

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/01388/FPA
FULL APPLICATION DESCRIPTION:	Erection of detached double garage, including associated change of use, hardstanding and alterations to stone boundary walls.
NAME OF APPLICANT:	Mr Martin Ingall
ADDRESS:	Land to Rear of Heather Cottage Snaigill Middleton-in-Teesdale DL12 0RP
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Bev Walker Assistant Planning Officer 03000 263951 beverley.walker@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site lies within the North Pennines Area of Outstanding Natural Beauty (AONB) and comprises part of the Snaigill Plantation immediately to the north of the lane serving a small group of residential properties.
2. This is a revised application following a previous refusal for the erection of a detached garage on the site. Amendments have been made to the design and layout of the garage. The garage is intended to serve Heather Cottage, one of the two dwellings immediately opposite. The garage would measure 6m in length, 6m in width and 4.265m to the ridge. It would be constructed of stone under a slate roof with timber vertically boarded doors. The garage would be orientated about 30 degrees to the lane with an area of hardstanding to the front and necessitating removal of approximately 10m of the boundary wall to facilitate access. New boundary walls would also be constructed around the site.
3. The application is reported to the South West Area Planning Committee at the request of Cllr Bell and Cllr Henderson.

PLANNING HISTORY

4. DM/17/03068/FPA - Change of use of land to domestic and erection of detached double garage – Refused 15.11.17 for the following reason:
“The proposal by reason of its siting, scale and design would cause harm to the landscape of the North Pennines Area of Outstanding Natural Beauty. This is contrary to saved policies ENV2 and GD1 (A,B & I) of the Teesdale District Local Plan, as well as paragraphs 109 and 115 of the National Planning Policy Framework.”

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
6. Core Planning Principals – Among other things, paragraph 17 states that planning should, always seek to secure high quality of design and a good standard of amenity for all existing and future occupants of land and buildings, take account of the different roles and character of different areas .. recognising the intrinsic character and beauty of the countryside.., contribute to conserving and enhancing the natural environment.
7. NPPF Part 7 – Requiring Good Design. Paragraph 56 identifies that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to the area. Paragraph 58 states that planning decisions should, among other things, aim to ensure that developments add to the overall quality of the area and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area.
8. NPPF Part 11 – Conserving and Enhancing the Natural Environment. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by among other things, protecting and enhancing valued landscapes. Paragraph 115 states great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

The above represents a summary of those policies considered most relevant in the Development Plan

LOCAL PLAN POLICY:

9. The following policies of the Teesdale Local Plan are relevant to the application and remain consistent with the aims of the NPPF:
10. Policy GD1: General Development Criteria: All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria to which development must comply. Among other thing new development should be in keeping with the character and appearance of the area in terms of form, mass, scale, layout and materials (Ba); and would not unreasonably harm the rural landscape of the area (I).
11. Policy ENV2 (North Pennines Area of Outstanding Natural Beauty) Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines AONB. Development which adversely affects the special scenic quality and nature conservation interest of the AONB will not be permitted.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan -

12. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

13. *Highway Authority:* No objection.
14. *AONB Partnership:* No comments received.

INTERNAL CONSULTEE RESPONSES:

15. *Landscape and Trees:* No objection subject to tree protection measures.

PUBLIC RESPONSES:

16. The application has been publicised by way of a press notice, a site notice and neighbour letters.
17. Six letters of support have been received commenting on improvements to parking and lack of visual impact.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

18. In November 2017, the applicant had planning permission refused for a double garage on land adjacent to what was to be his and his wife's new home at Snaisgill, Middleton in Teesdale, on their relocation from Kent. That decision stated that the siting, scale and design of the proposed garage would cause harm to the landscape of the North Pennines Area of Outstanding Natural Beauty.
19. Subsequently, the applicant, in looking at alternative arrangements, was told that any proposal would have to minimise the amount of dry stone wall lost (along the unmade access track to the dwellings at Snaisgill); that adjacent trees were not impacted upon; and that there was to be minimal encroachment into open countryside within the AONB.

20. At this point, the scheme presently before you for consideration was formulated, in which the design of the garage was substantially improved (as now confirmed by the planning officer); tree surveys and reports were prepared to ensure appropriate protection of trees; the amount of dry stone walling was actually increased; and the positioning of the garage was changed to significantly less intrude into what was regarded as open countryside. In making the revised, improved application, it was also proved by a series of photographs that the site itself had no impact on the AONB, as there were no vantage points from which it could be seen.
21. Lengthy and somewhat tortuous discussions ensued, with even a suggestion by the local planning authority that the applicant revert to a garage position as refused in his previous application, albeit with the improved design of garage. By this suggestion, the intrusion into the countryside would be recreated.
22. The whole purpose of the current application is that the garage is in a much less intrusive position; it is better designed than originally; important trees are maintained; and it is strongly supported by local residents who see all the benefits derived from the proposal, one of which is that the unmade lane will remain passable for all rather than cars parked causing difficulties for others. It is generally not understood what concerns the planning officers have regarding the proposal, although there seems to be a residual dislike of the position in which the proposed garage sits. It is strongly felt that the proposal has addressed and satisfied all the concerns expressed in the refusal of the previous application; local residents and neighbours, as well as local Members, strongly support the proposal; and it is requested that Members of the Committee see the positivity in the scheme arising from all the efforts made by the applicant, and determine that planning permission should be granted.

PLANNING CONSIDERATIONS AND ASSESSMENT

23. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, guidance notes and all other material planning considerations, including representations received, it is considered that the main issue in this case is the effect of the proposal upon the character and appearance of the area, with particular regard to the AONB designation.

Character and appearance

24. Areas of Outstanding Natural Beauty (AONBs) are designated nationally and given the highest status of protection for their landscape and scenic beauty, alongside National Parks and the Norfolk and Suffolk Broads. The statutory purpose of AONB designation is to conserve and enhance the natural beauty of the area, as confirmed by Section 82 of the Countryside and Rights of Way Act 2000 (CRoW Act). Section 85 places a duty on all public bodies to consider the AONBs nationally protected status in any land use related decisions. So far as land use planning is concerned, the National Planning Policy Framework (NPPF) is the principal source of policy advice: this gives "great weight" to AONBs' protection. Teesdale Local Plan, saved policies ENV2 (AONB development) and GD1 (general design criteria) are consistent with these aims and therefore can still be given significant weight.
25. The small group of properties at Snaisgill lie just to the east off the unclassified road which travels northwards along the northern valley slope of the Hudeshope Beck, at the point where the landscape transitions from a mosaic of enclosed

pasture in the lower valley to open moorland to the north. The Snaisgill Plantation surrounds the properties to the north, east and west, although the area to the north is more open. Access to the properties is gained from a short lane to the north. A dry stone wall, which is the typical form of enclosure in the area, runs along the northern side of the lane up to the last property Rose Cottage and provides clear distinction between the countryside to the north and residential properties to the south. The single garage at Rose Cottage lies parallel to the lane and has encroached only marginally, by 2m, into the land to the north and because it is located at the end of the lane its impact on the character of the lane and area is limited. As a whole, the lane has an intimate rural character, which contributes positively to the character of the AONB.

26. The proposed double garage would be located wholly on land to the north of the lane, distinctly separate from the dwelling (Heather Cottage) it would serve, or any of the other properties, and would therefore be viewed as a standalone building. In such circumstances it is a basic principle of good design to orientate new buildings with the main alignment of the existing buildings to help integrate the building into its surroundings, however the proposal does not do this. The orientation of the garage at an abnormal angle to the lane would be uncomfortably at odds with the existing established character of buildings along the lane and therefore completely out of character with its surroundings in terms of layout. This orientation would also in turn lead to an excessive area of hardstanding in front of the building, a very large gap in the roadside wall, and unnecessary grassed areas to the sides of the garage and west of the access, effectively giving the impression of a large garden extension to the north, rather than just a garage. All of this could be reduced considerably by improving the orientation of the garage either parallel or perpendicular to the lane, whilst still retaining sufficient manoeuvring space to produce a better designed development that would serve the same purpose, but with less physical and suburbanising presence than what is proposed.
27. Thus, while there has been an improvement to the design of the garage, the proposal as a whole is considered to be excessive for what is actually required. The proposal would significantly change the intimate rural character of the site to an unnecessary degree giving it an overly suburban character. While wider views of the site are currently limited and new landscaping to the north would assist whenever the plantation is felled, the impact when viewed from the lane would still be harmful to the character and appearance of the area and statutory purposes of the AONB designation, which sets a very high standard for design for all new development.
28. There is conflict with Teesdale Local Plan Policies GD1(Ba) in respect of scale and layout, and ENV2 in respect of protecting the natural beauty of the North Pennines AONB. There is also conflict with NPPF paragraphs 17, 56 and 109 in respect of ensuring development is well designed, contributes positively to making places better for people and protects the intrinsic character and beauty of the countryside and valued landscapes, particularly AONBs which share the highest status of protection.

CONCLUSION

29. The design of the garage itself has been improved since the previous refusal, but the scheme still requires improvements in respect of layout and the overall scale of development before it can be considered wholly acceptable. In particular, the orientation of the garage, excessive areas of associated hardstanding and other

unnecessary grassed areas within the site would not help to integrate the development sensitively into its surroundings. Instead, the development would sit incongruously in relation to the existing buildings and would occupy a far greater area than is necessary resulting in an overly domestic character of development in a rural setting. This would be harmful to the character and appearance of the area and statutory purposes of the AONB designation.

30. Therefore, notwithstanding the absence of objections to the proposal, for the reasons set out in this report, and mindful that the statutory purpose of AONB designation is to conserve and enhance the natural beauty of the area, it is considered that the proposals conflict with Teesdale Local Plan Policies GD1(Ba) in respect of scale and layout, and ENV2 in respect of protecting the natural beauty of the North Pennines AONB. There is also conflict with NPPF paragraphs 17, 56 and 109 in respect of ensuring development is well designed, contributes positively to making places better for people and protects the intrinsic character and beauty of the countryside and valued landscapes, particularly AONBs which share the highest status of protection.

RECOMMENDATION

That the application be **REFUSED** for the following reason

1. The proposal, by reason of its layout and the amount of associated hardstanding and grassed areas within the site, would not integrate the development sensitively into its surroundings causing harm to character and appearance of the area and contrary to the statutory purposes of the AONB designation, which is to conserve and enhance the natural beauty of the area. This is contrary to saved policies ENV2 and GD1 (A, B & I) of the Teesdale District Local Plan, as well as paragraphs 17, 56 and 109 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

31. The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies and representations received. The planning authority provided advice on what it considers would be an acceptable scheme prior to and during the application, but the applicant has chosen to proceed with the submitted scheme.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan
Representations received



Planning Services

First floor extension and single storey extension to rear

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19th July 2018