

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/16/02057/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Conversion of existing garages into residential Bungalows
<b>NAME OF APPLICANT:</b>	Derwentside Homes
<b>ADDRESS:</b>	Garages Adjacent To 27 To 31 Betjeman Close, East Stanley
<b>ELECTORAL DIVISION:</b>	Stanley
<b>CASE OFFICER:</b>	Steve France Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. This is one of the two separate garage sites proposed for new residential development by Derwentside Homes.
2. The site, 245m<sup>2</sup> in area, is an existing garage court of two blocks of containing a total of ten garages which serves the surrounding mid-linked local authority built dwellings in Betjeman Close. This immediately surrounding estate is a mix of high density mid-linked two storey dwellings and bungalows – the bungalows generally wholly open-plan, the houses having enclosed rear private gardens and a mix of open and fenced front gardens – presumably dependent on their tenure. Stanley Court, a block of 30 Care Connect monitored flats for older residents is close to the west of the site. Despite the high density appearance of the buildings, the estate also incorporates extensive areas of close-mown open space with occasional trees.
3. Each of the garage blocks affected by the application backs onto one of these open areas, the one to the east including two small trees. The area between the garages blocks is, as would be expected, an asphalt surfaced vehicular manoeuvring space, with a central drainage gully. This area is an adopted highway. The garages consist of two parallel blocks of flat roofed structures, which appear well maintained and in use. The northern end of the garage blocks are separated from the blank gable and fenced rear garden of an existing two-storey dwelling by an adopted footpath.

### The Proposal

4. The application proposes conversion of the existing two garage blocks into two dwellings proposed for older residents. The conversion involves a mono-pitch roof running the length of the building, with fenestration serving living accommodation facing across a shared garden area with bin store, and a car parking space for each

unit. Modern materials will give the proposed units a highly contemporary appearance, with a colour palette chosen that will ensure integration into the existing surrounding residential environment.

5. The proposed accommodation consists of a kitchen / dining / living room, two bedrooms, a hall, bathroom / wc, a small utility area and a store.
6. The scheme is presented as an innovative re-use of brownfield sites that have the potential to attract anti-social behaviour, and that may have limited redevelopment potential, providing contemporary and cutting edge cost effective affordable housing provision for older residents.
7. The application is reported to Committee at the request of one of the local Ward Members.

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## **PLANNING HISTORY**

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8. The site has no recent planning history.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
11. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
14. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and

mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.

15. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

17. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
18. *Design - The importance of good design*. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

#### **LOCAL PLAN POLICY:**

19. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
20. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
21. *Policy HO5 – Housing Development on Small Sites* – Stanley is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
22. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

#### **RELEVANT EMERGING POLICY:**

23. Paragraph 216 of the NPPF says that decision-takers should 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 withdrawn CDP can no longer carry any weight. As a new plan progresses through the stages of preparation it will begin to accrue weight in due course.

*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.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

24. *Highways* – County Engineers have confirmed they have no objections to this proposal subject to detailed requirements relating to the modification, reconstruction and reconfiguration of the existing site access and footways. It is considered that there is space capacity in the surrounding highways network to accommodate any parking that may be displaced by the loss of the garages. The requirement to stop-up the adopted highway between the garages is noted.

25. *Northumbrian Water* - have written to say they have no comments on the proposals.

### **PUBLIC RESPONSES:**

26. Twenty-three consultation letters were sent out to local residents surrounding the site, and a site notice was posted. One letter of objection has been received from a resident affected by the other planning application from Derwentside Homes on this Committee Agenda, that resident living +300m from this development site. Strong representation has also been received from one of the local Ward Members. All responses are summarised below:

27. The Councillor is concerned at the lack of regard shown for the views and opinions of local people in the process of how this and the parallel application were submitted. Both applications are contended to result in a loss of amenity for local residents and change the entire principle and way of life for residents in the areas. The applications will impact on the local highways, causing more congestion in an already busy area and will result in issues with turning, parking and the general manoeuvrability of vehicles. Most houses in this area are privately owned and the proposed schemes are totally unfitting of the area. The garages are well used and well maintained and the alternative parking arrangements suggested by Derwentside Homes are unrealistic and simply not practical.

28. The Councillor has tried unsuccessfully to work with Derwentside Homes to speak with local people and to take on board their concerns but has concluded the applicant's aims are driven by financial incentive at the expense of local people.

29. The in principle objection from one of the estate's original residents states that the area has always been a nice place to live for both families and older people. However the proposed relationship of older residents' adjacent family gardens, and the parking and turning problems that will result from the development indicate that the applicants are not customer focussed.

## **APPLICANT'S STATEMENT:**

30. The National Planning Policy Framework (NPPF) explains the purpose of the planning system is to contribute to the achievement of 'sustainable development', setting out the three dimensions of such as; an economic role, a social role and an environmental role. These three aspects are mutually dependent, and lead to a presumption in favour of 'sustainable development' schemes unless other material considerations indicate otherwise, and the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The NPPF identifies a requirement for requiring good design (at Part 7), particularly in delivering a wide choice of high quality homes (at Part 6), contributing positively to making places better for people. With the HUSK concept designed around conversion of existing garage structures in direct conformity with the NPPF's definition of 'previously developed land', and the social inclusion that the usual arrangement of the garage structures within existing local-authority built estates will bring, ensuring the intended older demographic clientele will remain sited within and interacting with their local community, thereby 'promoting healthy communities' (at Part 8).
31. The conversions will at the same time address the appearance of existing garage blocks which are often a blight to housing estates whilst introducing contemporary materials and finishes that will introduce modern contemporary buildings as a design feature and new design standard in existing, established estates. That the dwellings proposed are to be restricted to older residents and make a virtue of what may otherwise be seen as substandard residential relationships where garage blocks are facing, through the benefits of passive security and the principles of 'designing out crime', both for the dwellings themselves and their parking provision. Sited sporadically across estates, rather than in an enclave of their own, older residents will remain integral to and interacting with the comings and goings of the wider community. The layout of the estates usually allows for a pragmatic approach to visitor car parking provision, whilst not compromising pedestrian safety or existing residential amenity. The provision of bungalows, especially for older residents is often a shortfall of housing demand the HUSK product can help address.
32. The three identified elements of 'sustainable development' identified in the NPPF are interwoven into the HUSK model for the conversion of existing garage block buildings within Local authority built estates in a way that should comply with up-to-date planning policies or direct comparison with the NPPF and the government's aspirations for significant housing provision.

*The above is not intended to list 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 <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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33. 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 the principle of residential development, and the potential impact on highway safety.

## The Principle of Development

34. The proposals have been discussed in principle between the Architect and Officers over a number of months before submission of the applications. Notwithstanding the issue of displaced parking – i.e. if the garages were redundant, the proposals were concluded to potentially represent a highly sustainable re-use of existing structures.
35. As conversion of existing buildings, the amount of construction and ground disturbance involved is significantly reduced. The garage blocks by definition are sited within established communities in a large settlement, with good access to the facilities, services, commercial opportunities and sustainable transport links that define locational sustainability – especially important where dwellings for older residents are proposed. In providing new housing with access to the requirements of modern living, in close proximity to sustainable transport links, and in continuing the existing mixed community of family and older people's accommodation that is a feature of the estate, the proposals are considered in line with the advice given in Parts 4, 6 and 8 of the NPPF (as above).
36. The planning policies set out in the current Development Plan, the Derwentside District Local Plan 1997 (saved policies 2009) are out-of-date and of reducing weight. In terms of the principle of development (rather than considering the detail of the proposals where Policy GDP1 is relevant), Policy HO5 for Housing Development on Small Sites has four criteria, as set out above. Tested against the individual requirements; the proposals are considered appropriate to the existing pattern and form of the settlement, they do not extend beyond the existing built up area of the settlement, they are not backland development and the size of the site is under 0.4ha (this last element not NPPF compliant). This policy is 'partially' NPPF compliant as it is considered inflexible in terms of the definition of a small site. The weight this policy lends to the debate is positive in the planning assessment balance.
37. The provision of new housing is the imperative of the Government's requirements for the planning system. Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole.
38. The proposals are concluded in principle sustainable – the NPPF advising that 'development which is sustainable can be approved without delay'.

## Housing Land Supply

39. The Council is currently unable to demonstrate the housing land supply required of it. Whilst the lack of a 5 year supply, and the guidance at paragraph 49 of NPPF make it clear that it is not the case that every housing site should therefore be approved, there is a strong "presumption in favour of sustainable development". This site and the development proposed are considered sustainable. The scheme will make a positive contribution to the supply of housing in County Durham. This issue is material in considering the current proposals.

## Scale and Character

40. The conversion of the garages involves an alteration to the roof to result in a long mono-pitch that runs the length of the structure, which also allows for a high-level gable window to light the lounge area. One of the potential advantages of the conversions proposed is that the footprint and basic massing of the building, and

therefore its relationship to surrounding buildings, curtilages and highways remains as already established. Demolition and rebuild on the proposed sites would be viewed as new development and therefore likely acceptable. The proposals use modern materials in traditional colours.

41. Both the NPPF (at part 7) and NPPG bring quality of design to the fore as a material planning consideration – ‘good design is a key aspect of sustainable development, (and) is indivisible from good planning’. The NPPF lists potential benefits from the achievement of high quality and inclusive design including; establishing a strong sense of place, creating attractive and comfortable places to live, optimising the potential of sites to accommodate development, creating an appropriate mix of uses, responding to local character whilst not preventing or discouraging appropriate innovation, creating safe places that do not undermine quality of life or community cohesion, and being visually attractive as a result of good architecture. The NPPF makes it clear that ‘planning... decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The requirements of Development Plan Policy GDP1, for proposals to be in ‘keeping with the character and appearance of the area’, should be read and proportionately weighted in the context of this advice.
42. Officers consider the proposals represent a highly innovative alternate use for the garage structures on brownfield sites which, if redundant, would be difficult to redevelop for other uses. The conversion is undoubtedly innovative and achieves an interesting balance between modern appearances in a traditional colour palette. Read in the context of the advice in the NPPF, and the proportionate weight given to Policy GDP1 the proposals are considered acceptable in terms of their scale and character.

#### Residential Privacy and Amenity

43. This topic has two dimensions – those relating to existing residents and those relating to proposed residents – Policy GDP1(h) requiring, ‘protection of the amenities of neighbouring occupiers and land users’.
44. Local residents have raised no objections regards the proposed relationships or the scale and character. The proposals involve, as described above, the creation of a mono-pitch roof – raising one end of the structure around 1.5m in height. In terms of the proposed massing – and therefore any effect of the height of the structure in relation to existing houses and their rear gardens is by degree, as the basic relationship is already established. The effect on the privacy and amenity of existing residents is therefore considered acceptable.
45. In terms of the new residents, the two proposed dwellings will face each other closely, although they are handed rather than mirrored so the living rooms do not face each other. The facing distance is 7m, and residents would have to decide whether the benefits of a close neighbour, mutual support and good passive security outweigh the closeness of a separate dwelling and a shared curtilage. Officers consider that the proposal represents another alternative for personal preference, there being traditional semi-detached bungalows and an apartment block for older residents both close at hand on the estate, the proposals adding to variety and choice.
46. The objector is concerned that older residents may be an incompatible mix in amongst family housing. There are potential advantages and disadvantages in the proposed siting in this regard, but ultimately the NPPF presents mixed communities

as a positive, and it is noted that overall the wider surrounding estate appears a good example of this.

## Highway Safety

47. When the proposals were discussed presubmission and in principle it was on the basis that the structures that would be proposed converted were redundant, and the issue of parking displacement was not discussed. The garages here appear well maintained and in use. This application is a new scheme, and there has been no objection received in response to the Council's consultation exercise from directly affected residents.
48. The estate is by no means wholly dependent on the garage block for parking - Betjeman Close and surrounding streets use the communal garage blocks and also parking courts, along with roadside parking often remote from dwellings. Not all garages are used for parking, and tenants of the garages do not necessarily reside in the adjacent dwellings, or even the same street. Car ownership has increased since the estates were built, bringing additional demand. There is no doubt that the proposals will displace some parking onto surrounding streets, and that there will be an impact. Highways Engineers response notes the garages are owned by Derwentside Homes, the garage structures are private, and with proper notice to tenants could be removed from use at any time, whether development was proposed or not. Highways Engineers analysis of the proposals takes into account both the safety implications of the detailed specification proposed and the more general effects on highway's safety and capacity. A recommendation for refusal on highway safety grounds contrary to the formal advice of the County Council Highways Engineers is considered untenable by Planning Officers.
49. The reduced weight of the Policies in the development plan relating to highway safety is set by the NPPF, which advises planning authorities to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable..... only preventing development on transport grounds where the residual cumulative impact is severe'. Furthermore, to use the language of Paragraph 14 of the Framework, the adverse impacts of a refusal (on highways grounds) would not significantly and demonstrably outweigh the benefits, those benefits being the supply of new dwellings in a sustainable location. The development provides on-site parking for new residents, and with the various criteria of Policy TR2 considered by Highways Engineers in framing their response, the conclusion must be that in bald highways terms, the proposals are acceptable.

## Other Issues

50. Members will note that the proposed dwellings are proposed intended for, and indeed are specifically designed for, older residents. This area of provision is an integral part of the applicant's business. There is no policy justification to formally ensure this through condition.
51. Northumbrian Water has raised no objection to the development.
52. That the proposals represent conversion of existing structures ensures there is no immediate pressure for removal of adjacent trees. Submitted photographs show that some of these trees overhang the garage blocks as existing and would therefore require pruning works for clearance. A condition is proposed attached to give detailed control over the extent of these works. The trees are on Council land giving control over any suggestion of their removal.



53. Whilst as a conversion, the implications of the construction period should be reduced, however, in a restricted cul-de-sac with known parking and access issues, a standard construction timing condition is proposed to attempt to mitigate to some degree the effects of the construction works.

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## CONCLUSION

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54. The application proposes residential development on brownfield land in a sustainable location. The proposed dwellings are considered acceptable in scale and character, with no adverse implications in terms of privacy and amenity for existing and future residents. The proposals will reduce the car parking available to existing residents, but not to a degree where highway safety is compromised to a degree that would significantly and demonstrably outweigh the scheme's benefits. Conditions are considered an acceptable method of addressing the site's drainage and contamination requirements. The application is recommended positively.

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## RECOMMENDATION

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55. That the application be **APPROVED**, subject to the following conditions:

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: H-15002-husk-pl-0016 Site plan as proposed, H-15002-HUSK-PL-125 Floorplans and Elevations as Proposed, H-15002/husk/PL/0014 Plots 7&8 Site plans.  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, HO5 and TR2 of the Derwentside District Local Plan (saved policies 2009).
3. Notwithstanding any details of materials submitted with the application details of the finish and materials of all proposed hardstanding areas and boundary markers / binstores shall be submitted to and approved in writing by the Local planning authority before their use on site. The development shall be constructed in accordance with the approved details.  
Reason: To achieve an acceptable form of development in accordance with Policies GDP1 and TR2 of the Derwentside District Local Plan (saved policies 2009).
4. No construction works may commence until the applicant has submitted a detailed scheme of tree works and tree protection that ensures the retention of the adjacent trees during the construction period and mitigates the relationship of the trees and the structure. Said tree protection works must be in compliance with British Standard BS 5837:2012 and remain in place for the full period of external development works. Authority for the works must be sought from the land-owner.  
Reason: To protect trees on and adjacent the site during the construction period in line with Policy EN11 of the Derwentside District Local Plan, 1997

(saved Policies 2009), this information required pre-commencement as affecting all physical development works on-site.

5. The applicant must submit to, and have approval in writing by the Local planning authority, a detailed scheme to show the proposed modification, reconstruction and reconfiguration of the existing site access and footways, to include, but not restricted to, detail the continuation of the 1.8m wide footway at the vehicular access with a lowered vehicular crossing point. Said scheme, and any required stopping-up of the highway must be completed in full before the beneficial occupation of the residential units hereby approved.

Reason - In the interests of highway safety in accordance with Policy TR2 of the Derwentside District Local Plan (saved policies 2009).

6. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No works should be carried out on a Sunday or a Bank Holiday.

Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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56. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015).

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



### Planning Services

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Conversion of existing garages into residential bungalows.

Application Number : DM/16/02057/FPA

### Comments

Date - 29.09.16

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