DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0854/17/FUL
Proposal: New dwelling on existing building footings at land adjacent to 5 Lawn Drive, West Boldon. The application proposes a contemporary new dwelling on land which had previously started development under approved planning application ST/1303/13/FUL
Location: Land adjacent to 5 Lawn Drive
West Boldon
NE36 0AZ

Site Visit Made: 08/11/2017

Relevant policies/SPDs

1 LDF CS EA1 - Local Character and Distinctiveness

2 DM1(A, B, C & G) - Management of Development

Description of the site and of the proposals

The application site is a building plot which was formerly part of the garden of no. 5 Lawn Drive but has subsequently been sub-divided from this property with a fence. The application site is therefore currently a building plot which lies to the south side of the two storey detached dwelling at no. 5 Lawn Drive, West Boldon. The total area of the application site is 0.1 hectares.

Lawn Drive consists of 11no. detached and semi-detached dwellings. Although the dwellings within Lawn Drive vary in built form and appearance, they all share the same character in terms of their modest size and positioning set well within their large garden plots. These gardens are well stocked with established trees and shrubs and they combine to give Lawn Drive a wooded semi-rural character.

Most of the established trees both within the application site and on adjacent land are protected by Tree Preservation Orders (TPO no 148:2007 and TPO no. 8:1977) including the trees that flank the southern and western boundaries of the application site.

Both the application site and the remaining dwellings within Lawn Drive form part of the designated boundaries of the South Tyneside Green Belt in accordance with the Council's adopted Local Development Framework Site Specific Allocations Development Plan Document.

No. 5 Lawn Drive is located to the north of the application site, April Cottage is the neighbouring detached bungalow lying to the south and no. 1 Lawn Drive and Linden House both lie to the east. Beyond the rear boundary of the application site is a large area of undeveloped farmland which is also included within the designated Green Belt boundary, with uninterrupted distant views towards the west.

The Proposal

The proposal includes a two storey detached property with a bedroom located within the roof space and it also includes an attached garage. It would be set back from Lawn Drive by 13 metres and it would utilize an existing entrance with the existing driveway being extended. It would be located 6 metres from the common boundary with April Cottage at the closest point, 1 metre from the common boundary with no. 5 Lawn Drive to the utility room and bathroom and 3 metres to the main dwelling. It would be located on the north side of the plot to retain the mature tree group to the south, including the turkey oak and horse chestnut and the set back from Lawn Drive preserves the existing frontage including the large sycamore tree. All the trees on the plot would be retained except the Whitebeam T2 adjacent to the road on the southern boundary.

The dwelling would have a maximum width of 14.6 metres and a maximum length of 16.7 metres. It would have a maximum height of 9.3 metres to the ridge of the roof. Adjacent to the common boundary with April Cottage the property includes a garage with a study above with a height of 5 metres adjacent to this boundary.

The property would be constructed of red facing, slate roof, single ply membrane roof coloured dark grey, cladding, dark grey eaves fascia and double glazed dark grey windows and doors.

Planning History

Application Site

Although now lapsed, planning permission to build a detached bungalow on the current application site was approved in 1977 (Ref: ST/0155/77/DM) and in 1980 (Ref: ST/0120/80/DM). These permissions were given due to the bungalow being set well within its plot boundaries.

Following the approval of these two previous applications, planning permission was subsequently granted, application reference ST/1303/13/FUL, for the proposed construction of a 2no. storey 4no. bedroomed dwelling on the current application site. This planning permission has now lapsed and has not been fully completed. The foundations have been installed and a dwarf breeze block wall constructed but no further works have been carried out.

The current application amends the previously approved 2013 proposal by increasing the wide of the dwelling by 2.2 metres at a maximum, it would be 1.8 metres longer and 0.9 metres higher to the top of the pitched roof to the main section of the dwelling.

Neighbouring Dwelling, no. 5 Lawn Drive

In 2009 planning permission was granted to extend/alter no. 5 Lawn Drive (Ref: ST/2352/08/FUL). These works involved converting a side garage (north elevation) to a living room with a first floor extension above and a ground floor extension to the rear elevation. This permission was not implemented, but works have recently been completed on a subsequent scheme (Ref: ST/1645/10/FUL) approved in 2011. This later scheme included a two storey side extension and roof dormers.

An application for a garage extension to the front elevation, a 2no. storey and part single storey extension to the rear, a new boundary wall with metal railings above and glazed windows to the side elevation at no. 5 Lawn Drive (Ref: ST/0504/17/HFUL) was recently refused planning permission. The application was refused planning permission because it was considered that the proposed extensions, when viewed in conjunction with the previously approved extensions to the host property, would represent a disproportionate level of development in relation to the size of the original property and would result in a severe detrimental impact upon the openness and the character and appearance of the Tyne and Wear Green Belt. This would not be in accordance with the NPPF and Policy EA1 of the South Tyneside Local Development Framework 2007.

The appeal was dismissed on 26/01/2018 when the Inspector concluded that the proposed development would be inappropriate in the Green Belt and that there are no very special circumstances that would warrant granting planning permission. The proposal would be contrary to the relevant requirements of Policy EA1 of the Core Strategy and the relevant policies in the Framework.

Publicity / Consultations (Expiry date – 05/10/2017)

1) **Neighbour responses –** One

April Cottage

- Strongly object to this application on the grounds that putting a 3 storey building between a 2 storey building and a bungalow with a second bungalow directly opposite is totally out of keeping and also there are no other 3 storey buildings on this estate.

- The hedge between 5 Lawn Drive and April Cottage is on land owned by April Cottage and not as shown on the Architects site plan. The pier at the top of the garden marks the boundary and belongs to April Cottage. The dimension on my land deeds confirms this, plus it is the same style as the other wall piers belonging to April Cottage. Have maintained this hedge for over 35 years and replanted over 80% of it.

2) Other Consultee responses - three

Waste Manager

- No objections to the build.
- Minimum bins would be 2 x 240 litre for general waste and recycling as the property has a garden, a green 240 litre wheeled bin may be required but this is chargeable seasonal service.
- All bins would have to be purchased through South Tyneside Council.

Landscape

The following conditions would be required.

- Tree protection fencing in place as per the submitted arboricultural impact assessment and to BS5837 prior to any further construction being carried out on site.
- Method statement for pile foundations approved prior to work commencing.

Traffic and Road Safety

- No objections to the proposed development.

Assessment

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material planning considerations indicate otherwise. In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

The issues to consider in the determination of this application are:

- Green Belt
- Design
- Residential amenity
- Highway safety
- Impact upon protected trees

Green Belt

South Tyneside Local Development Framework Core Strategy Policy EA1 seeks to protect and enhance the openness of the Green Belt and to preserve the separate and special characters of the urban fringe villages including West Boldon.

The National Planning Policy Framework states in paragraph 87 that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It continues by confirming that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Annex 2 of the National Planning Policy Framework excludes private residential gardens from the definition of previously developed land. The proposal therefore is on land that is not defined as previously developed.

In line with NPPF Green Belt Policy a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the limited infilling of villages.

This proposal differs from the recently refused application to extend 5 Lawn Drive, as the decision reached on this neighbouring site, centred around the excessive scale of the proposed extension/s based upon the scale of the host dwelling as originally constructed. National planning policy makes clear, that a proposed extension to an existing dwelling would not be defined as 'inappropriate development within the Green Belt' provided 'that it does not result in disproportionate additions over and above the size of the original building'. However the proposed extension at 5 Lawn Drive, when added to the previous additions to the property, represented a significant increase in floorspace and this increase was deemed not proportionate to its host and as such it was deemed by definition 'harmful' to the Green Belt. Although the Inspector noted within his appeal decision that the proposed extension to 5 Lawn Drive would only introduce limited harm to the openness of the Green Belt, due to the development being to the rear of the existing dwelling and set into the site behind established trees and neighbouring buildings, he identified that the proposal was by definition harmful and that national planning policy requires that substantial weight must be given to this. The appeal was therefore dismissed in line with Green Belt national planning policy.

Whereas the current proposal is to build a new detached dwelling on an undeveloped plot of land and this is considered to represent the limited infilling of an existing village. This is due to the scale, massing and positioning of the proposed dwelling within the plot, and this would therefore exclude it from the government's definition of 'inappropriate development' as set out within paragraph 89 of the National Planning Policy Framework document.

Furthermore, planning permission has historically been approved for a dwelling on this plot of land and the current proposal would be largely constructed on the footings of the previously approved dwelling. As such weight must be given to this fall-back position. The new dwelling is only marginally larger than the previously approved scheme, and the applicant is likely to have a strong case if he were to argue that the works carried out on site have kept the previous permission alive for planning purposes.

The proposal would accord with Green Belt policy as it represents both limited infill within the existing village of West Boldon and also limited infill within an existing isolated group of dwellings. Both the location and setting of the new dwelling within a significant plot set between existing dwellings and established trees would not have any greater impact on the original purpose of including Lawn Drive as a whole in the Green Belt.

Design

The South Tyneside Local Development Framework Policy DM1 (A) makes clear that in determining all planning applications the Council will ensure that, where relevant the development is designed to convey sensitive consideration of its surroundings, and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

As already set out within this report although the 11no. dwellings that comprise Lawn Drive are varied in terms of their massing, scale and appearance the spacious layout of the dwellings set well within their landscaped large garden plots enhances the wooded semi-rural character of this part of West Boldon.

Previous infill housing development within Lawn Drive, i.e. The Bungalow, April Cottage and Linden House, including the permission given for the detached bungalow and the previously approved 2 storey detached dwelling at the current application site which was never fully implemented, have all benefited from low roof profiles and generous amounts of spacing between existing and proposed buildings. These key factors have enabled Lawn Drive to retain its pleasant spacious character.

The current proposal would be set back into the plot respecting the position of the previously approved bungalow and detached dwelling at the site. It would maintain a considerable gap to the boundary with April Cottage and although the house would be closer to the common boundary with no. 5 Lawn Drive, it is considered that the position of the dwelling within the plot would retain the spaciousness between the properties which would respect the existing built form within Lawn Drive.

Although the position of the dwelling within the plot would not respect the building line of the existing properties within Lawn Drive, the design would enable the retention of the large sycamore tree to the front of the plot and it would retain the spaciousness between the proposed dwelling and no. 5 Lawn Drive. If the property had been located to the front of the plot it would have reduced the open feel between the dwellings. In addition, the location of the proposed dwelling has been informed by the previously approvals for a bungalow and a detached 2 storey dwelling and it would utilise the foundations which have been constructed as part of the 2013 planning approval.

It is the location of the property, well screened by the vegetation and set back into the plot which helps to retain the character and appearance of the street scene of Lawn Drive.

This current proposal does involve increasing the size of the proposed dwelling to that which was previously approved in 2013. The increases in the size of the proposed dwelling include 2.2 metres in width, 1.8 metres in length and 0.9 metres in maximum height. However, it is considered given the location of the proposed dwelling within the plot that the increase in size of the dwelling would not significantly and detrimentally impact upon the spacious character of Lawn Drive.

For these reasons it is considered that the proposal would therefore represent an acceptable form of development and would be in keeping with surroundings in which it would be located and it would accord with Local Development Framework Policy DM1 (A) which requires development to convey a sensitive consideration of its surroundings.

Residential Amenity

The proposed dwelling would be well spaced away from the blank side gable end wall of April Cottage, there is mature laurel hedge with trees along this common boundary between the two properties and the proposal includes no windows in the gable elevation facing this property. Although the proposal does include a raised terrace area, this terrace would be set back into the plot and would be screened by the mature trees and hedging along the common boundary. It is not considered that the raised terrace would give rise to any issues of overlooking or loss of privacy for the occupiers of April Cottage and it is not considered that the proposal would have a detrimental impact on the occupiers of this property.

To the east of the proposed dwelling and facing the front elevation is the gable elevation of no. 1 Lawn Drive and the front elevation of Linden House. The gable elevation of no. 1 Lawn Drive is located at an oblique angle to the application site and it is not considered that there would be any impact on the residential amenities of the occupiers of this property. Linden House faces the application site however, the properties would not be directly opposite each other and would be separated by a distance of 26 metres. As a consequence, since the properties are not directly facing each other it is not considered that the proposal would have a detrimental impact on the residential amenities of the occupiers of this property.

No. 5 Lawn Drive is located to the north of the proposed dwelling. There is an existing lounge window at ground floor and a bedroom window in the side gable elevation of this property. These windows are both secondary windows to the rooms. The proposed dwelling would be set back into the plot and would therefore, not be in line with the gable elevation of no. 5 Lawn Drive and it would not include any windows in the gable elevation adjacent to no. 5 Lawn Drive. Consequently, there would be no issues of overlooking or loss of privacy for the occupiers of no. 5 Lawn Drive. In terms of over dominance these neighbouring windows are secondary windows and there would also be no issues regarding loss of sunlight or over dominance.

It is considered that the proposal would not have a detrimental impact in relation to residential amenity. The proposal would therefore, comply with Local Development Framework Development Management Policy DM1 criterion B which requires development to be acceptable in relation to any impact on residential amenity.

Highway Safety

The proposed dwelling would include an integral garage and a hardstanding to the front of the property of 15 metres in length. The proposal would therefore provide at least 2no. in-curtilage car parking spaces. Supplementary Planning Document 6 suggests a maximum provision of 2no. spaces per dwelling for a new residential property plus 1 space per 3 dwellings for visitors. It also notes that it may be appropriate to allow provision above these figures in the case of larger dwellings. It is considered that the proposed layout complies with this parking guidance.

The driveway would provide access onto Lawn Drive which is not a classified road. The access would provide adequate visibility and it is considered that the vehicular access to the property would be acceptable.

The proposal therefore complies with Local Development Framework Development Management policy DM1 criterion G which requires development to be acceptable in relation to highway safety.

Protected Trees

There are a number of the trees within the application site which are the subject of a Tree Preservation Order. These trees complement the amenity of the area with other soft vegetation which combines to provide a strong wooded character to the Lawn Drive enclave.

The proposal includes the retention of all the mature trees surrounding the site other than the Whitebeam tree T2. The Council's Landscape Officer confirmed as part of the 2013 application that this tree is showing evidence of decay and as a consequence, the removal of the tree would be acceptable and this position has not changed.

Therefore, the proposal would ensure the retention of the protected trees which provide an important landscape feature within Lawn Drive which is consistent with the objectives of Local Development Framework Policy DM1 (C).

Other Matters

In the letter of objection to this proposal from the occupier of April Cottage, this neighbouring resident disputes the boundary line between the two properties and has indicated that the hedgerow shown within the application site belongs to April Cottage. However, the proposal does not impact or involve any works to the hedgerow and therefore, it is not considered that the proposal would have an impact on this hedgerow.

Conclusion

The proposal is considered to be in accordance with LDF Policies DM1 and EA1. It would represent limited infill within the Green Belt, it would retain the spacious character of Lawn Drive and the existing trees would be retained. It would also be acceptable in relation to the impact on the residential amenities of the occupiers of the neighbouring properties and it would cause no concerns with regard to highway safety.

It is for the reasons elaborated above that the proposal is considered to be an acceptable form of development and is recommended for approval subject to the conditions listed below.

Recommendation

Grant Permission with Conditions.

Conditions

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plans as detailed below:

Drg No. AL (00) 0110 received 01/09/2017.
Drg No. AL (00) 0111 received 01/09/2017.
Drg No. AL (00) 0112 Rev A received 08/01/2018.
Drg No. AL (00) 0210 Rev A received 08/01/2018.
Drg No. AL (00) 0220 Rev A received 08/01/2018.
Drg No. AL (00) 0230 Rev A received 08/01/2018.
Drg No. AL (00) 0240 Rev A received 08/01/2018.

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The external surfaces of the development hereby permitted shall be as indicated on Drg Nos. AL (00) 0210, AL (00) 0220 Rev A, AL (00) 0230 Rev A and AL (00) 0240 Rev A all received 08/01/2018 unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

4 A protective barrier in the positions marked on Drg No. AMS TPP Rev A received on 01/09/2017 shall be erected to British Standard 5837:7&8 (or other fencing approved in writing by the Local Planning Authority prior to its use) before any further construction works hereby approved are commenced. The protective barrier shall be maintained in position and in good order during the whole period of construction works on site.

In order to provide adequate protection to trees which are the subject of Tree Preservation Orders during the construction phase, in accordance with Policy DM1 of the South Tyneside Local Development Framework.

5 The hereby approved development shall not commence until details have been submitted to and approved in writing by the Local Planning Authority of the foundations for the proposed new building, which shall be pile foundations as outlined in paragraph 4.2 of the Arboricultural Method Statement received on 01/09/2017. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In light of the close proximity of the development in relation to established trees, and to ensure that the health of the trees is adequately protected during the period of construction in accordance with Policy DM1 of the South Tyneside Local Development Framework.

6 Notwithstanding the provisions of Article 3 and Class A, B and E of Part 1 and of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement shall be carried out nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved, without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

To retain control of any future development, given the location of the site within the Green Belt and in relation to neighbouring dwellings and protected trees, in accordance with policies EA1 and DM1 of the South Tyneside Local Development Framework.

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

3 This planning permission does not give consent to carry out any works to the trees which are subject to Tree Preservation Orders and as such separate written consent from the Council must be obtained before carrying out any such tree works.

4 The Council requires the developer to provide, before first occupation a 240l

refuse bin and a 240l recycling bin to the Council's specification in order that the council can fulfil its obligation to collect and dispose of household waste. Details of the Council's specifications can be obtained from Waste Services at South Tyneside Council.

Case officer: Suzanne McDermott
Date: 31 January 2018

Authorised Signatory:
Date: