



# Northumberland

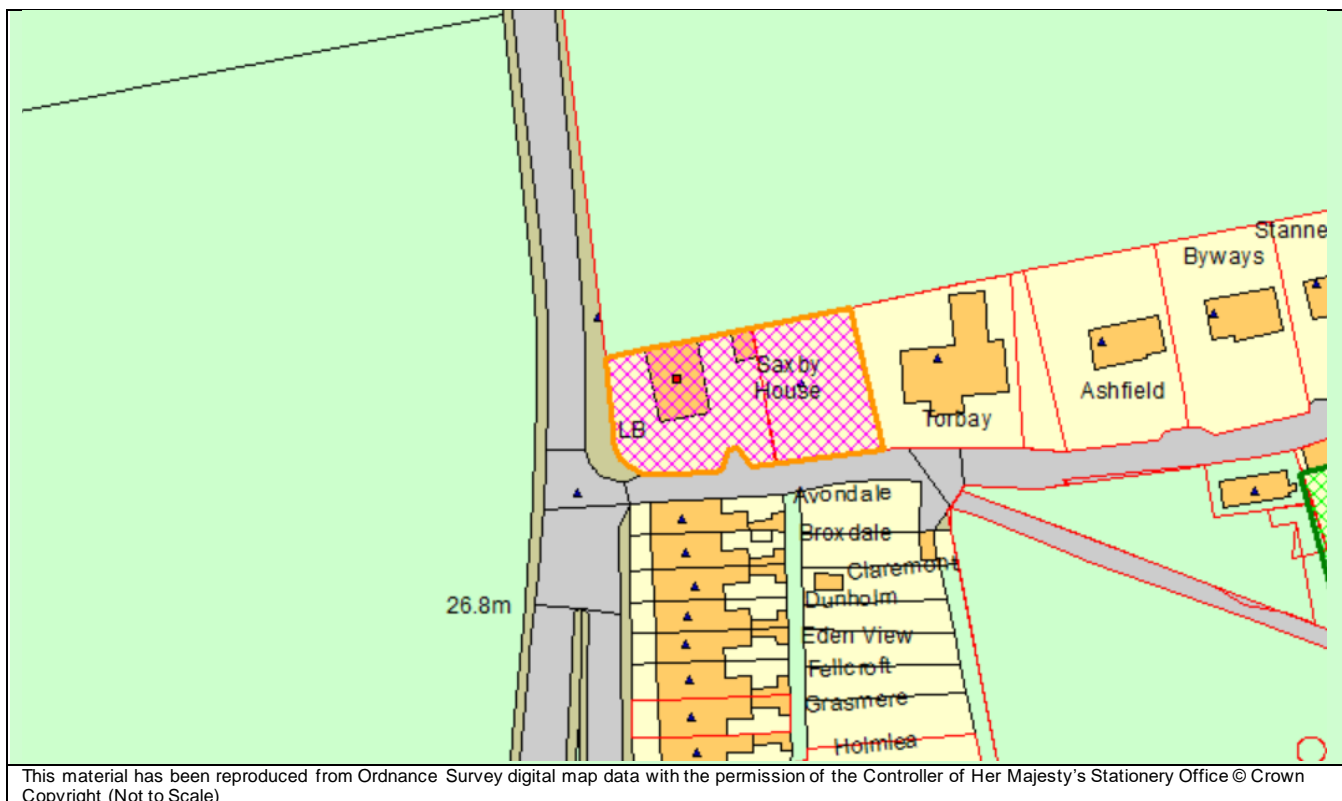
## County Council

### Tynedale Local Area Council Planning Committee

#### 14 December 2021

<b>Application No:</b>	21/03104/FUL		
<b>Proposal:</b>	Construction of a first floor rear garden room extension with balcony and external staircase		
<b>Site Address</b>	Saxby House, Station Road, Corbridge, NE45 5AY		
<b>Applicant/ Agent</b>	Mrs Jenny Ludman 26 Hallgate, Hexham, NE46 1XD,		
<b>Ward</b>	Corbridge	<b>Parish</b>	Corbridge
<b>Valid Date</b>	4 August 2021	<b>Expiry Date</b>	29 September 2021
<b>Case Officer Details</b>	Name: Miss Casey Scott Job Title: Planning Technician Tel No: Email: Casey.Scott@northumberland.gov.uk		

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



## 1. Introduction

1.1 The application site is located within the Parish of Corbridge. Corbridge Parish Council wish to support the application, which is contrary to officer recommendation for the application.

1.2 Following referral to the Director of Planning and the Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Virtual Delegation Scheme, it was agreed that the application raises issues of strategic, wider community or significant County Council interest, and so should be considered by the Committee.

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

2.1 Full planning permission is sought for the construction of a first floor rear garden room extension with a balcony and external staircase to a residential property at Saxby House, Corbridge.

2.2 Saxby House is a large, detached stone property set within a generous curtilage. The property is constructed of stone with white timber sash windows and a dual pitched slate roof. The property is set on the corner of Station Road and The Stanners, located in a group of to the south of the village of Corbridge and adjacent to an open field in a prominent location.

2.3 The current proposal seeks to construct a first floor orangery to the rear of the property, positioned above stone postings, leaving a void underneath. The orangery would measure 2.47m in height to the bottom with a void area underneath and 5.17m to roof of the flat roof. The orangery would extend 3.65m in length from the rear of the property and 5.32m in width, and would be constructed of stone with upvc openings to the northern, eastern and southern elevations, with a roof lantern to match the existing. To the east of the orangery at first floor level, a balcony is proposed which would measure 3.4m in length beyond the currently proposed first floor garden room, and 5.04m in width. The balcony would be accessed via a new external metal stairs to the south side of the balcony. The balcony would be enclosed with a glass balustrade that would sit flush with the proposed orangery and original building. The scheme includes the erection of a 1.9m privacy screen from the balcony to the east.

2.4 The current application is a resubmission of a similar previously refused application, reference 20/03550/FUL. This previous proposal was refused in February 2021 under delegated powers for the following reasons:

*1. The proposed development, by virtue of its size, scale and massing in the context of previous additions to the property, would result in disproportionate cumulative additions over and above the size of the original building. The proposal is therefore inappropriate development within the Green Belt, and the very special circumstances necessary to outweigh this harm by reason of inappropriateness and by having a greater impact on openness do not exist. The principle of the proposal would therefore be contrary to Policies NE7, NE14 and H20 of the Tynedale Local Plan, and the National Planning Policy Framework.*

*2. The proposed development, by virtue of its scale, massing and design, would have an unacceptable adverse impact on the character and appearance of the property, the streetscene and on the amenity value of the wider area. The development would be contrary to Policies BE1 and NE1 of the Tynedale District Local Plan, Policies GD2, H20 and H33 of the Tynedale District Local Plan and Paragraph 127 of the National Planning Policy Framework.”*

2.3 The application site is located within open countryside, situated within the Green Belt as identified in the Development Plan and is located within Flood Zone 3 as identified by the Environment Agency.

### 3. Planning History

**Reference Number:** 16/02360/FUL

**Description:** Proposed dwelling x 1

**Status:** Withdrawn

**Reference Number:** 20/03550/FUL

**Description:** Construction of a first floor rear orangery extension with bi folding doors to front onto a composite decking area with spiral staircase, glass ballustrades around perimeter, double glazed sky pod roof system and upvc double glazed windows

**Status:** Refused

**Reference Number:** T/20100143

**Description:** Replacement of flat roof with pitched roof and replacement of external wall leaf from rendered to natural stone finish

**Status:** Permitted

**Reference Number:** T/78/E/553

**Description:** Erection of one detached dwelling house.

**Status:** Permitted

**Reference Number:** T/960850

**Description:** Proposed construction of a two storey side extension (As amended by drawing 96/131 Revision A received 21/1/97)

**Status:** Permitted

**Reference Number:** T/20011025

**Description:** Construction of a conservatory to the rear of

**Status:** Permitted

#### 4. Consultee Responses

Corbridge Parish Council	Corbridge Parish Council would support this application. Adaptation of existing houses vulnerable to flooding at The Stanners is very sensible.
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#### 5. Public Responses

##### Neighbour Notification

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

##### Notices

General site notice, displayed 19th August 2021  
No Press Notice Required.

##### Summary of Responses:

None received.

#### 6.Planning Policy

##### 6.1 Development Plan Policy

###### *Tynedale LDF Core Strategy 2007*

Policy GD1 – Locational policy setting out settlement hierarchy

Policy GD5 – Flood Risk

Policy NE1 – Principles for natural environment

Policy BE1 – Principles for the built environment

###### *Tynedale District Local Plan 2000 (Saved Policies 2007)*

Policy GD2 – Design Criteria for development

Policy H20 – Residential extensions in the open countryside

Policy H33 – Residential extensions

Policy NE7 – Green Belt

Policy NE14 – Extensions to buildings in the Green Belt

##### 6.2 National Planning Policy

National Planning Policy Framework (July 2021)

National Planning Practice Guidance (2018, as updated)

### 6.3 Emerging Planning Policy

*Northumberland Local Plan Publication Draft (Regulation 19) with Main Modifications (June 2021)*

Policy STP 1 – Spatial Strategy (Strategic Policy)

Policy STP 2 – Presumption in favour of sustainable development

Policy STP 3 – Principles of sustainable development (Strategic Policy)

Policy STP 4 – Climate change mitigation and adaptation (Strategic Policy)

Policy STP 7 – Strategic approach to the Green Belt (Strategic Policy)

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 HOU 8 – Residential development in the open countryside

Policy HOU 9 - Residential development management

Policy ENV 1 – Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

Policy ENV 3 - Landscape

## **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 comprises policies in the Tynedale LDF Core Strategy 2007 and the Tynedale District Local Plan 2003 as identified above. The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.3 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.

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

- Principle of the Development within the Green Belt
- Design and Visual Impact

- Impact on Residential Amenity
- Flood Risk

### Principle of the Development and Green Belt

7.5 The building is set within a small group of buildings, located within the open countryside and Green Belt. Policy GD1 of the Tynedale Core Strategy states that in open countryside development will be limited to the re-use of existing buildings, unless the development is covered by other Development Plan policies. The principle of extending a property in the open countryside accords with Policy GD1 in this regard, though acceptability of the principle of the works should be in relation to compliance with other relevant development plan Policies. Policy H20 allows limited extension to existing dwellings in the open countryside.

7.6 The application site is located within the Green Belt. Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 of the NPPF states that the Green Belt serves the following five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.7 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this is *'extensions to existing buildings, provided that the proposal does not result in disproportionate additions over and above the size of the original building'*

7.8 The property has previously been subject to numerous extensions. Consent reference T/960850 granted permission for a two storey extension to the south facing gable elevation; this application was taken before Members of the former Tynedale District Planning Committee in January 1997 as officers had recommended refusal on the grounds that the proposal would result in an unsympathetic addition in regard to scale and design. Members of that Committee subsequently granted consent. This addition led to a 44% increase in the overall volume of the original building.

7.7 From here, permission was granted for a minor increase in volume of the roof and replacement of render elevation with a stone clad elevation in order to improve the appearance of the building under decision T/20100143 in April 2010. The officer report describes a previous two storey extension to the northeast corner of the property and goes on to state that the previous additions to the property at the time amounted to a 121% cumulative increase in scale over and above the size of the original building. The approved minor works under T/20100143 amounted to a 125% cumulative increase.

7.8 As set out earlier in this report, the previous additions to the property have already led to additions which amount to a cumulative increase in scale by 125%. This is disputed by the applicant who consider that the figure lies at around 80%. In either case, the extensions to the original property are already significant and could not be

considered as limited. Officers consider that the previous additions to the property are already a substantial and clearly disproportionate increase over and above the scale of the original building. The addition of a further extension as proposed under the current application would lead to a significantly extended building in this open countryside and Green Belt location contrary to the NPPF, Tynedale Core Strategy Policy GD1 and policies H20, NE7 and NE14 of the Tynedale District Local Plan.

7.9 For the reasons set out above, the proposed development is considered to be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances. Paragraph 148 of the NPPF then states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 148 states that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.10 The applicant has submitted a supporting statement that sets out that they consider that the proposed extensions are necessary to allow them to live on the first floor of the property in the event of flooding and that this amounts to Very Special Circumstances. The site lies partly within Flood Zone 3 and the property was last significantly affected by flooding after storm Desmond in 2015 when the property had to be evacuated.

7.11 Officers entirely sympathise with the applicant's desire to make their property more resilient to flooding, and hope that following significant prevention works having been undertaken in the area, that the property would not be affected in the same way again. However, whilst operational works to provide external first floor access could be acceptable in principle, the addition of the sun room extension to this already large property is not considered necessary to enable the applicants to continue to live above the ground floor. Consequently, it is not considered that Very Special Circumstances exist that would outweigh the harm to the Green Belt caused by inappropriate development.

### Design and Visual Impact

7.12 Policies GD2, H20 and H33 of the Tynedale District Local Plan require extensions to residential properties to respect the character of the building, whilst Policy H20 also requires extensions in the open countryside to not substantially increase the size of the property.

7.13 Set out Policy BE1 of the Tynedale Core Strategy, development must enhance the quality and integrity of Tynedale's built environment. The first sentence of Paragraph 126 of the NPPF sets out that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.'. Paragraph 130 of the NPPF states planning policy and decision should ensure that 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;'. Likewise Paragraph 134 maintains that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'.

7.14 It is proposed to construct a first floor garden room extension with a balcony and associated privacy screen, glass balustrade and metal staircase. The northern elevation of the property forms the boundary with the open field adjacent to it and is

highly prominent on approach from Corbridge village. The location of sun room at the first floor is out of keeping with the character of the existing property and would highly visually intrusive from the wider area, particularly when lit in the dark. The proposed privacy screen at this height and in this position would also detract from the appearance of the property and the street scene. Consequently, the proposed development would not respect the character of the building or the character or appearance of the surrounding area. It is considered that the inappropriate design and the subsequent visual impact of the proposal would conflict with Policy BE 1 of the Tynedale Core Strategy, Policies GD2, H20 and H33 of the Tynedale District Local Plan and the NPPF.

#### Impact on Residential Amenity

7.15 The proposed is set within a large curtilage, therefore the nearest neighbouring property is approximately 30m to the east of the proposed balcony. Any impact on the amenity of these neighbours as a result of this development would be mitigated through the use of a fixed screen, that could be secured through a planning condition.

7.16 The proposed green room extension has been assessed and this part of the scheme would not result in any overbearing impact, loss of light or loss of privacy. The proposal can therefore be considered in accordance with Policies GD2 and H33 of the Tynedale District Plan and the NPPF.

#### Flood Risk

7.17 The proposal for the raised garden room and balcony within the residential curtilage of a property within Flood Zone 3 would not lead to an increased flood risk within the site or elsewhere, in accordance with Policy GD5 of the Tynedale Core Strategy and 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. Recommendation**

That this application be REFUSED planning permission for the following reasons:

### Reasons

1. The proposed development, by virtue of its size, scale and massing together with previous extensions to the property, would result in disproportionate cumulative additions over and above the size of the original building. The proposal is therefore inappropriate development within the Green Belt, and the very special circumstances necessary to outweigh this harm have not been demonstrated. The principle of the proposal would therefore be contrary to Policies NE7, NE14 and H20 of the Tynedale Local Plan, and the National Planning Policy Framework.
2. The proposed development, by virtue of its scale, massing and design, would be highly prominent and would have a significantly detrimental impact on the character and appearance of the property and the wider area. The development would be contrary to Policy BE1 of the Tynedale District Local Plan, Policies GD2, H20 and H33 of the Tynedale District Local Plan, and the National Planning Policy Framework.

**Background Papers:** Planning application file(s) 21/03104/FUL, 20/03550/FUL, 19/00750/FUL, 19/00151/FUL, 20/04134/FUL, 19/00750/FUL, 19/01422/FUL, 18/04028/FUL, 20/04134/FUL, 19/01031/OUT, 16/04673/OUT, 19/01251/FUL, 20/00825/FUL.