

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** DM/16/00848/FPA  
**FULL APPLICATION DESCRIPTION:** Erection of first floor and single storey extension to rear  
**NAME OF APPLICANT:** Mr Philip Wayman

**ADDRESS:** Fern House  
Cotherstone  
Barnard Castle  
DL12 9QE

**ELECTORAL DIVISION:** Barnard Castle West

**CASE OFFICER:** Bev Walker Assistant Planning Officer 03000 263951  
[beverley.walker@durham.gov.uk](mailto:beverley.walker@durham.gov.uk)

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The host dwelling is a traditional semi-detached two storey dwelling within the Cotherstone Conservation Area. The dwelling has an existing single storey full width rear lean-to ground floor extension. There is a vehicle access immediately to the west. The adjoining Gilmour House to the east is Grade II listed, as is Fox Hall across the road.
2. The application seeks to erect a first floor extension above the existing extension and a new single storey rear extension. The application originally sought to include a balcony to the rear, but this has subsequently been removed from the proposal.
3. The application is reported to the Planning Committee at the request of Cotherstone Parish Council and Cllr Bell due to concerns relating to the scale of the development, impact on the privacy and amenity of neighbouring residents and the impact on highway safety.

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## PLANNING HISTORY

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4. None.

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## PLANNING POLICY

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### 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. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
7. NPPF Part 11 – Conserving and Enhancing the Natural Environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
8. NPPF Part 12 – Conserving and Enhancing the Historic Environment. States that heritage need to be recognised as an irreplaceable resource and to be conserved in a manner appropriate to their significance.

*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; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
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 in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
11. Policy H11: Extensions: Extensions and alterations to an existing dwelling will be permitted where the relevant criteria listed in policy GD1 are met and where in particular they respect the scale, character, architectural style and materials of the original property and its neighbours and safeguard the amenity of adjoining residents.
12. Policy ENV8: Safeguarding plant and animal species protected by law: Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
13. Policy BENV3: Listed Buildings: Development which would adversely affect the character of a listed building or its setting will not be permitted.

14. Policy BENV4: Development within and/or adjoining Conservation Areas: Development within conservation areas will only be permitted provided that among other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.

*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 -**

15. 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. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

16. *Cotherstone Council*: Object to the application and have called it to the South West Area Committee. It is suggested that the development would be an over development of the site and what is proposed would double the footprint of the existing house. The proposed extension extends onto land not belonging to the applicant. The access to the site belongs to the neighbouring property and the services running under the lane will be affected during the proposed construction. There will be a major impact on traffic traveling through the village owing to the narrowness of the access lane with its junction with the B6277 for contractors delivering construction materials to the site. It is noted that the proposed two windows on the gable end will overlook the adjacent property and this will significantly impact on the privacy of the occupiers. There is no mention of the demolition of the existing extension to construct the new extension and there is no structural engineers report in relation to the foundations of the existing extension, so will they take the weight of the proposed new extension.
17. Cllr Richard Bell supports the Parish Council's request to call the application to the South West Durham Planning Committee. He has raised concerns in relation to the size of the extension and the balcony and the impact on the neighbouring residents.

### **INTERNAL CONSULTEE RESPONSES:**

18. *Design and Conservation*: The amended plans feature a lean-to roof to the single storey proposed extension with no balcony at first floor level. This alteration would noticeably reduce the scale of the proposal and consequently the impact of the works on the character and appearance of the conservation area and on the

setting of the adjacent listed building. It is suggested that natural stone heads and cills feature around each of the openings to the rear. The proposed single storey extension would now be noticeably subservient to the rest of the building and therefore acceptable on design and conservation grounds.

19. *Ecology*: No objection. The mitigation within section F of the Bat Risk Assessment should be adhered to in full.

#### **PUBLIC RESPONSES:**

20. The application has been publicised by way of a press notice, a site notice and neighbour letters.
21. Letters of objection have been received from four properties. Concerns have been raised in relation to the privacy of neighbouring residents from the balcony (since removed) and the proposed windows in the gable elevation; overdevelopment of the site and the effect on the character and appearance of the conservation area; encroachment onto land not in the applicant's ownership and disturbance and the impact on highway safety during construction.

*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/>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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22. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to impact on character and appearance of the area, residential amenity, impact on protected species and other issues.

#### **Impact on the character and appearance of the area**

23. Part 7 of the NPPF outlines that the government attaches great importance to the design of the built environment. It is noted that good design is a key aspect of sustainable development. Appropriate standards of design are also required through Teesdale Local Plan policies GD1 and H11. Policy BENV3 contains design criteria in respect of development affecting the setting of Listed Buildings. Policy BENV4 contains design criteria in respect of development within or adjoining conservation areas.
24. A conservation area and listed buildings are designated heritage assets. Part 12 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. The NPPF advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
25. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty to pay special attention to the desirability of any development within the a conservation area to preserve or enhance the character or appearance of that area. Section 66 of the above act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

26. In this case the significance of the property derives from its age, design, location within the Cotherstone Conservation Area and adjacent and opposite to grade II listed buildings. It fronts onto the B6277 and makes an important contribution to the historic character of the conservation area with its attractive frontage. It is the front elevation that is most visible and therefore that is the element that contributes most to the significance of the property and character and appearance of the conservation area. The side gable is only visible through a narrow gap and the rear elevation is not visible in public views.
27. A number of representations have raised concerns over the scale of the proposal and the effect on the character and appearance of the Cotherstone Conservation Area, particularly in respect of overdevelopment.
28. The proposed extensions are to the rear, which is the least sensitive part of the dwelling. The removal of the balcony from the scheme and the addition of a simple lean-to ground floor extension have noticeably reduced the scale of the original proposal and it is now well proportioned to the existing property. It is set back more than 2m off the boundary with Gilmour House and is significantly lower in height than the main dwelling to ensure it is subordinate to the host dwelling and does not dominate Gilmour House. The materials and design detailing would match the existing property and given the significant depth of the garden and care that has been taken to minimise the mass of the development, it could be comfortably accommodated on the property without representing overdevelopment.
29. Contrary to the objections received, the proposal is considered to be well designed, proportionate to the existing property and wholly acceptable in relation to the impact on the adjacent listed building and wider conservation area. There is no objection from the Design and Conservation Section.
30. Consequently, and having regards to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the character and appearance of the conservation area would be preserved and there would be no harm to the setting of nearby listed buildings. There is no conflict with the design and heritage aims of the NPPF, or Teesdale Local Plan Policies GD1, H11, BENV3 and BENV4.

#### Privacy and amenity of neighbouring residents:

31. Objections have raised concerns of loss of privacy in relation to the original proposed balcony and the two windows in the gable elevation. However, the balcony has now been removed from the scheme and the two windows in the gable elevation are both to serve bathrooms and would be obscurely glazed, so there would be no loss of privacy from the windows.
32. In addition there would be adequate separation to the properties at both sides, which together with the limited projection of the 2 storey element and design of the single storey element would ensure there were no overbearing or overshadowing impacts on those adjacent neighbours. Properties to the rear are a significant distance away and will be unaffected.
33. Accordingly, the proposal would not harm the residential amenity of the neighbouring residents. There is no conflict with policies GD1 and H11 of the Teesdale District Local Plan.

## Protected Species

34. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
35. Because of works to the roof, a Bat and Owl Risk Assessment has been submitted with the application, but no evidence of bat or barn owl use of the dwelling was found. The DCC Ecology Section have been consulted and have raised no objection to the proposals. A Natural England license is not required.
36. The proposal accords with policy GD1 of the Teesdale District Local Plan and NPPF Part 11.

## Other Issues

37. The comments made in relation to land ownership issues are not a material planning consideration which can be given any weight in the consideration of the application. The applicant has stated on the application that they own the land and the drawings show the development contained within the existing property. No evidence has been submitted to the contrary. In any case planning permission would not override private rights and land ownership. The effect on services running under the adjacent access lane is also a private matter, but seems unlikely to be of any significance given the type of development proposed and its location.
38. There is no requirement to produce a structural report for the extension and the matter is not material to consideration of the application. This is largely a Building Control matter.
39. In terms of highway safety and disturbance during construction this is a household extension, not a major development. Concerns that there will be significant impacts in these respects are not reasonable and would not justify refusal of the application.

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## **CONCLUSION**

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40. The proposals have been assessed against the relevant policies within the documents identified above. It is considered that the proposals conform with these policies, as the character and appearance of the host dwelling, the surrounding conservation area and listed buildings would not be negatively affected. There would also be no harm to the residential amenity of neighbouring occupiers. There is no conflict with Parts 7 and 11 of the NPPF and Teesdale Local Plan policies GD1, H11, BENV3 and BENV4.
41. All representations have been considered, however taking all matters into account, it is felt that the proposal is acceptable in planning terms. For these reasons, the proposal is recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions;

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1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Drawing 201601/E-001 received 15<sup>th</sup> March 2016, 201601/P-001 Rev C, 201601/P-002 Rev C received 27<sup>th</sup> July 2016.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

*Reason: In the interests of the appearance of the area and to comply with the NPPF, policies GD1, H11, BEV3 and BENV4 of the Teesdale District Local Plan.*

4. Notwithstanding the details submitted, all works shall be carried out in line with the Mitigation Strategy within Section F of the submitted Bat and Barn Owl Risk Assessment Report prepared by Durham Bat Group dated 6th June 2016.

*Reason: To comply with policy GD1 of the Teesdale District Local Plan and Part 11 of the NPPF.*

5. The windows in the elevation facing Cuthbert Cottage shall be obscure glazed and retained as such.

*Reason: In the interests of residential amenity in accordance with policy GD1 of the Teesdale District Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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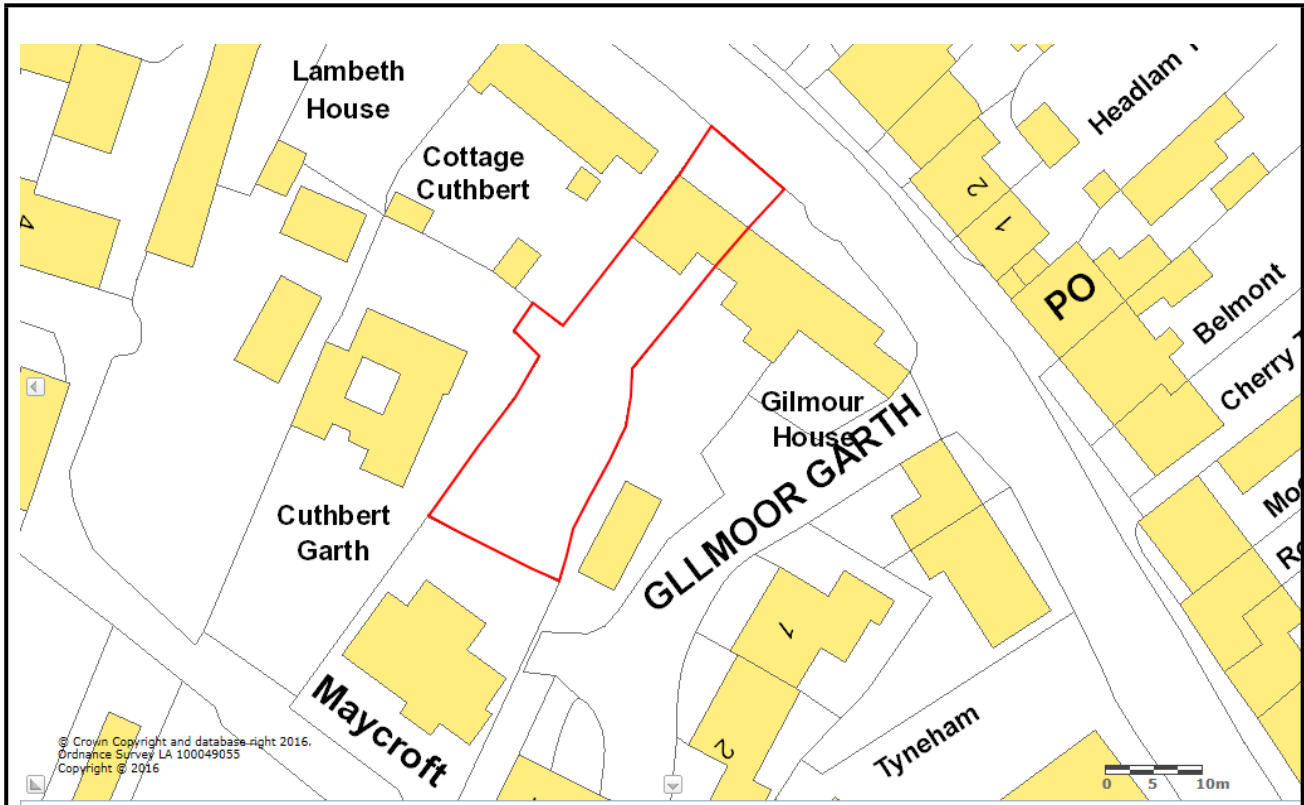
In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Local Plan Policies in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development within the agreed timescales.

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents  
The National Planning Policy Framework (2012)  
Teesdale Local Plan  
All consultation responses received



**Planning Services**

First floor extension and single storey extension to rear

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22<sup>nd</sup> September 2016