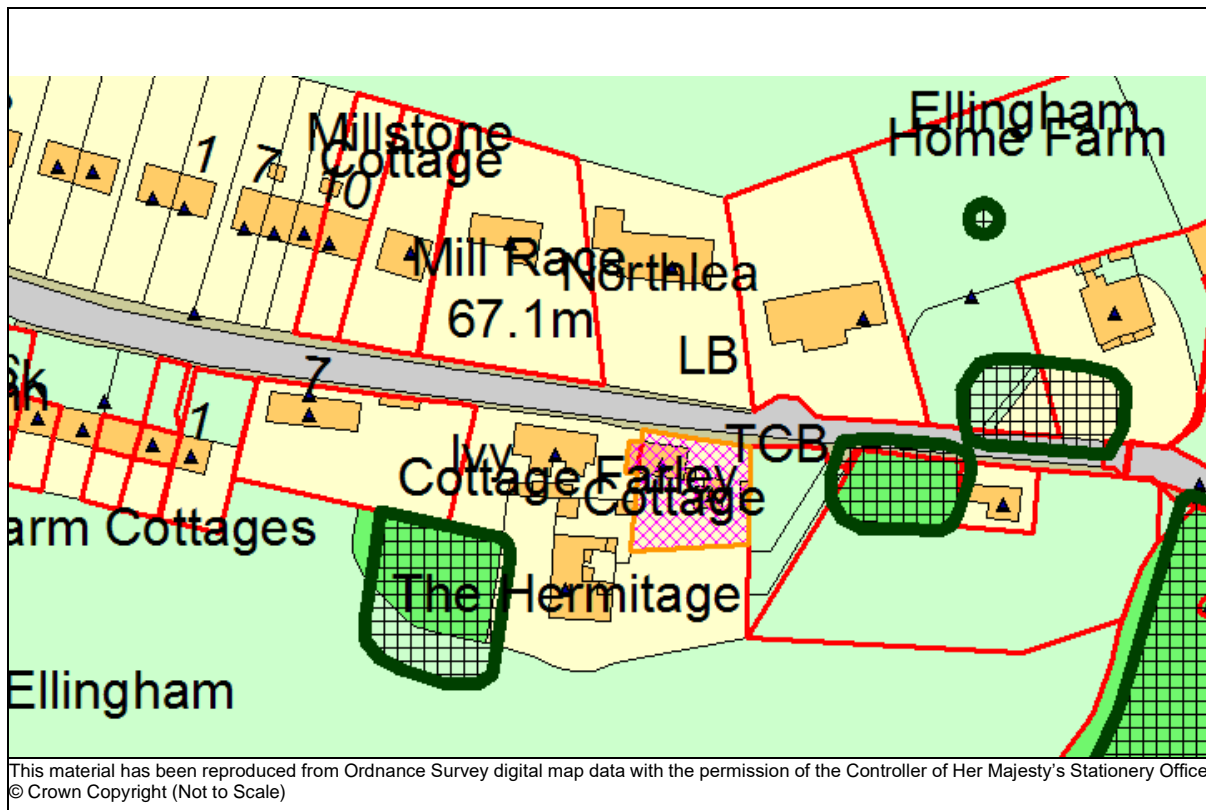
# Northumberland County Council

## NORTH NORTHUMBERLAND LOCAL AREA PLANNING COMMITTEE

23<sup>rd</sup> September 2021

<b>Application No:</b>	21/01840/FUL		
<b>Proposal:</b>	Replacement of timber cladding with new natural cedar boarding. Change of balustrade to glazed and patio size as built. (retrospective)		
<b>Site Address</b>	The Signal Box, Farley Cottage, Ellingham, Chathill Northumberland NE67 5HA		
<b>Applicant/ Agent</b>	Mr David Brewis Belmont, North Bank, Belford, NE70 7EU		
<b>Ward</b>	Longhoughton	<b>Parish</b>	Ellingham
<b>Valid Date</b>	5 May 2021	<b>Expiry Date</b>	30 June 2021
<b>Case Officer Details</b>	Name: Mr James Hudson Job Title: Planning Officer Tel No: 01670 622646 Email: James.Hudson@northumberland.gov.uk		

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



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## 1. Introduction

1.1 Following an objection from the Parish Council the application was referred to the Director of Planning and the Chairs of Planning Committee where it was resolved that the application should be determined by the Planning Committee.

1.2 Planning permission for the conversion of the building to a one bedroom holiday apartment with external alterations was approved on 03.12.20 under planning application reference - 20/01767/FUL. The application site has been developed under the above planning approval, however, part of the works including the glazed balustrades and the increased size to the existing rear balcony have been carried out and are not in accordance with the approved plans. Retrospective permission for the glazed balustrades and increased patio balcony is being sought as alongside the proposed change in external materials, from black painted timber boards to new untreated cedar boards.

## 2. Description of Proposal

2.1 The application site relates to the Signal Box located east of Farley Cottage, Ellingham, Chathill. Planning permission is sought for the replacement of timber cladding with new natural cedar boarding and retrospective permission for the change of balustrade to glazed and patio size as built.

2.2 The site is located within an area of intermediate landscape value.

## 3. Planning History

**Reference Number:** N/87/B/0049/P

**Description:** Erection of a front entrance porch

**Status:** PER

**Reference Number:** 20/01767/FUL

**Description:** Proposed change of use from store to holiday apartment.

**Status:** PER

**Reference Number:** 13/01729/FUL

**Description:**

Replacement of existing rear lean-to on wider footprint to provide utility room and shower room and construction of dining room extension

**Status:** PER

**Reference Number:** N/87/B/0049/P

**Description:** Erection of a front entrance porch

**Status:** PER

## 4. Planning Policy

### 4.1 Development Plan Policy

F1 Environmental Wealth  
 F4 Intermediate Area of Landscape Value  
 F31 Social and Economic Welfare

#### 4.2 National Planning Policy

National Planning Policy Framework (2021) - NPPF  
 National Planning Policy Guidance (2021) - NPPG

#### 4.3 Other Documents/Strategies

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

STP 1 Spatial strategy (Strategic Policy)  
 QOP 1 Design Principles (Strategic Policy)  
 QOP 2 Good Design and Amenity  
 ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
 ENV 7 Historic environment and heritage assets

National Design Guide (2019)  
 National Design Code (2021)

### **5. Consultee Responses**

<p>Ellingham Parish Council</p>	<p>Ellingham Parish Council objects to the retrospective planning application for 21/01840/FUL The Signal Box Farley Cottage Ellingham, and supports the objections of the residents of Humble Croft and The Hermitage. The new structure is larger than the original, and in particular the balcony perspex screening, replacing a wooden balustrade, is visible from the street, intrusive in the landscape and totally unsympathetic to the surrounding built environment.</p> <p>This application represents an over development of the site, with a negative visual impact on the area and newly overlooking The Heritage. As noted in a previous application, Ellingham Parish Council are concerned about the lack of sufficient on site parking, putting additional pressure on the limited on street parking in the Village</p>
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### **6. Public Responses**

#### Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	7
Number of Support	0

### Notices

No Site Notice Required.

No Press Notice Required.

### Summary of Responses:

7.no neighbour objections. Matters raised include:

- Design and visual impact of the development
- Parking provision
- Overlooking/privacy
- Holiday Let restriction

## **7. Appraisal**

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are;

- Principle of Development,
- Emerging Policy
- Scale, Design & Visual Impact
- Amenity
- Other Matters

### Principle of the development

7.2 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development.

7.3 Paragraph 219 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The adopted development plan for the area the application site is located in comprises the saved policies of the Berwick Local Plan (1999) (BLP). The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.4 Policy F1 of the BLP seeks to ensure that "primary importance will be given to sustaining and enhancing the Borough's environmental wealth". Policy F4 of the same document seeks to ensure that any development within the Intermediate Areas of Landscape value accords with its surroundings, in terms of scale, mass, materials etc. and sets out locational requirements for development. Policy F31 of the same document seeks to ensure that, in applying Framework policies, appropriate 'weight'

is given to the degree to which proposals enhance the quality of life of communities or complement the range of their social and economic functions. It is considered that the proposal, which proposes changes to a holiday unit already granted under 20/01767/FUL, is acceptable in accordance with the provisions of the BLP and the NPPF.

### Emerging Policy

7.5 Paragraph 48 of the NPPF states that weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The emerging Northumberland Local Plan - Publication Draft Plan (Reg 19) and proposed minor modifications was submitted for examination on 29th May 2019. The policies contained within this document carry some weight in the determination of planning applications at this stage.

7.6 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.7 Policies STP1, QOP1, QOP2, ENV1 and ENV7 from this document are considered to be of relevance to this application and the application would accord with such policies. However, in accordance with Paragraph 48 of the NPPF; the policies contained within the document at this stage carry limited weight in the appraisal of planning applications.

### Scale, Design & Visual Impact

7.8 Policy F4 of the BLP sets out the criteria against which new development shall be assessed. This includes the impact on adjacent land uses in terms of scale, massing, materials, etc and sets out locational requirements for development.

7.9 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 seeks to ensure that developments are sympathetic to local character and design.

7.10 In June 2021 new provisions were added to the NPPF in relation to design. Paragraph 129 of the NPPF advises that the guidance contained the National Design Guide and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Northumberland does not yet have any NPPF-compliant Local Design Guides. Until such time as it does, we must use the National Design Guide and National Model Design Code to guide decisions on applications. In accordance with the new provisions in NPPF, development that is not well designed should be refused,

especially where it fails to reflect government guidance on design. Conversely, significant weight should be given development which reflects government guidance on design; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.11 The proposal relates to a holiday let, surrounded by nearby residential properties. The host property is currently timber clad at the first floor and painted black, with a rear first floor patio balcony. Works have been carried out under planning approval 20/01767/FUL to convert the former storage building into holiday let accommodation. External alterations such as formalising the patio balcony and amendments to windows and doors was carried out under the previous approval. Retrospective permission is now sought for the enlarged balcony and permission is sought to clad the building.

7.12 The proposed balcony will now span the full width of the rear elevation having an approximate 15m<sup>2</sup> floor area, which is a net increase of 3m<sup>2</sup> from the existing balcony. Glazed obscured balustrading with stainless steel posts are also being proposed to replace the existing timber balustrading. The existing building is clad in black painted timber boarding. This application also seeks the replacement of the existing cladding to be replaced by untreated cedar boarding fitted to all first floor elevations.

7.13 Having assessed the proposal against local and national planning policy and the 10 characteristics outlined in the National Design Guide it is considered that proposal would not have significantly harmful effect on the character and appearance of the site and surrounding aesthetic. While the development represents a visual change in appearance and scale from the existing building it is considered that the proposal would accord with the National Design Guide, Policy F4 of the BLP and Paragraph 126 and 127 of the NPPF.

7.14 Policy QOP 1 of the emerging NLP echoes this and seeks to support development which respects its surroundings. Policy ENV 1 of the same document states that the character and significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by taking an ecosystem approach to understanding the significance and sensitivity of the natural resource. Meanwhile Policy ENV3 states that proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character. Policy ENV4 seeks to limit the urbanising effects on open countryside landscapes. The proposal is in general accordance with these policies, however little weight can be attributed to them at this time.

### Amenity

7.15 The NPPF advocates the creation of 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.

7.16 The nearest residents to be directly affected by this development are located immediately to the west at Farley Cottage. Objections in relation to privacy have been raised from residents. Having assessed the proposal in the context of the existing patio balcony and the impact of its extension it is considered that the

proposed external alterations would not give rise to any significant impact on neighbouring residential amenity.

7.17 Having regard to the above it is considered that the proposals would not have an adverse impact on the living conditions of existing residential neighbours. Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users. Due to the site location, there would not be any substantive impacts on amenity resulting from the proposal in terms of loss of light, outlook, overbearing or privacy. As such the proposal is in accordance with BLP and the NPPF in this respect.

7.18 Policy QOP2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses. It is considered that the proposal is in accordance with this, however little weight can currently be given to this policy.

### Other Matters

7.19 The parish council and neighbours have objected to the proposed impact on car parking. However, parking and highway matters are not considered material planning considerations in the determination of this application as the planning permission is for works to the external appearance and alterations to the property only. NCC highways were consulted as part of the previous planning permission for the change of use into a holiday let and had no objections to the proposal.

### Equality Duty

7.20 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

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

### Human Rights Act Implications

7.22 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.

7.23 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.

7.24 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 main planning considerations in determining this application have been set out and considered above stating accordance with the relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The proposal has addressed the main considerations and would accord with relevant policy and is considered acceptable. The proposal is therefore recommended for approval

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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

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

02. Approved Plans

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. Location Plan– uploaded 27.03.21
2. Proposed Site Plan - uploaded 27.03.21
3. Proposed Plans drawing - JF04B - uploaded 27.03.21



Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and complies with the National Planning Policy Framework.

**Background Papers:** Planning application file(s) 21/01840/FUL