

Application No: 23/00925/FUL
Date valid: 10 July 2023
Target decision date: 4 September 2023

Author: Julia Dawson
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Ward: Battle Hill

Application type: full planning application

Location: G33-G48 Garage Adjacent To, 71-73 Bellshill Close, Wallsend, Tyne and Wear

Proposal: Variation of condition 1 of planning approval 22/01672/FUL in order to show increase in height of walls, eaves and ridge height of the approved bungalows following receipt of detailed site levels. Substitution of Approved drawing number 22014-HUSK-DR-ST-01-A-0302-P01 with 22014-HUSK-DR-ST-01-A-0302-P02 (Revised Description 25.07.23)

Applicant: North Tyneside Council

Agent: Edwards Architecture

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider in this case are:

- The impact on amenity (visual and residential); and,
- Other issues.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The site to which the application relates originally consisted of two single storey garage blocks located within the established residential area of Wallsend. The facing blocks are separated by a tarmac area and a distance of approximately 7.8m. Access to the application site is via an opening onto Bellshill Close to the east. Several car parking spaces are located within the site curtilage adjacent to the northern and southern boundaries. The application site is separated from the front gardens of No's 73-80 Bellshill Close (to the north) and No's 65-71 Bellshill Close (to the south) by public footpaths which run

parallel to each boundary. Crossgates Sheltered Accommodation development is located to the east of the application site.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to vary condition no.1 of planning approval 22/01672/FUL in order to increase the height of the walls, eaves and roof ridge of the approved bungalows following receipt of detailed site levels. Approved drawing no. 22014-HUSK-DR-ST-01-A-0302-P01 is to be replaced with drawing no. 22014-HUSK-DR-ST-01-A-0302-P02.

3.2 The full wording of condition no.1 imposed on the original grant of planning permission, 22/01672/FUL, is set out below:

Condition 1: The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application Form 06.09.22
- Location Plan - Belshill Site 3, 21022 - HUSK - DR - ST - 01 - A - 0007 - P01
- Battle Hill Site 3 22014 - HUSK - DR - ST - 01 - A - 0502 - P02
- Bellshill Close Site 3 22014 - HUSK - DR - ST - 01 - A - 0302 - P01
- 2B/3P House Type 22014 - HUSK - DR - ST - 01 - A - 0300 - P01

Reason: To ensure that the development as carried out does not vary from the approved plans.

4.0 Relevant Planning History

22/01672/FUL - Conversion of existing garages to form 2 Bungalows – Approved 07.11.2022

23/00311/COND - Discharge of conditions of 5 (Landscape Plan and Implementation), 10 (Coastal Mitigation) and 11 (Detailed Drainage Design) of planning approval 22/01672/FUL – Approved 02.05.2023

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (July 2021)

6.2 National Planning Practice Guidance (NPPG) (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires Local Planning Authorities (LPAs) to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

7.1 The principle of the works approved via planning application 22/01672/FUL for the conversion of the original garages into two bungalows has already been established as acceptable and this is not for re-consideration as part of the current application.

7.2 Within the current application the applicant is proposing to vary condition no.1 in order to make the following amendments:

- Retain the height of the garage walls at their original height of 2.4m (approx.).
- Increase roof height by 40cm (approx.) at eaves and 50cm (approx.) to ridge (when viewed from the side).
- Increase roof height by 50cm (approx.) at eaves and 55cm (approx.) to ridge (when viewed from the rear)

7.3 The main issues for Members to consider in this case are:

- The impact on amenity (visual and residential); and,
- Other issues.

7.4 Consultations responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

8.0 The impact on amenity (visual and residential)

8.1 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.2 Paragraph 126 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Paragraph 134 of the NPPF makes it clear that development of a poor design should be refused.

8.3 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should amongst other matters; mitigate and reduce to a minimum potential adverse impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

8.4 LP Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

8.5 Policy DM5.19 'Pollution' states, amongst other matters, development that may cause pollution will be required to incorporate measures to prevent or reduce pollution so as not to cause unacceptable impacts to the environment, to people and to biodiversity. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

8.6 LP Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces.

8.7 Two objections have been received regarding the impact on residential and visual amenity and the content of these are noted. It is acknowledged that the proposed revisions to the approved plans have resulted in an increase in the height of the approved bungalows. The retention of the original height of the garage walls, rather than a slight reduction in their height, and the introduction of a slightly higher eaves and ridge height of the roof will be visible from the windows of the neighbouring dwellings, which are located directly to the north and south of the site on Bellshill Close.

8.8 However, the overall increase in height is a maximum of approximately 50/55cm when compared to the original approved drawings. The highest part of the roof of each of the new bungalows, (the ridge), will be located approximately 11m from the windows of the dwellings to the north and south and will be approximately 4.85m high (eaves 2.8m). It is noted that the Design Quality SPD recommends a separation distance of 12m for a back elevation to gable elevation relationship between two storey dwellings. In this particular case, the bungalows are single storey (therefore, considerably lower than a two-storey dwelling) and at its closest point (the rear elevation) the eaves height of the bungalows will be just 2.8m (approx.), increasing to 4.85m (approx.) when they are almost 12m from the facing windows. Taking this guidance into account the proposed heights are considered acceptable at this separation distance.

8.9 With particular reference to No's 71 and 72, the rear elevations of both of these dwellings face in a northerly direction and, as such, daylight and sunlight are not directly impacted by the bungalows, either in their original approved form or the proposed revised (slightly higher) form. When compared to the approved plans, the proposed revisions do not result in such a significant increased adverse impact on the amenity of the neighbouring occupants that refusal of the application could be justified on these grounds.

8.10 Objections relating to a loss of view towards the shops on Addington Road and the garages/parking areas opposite are noted. However, in planning terms, there is no right to a view. Outlook is a material planning consideration and this has been considered above.

8.11 Members need to determine whether the variations to the approved plans as set out in paragraph 3.3 of this report are acceptable in terms of their impact on the amenity of the area (visual and residential). It is officer advice the variations to the conditions are acceptable. The proposed variations would not significantly impact on the amenity of the area (visual and residential). As such, it is officer

advice, that the proposed variations to the condition comply with the advice in the NPPF and LP Policies DM6.1 and DM2.3.

9.0 Other Matters

9.8 The Manager of Environmental Health and the Highway Network Manager have raised no objections to this application, subject to the re-attachment of the original planning conditions where necessary.

9.9 Due to the sensitive end use and the fact that the application site lies within a Contaminated Land Buffer Zone and a Coal Authority referral area, the Council's Contaminated Land Officer has recommended a number of conditions in relation to contaminated land and gas investigations. However, as per the original application, these conditions were not considered necessary. The existing garage floors are structural concrete designed to take vehicular loads and, given that the proposed bungalows have been constructed off site using pre-manufactured timber panels, and then transported to the site, it is unlikely that there will be any/significant breakthrough of the existing structural concrete. As such, it is not considered necessary to attach any conditions requiring ground investigations.

9.10 This application can only consider material planning considerations and not the objections raised relating to other alleged breaches of planning control. Any alleged breaches of planning control will need to be investigated as a separate matter by planning enforcement.

9.11 Concerns have been raised in relation to the clarity of description of the proposed development/variation on the public consultation letters. The Case Officer issues revised letters during the determination period to ensure that proposed variation referred to the increase in height and that this was clear.

9.12 Concerns regarding impact on property value are not a material planning consideration.

10.0 Local Financial Considerations

10.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

10.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

11.0 Conclusion

11.1 Members need to determine whether the proposed variations to condition no.1 are acceptable in terms of their impact on amenity (visual and residential). It is the view of officers that the proposed variations are acceptable. As such, officers consider that the proposed development does accord with national and local planning policies. Approval is recommended, subject to the original conditions which will be re-attached where necessary.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application Form 10.07.23
- Bellshill Close Site 3 22014-HUSK-DR-ST-01-A-0302-P02

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for parking has been laid out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

3. Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for refuse storage has been laid out in accordance with the approved plans and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

4. The landscaping scheme approved via the discharge of condition 5 as part of application 23/00311/COND on 02.05.23 shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: To ensure that important features are protected and retained in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

5. Prior to occupation of the approved development a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

7. At all times whilst demolition/conversion/constructions works are being undertaken at the application site in connection with the approved development, appropriate measures must be put in place to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities. These measures may include a) mechanical street cleaning brushes and b) the provision of water bowsers to be made available to spray working areas due to dry conditions. Construction works shall not be carried out other than when these appropriate measures are on available on site.

Reason: To safeguard the occupiers of surrounding properties and users of the public highway from any discomfort or loss of amenity arising from construction activities on the site.

8. The detailed drainage scheme for the disposal of foul and surface water from the approved development shall be installed and maintained in accordance with the details agreed via the discharge of condition 11 as part of application 23/00311/COND on 02.05.23.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



Application reference: 23/00925/FUL

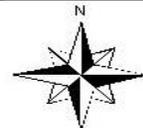
Location: G33-G48 Garage Adjacent To, 71-73 Bellshill Close, Wallsend

Proposal: Variation of condition 1 of planning approval 22/01672/FUL in order to show increase in height of walls, eaves and ridge height of the approved bungalows following receipt of detailed site levels. Substitution of Approved drawing number 22014-HUSK-DR-ST-01-A-0302-P01 with 22014-HUSK-DR-ST-01-A-0302-P02 (Revised Description 25.07.23)

Not to scale

Date: 17.08.2023

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**Appendix 1 – 23/00925/FUL
Item 1**

Consultations/representations

1.0 Representations

2no. objections have been received; these are summarised below:

- Insufficient information to enable the public to be fully informed of the proposed changes – increase in height is not shown on the application form or plans.
- I initially objected to the original application due to the height and obstruction of my view and light to my property.
- Plans and D&A originally stated that the original garage wall height would be reduced to 2100mm and that the only increase in height would be from the roof of the bungalow. This fact was one of the reasons my original objections were dismissed.
- At no point during the development was any attempt made to build the bungalows to the approved plans. They have been built between 50cm and 55cm higher than approved. The garage walls are the same height as original.
- All I can now see from 3 of my 4 windows is a roof and beyond this is the roofs of the flats opposite. The solar panels on the new roofs are ugly and impact my outlook.
- Loss of view up Addington Drive towards shops and towards parking spaces opposite my home. Open feel of area has been reduced.
- Bungalows are disproportionally high next to the existing flats, making it feel very cramped and claustrophobic. No longer feel safe approach flat from the rear as the bungalows are so high and imposing.
- The fascia boards that have been installed look cheap and chatty and of inferior quality.
- Developers have shown disregard by not complying with planning conditions during the construction.
- Detrimental impact on property value as a result of impact on outlook.
- Approval will set a precedent for similar development in the area.
- Reducing the height of the bungalows to the original specification would vastly improve the aesthetics of the area overall and would also improve the outside space for the new residents as it would allow more natural light in the area.
- If the plans which have now been submitted had been the original plans I would have taken my objections further and appealed to the Secretary of State to try and stop this development. - The height means the yard attached to my property is now too closed in as the bungalow towers above it meaning what little outside space there is, is now not very usable.

2.0 Ward Councillor

2.1 Councillor Julie Cruddas (Battle Hill)

2.3 Procedural request for the application to be presented to planning committee.

3.0 Internal Consultees

3.1 Highway Network Manager

3.2 This application is for a variation condition 1 of planning approval 22/01672/FUL. Correction of elevation drawings following detailed site levels. All other conditions and informatives attached to 22/01672/FUL should be retained. Recommendation – approval.

3.4 Environmental Health (Pollution)

3.5 No objection in principle to this application but would recommend all previous conditions for construction hours and dust mitigation are reattached to any approval.

3.6 Contaminated Land Officer

3.7 No objection to amendment. However, previous comments still apply:

3.8 This application is for Conversion of existing garages to form 2 Bungalows.

3.9 The previous use may have given rise to contamination. As there proposed end use is sensitive, namely residential, I recommend conditional approval.

3.10 Conditions: Con 003; Con 004; Con 005; Con 006; Con 007

4.0 External Consultees

4.1 The Coal Authority

4.2 The Coal Authority have no comments to make. It is requested that if this development is approved by the Local Planning Authority, our Standing Advice should be added to the Decision Notice.