

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3(c)

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0471
FULL APPLICATION DESCRIPTION	CONVERSION AND EXTENSION OF EXISTING BUILDING
NAME OF APPLICANT	MR G ANGUS
SITE ADDRESS	THE COTTAGE, REAR OF CRIMDON TERRACE, BLACKHALL
ELECTORAL DIVISION	BLACKHALLS
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The existing building subject to this application is situated at the rear of Crimdon Terrace, on the Coast Road to the south of the village of Blackhall. The building appears to have been originally constructed as stables with hayloft above, most recently it has been used in association with previous market garden and building merchant's uses. There is little planning history in relation to the site, and it is understood that the building has been vacant for a number of years.
- 2 The building is primarily single storey with a small first floor element at the eastern end, and is finished in red brick with red pantile roof tiles. A section of the original building appears have been demolished as a small area of hard standing and the remains of walls are visible at its western end.
- 3 The application site includes an area of grassed land to the south of the existing building which does not appear to be in use.

Proposal:

- 4 The current application represents a resubmission of an approved application. Planning permission was originally approved for the conversion of the existing building on the site to form a single dwelling.

- 5 The previously approved conversion works included the re-build of an original part of the building on its current western gable, to be completed in materials to match the existing building. The approved conversion and minor re-building works would provide a modest two-bedroom property, the use of the land situated to the south of the existing building is proposed as a private garden.
- 6 The current application involves these approved works together with a proposed kitchen and dining room extension. The proposed kitchen is to extend 7.0m from the southern/front elevation and will be 6.5m in width. The proposed extension is to be finished in materials to match the partly completed conversion.
- 7 The previously approved conversion works have been commenced, however the building operations have not been completed and the property is not yet habitable. As the approved works are yet to be completed, the building subject to this application is not yet considered to represent a dwelling house. The proposed addition of an extension will require the merits of the incomplete conversion to be re-assessed, rather than merely considered as an extension to a residential dwelling.
- 8 The proposed works also include a new chimney and rooflight which were not included on the original plans, but nevertheless have been completed on site. Therefore the current application also seeks to regularise these currently unauthorised amendments to the approved scheme. These amendments are currently subject of an application for a Non-Material Amendment to the original planning permission; the determination of this application is pending subject to the determination of the application subject of this report.
- 9 Access will be provided to the property from an existing access road which currently serves the residential property known as The Beacon, sited to the south west of the application site. The access road leads from the A1086/Coast Road situated to the east of the application site. The access route will pass to the south of No. 12 Crimdon Terrace.
- 10 The application is reported to the Committee due to the contentious history of the site and previous development.

PLANNING HISTORY

PLAN/2008/0511 – Conversion and Refurbishment of Dwelling – Refused 24/02/2009
PL/5/2009/0119 – Conversion and Refurbishment of Dwelling – Approved 12/05/2009
PL/5/2010/0472 - External Chimney and Rooflight in Northern Elevation - Non-Material Amendment to Planning Permission REF: PL/5/2009/0119 - PENDING

PLANNING POLICY

11 NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

12 LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

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/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

13 STATUTORY RESPONSES:

Monk Hesleden Parish Council – The Parish Council object to the planning application as it is considered to be contrary to Local Plan Policy 3. The development is located outside the Blackhall settlement limits. The extension would no longer be a conversion but in fact a new build, which would be contrary to planning policy. Also, the applicant does not appear to have adhered to the conditions regarding approval PL/5/2009/0119 and has undertaken additional works for which no authority has been granted. The planning committee must be aware of the facts surrounding this development; they should give serious consideration to the concerns of neighbouring properties and the disregard for the planning authority and their decisions.

Northumbrian Water – No objections.

14 INTERNAL CONSULTEE RESPONSES:

Planning Policy – The proposal satisfies the central government priority for future development to be on previously developed land, in particular vacant and derelict sites and buildings. The dwelling is considered to be of sound structural integrity and therefore has good potential for refurbishment. Although the proposal is strictly speaking contrary to local plan policy, as the site is outside the defined settlement limits, the development could be considered acceptable as it proposes the conversion of an existing building, however, there

is concern regarding the size of the extension proposed, and whether or not the proposed development represents a conversion.

Environmental Health – No objections.

15 PUBLIC RESPONSES:

The application has been advertised by a site notice and neighbouring properties have been consulted. 9 no. letters of representation (some of which are from the same address) have been received in relation to the proposed development. Objections have been raised on the following grounds:

- The proposed dwelling is not yet habitable and as such the proposed development needs to be considered as a whole, and not merely as a residential conversion. On this basis the proposed development is contrary to the relevant development plan policies, as due to the amount of new build proposed the development cannot be considered to represent a conversion.
- The developer has not adhered to the approved plans for the conversion. The addition of the chimney stack and velux window has completely altered the appearance of the building to the detriment of the character of the area and visual amenity.
- Concerns that the retrospective nature of the works makes a mockery of the planning system.
- The proposed changes to the building are out of character with the existing building and surrounding area.
- The proposed extension is considered to be too large, and is out of character with the existing building.
- The developer has failed to adequately discharge all conditions in relation to the previous grant of planning permission. Concerns are raised regarding the materials used, and the failure to comply with wildlife mitigation measures.
- Concerns that the development is situated within a smokeless zone and as such query the requirement for a chimney stack. Adjacent residents have raised concerns in relation to potential health risks associated with the chimney.
- The proposed development will impact on the visual amenity of adjacent occupants; and detrimentally affect rural views currently enjoyed by residents.
- The proposed extension will now overlook properties on Crimdon Terrace to the east; to the detriment of the residential amenity of adjacent occupants by way of loss of amenity.
- The proposed development will further exacerbate flooding issues for adjacent occupants, which it is suggested have been caused by the building works associated with the original approval.
- The adjacent residents have been contacted by the applicants solicitor in relation to legal issues at the site.

16 APPLICANTS STATEMENT:

The property subject of this application was approved for the conversion and refurbishment of the existing dwelling under planning reference PL/5/2009/0119 and this permission has now been implemented to the completion of the structural renovations.

The remaining works to be completed are to plaster out, service the property, and fit out, the property will then be in a habitable condition for occupation, and the existing use re-established.

The applicant considers that the property requires additional facilities, and a submission with this in mind was made to extend the property to provide a kitchen extension, to the previously approved scheme.

The application under reference number PL/5/2010/0471 described the proposal as "Proposed Kitchen/Dining Room Extension" and was originally submitted as an application for the kitchen extension only.

However we were notified by the planning department, that no decision for or against the proposal could be forthcoming, as in accordance with planning policy an extension to a property not completed and not in use could not be accepted as valid.

We were therefore encouraged to submit the application in its current form, which takes a step back to the position, as if no implementation of our approved scheme had been undertaken, and this application now before you is for the approved scheme plus the extension.

The development has currently been suspended as it is good building practise and financially expedient to extend the property in tandem with the proposed redevelopment.

Notwithstanding the decision on the current application, the property will be completed in accordance with approval ref. PL/5/2009/0119 and the property brought into use.

Following this completion a submission for planning approval will be submitted for the kitchen extension, and this will be considered on its merits, but in the knowledge that we now have an existing property in use, and the planning policy referred to above will no longer be applicable.

The above policy position does not allow for officers to recommend this current application for approval, however at meetings held between the applicant, his representatives and officers of the council, it was noted, that should we submit an application for an extension, following completion of the property, then this would be more favourable, and capable of officer support.

We would therefore respectfully request the planning committee to view our application as submitted, and consider the prospects of a future application for the extension only, and if it is considered that the extension will be eventually approved, then all that is achieved by refusing this current application, is one of delay and construction cost for the applicant.

Should the committee consider that the kitchen extension does not cause demonstrable harm to adjacent properties, and when presented, in complete accord with policy, will receive a favourable planning recommendation for approval, then perhaps the committee will consider it prudent, both to save time and costs to all parties, that they should be minded to approve the scheme as presented.

We find ourselves somewhat disadvantaged by planning policy, which over time will not be applicable, and therefore respectfully request the committee, having taken regard to the officer recommendation, and having reviewed the policy and the planning application history of submissions and approvals, will take a pragmatic view of our application and find that the proposal has merit and could be approved.

The above 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://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=111062> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

This application represents the resubmission of an approved application. The previous application was approved as it was considered to represent the conversion of an existing building in accordance with relevant planning policy. The key issues in determining the current proposal relate to whether or not the changes made i.e. the additional kitchen and dining room extension, and the insertion of a chimney and roof light, alter the reasons for supporting the previous application.

The main issues in determining this application are considered to be:

- Relevant Development Plan Policies
- Previous decision and “fall-back” position.
- Access
- Protected Species
- Public Representations
- Response to the Applicants Statement

17 Relevant Development Plan Policies

As the proposed development lies outside of the settlement boundary for Blackhall the proposed works are considered to represent development in the countryside.

Policy 3 of the District of Easington Local Plan is intended to protect the countryside and outlines the council's approach to development outside of settlement boundaries. It states that other than where allowed for under specific policies development in the countryside will not be approved.

Planning Policy Statement 3: Housing is the national planning guidance relating to housing development. Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises previously developed land in urban areas.

PPS7 states that the Government's policy is to support the re- use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. PPS7 states that the criteria to be assessed when determining a proposed conversion of an existing building to residential should include: the potential impact on the countryside and landscape and wildlife; specific local economic and social needs and opportunities; settlement patterns and accessibility to service centres, markets and housing; the suitability of different types of buildings, and of different scales, for re-use; and, the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

Planning permission is sought for the conversion, and the extension of an existing structure most recently used for the storage of materials associated with a builders yard, to form primarily a single storey residential dwelling. The proposed works will involve extensive new build, with a large extension (84.5m sq) being provided to the west and south of the existing structure (54 m sq.). The building to be converted is considered to be suitable for conversion and is structurally sound. However, the amount of new build now proposed is considered to be significant, with over half of the proposed finished floor area being new build (61%). The current application also proposes the regularisation of currently unauthorised works including a chimney and rooflight. Due to the amount of new build proposed the proposal cannot be considered to represent a conversion. The proposed

works are therefore not considered to accord with the relevant development plan policies with regard to the conversion of existing buildings in the countryside for residential purposes.

As stated previously the proposed works are considered to represent development in the countryside. Relevant guidance states that new build residential development will not be approved in the countryside unless specifically justified by other policies such as to support agriculture. The proposal is therefore considered to be contrary to advice contained within Local Plan Policy 3 and PPS3 and PPS7.

18 Previous decision and “fall-back” position

The previous planning permission allowed for the conversion of the existing building to provide a modest single dwelling. At that time the proposed works were considered to accord with the relevant development plan policies and approved by the Local Planning Authority. These approved works have been commenced on site, although are yet to be finished. The approved dwelling is not yet habitable, and therefore is not considered to yet be a dwellinghouse. The currently proposed extension to the building requires the merits of the conversion of the whole to be re-assessed, and cannot be considered as merely a residential extension as the approved dwelling is not yet complete.

In support of the application the applicant has acknowledged this, but has requested that the Local Planning Authority take a pragmatic view and approve the current application on the grounds that it is merely a residential extension. The applicant has argued that the extension proposed would be likely to be supported by planning officers if the previously approved conversion works had been completed. Currently this is a hypothetical situation, and, as stated previously the approved development is not yet complete; the Local Planning Authority must assess the development as a whole. On this basis, due to the amount of new build proposed, the works are not considered to represent a conversion and as such are not in accordance with the relevant development plan policies.

19 Access

The current application proposes the same access arrangement associated with the previously approved application. The Highways Authority has been consulted on the application and has raised no objections to the proposed scheme.

20 Protected Species

As the proposed works involve the conversion of an existing building, the effect the development may have on protected species needs to be considered. The ODPM Circular 06/2005 and Defra Circular 01/2005 outline how statutory obligations relating to protected species relate to planning, and state that the presence and extent to which protected species will be affected, must be established before planning permission is granted. With regard to information submitted in support of the application it is accepted that any risk to bats or owls will be acceptable providing a condition is attached to any grant of planning permission ensuring that the works are carried out in accordance with the mitigation measures outlined in the ecological report submitted in support of the previous application.

21 Public Representations

Nine letters of representation have been received from members of the public, along with a representation from the Parish Council in relation to the current proposal.

Both local residents and the parish council have raised concerns that the proposed works no longer represent a conversion and as such are now not in accordance with the local plan policy. This issue has previously been considered in the report.

Concerns have also been raised regarding the fact that the applicant has carried out works without discharging all relevant planning conditions, and also made changes to the development without seeking approval from the local planning authority. It is acknowledged that some works have taken place on site without the requisite permissions being issued. However, planning legislation allows for the submission of a retrospective planning application, and such development must be considered upon its own merits. Whether it is retrospective, is not a material planning consideration for the Planning Authority to consider. In determining the current application the Local Planning Authority will need to give consideration to the acceptability of the unauthorised works (chimney and rooflight window).

Concerns were also raised regarding the proximity of the proposed house and extension to those existing on Crimdon Terrace, and the likely loss of privacy for existing residents. In this regard it is considered that the proposed development is in accordance with guidance contained within the Local Plan in relation to the spacing of residential properties and privacy distances.

Concerns were raised regarding the impact on wildlife, which as already stated in this report are considered acceptable.

Residents also raised concerns regarding the impact the proposed building works may have on the existing residential properties situated down slope on Crimdon Terrace, by way of flooding associated with the development. In terms of concerns in relation to drainage, the applicant has confirmed that a connection will be provided to the main sewer to the east of the site; Northumbrian Water has raised no objections to the proposal. As such it is not considered that the proposed building works should have any detrimental effects in terms of drainage or structural problems sufficient to warrant refusal of the application.

Residents have also raised concerns regarding the insertion of chimney stacks onto the proposed dwelling. It is noted that the application site is within a "smoke free zone" and therefore the requirement for the chimneys has been questioned. However, such designation does not necessarily mean that fires in residential homes are prohibited, as smokeless fuels could be used. Nevertheless, such a designation is controlled by the legislation contained within the Clean Air Act, and therefore lies outside the local planning authority's remit.

Local residents have also referred to correspondence received from the applicants solicitor in relation to legal issues on the site. It is not considered that such matters are relevant in the determination of the current planning application.

22 Response to the Applicants Statement

It is considered appropriate to respond to two of the points made in the applicant's statement. First, the renovations have not been completed as a wall that would require reconfiguration to facilitate the extension remains unfinished. Secondly, the claim that an existing use would be re-established is not accepted. The LPA has no evidence that this building was ever used as a dwelling in the past.

CONCLUSION

- 23 The current application represents the resubmission of a previously approved application. The changes made to the previously approved application are considered to be significant. The amount of new build currently proposed means that the proposal cannot be considered to represent the conversion of an existing building, but instead is effectively a new build dwelling in the countryside without any relevant justification.
- 24 The applicant has argued that the proposal should be considered as an extension of an existing property, and therefore it is suggested is acceptable. However as discussed in the report as the original conversion works are not complete the whole scheme needs to be re-assessed due to the changes proposed. If the applicant were to complete the approved works and then apply for an extension, such an application would be assessed on its merits at that time. However, until the approved works are complete, any amendments will require a re-assessment of the principle of development.
- 25 The proposal is therefore considered to be contrary to advice contained within Local Plan Policy 3 and PPS3 and PPS7.

RECOMMENDATION

- 26 That the application be **REFUSED** for the following reason;;
1. The proposed works are not considered to represent the conversion of an existing building due to the extent of new building works proposed. As such the proposal represents a new dwelling within the open countryside, outside the existing settlement boundaries. In the absence of any justification of dwellings the proposal is considered to be contrary to policies 1 and 3 of the District of Easington Local Plan and advice contained within Planning Policy Statements No.3: Housing and No.7: Sustainable Development in Rural Areas.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS7, PPS9, PPS13
- Consultation Responses



Durham County Council
 Ordnance
 22 OCT 2010
 Planning Services
 Easington Area Office

District of Easington
 Planning Services
 10 MAR 2009

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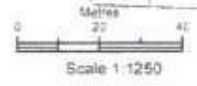
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