**Application No:** 14/01737/FUL

**Proposal:** Proposed wooden 18m (6ft) gate access in to the back garden. Work will include taking out a section of a wall and fence and replacing it with a wooden gate. Access is to visitor parking and will be used as access for a disabled sister. (as supplemented by drawings received 17.07.14 and email received 12.08.2014)

**Site Address**
Sycamore House, 40 Loansdean Wood, Loansdean, Morpeth
Northumberland, NE61 2FB

| **Applicant**       | Mr Mark Jewitt  
|                    | Sycamore House, 40 Loansdean Wood, Loansdean, Morpeth Northumberland NE61 2FB |
| **Agent**           | None |

**Valid Date:** 25 June 2014

**Case Officer Details:**
Name: Miss Laura Cryan  
Job Title: Planning Technician  
Tel No: 01670 620334  
Email: Laura.Cryan@northumberland.gov.uk

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1. Introduction

1.1 The application is recommended for approval contrary to the views of the Morpeth Town Council and more than five letters of objection. The application, therefore, falls to be considered by the North Area Planning Committee under the provisions of the Council's scheme of delegation.

2. Description of the Proposals

2.1 The application seeks permission for a timber gate access to be created in the southern (rear) boundary of the property at 40 Loansdean Wood. This would be in order to provide disabled access for a visiting relative, who would access the property from parking spaces at the rear of the property, located on north side of The Kylins. The proposal would involve removing a section of wall and fencing and installing a 1.8 metre high x 0.9 metre wide gate with wooden support post. The proposal would also involve laying a block paved path from the gate through the rear garden up to the application property.

2.2 The existing boundary treatments were approved as part of the Loansdean Wood development. Planning Condition 4 of planning approval 05/D/603 restricted permitted development rights at the property (and other properties originally known as Plots 1-48) under Class A-H Part 1 and Class A Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and require that no development shall be permitted without the prior written consent of the Local Planning Authority. This was required in order to enable continuing control over the appearance of the development. The current planning application falls to be determined for this reason.

3. Planning History

Reference Number: CM/20110157
Description: Minor amendment to 05/D/603 flipping of plots 38-44 and relocation of parking
Status: REFUSED, ALLOWED AT APPEAL

Reference Number: CM/20080208
Description: Existing 1800mm boundary fence, renew permission 05/D/790 - Close boarded, timber
Status: PERMITTED

Reference Number: CM/05/D/790
Description: Retrospective - Erection of timber fence
Status: PERMITTED

Reference Number: CM/05/D/603
Description: RESUBMISSION - Demolition of existing buildings and provision of 48 dwellings 40 apartments with improved highway access
Status: PERMITTED

Reference Number: CM/04/D/976
**Description:** Conversion of Loansdene House to provide 10 apartments, demolition of remaining buildings, construction of 45 apartments, 41 dwellings and improved highway access  
**Status:** REFUSED

4. **Consultee Responses**

<table>
<thead>
<tr>
<th>Morpeth Town Council</th>
<th>Objects to the application on the grounds that it was a principle of the original planning consent that no back access/gates should be allowed/granted.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highways</td>
<td>Objects to the proposal as there is allocated parking for the applicant within the new development and the consent limited vehicular and pedestrian access from The Kylins to protect the amenity of the local residents.</td>
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</tbody>
</table>

5. **Public Responses**

**Neighbour Notification**

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<th>Number of Neighbours Notified</th>
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<tr>
<td>Number of Objections</td>
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<tr>
<td>Number of Support</td>
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</tr>
<tr>
<td>Number of General Comments</td>
<td>1</td>
</tr>
</tbody>
</table>

**Notices**

No Site Notice Required.

No Press Notice Required.

**Summary of Responses:**

Six letters of representation have been received from residents in The Kylins (including the Kylins Residents’ Association) who raise concerns that this proposal is contrary to the approved plans for the development and a planning condition on the planning consent. The letters raise a general concern that if the proposed gate in this application is allowed that a precedent would be set and other residents in the Loansdean Wood estate, with houses which back onto The Kylins, will apply to install rear access gates. They consider this would encourage parking in the layby to the south of the property as it would give residents a short cut home and as a result these residents would not use the allocated visitor parking in the courtyard area to the front of the properties, which is already constricted. The letters also raise concern over a perceived increase of traffic, parking problems, highways safety issues and noise in The Kylins which could be created if this application and future applications for gate accesses were allowed. Concerns are also raised regarding the design of the gate and that if this and other gates were allowed there would be a mismatch of gates and this would detract from the character and appearance of The Kylins.
Four of the representation letters also question the principle of the development. Concern is particularly raised by the Kylins Residents' Association that the proposed development is for someone who does not and would not reside permanently at the property. The letters of representation state it would be more logical to create a disabled access at the front of the property, where there is an allocated parking bay to the property, sloping access to the front door and access to the rear garden. Concern is also raised that the access at the rear is not reasonable as the ground is not level and there is a kerb to negotiate. Alternative solutions are highlighted to resolve the disabled access issue such as the applicant parking in one of the visitor bays within the development site when his sister comes to visit and use his allocated space for relatives to use for dropping off. Another suggestion is for the applicant to apply to make alterations to widen the access path at the front of the property.

Reference is also made to present issues with the Loansdean Wood development and these have been passed to the Planning Enforcement Team to investigate further.

6. Planning Policy

6.1 National Planning Policy

National Planning Policy Framework (NPPF) (March 2012)

6.2 Development Plan Policy

H14 Improvements to existing housing - Castle Morpeth District Local Plan (February 2003)

7. Appraisal

7.1 The main issues for consideration in determining this application are the principle of the development, impact on the highway, visual impact and impact on residential amenity. It is considered that the Local Plan policy referred to in this report is in line with the provisions of the NPPF and relevant weight can therefore be accorded.

Principle of the Development

7.2 The application is to provide a gated access at the rear of the property. The applicant has stated that this is so a disabled sibling, can visit and stay at the property and the applicant and his wife can provide regular respite care in their own home, in order to give the applicant’s parents a break from their full-time caring duties. The disabled sibling lives in the Morpeth area and is both physically and mentally disabled. She has restricted mobility and often requires wheelchair support. The applicant has submitted a letter from a family GP which supports the above information.

7.3 The applicant states that his disabled sibling is not currently able to visit the property. This is due to the layout of the car park at the front of the property and tightness of the single allocated parking space. This makes wheelchair
access from a car into the front of the property not possible. The applicant also states that the front car park is very busy with heavy construction machinery and large vehicles are constantly reversing and this would present a danger and safety risk to his sister, who has in the past had a tendency to drop on the floor and refuse to move when visiting a house. When this has happened the applicant has been physically unable to pick her up off the floor and she is unable to verbally communicate. At the time of an officer site visit, the wife of the applicant stated that it would not be possible to bring the disabled sibling through the front door due to the size of the wheelchair and that the double patio doors at the rear of the property would be more suited to enable wheelchair access.

7.4 The applicant proposes that his parents would use the parking spaces in the layby at the rear of the property to drop off his sister when she comes to visit. They could then move her through the proposed gated access and rear garden and into the building through the double patio doors on the south elevation of the property.

7.5 The case officer has visited the development site on several occasions and considers that the courtyard area to the front of the property is very restricted and there is no disabled parking provision. The allocated car parking space to the front of the property is sandwiched between other parking spaces which belong to neighbouring properties and it is considered that there is not sufficient space to manoeuvre a wheelchair. There is also a high kerb which would makes access from the car onto the footpath difficult if the dropping off vehicle was parked outside of the allocated space. Whilst it is acknowledged that the Loansdean Wood estate has a number of allocated visitor parking spaces within the development, there does not appear to be any visitor car parking spaces within the courtyard area outside the front of the property and therefore the distance between these spaces and the applicant property is considered too far and currently too dangerous, and access to the front of the property with a wheelchair is not physically possible, as outlined above.

Impact on the highway

7.6 The highways department object to the use of the visitor parking spaces to the rear of the property on The Kylins estate as they state that it was intended to be parking for the residents of The Kylins. They point out that Number 40 has allocated parking within the new development. They do not support the creation of a new access onto the Kylins as the planning consent for the development limited vehicular and pedestrian access from The Kylins to protect the amenity of the local residents. This concern is echoed in the representation letters of neighbours on The Kylins who live opposite or close to the proposed access and in the objection received from Morpeth Town Council. Concern is also raised that cars from Loansdean Wood would drive into the parking bays from the east and turn around in the Kylins or Sweethope Dene before driving out towards the west. Highways state that a gated access has been allowed at Number 42 onto The Kylins, in order to gain access to the middle of a mid-terraced house. All other houses on the street which back onto The Kylins are semi-detached and have access down the side to get to the rear gardens.
With regards to the issue of the use of parking spaces to the rear of the property, this layby is part of the public adopted highway. There is parking provision for approximately seven cars. Despite highways concerns, there are no signs or road markings which restrict parking in these spaces and anyone, including residents of both The Kylins and Loansdene, can currently park there. The applicant does not propose to use the parking space to the rear of the property as a short cut to his property but as a drop off point to allow his disabled sibling to occasionally visit and it not considered that this proposal on its own would be detrimental to highways safety or have an adverse impact on the public highway. The properties on the Kylins directly opposite have up to two off road parking spaces, which is a more generous provision than the application property and other houses on the Loansdene Wood estate. Therefore it is not considered that this application would result in parking problems for the existing residents of The Kylins.

**Visual Impact**

The letters of representation from people living on The Kylins raise concern over the design of the proposed gate. They also state that the proposed development would spoil the character and appearance of the area. The Kylins Residents’ Association state that residents would look onto a mismatch of different gates should any more gates be allowed, which would create an “eyesore that could potentially devalue homes”. The value of homes is not a material planning consideration which can be considered. It is considered the design of the gate is in keeping with the gate allowed two doors down and the materials would be keeping with the approved boundary treatments for the development. By not having additional pillars, as the gate has at Number 42, the gate would have less of a prominent impact on the street scene. The design of the gate also means that the wall and fence could be reinstated at a future date. Furthermore any other gates would require planning approval so their design could be controlled by the local planning authority. In terms of visual impact the development would accord with policy H14 of the Castle Morpeth District Local Plan.

**Residential Amenity**

In addition to the above, residents of The Kylins also raise concerns about pollution and noise that would be created from the coming and goings of cars and using the parking spaces to the front of their properties and the banging of gates. It is not considered that the proposed development is significant enough to have such a harmful adverse impact on residential amenity. It is acknowledged that the view from the front windows of the properties (particularly number 30) would be altered but it is not considered that this impact is strong enough to warrant refusal of the application. The development would therefore accord with policy H14 of the Castle Morpeth District Local Plan.

**Other issues**

The objections received in response to this application suggest that a precedent would be set if this application was to be approved and would lead to further applications for gates to the rear of properties in Loansdene Wood. In respect of these concerns and in order to protect the future amenity of the...
Kylins, a condition has therefore been recommended for an approval which makes the permission personal to the applicant and requires that if the applicant should no longer live at the property or stops providing respite care at the property for his disabled relative referred to in the application documents, that permission shall cease and the gate shall be removed and the fence and wall reinstated. The residents' association raise concern that the details submitted in the application do not state whether the proposed area of hard standing shall be porous. The applicant has stated in the application that block paving would be used. A suitable condition has therefore recommended which requires that the hard standing shall be constructed in a porous, but not granular, material.

8. Conclusion

8.1 The application is proposed in order to provide disabled access for the applicant’s sibling in order for him to provide regular respite care at the property. There is not adequate disabled access at the front of the property and it is considered that a rear access is the only reasonable solution. The proposed development would be constructed in materials to match the existing boundary treatments and the design would be reversible so that the wall and fence could be reinstated should the applicant cease care of his disabled relative or no longer live at the property. It is considered that the design of the gate is acceptable and would not have a harmful adverse impact on the character or appearance of The Kylins. It is not considered that the proposed development would adversely affect the amenity of nearby residents. The proposal would accord with the provisions of the National Planning Policy Framework and Saved Policy H14 of the Castle Morpeth District Local Plan. Subject to standard conditions and a condition which makes the grant of planning permission personal to the applicant, it is considered the proposal is acceptable and therefore this application is recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

   1. Location Plan
   2. Site Layout Plan (A4 colour)
   3. Site Layout Plan (A3 black and white)
   4. Photograph showing proposed front elevation design of gate - received 29.05.2014
5. Annotated Drawings/Photographs - received 17.07.2014
6. Email from applicant dated 12.08.2014

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Saved Policy H14 of the Castle Morpeth District Local Plan.

04. This approval is personal to the applicant. If the applicant no longer lives at the property or stops providing respite care at the property for the disabled relative referred to in the application documents, permission shall cease and the gate shall be removed and the fence and wall reinstated.

Reason: In the interests of the appearance of the area.

05. The proposed areas of hard standing in the rear garden shall be constructed in a porous, but not granular, material.

Reason: In the interests of highways safety and to prevent surface water run-off.

Date of Report: 20.08.2014
Background Papers: Planning application file(s) 14/01737/FUL
List and Comments of representations received:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Summary of Comments</th>
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<tr>
<td>Mr &amp; Mrs G J Leathard</td>
<td>30 The Kylins Loansdean Morpeth Morpeth Northumberland NE61 2DJ</td>
<td>See attachment</td>
</tr>
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<td>Mrs M Howes</td>
<td>1 The Kylins Loansdean Morpeth Morpeth Northumberland NE61 2DJ</td>
<td>See attachment</td>
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<tr>
<td>J Tebbutt</td>
<td>Kylins Residents' Association 15 The Kylins Morpeth Morpeth Northumberland NE61 2DJ</td>
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<td>M Waterson</td>
<td>29 The Kylins Loansdean Morpeth Morpeth Northumberland NE61 2DJ</td>
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<td>Shirley Thompson</td>
<td>31 The Kylins Loansdean Morpeth Morpeth Northumberland NE61 2DJ</td>
<td>See attachment</td>
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<tr>
<td>Mr &amp; Mrs A Simms</td>
<td>28 The Kylins Loansdean Morpeth Morpeth Northumberland NE61 2DJ</td>
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