DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0800/19/HFUL
Proposal: Single storey garage extension.
Location: The Old Cooperage, Boldon Lane, Cleadon, SR6 7RF

Site Visit Made: 23/10/2019

Relevant policies/SPDs

1 LDF CS EA1 - Local Character and Distinctiveness
2 DM1 - Management of Development (A, B, C & G)
3 SPD9 - Householder Developments

Description of the site and of the proposals

Planning permission is sought for the construction of a single storey attached garage to the north elevation of The Old Cooperage, Boldon Lane in Cleadon.

The Old Cooperate is a two-storey detached dwelling position off Boldon Lane (a Class 3 classified Road) within open countryside. There are residential properties positioned across Boldon Lane to the south and south east, but otherwise the application site is surrounded by open land to the east, west and north.

Application details state that the proposed extension would project 4.4 metres to the north of the existing dwelling, and that it would be 2.5 metres in height to the eaves and 4.1 metres in maximum height. It would be constructed with walls of rendered blockwork, concrete roof tiles, and an aluminium powder coated white garage door.

It should be noted that permitted development (PD) rights were removed from the dwellinghouse when it was originally granted planning permission Ref: ST/0119/95/DM. The reason for removing PD rights at this time was '*to prevent loss of amenity to occupiers of adjoining dwellings which might be caused by developments which otherwise would be permitted*'. It was not in the interests of visual amenity.

On the adopted South Tyneside Site Specific Allocations proposals map the application site is located within Green Belt and Great North Forest.

Planning History

Previous planning history at the application site is as follows:

- 1995 – Planning permission granted to convert and extend an existing garage building with an extension into a dwellinghouse (Ref: ST/0119/95/DM).
- 1999 – Planning permission granted for a garage and utility room extension to the dwelling (Ref: ST/928/98/DM)
- 2003 – Temporary 1 year planning permission granted for the change of use of the existing extension to a retail saddlery outlet (Ref: ST/0367/03/DM)
- 2004 – Planning permission granted for the installation of a shop front with externally fitted roller shutter door (Ref: ST/1489/03/DM).
- 2004 – Planning permission granted (a renewal of planning permission Ref: ST/0367/03/DM) for the retail saddlery outlet for visiting members of the public (Ref: ST/0759/04/DM).
- 2005 – Planning permission refused for a proposed extension to the saddler shop (ref: ST/1545/04/DM). This was because the proposed extension would not have accorded with the purposes of the Green Belt designation when considered alongside the previous extensions to the property – it would have been an unsympathetic and disproportionate addition to the host

building, to the detriment of the visual amenities and the openness of the Green Belt. The decision was appealed (Ref: APP/A4520/A/05/1181537), however this appeal was subsequently dismissed.

Copies of decision notices, officer reports and plans for the above planning applications are on the application file, excepting planning permission ST/0928/98/DM (details of which are not available).

Publicity / Consultations

Site notice expiry date 13/11/2019

Given that there are no neighbouring properties in close proximity to the application site, no neighbours were notified of the application by way of letter. The only publicity undertaken was by way of a site notice (positioned on new lighting column VLC6700, on the other side of Boldon Lane opposite the entrance into the application site). However this site notice has still fulfilled the Local Planning Authority's statutory obligation in relation to publicity.

1) **Neighbour responses**

None received

2) **Other Consultee responses**

None received

Assessment

The main issues to consider in the assessment of this application are:

- Impact on the Green Belt
- Design and visual amenity
- Impact on residential amenity
- Impact on trees
- Impact on highway safety

Green Belt

Green Belt Policy Context

The application site is located within Green Belt. Adopted South Tyneside Local Development Framework (LDF) Core Strategy Policy EA1 seeks to conserve the best qualities of South Tyneside's built and natural environment with Criterion B stating the need for the Council to protect and enhance the openness of the Green Belt.

Paragraph 133 of the National Planning Policy Framework (NPPF) 2019 states 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 134 of NPPF states that Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent the 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.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. Paragraph 144 of NPPF states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. '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. Paragraph 145 of NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt (subject to certain exceptions), and Paragraph 146 lists certain other forms of development that are not inappropriate in the Green belt provided that they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.

One of the exceptions listed in Paragraph 145 is c) an extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the 'original building'. It should be noted that the exception in NPPF refers to 'original building' only, unlike the exception in the now obsolete Planning Policy Guidance (PPG) 2 'Green Belts'. The exception in Paragraph 3.4 of PPG2 referred to '*limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6)*'. It is assumed the change from dwellings to buildings is deliberate, but in any event the proposal is for an extension to a dwelling.

Proportionality test within Paragraph 145 of NPPF

The proposed extension needs to be assessed against the exception c) in Paragraph 145 of NPPF. In order to do this the following matters need to be determined:

- What is the 'original building'?
- What are considered to be extensions to the 'original building' for the purpose of Paragraph 145 of NPPF? Existing extensions if any to the original building should be assessed cumulatively with the current proposal to establish whether the exception (for extensions that do not result in disproportionate additions) to the Paragraph 145 applies.
- Are extensions including the current proposed extension proportionate over and above the size of the original building?

Original building

Having considered the planning history at the application site, as well as historic mapping on the Council's Ordnance Survey based mapping system, the 'original building' is considered to be the garage building that was at the site before it was converted and extended to create a new dwellinghouse (granted under planning permission Ref: ST/0119/95/DM). The garage building appears to have been in position when the planning system came into force on 1st July 1948 (historic maps illustrate the building in position between 1938 and 1942). Before it was converted and extended it was approximately 12.4 metres in length and 5.7 metres in width (70.68 square metres in gross floor area), 3 metres in height to the eaves and 4.9 metres in height to the ridge. These dimensions have been scaled from the planning drawings submitted under planning application Ref: ST/0119/95/DM.

Extensions to the 'original building'

Given that the 'original building' has been established, the second matter to determine is to what extent the 'original building' has been extended, and whether existing outbuildings within the curtilage of the dwellinghouse should be included as extensions to the 'original building'.

In terms of attached extensions to the 'original building', it was first extended when it was converted from a garage to a dwellinghouse under planning permission Ref: ST/0119/95/DM. This included increasing the height of the 'original building' to create a first floor, as well as to construct a single storey off-shot to the north (rear) and a bay window to the east (side) elevation. At this time the 'original building' was increased in height to 4.4 metres in height to the eaves and 5.7 metres in maximum height. The rear

extension projected 2.8 metres and was 4.45 metres wide. The building was then extended with a garage and utility room extension following the grant of planning permission Ref: ST/0928/98/DM. This garage was 27 square metres in gross floor area as explained in the officer report for planning application Ref: ST/0367/03/DM. It is estimated that the total gross floor area of extensions to the dwelling (including the additional floor) is 148.55 square metres – 70.68 square metres at first floor and 77.87 of other extensions (the rear extensions and the bay window).

Existing outbuildings within the curtilage of the dwellinghouse comprise two sheds attached to each other. Together they form an L-shape and are approximately 22.22 square metres in gross floor area. These sheds are unauthorised. However based on historic photographs on the Council's Ordnance Survey based mapping system, they appear to have been in situ since at least October 2003, and so are immune from enforcement action by virtue of the passage of time.

In considering whether the outbuildings may lawfully be treated as extensions or alterations to the original dwellings, notwithstanding the fact they are not attached to it, the case of Sevenoaks District Council v Secretary of State for the Environment and Dawe (1997) should be noted. This related to an application for a 4-bay car shelter extension to an existing garage at a large dwelling house. The court held (dismissing the appeal of the Inspector's decision) that the garage was part of the dwelling in the sense that it was a normal domestic adjunct and thus the Inspector was fully entitled to treat the appeal proposal as an extension. It is however a matter of fact and degree in each case.

It is considered that the external sheds comprise a domestic adjunct similar to a garage because they have the same functional connection to the dwellinghouse. They are therefore reasonably considered as extensions to the 'original building' for the purpose of Paragraph 145 of NPPF.

The proposed extension subject of this current application would be single storey and be approximately 26.415 square metres in gross floor area.

Based on the above, for the purpose of assessing this application it is considered that overall extensions to the 'original building' comprise the first floor of the existing building, extensions to the north (rear), the bay window to the east (side), the shed outbuildings and the current proposed extension subject of this application. The existing extensions (including the outbuildings) have a combined gross floor area of approximately 170.77 square metres in area. Therefore including the current proposal, the combined gross floor area of the extensions would be approximately 197.19 square metres.

Are overall extensions (as defined above), including the current proposal, proportionate over and above the size of the 'original building'?

The Local Planning Authority does not have a specific development plan policy / supplementary planning document in relation to extensions / alterations of dwellinghouses in the Green Belt, to help to determine whether overall extensions to an 'original building' would be proportionate additions over and above the size of the 'original building'. It is therefore considered that a judgement needs to be made taking into account the percentage increase of overall extensions in relation to the 'original building'.

Given that the 'original building' had a gross floor area of only 70.68 square metres, it has already been extended by approximately 242% over and above the size of the original building. These existing extensions are already significantly disproportionate in relation to the 'original building'. The proposed extension would further increase this disproportionality, resulting in overall extensions being approximately 279% over and above the size of the 'original building'.

It is considered that overall extensions including the current proposed extension would result in disproportionate additions over and above the size of the 'original building'. On this basis it is considered that the proposed extension would be inappropriate development in the Green Belt as defined by Paragraph 145 of NPPF.

Impact on the openness of the Green Belt

The harm by reason of inappropriateness in this case would be the impact associated with the loss of openness. The proposed extension would be positioned on a part of the application site which currently has no above ground development (except for some fencing). It would increase the prominence of the existing dwelling from a number of public vantage points, from Boldon Lane (in particular to the east), and from a public footpath (public right of way B13) to the north east of the site. It would therefore cause harm to both the spatial and visual aspects of the Green Belt. This harm would be high given that the spatial and visual impact of the proposed extension would have a significant and unacceptable impact on the openness of the area and erode its rural qualities. Openness is epitomised by the lack of 'above ground development', not by 'above ground development' that would be unobtrusive or camouflaged or screened in some way. As advised by NPPF, substantial weight must be given to any harm to the Green Belt by reason of inappropriateness and any other harm, unless there are specific 'very special circumstances' to override the harm.

Very Special Circumstances

The applicant has not provided any considerations which would enable the Local Planning Authority to conclude that, in the specifics of this case, 'very special circumstances exist to outweigh the harm to the Green Belt by reason of inappropriateness.

Other Green Belt Material Considerations - Planning Appeal Decision

A material consideration in the decision making process is dismissed planning appeal Ref: APP/A4520/A/05/118/1538 (relating to refused planning application Ref: ST/1545/04/DM). This related to an extension to the rear of a saddler shop which was formerly positioned within the off-shot to the rear of the building. The extension to the saddler shop covered a similar gross floor area as the current proposal. At this time the Planning Inspector concluded that the proposal was inappropriate development in the Green Belt as it was not one of the exceptions in the now obsolete Planning Policy Guidance (PPG) 2 'Green Belts. Although this appeal decision was assessed against different planning policy and guidance (and so against a different Green Belt exceptions tests), it is a matter of fact that a proposal of a similar scale and design has been refused at the same site due to its harmful impact on the openness of the Green Belt.

Green Belt Summary

Based on the above assessment, it is considered that the proposed extension would not protect or enhance the openness of the Green Belt, and so would not accord with adopted South Tyneside LDF Core Strategy Policy EA1 (Criterion B), or guidance within NPPF. For this reason it is recommended that the application be refused.

Design and impact on visual amenity (excepting Green Belt)

The proposed garage would be set well back from the public domain. It would be in keeping with the existing built form, and so on this basis it is considered that it would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials (with the exterior of walls and roof tiles being to match those of the existing dwelling). If planning permission was to be granted it is recommended that a condition be attached to any planning permission to control that external materials be as specified on the planning application form. Subject to compliance with this condition it is considered that the proposed extension would have an acceptable visual impact, and so it would accord with adopted South Tyneside LDF Development Management Policy DM1 (Criterion A) and the associated Supplementary Planning Document (SPD) 9 'Householder Developments' in relation to design and visual impact.

Impact on residential amenity

The proposed extension would not build towards any neighbouring properties. It is therefore considered that it would have no unacceptable impacts on the amenities of the occupiers of any neighbouring properties in relation to privacy, outlook and over dominance, or overshadowing. It would therefore accord with adopted South Tyneside LDF Development Management Policy DM1 (Criterion B) and the associated SPD9.

Impact on trees

There are trees within the application that have an amenity value, in particular along the boundary adjacent to Boldon Lane. However the proposed extension would no direct impact on any trees, and given the size of the application site and the position of the proposed extension, it would be unlikely to have any indirect impacts on trees. It is considered that the proposal would accord with adopted South Tyneside LDF Development Management Policy DM1 (Criterion C).

Impact on highway safety

The proposed extension would have no impacts on the existing parking arrangements at the application site. It would have no unacceptable impacts on highway safety, and so it would accord with adopted South Tyneside LDF Development Management Policy DM1 (Criterion G).

Other matters

The proposed extension would be positioned within the Great North Forest, an area within which the Great North Forest Partnership seeks to realise opportunities for the countryside – with strategies relating to access, education, enterprise and biodiversity. Given the nature of the proposal it is considered that it would not conflict with the implementation of Great North Forest strategies. In relation to the Great North Forest, it is considered that the proposed extension would accord with adopted South Tyneside LDF Core Strategy Policy EA1 (Criterion D).

Summary

For the reasons articulated above it is considered that the proposed extension would have no unacceptable impacts on residential amenity, trees, highway safety or the Great North Forest. It would also have no unacceptable impacts in terms of its design and visual impact (excepting impact on Green Belt). However it is considered that it would comprise inappropriate development in the Green Belt, as defined by NPPF, with the harm being the spatial and visual impact associated with the loss of openness. It is considered that the proposed extension would not preserve the openness of the Green Belt and instead would conflict with the purposes of including land within it. No other considerations have been provided by the applicant, to enable the Local Planning Authority to conclude that this specific proposal provides 'very special circumstances' in order to outweigh the harm to the Green Belt by reason of inappropriateness. It is therefore considered that the proposed extension would not accord with adopted South Tyneside LDF Core Strategy Policy EA1 (Criterion B), and so would be an unacceptable form of development. For this reason it is recommended that the application be refused.

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

Recommendation

Refuse Permission

Refusal Reasons

1 The proposed extension would constitute a 'new building' which, when combined with existing extensions to the 'original building', would result in disproportionate additions over and above the size of the 'original building'. It would therefore, by definition, represent inappropriate development within the Green Belt (as defined by the National Planning Policy Framework). The proposed extension would cause harm to both the spatial and visual openness of the Green Belt, and there are no other considerations provided in support of the proposal to amount to very special circumstances to outweigh this harm. As such, the proposed extension would not accord with either adopted South Tyneside Local Development Framework Core Strategy Policy EA1 (Criterion B) or the National Planning Policy Framework, which both seek to prevent urban sprawl by keeping Green Belt land permanently open.

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible. However, the proposed development is contrary to the policies referred to in the reason(s) for refusal and it has not been possible to reach an agreed solution in this case.

List of refused plans for standard note

Plan Reference

Proposed Plans and Elevations 26/09/2019
Existing Plans and Elevations 26/09/2019

Case officer: David Rogerson
Signed:
Date:

Authorised Signatory:
Date: