

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/02695/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Erection of single-storey extension at rear of dwelling (retrospective application).</b>
<b>NAME OF APPLICANT:</b>	<b>Mr Simon Atkinson</b>
<b>ADDRESS:</b>	<b>16 Nevilledale Terrace, Durham, DH1 4QG</b>
<b>ELECTORAL DIVISION:</b>	<b>Neville's Cross</b> <b>Lisa Morina</b> <b>Planning Officer</b>
<b>CASE OFFICER:</b>	<b>03000 264877</b> <a href="mailto:lisa.morina@durham.gov.uk">lisa.morina@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is a two-storey mid terraced property situated within Nevilledale Terrace which is a stepped gently curving Edwardian terrace located within the western part of Durham (City Centre) Conservation Area. The rising terrace consists of 37 properties divided into 3 blocks occupying an elevated position overlooking Crossgate Peth, a historic route way into the city, with further residential dwellings to the north, south and east.

### The Proposal

2. This application seeks retrospective consent for the erection of a single-storey extension at the rear of the dwelling. A previous consent was granted for a single-storey extension however, during construction works, it was found that the approved scheme could not be implemented due to land levels, and therefore the proposal was not constructed in accordance with the approved plans with regards to the height of the extension.
3. The original scheme approved a single-storey flat roofed proposal with a height of 3.5m. This application shows an overall height of 4m at its highest point taking into consideration the change in the land levels on the site.
4. Amendments have been received which remove the lantern and replace this with two conservation style roof lights and a reduction in height to 3.7m. Re-notification was carried out to neighbours. A further amendment which replaces the two flat roof lights with a single larger roof light was also received along with specification details of both the roof light and the aluminium trim. Given the minor changes involved, it was not felt that further re-consultation was required in this instance.

5. The application is being referred to the planning committee at the request of Cllr Holland supported by Cllr Martin due to its location within the Conservation Area and the work that has already been carried out.

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## **PLANNING HISTORY**

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6. As stated above, a single-storey extension was approved in 2015 under reference DM/15/02807/FPA.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

7. 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.
8. 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’.
9. The following elements are considered relevant to this proposal;
10. NPPF Part 4 – Promoting Sustainable Transport. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. 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.
12. NPPF Part 12 - Conserving and Enhancing the Historic Environment. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance. 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. Development which will lead to substantial harm or loss of significance of a designated heritage asset, permission should be refused, unless the harm or loss is necessary to achieve substantial public benefits.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*  
<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **LOCAL PLAN POLICY:**

### **City of Durham Local Plan**

13. Policy E6 (Durham City Conservation Area) sets out the Council's aim to preserve the character, appearance and setting of the Durham City Conservation Area by ensuring high quality design.
14. Policy E22 (conservation Areas) sets out that the authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposal should be sensitive in terms of siting, scale, design and materials where appropriate reflecting existing architectural features
15. Policy Q1 (Design) sets out that the layout and design of all new development should take into account the requirements of users including personal safety and crime prevention and the access needs of everybody including people with needs of disabilities.
16. Policy T1 (General transport Policy) requires all development to protect highway safety and/or have no significant effect on the amenity of occupiers of neighbouring properties.
17. Policy T10 (Parking – General Provision) states that vehicles parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
18. Policy Q9 (Alterations and Extensions to Residential Properties) state that extensions will only be approved when they met a set of specific criteria for example, including impact on residential amenity of neighbours and impact on streetscene.

## **RELEVANT EMERGING POLICY**

### **The County Durham Plan**

19. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

20. None

## **INTERNAL CONSULTEE RESPONSES:**

21. Design and Conservation have offered no objections on heritage or design grounds providing some amendments are received.
22. In response to the amendments, the Design team commented that the amendments received were positive. This redesign of the existing structure would serve to address the main issues contributing to its dominance and impact in the rear streetscape by removing arguably the most intrusive and noticeable feature i.e. the roof lantern, and reducing the height from 3.9metres to 3.7metres. The extension would still be greater in height than that previously approved but the difference is relatively marginal which would not be considered excessive or result in an extension significantly harmful within the context. The new height as proposed would also be very similar to the outbuildings that formerly occupied the site at their highest point.

## **PUBLIC RESPONSES:**

23. The application has been advertised with a press notice and on site by way of a site notice and neighbouring residents were also notified individually of the proposed development. At the time of report preparation, 33 letters of objection have been received including objections from the MP for the area, as well as the City of Durham Trust and Crossgate Community Partnership. 30 letters of support have also been received.

24. The objections include:

- The footprint of the proposal leaves no amenity space (i.e. for storage of rubbish or recycle bins or bicycles)
- The higher flat roof as built is inappropriate for a house listed as a "non-designated heritage asset" within Character Area 3 of the Conservation Area.
- The bulk/size of the extension and the large upvc conservatory type roof light is a visual intrusion especially when viewed by pedestrians walking down the hill.
- There was a logic in reusing the existing coping tiles as part of the previous design. Now they have been built into a much higher wall they look completely out of context. It was stated that the height would be 2.9m and 2.5m however, 3.2m and 2.965m has been used.
- The type of brick used is out of keeping with the contemporary brick used along the terrace.
- The rear of the terrace is very visible, comprising of notable unlisted buildings with yards and small gardens enclosed by brick built walls.
- The development does not adhere to policies E6 and E22 in the Saved City of Durham Local Plan.
- The flat roof is topped by a reflective, high, prominent, UPVC conservatory style roof lantern and cannot be considered as simply styled which was one of the original reasons for approval of the previous consent.
- The new rear wall is approximately one metre higher than the original wall and there is no stepping down to match the existing rear street scene.
- The extension is immediately noticeable from anywhere in the rear street, due to the scale and design, which do not conform to the existing form of the terrace.
- This development detracts from the Conservation Area.
- The shape of the extension is unlike anything else in the area (a pitched roof is typical)

- The size of the extension seems disproportionate and not in keeping with others in the street - It is extremely high (much higher than originally) It is very wide.
- The proposal is closer to two-storey than one storey
- Any build should be sensitively built to an area such as this and for it to remain in keeping and be architecturally appropriate to these Edwardian properties and this proposal does not do this.
- The applicant has flouted the conditions of the previous application and without reason built a larger extension.
- The approval of retrospective consent will not rectify the fact that the proposal is out of keeping with the character of the area.
- The revised application does not comply with the terms of the original permission.
- The revised plans are incorrect.
- The proposal should be reverted back to what was previously approved.
- The slices of original coping stones are not acceptable
- The proposal is not sensitive to the area
- The proposal is visually intrusive and an eyesore which dominates and detracts from the traditional nature of the area
- The proposal, if approved will set a very unfortunate precedent
- No 15 has provided an extension which is considered appropriate and this extension should be refused.
- The extension is not a positive addition to the area or the rear lane of Nevilledale Terrace
- The proposal goes against the article 4 direction imposed in 2007
- The satellite dish is above the skyline
- The back gate is wider than the original
- The extension is of poor workmanship
- The window materials are not acceptable.
- The conclusion of the conservation officer does not meet with the Conservation appraisal
- The application should be refused and enforcement proceedings started
- The changes from the previous are unacceptable and goes against the previous report which approved an extension

25. The letters of support include:

- The extension has improved the house and provided better accommodation for tenants.
- Landlords often face venom for attempting to improve their property.
- The changes are minor/minimal
- Students deserve to have improving living conditions
- The proposal does not stick out like a sore thumb and gives a new lease of life to a tired house
- Students should not be left without accommodation and landlords should not be afraid of starting developments
- The proposal has not inflicted significant harm to the heritage asset
- There is a demand for high quality student accommodation
- The benefits outweigh the negatives
- The bricks used are a lot more in keeping than many other bricks used up and down the street
- The modern houses to the rear of Nevilledale Terrace (Summerville) are the real monstrosities in the street
- The proposal has been completed to a very high standard

- The original re-instated coal chute is considered appropriate
- The proposal meets policy E6 of the Local Plan
- The proposal is simple and robust
- The proposal has rebuilt a previous bowing and dangerous wall
- The concerns are attempting to strangle the supply of student accommodation at a time of serious shortage.
- This application is a serious waste of council officials time and taxpayers money

26. Following re-consultation of the amended plans received, the City of Durham Trust and Roberta Blackman Woods MP have clarified they still object to the proposal and 7 letters of objection have been received with the following additional concerns not raised during the earlier consultation:

- Why has the height of the wall not come down to what was previously agreed
- The planning department must make a stand and not allow a very bad precedent to be set for the area which is deteriorating.
- The proposal should be re-built to correct standards
- A fine should be issued for the damage to the original coping stones as they are of historical and architectural significance.
- The proposed modifications offer only slight improvements and do little to amend the harm done to the conservation area. The aluminium edge causes further alarm.
- The proposal should not be allowed to be negotiated after completion after policies are ignored.
- The previous approval should not be used and this application should be considered as a standalone application.
- The roof lights are an improvement
- The plans don't show a fall on the flat roof.
- The windows used are unattractive and poorly proportioned
- Information provided regarding a famous person who has been instructed to remove an extension to her Georgian property because of the wrong materials.
- The UPVC windows should be removed and an opportunity has been missed to enhance the conservation area.
- The proposal contravenes the Durham City Centre Conservaiton Area Character Appraisal and the City of Durham Local Plan Policies.
- Significant changes are needed

#### **APPLICANTS/AGENTS STATEMENT:**

27. Pre planning and design advice was given to the applicant and the pitched roof originally envisaged was considered unacceptable.

28. As a result, the preferred option approved by officers was a flat roof – the addition of a lantern and parapet wall was incorporated to give a contemporary alternative. No objections to the application on heritage or design grounds were made.

29. Retrospective planning is now sort for the following proposed amendments

- 20cms additional height
- Change bi fold door to two windows
- Remove lantern and replace with roof light.

30. Due to a miscalculation from street level to actual floor height and the requirement of a parapet, the extension is some 45cms over the approved height. The approved lantern also adds to the height. A set of folding doors has been changed to two windows to create a better-equipped kitchen.
31. Following consultations with planning, design and heritage officers, a revision to the roof arrangement has been recommended by officers. The effect of this recommended revision will result in a difference of 20cms in height between the previously approved plans and what is now proposed.
32. Officers also consider that substituting the approved lantern with a roof light will be less of an impact. The applicant is fully supportive of these officers' recommendations.

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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 impact on the residential amenity of the neighbouring properties and the impact on the visual amenity of the area including the conservation area in which the property is sited.

### Impact on residential amenity

34. It is considered that the proposal would not result in a significant detrimental impact on the residential amenity of the surrounding residents.
35. The original extension which was in place along the common boundary with no.17 had a height of 3.5m and the changes proposed to the current scheme would result in an overall height of 3.7m. Given this, it is not considered that the additional increase in height of 0.2m, about eight inches in Imperial measurement, would have a significant negative impact on this neighbour that would warrant a refusal of this application.
36. The neighbour at no. 15, given the layout, is not considered to be significantly negatively impacted upon as the extension is positioned away from the shared boundary.
37. There are no other neighbours which would be affected by this proposal in respect of impact on the amenity of the residents.
38. The application is therefore considered an appropriate addition in relation to policy Q9 of the Local Plan with regards to impact upon amenity of adjoining neighbours.

### Impact on the visual amenity of the area

39. As the property is located within the Durham (City Centre) Conservation Area the application should be assessed against Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the proposal to either preserve or enhance the character and appearance of the Conservation Area.

40. Concern has been raised that the proposal is not sympathetic to the surrounding area given its location within the conservation area, and does not represent an appropriate form of development within the existing streetscene due to its design, size, materials and construction.
41. Approval of the proposal is being sought on a partially retrospective basis as it has not been constructed in accordance with the approved plans of the previous consent and further amendments are proposed to what is currently on site. It has been built higher, window openings have been altered and the roof lantern is different. In respect of the materials, these were not submitted for approval by officers in accordance with the relevant planning condition that formed part of the previous consent.
42. In respect of concern over the shape and footprint of the proposal, the footprint and shape were approved under the previous consent as being considered appropriate. In respect of the shape, it was felt that a flat roofed proposal with detailing was visually less intrusive than a shallow pitched roof which was not considered to provide the steep traditional roof pitch that is usually associated with these types of dwellings. Therefore, the shape of the extension has previously been approved.
43. Following submission of the retrospective application, negotiations have been taking place between the applicant and officers to establish whether revisions to the scheme could reduce its impact to a degree that would overcome the concerns raised. As a result, and although not yet carried out, changes have now been proposed which include the removal of the lantern and the reduction in the height to 3.7m. Therefore, essentially that which is to be assessed is an additional height of 20cm, or 8 inches.
44. Concern has been raised that the proposal has not been amended back to the height that was previously approved however, this would result in the development not requiring any further planning approval given this consent is still valid and a fall-back position is available in this instance. The applicants however, have asked officers to consider an additional 20cm which would avoid significant construction changes being required to the proposal. Concern was also raised over the fact that the proposal is being considered in conjunction with the previous consent however, as stated above the previous consent is still valid and therefore, is material in the determination of this amended application.
45. Given the above, a difference of 20cm is considered minimal and results in a proposal which cannot be considered to have a significantly greater impact than that already approved. The proposal as amended, therefore, is not considered to have a significant detrimental impact that would warrant a refusal of this application given the increase in height would be limited.
46. It is acknowledged that the brick was not approved as part of the previous consent, however, the brick used is not considered to have a detrimental impact on the streetscene and is of an appropriate quality. While there may be other options that would have been more appropriate, the brick used is considered a warm red with some colour variation and texture which is not considered to unreasonably stand out given the mixture of brick types in close proximity to the site. The brick colour and quality, therefore, is not considered a sufficient reason for refusal.



47. The addition of the coping stones to the rear elevation is considered to be acceptable in an attempt to visually mimic the original configuration of the boundary wall as well as the coal chute and gated rear entrance. These are all considered to help in the design of the proposal and are not considered to have a detrimental impact on the streetscene or the conservation area. They were also included in the approved scheme. Concern is raised over the way that this has been attached to the proposal and that a fine should be given due to the way in which the coping stones have been affected given their historical and architectural appearance. However, no action is considered necessary in respect of this issue, given the limited nature of the works. Furthermore, as the building is not listed, no offence has been committed that could require payment of a fine.
48. Objections have been raised that the proposal is not in keeping with the rear streetscene of the proposal and not in accordance with the Durham City Conservation Area Character Appraisal and City of Durham Local Plan Policies and that the Council has missed the opportunity to enhance the conservation area.
49. It is acknowledged that all heritage policies apply to all façades of heritage assets, particularly when in the public domain, but the heritage values of the host building primarily relate to its original constructional form as part of the terracing, which is still clearly legible and physically unaffected, and the architectural and aesthetic qualities of the frontage which is unchanged.
50. The back lanes of the Victorian and Edwardian terraces are of value to the conservation area, but like many other similar streets, the heritage qualities of the rear street environment have been eroded by alterations and expansion over time for example the neighbouring property has a 2-storey flat roofed extension, further down the street there is a PVCu infill addition, and there are numerous examples where large sections of original rear boundary walls have been lost. Given this, the significance of the rear is considered to be less than the front of the dwellings in this instance and UPVC is considered a common feature. Given this, it is not felt that the use of UPVC can reasonably be restricted in this instance and therefore, the request to remove all UPVC from the property is not considered reasonable. This is due to the extent of the use of UPVC within the rear lane already. In addition to this, the appraisal states “officers will discourage the use of UPVC” but does not go as far as to state that it is not allowed.
51. Within conservation areas, Local Planning Authorities have a legal duty to preserve or enhance such areas; however in determining this application officers are required to balance the harm of the extension on the conservation area / rear street scene and it is considered that with the changes now proposed to this extension and the minimal change in height which would be created from the previously approved scheme, the additional impact would not be significant enough to warrant a refusal of the application as it would have a neutral effect on the character and appearance of the conservation area and would cause no significant harm. The applicants have agreed to remove the most intrusive component which can be dealt with via condition.
52. Concern has also been raised regarding the proposed aluminium trim. Further details have been received and the use of the trim is considered acceptable. The aluminium trim would be in dark grey so is not reflective and is designed to provide a neat and unobtrusive finishing detail as there is no longer a parapet.

53. Taken all the above into account, it is considered that the proposal would not result in a significant negative impact on the visual amenity of the streetscene or in turn the significance and setting of the Conservation Area in which it is sited as the impact of the changes over and above that what was previously approved is considered minimal. As such, the impact of the development when further altered as proposed would not be considered significantly detrimental to the character and appearance of the Conservation Area which would be preserved; this is the minimum requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when dealing with development in a conservation area.

#### Other Issues

54. Concern was also raised with regards to the amount of amenity space which remains. In respect of terraced properties, it is common for limited space to remain if rear extensions are added to properties. However, the space which remains is not considered to be detrimental to the occupants of the dwelling and it is considered acceptable.

55. The fact that the proposal is retrospective does not constitute a valid reason for refusal. Unless it is causing unacceptable harm, unauthorised development is normally dealt with through the submission of a retrospective application to enable the relevant planning considerations to be assessed. This is in accordance with the Government's approach to planning enforcement, and still provides an opportunity for refusal of permission if circumstances warrant this.

56. Concern was also raised that an unacceptable precedent would be set should this application be approved. However, it is felt that with the changes proposed, this would not occur, and regardless of this, all applications are assessed on their own merits and individual circumstances.

57. Concern over workmanship of the extension is not a material planning consideration.

58. Other schemes/applications have been cited in objections however, each application is dealt with on its own merits.

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## **CONCLUSION**

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59. The development including the changes proposed, which include the removal of the lantern, the reduction in overall height to 3.7m and the addition of a roof light, are considered acceptable in principle, being considered to be in keeping within the existing property and the area more generally. The development as proposed to be amended is not considered to have a significant detrimental impact on the surrounding residents or the character and appearance of the conservation area in which it is sited, in accordance with the requirements of local policies and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that development should preserve or enhance the Conservation Area. In this instance, it is considered that the proposal would preserve the character and appearance of the Conservation Area.

60. As such, it is considered that the proposed development would be in accordance with saved policies E6, E22, Q1 and Q9 of the City of Durham Local Plan and parts 1, 4 and 12 of the NPPF.

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## **RECOMMENDATION**

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

1. Within 3 months of the date of the approval, the alteration works required as detailed on the amended plans drawing received 26 October 2016 shall be carried out in strict accordance with these plans and the accompanying specification details of the roof lights and aluminium trim.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies E6, E22, Q1 and Q9 of the City of Durham District Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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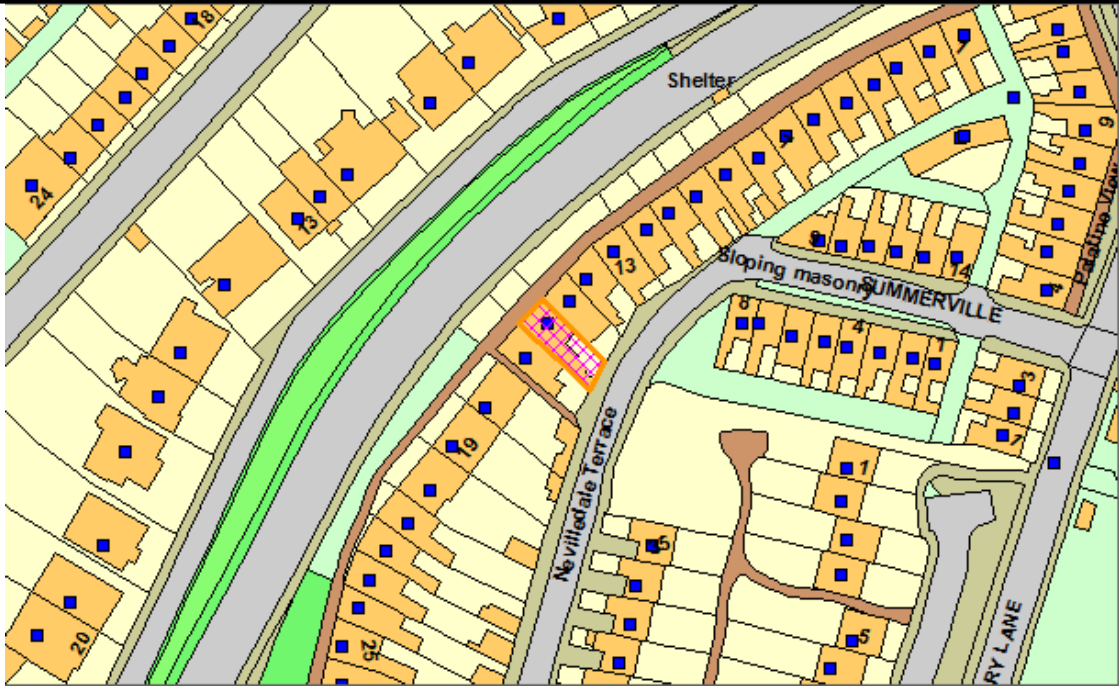
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan 2004  
National Planning Policy Framework  
Internal consultee responses  
Public responses  
Responses from statutory and other consultees  
National Planning Policy Guidance



**Planning Services**

Erection of single-storey extension at rear of dwelling (retrospective application) at 16 Nevilledale Terrace, Durham, DH1 4QG

Application Reference: DM/16/02695/FPA

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**Date**  
**November 2016**