**DELEGATED REPORT**

<table>
<thead>
<tr>
<th><strong>Application Reference:</strong></th>
<th>19/0500</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description of Development</strong></td>
<td>Residential Dwelling</td>
</tr>
<tr>
<td><strong>Case Officer</strong></td>
<td>Nicholas Unwin</td>
</tr>
<tr>
<td><strong>Appraisal</strong></td>
<td></td>
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<tr>
<td><strong>Site</strong></td>
<td>Rynrew Barn, Newton Reigny</td>
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<tr>
<td><strong>Proposal</strong></td>
<td>The proposed development is for a two storey residential dwelling at Rynrew Barn, Newton Reigny.</td>
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<td>The proposed site is located within the Western section of the settlement of Newton Reigny, classified as a ‘Smaller Village and Hamlet’ within Policy LS1 of the Local Development Plan.</td>
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<td>The proposed site is located within the rear garden curtilage of Rynrew Barn and to the North of Meadow Cottage. The proposed site is accessed from the C3010 road to the East which provides access to Gable Cottage, Rynrew Barn, Saddleback Barn, Blencathra Barn and Meadow Cottage and agricultural fields.</td>
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<td></td>
<td>The Barns to the East of the site are traditional red sandstone walls with slate roofs. The barns were converted to four two storey dwellings under approval 95/0423. The barns are set at a lower elevation than the proposed site with the first floor level with the ground floor of Meadow Cottage.</td>
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<td></td>
<td>Meadow Cottage to the South is a two storey detached dwelling constructed of render with a grey slate roof. There is a door with a small porch, two ground floor windows and two dormer windows in the front (South) elevation. The Western elevation which is adjacent to a small garden area has a glazed double door in the ground floor and a window in the first floor. The rear (North) elevation contains a ground floor window and two roof lights. The East elevation facing Gable Cottage is blank.</td>
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<td></td>
<td>The proposed site is comprised of a lawned garden area which is associated with Rynrew Barn. Rynrew Barn accesses the proposed site via steps to the East. The North and East elevation of Meadow Cottage adjoins the Southern section of the proposed site.</td>
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<td>The position and proximity of Meadow Cottage in relation to the proposed site in addition to the lack of curtilage treatment gives the appearance that the proposed site should be connected with Meadow Cottage.</td>
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<td></td>
<td>To the East of the proposed site is a mature hedge partly screening Rynrew Barn and a courtyard area associated with it. To the North of the proposed site is a tall leylandii hedge with the garden curtilage of Saddleback barn to the North. To the West of the proposed site is a low wooden fence adjoining an access track</td>
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</table>
used by Beckside House which gained permission under approval 15/0655 approximately 25 metres to the North-West of the proposed site.

The proposed development is for a two storey dwelling within the proposed site. The proposed dwelling is approximately 1.2 metres North of the rear (North) elevation of Meadow Cottage. The South elevation of the proposal contains a single elongated window in the ground floor (for the living room) and two second floor windows (both for bathrooms).

The Eastern elevation, approximately 11 metres West of the rear elevation of Rynrew Barn. The Eastern elevation contains five windows, one ground floor to the living room, three for the staircase and one first floor to the bedroom. The Western elevation adjacent to the access road and open fields has a large glazed Bifold door in the ground floor and two separate Juliet balconies and glazed doors in the first floor.

The North elevation is approximately two metres from the rear garden of Saddleback Barn and contains a front door, two glazed doors and a double window in the ground floor and a Juliet balcony with double glazed doors in the first floor.

The proposed development is approximately 4.2 metres to the eaves and 6.2 metres to the ridge. The walls are to be constructed of slate grey steel cladding, stonework and render. The roof is to be zinc/ steel cladding with interspersed solar panels.

Relevant Site History: None.

Policy:

Local Development Plan
- LS1 Locational Strategy
- DEV1 General Approach to New Development
- DEV5 Design of New Development
- HS2 Housing in Smaller Villages and Hamlets

National Planning Policy Framework (NPPF):
- Chapter 2 Achieving sustainable development
- Chapter 12 Achieving well designed places

STATUTORY CONSULTATION RESPONSES

<table>
<thead>
<tr>
<th>Authority</th>
<th>Response Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Authority</td>
<td>4 September 2019 raising no objection.</td>
</tr>
<tr>
<td>Lead Local Flood Authority</td>
<td>4 September 2019 raising no objection.</td>
</tr>
</tbody>
</table>

DISCRETIONARY CONSULTATION RESPONSES

<table>
<thead>
<tr>
<th>Authority</th>
<th>Response Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parish Council</td>
<td>No response received.</td>
</tr>
<tr>
<td>Minerals and Waste</td>
<td>26 July 2019 raising no objection.</td>
</tr>
<tr>
<td>United Utilities</td>
<td>15 August 2019 raising no objection.</td>
</tr>
</tbody>
</table>

NOTIFICATION RESPONSES
Application advertised by way of immediate neighbour notification letter and site notice posted.

Two letters of objection were received raising the following material planning considerations:
- Non-compliance with the Local Development Plan
- Impact on the character of the area
- Impact on amenity
- Overlooking
- Overshadowing
- Highways

OBSERVATIONS

Main Issues:  | Appraisal:
---|---

Principle  | Policy LS1 and HS2 of the Local Development Plan states that new development within ‘Smaller Villages and Hamlets’ where it reflects the existing built form of the settlement, adjoining and neighbouring development to the site.

The proposed development is within the garden curtilage of Rynrew Barn on land adjacent to an access with open agricultural land to the West. The proposal would be approximately 1.2 Metres North of the rear elevation of Meadow Cottage with the front (North) elevation facing the garden curtilage of Saddleback Barn.

There area is characterised by detached and terraced dwellings with much larger gaps between the front and rear of dwellings. Even the smallest gaps such as the front elevation of Blencathra Barn and the gable of Kiln Tofts or the rear of Gable Cottage and the gable of Meadow Cottage is over 10 metres.

A dwelling 1.2 metres North of the rear elevation of an existing dwelling fronting garden curtilage is not considered to reflect the existing built form of the settlement.

LS1 and HS2 additionally require all development within ‘Smaller Villages and Hamlets’ to be restricted to infill sites, which fill a modest gap between existing buildings within the settlement; rounding off, which provides a modest extension beyond the limit of the settlement to a logical, defensible boundary.

The proposed development is considered to be within the limit of the settlement of Newton Reigny and would not result in an extension beyond its limit. Therefore the proposal cannot be considered rounding off.

The proposed development has a dwelling to the South and East with garden curtilage to the North and access track to the West. The proposed development does not form a modest gap between two buildings and therefore cannot be considered infill.

This is supported by appeal decision APP/H0928/W/18/3214337 where the Inspector acknowledges that the field site is part of the garden curtilage of Old Pond House (and therefore forms a
brownfield site within the settlement of Little Musgrave). The inspector states that the proposal “would fail to meet all requirements (of Policy LS1 and HS2) as it is neither infilling nor rounding off development. The policy does not therefore support the proposed development”.

Based on appeal decision APP/H0928/W/18/3214337, it is clear that even though a proposed site is within the existing settlement, it must meet the infill and rounding-off criteria set out within Policy LS1 and HS2 of the Local Development Plan.

The Council is currently able to demonstrate a 5 year housing land supply with Policy LS2 giving an annual housing requirement within ‘Smaller Villages and Hamlets’ of -20. The proposal does not supply evidence as to a need for a single dwelling within the settlement of Newton Reigney. Based on the above the benefit of a single dwelling within the settlement of Newton Reigney is considered to be limited.

Although the proposal would provide one dwelling, this is considered to be significantly outweighed by the proposal’s non-compliance with Policy LS1 and HS2 of the Local Development Plan which require new developments within ‘Smaller Villages and Hamlets’ to reflect the form and character of the existing settlement and be restricted to infill or rounding-off. Therefore the principle of the proposed development is not considered acceptable.

Scale & Design

Chapter 12 Achieving well-designed places of the NPPF states that good design is a key aspect of sustainable development, going on to say that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. This is supported by Policy DEV5 of the Emerging Local Development Plan 2014-32 which states that new development should show a clear understanding of the form and character of the district’s built and natural environment.

Although the applicant has attempted a contemporary design which is commendable, it is considered to be confused with no rhythm to it. Window openings appear sporadic and the overall outcome is poor. For example the distances between the ground and first floor window openings in the Western elevation is 0.5 metres. The distance between the ground and first floor window openings in the North elevation is 0.1 metres. The two Juliet balconies in the Western elevation are again different proportions with the left side approximately 1.7 metres high and the right 2.2 metres.

The profile of the roof is again erratic particularly when viewed from the North elevation. The roof line is stepped back to three different points however there appears to be little thought or consistency in achieving this. The central stone element between the two metal clad elements (which are again different widths however there appears to be little regard for the ratio of this) is not considered to be particularly complementary and the grey steel cladding is likely to clash with the zinc roof cladding.
Overall the design is considered ambitious but poorly executed with the materials chosen not considered to complement one another. Therefore the proposal is not considered appropriate.

Chapter 12 ‘Achieving well-designed places’ of the NPPF states that Development Plans should “set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable”. It goes on to say that “to provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes”.

At present the Council is formulating a design supplementary planning document. There is currently little design guidance within the adopted Housing (2010) SPD.

Chapter 12 Achieving well-designed places of the NPPF states that “where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

Although the design of the proposed development is poor, the NPPF places great emphasis on Councils establishing clear design expectations particularly through supplementary planning documents. At present the Council does not have an SPD that stipulates specific design guidance and expectations. Therefore in accordance with Paragraph 130 of the NPPF, “design should not be used by the decision-maker as a valid reason to object to development”.

### Impact on the landscape/amenity of the area

Chapter 12 Achieving well-designed places of the NPPF states that new development should sympathetic to local character and landscape setting. This is supported by Policy DEV5 of the Local Development Plan which states that new development should “reflect the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials”.

The proposed development is screened from the existing street scene by the Barns to the East. However, when viewed from the West of the site from the access track (despite the presence of Meadow Cottage), the immediate area is characterised by the barn conversions and their gardens extending to the West.

The presence of these rear gardens is considered to have a positive contribution to the amenity of the area. However this contribution is limited to that of the access track and is not considered to be in a prominent position as they cannot be viewed from the main village road to the East. Therefore the proposal is considered to have a moderate impact on the amenity of the area.

### Impact on the living conditions/amenity of neighbouring residents

Policy DEV5 of the Eden Local Plan states that development should “optimise the potential use of the site and avoids overlooking”, “protect the amenity of existing residents” and provide an “acceptable amenity for future occupiers”. This is
supported by Chapter 12 Achieving well-designed places of the NPPF which states that new development should provide “a high standard of amenity for existing and future users”.

Two public letters of objection were received which highlighted the proposals impact on neighbouring amenity, specifically relating to overlooking, overbearing and loss of light.

The proposed development is approximately 1.2 metres North of Meadow Cottage. Meadow Cottage has a window in the North elevation and two roof lights. The proposed development has three windows in the South elevation.

Within the Housing SPD (2010), it states that a gap of at least two metres should be retained between properties, 21 metres between directly facing windows and 13 metres between the principle elevation and a blank gable wall.

The distance between Meadow Cottage and the proposed development is well below these prescribed distances. The proposal would drastically reduce the amount of light Meadow cottage obtains from the windows on the Northern elevation and the development would be incredibly overbearing particularly the Western element which extends approximately five metres beyond the Western elevation of Meadow Cottage.

The East facing elevation contains five windows which are approximately 11-16 metres from the rear elevation of Rynrew Barn which, despite the existing hedge to the East, has the potential for overlooking particularly due to the higher elevation of the proposal.

The North elevation of the proposal has a first floor double glazed door Juliet balcony approximately 2 metres South of the rear garden of Saddleback Barn. The proposed balcony would be well above the height of the existing hedge (the base of the balcony is approximately 2.8 metres from the ground) and would therefore offer clear views not only over the rear gardens of Saddleback Barn and Blencathra Barn to the North but also of the read (Western) elevation of Saddleback Barn and Rynrew Barn.

The proposed development is considered to result in an unacceptable impact on the amenity of neighbouring residents, particularly Meadow Cottage, Rynrew Barn and Saddleback Barn.

| Impact on the character and appearance of the built environment (LBs/CA) | Policy DEV5 of the Eden Local Plan which states that development must show a “clear understanding of the form and character of the district’s built environment”. This is supported by Policy ENV2 of the Eden Local Plan which states that development should take into account “the distribution and form of settlements and buildings within their landscape setting”. The area is characterised by large detached and terraced dwellings with large front and rear gardens providing separation between the built environment and front and rear elevations. The proposed development would result in a dwelling being built |
approximately 1.2 metres from the rear elevation of Meadow Cottage which is considered out of character with the existing built environment.

Based on the above the proposed development is considered to have a moderate impact on the character and appearance of the built environment.

<table>
<thead>
<tr>
<th>Impact on the natural environment (species/habitats)</th>
<th>The proposed development is within the garden curtilage of Rynrew Barn which is comprised of a lawned area with a low biodiversity. The proposal would not result in the removal of any hedgerows or trees. Therefore the proposal is considered to have a limited impact on the natural environment.</th>
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<tbody>
<tr>
<td>Impact on the historic environment</td>
<td>The proposed development is not within any Conservation Areas, nor is it within the vicinity of any listed buildings. Therefore the proposal is not considered to impact the natural environment.</td>
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<tr>
<td>Conclusion</td>
<td>The proposed development does not comply with the rounding-off or infill criteria set out within Policies LS1 and HS2. Furthermore the proposal is considered to have a detrimental impact on the amenity of neighbouring residents. The proposal is additionally considered to be of a poor design and to have a moderate impact on the amenity of the area and character of the built environment. The benefits of a single dwelling in this location does not outweigh the proposal’s non-compliance with Policies LS1 and HS2 of the Local Development Plan, unacceptable amenity impact and moderate impact on the amenity of the area and character of the built environment.</td>
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**RECOMMENDATION**

The Application is recommended for refusal based on the following:

1. The proposed development is not considered to be infill or rounding off, conflicting with Policies LS1 and HS2 of the Local Development Plan.

2. The proposed development is considered to have an unacceptable impact on the amenity of neighbouring residents, conflicting with Policy DEV5 of the Local Development Plan and Chapter 12 of the NPPF.