

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/10/00229/OUT

FULL APPLICATION DESCRIPTION: Outline application including details of access (all other matters reserved) for the residential development of the site to provide 25 dwellings (indicative only)

NAME OF APPLICANT: Keepmoat Homes

ADDRESS: Land At Ridding Road
Esh Winning
Durham

ELECTORAL DIVISION: Deerness Valley

CASE OFFICER: Mr S France, Senior Planning Officer
0191 301 8711
steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises a site of 0.56hectares (1.38 acres), adjacent to the settlement boundary of Esh Winning, a former mining settlement situated five miles to the west of Durham City on the B6302. The west side of the village features large Local Authority built estates, and the modern private estate of Larkshill.
2. The application seeks outline planning permission for the erection of up to 24 dwellings, with detailed approval sought only for the vehicular access to the site, all other matters being reserved, albeit the applicant has submitted indicative plans to show the amount of development proposed that can be accommodated on site.
3. The land is edge of settlement countryside, comprising an open area of maintained close mown grassland at the head of Ridding Road. Well used footpath links cross the site, which has no fixed structures, but a good degree of tree and shrub cover, and forms a, natural 'stop' to the end of the settlement. The site has an existing vehicular access, with the remains of an area of hardstanding which appears to attract low level dumping and anti-social behaviour from the detritus apparent on the eastern part of the site.

4. The site sits adjacent Ridding Road, to the north of which is a large local authority built estate, elements of which are currently being demolished. No planning application has as yet been submitted for the redevelopment of that site, although a masterplan produced in 2007 to facilitate the housing led regeneration of the village, identifies the area for comprehensive redevelopment.

A small 1990s residential development on the site of a former Club building bounds the site to the immediate east, to the west is open, agriculturally managed countryside and to the south the woodland and natural developed flora of the site extends in both managed and unmanaged woodland.

5. The application is presented to Committee on the basis of the number of units involved in the development.

PLANNING HISTORY

6. The site, as countryside has no planning history, the tarmac surface evident on site may relate to a historic use of part of the land as allotments, these long since having been abandoned and reclaimed by nature.

PLANNING POLICY

7. NATIONAL PLANNING POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. Particular emphasis is placed on the need for good design to be an intrinsic part of the development process.

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live. This PPS3 sets out the expectations of the Government for Local Planning Authorities considering the various aspects of development of new houses, including issues of sustainability, quality, mix, access to facilities, land supply, and the need for 'balanced communities'.

Planning Policy Statement 4: Planning for Sustainable Economic Growth, sets out Government guidance for economic development in both urban and rural areas.

Planning Policy Statement 7: Sustainable Development in the Countryside, sets out sustainability issues as the key principal underpinning rural land use planning, setting out criteria for development and conversion of buildings in the countryside and appropriate land uses.

Planning Policy Statement 9: Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

Planning Policy Guidance 13: Transport. This PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

8. LOCAL PLAN POLICY:

Policy E7 (Development in the Countryside) advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.

Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

Policy E19 (Wildlife Corridors) sets out criteria for ensuring that key habitats maintain their quality and range of species, and the council will seek to ensure that the integrity of wildlife corridors and the type of species are taken into account.

Policy H3 (New Housing Development within the Villages) allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.

Policy H5 (New Housing the Countryside) sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.

Policy H12 (Affordable Housing) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity. Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.

Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policy T21 (Safeguarding the Needs of Walkers) states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

Policy R2 (Provision of Open Space – New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

The above represents a summary of those policies considered most relevant. The full text can be accessed at:
<http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

9. STATUTORY RESPONSES:

During the course of the application revised plans have been submitted to give better indication of the site access proposed in detail, and to show that the number of units and the required road network can be accommodated on site. Following submission of this information, County Highway Authority consider the scheme, and its relation to access to public transport acceptable. Footpaths will be required, and involve land outside the defined development area, and it is noted that provision will have to be made at detailed stage for a public right of way that crosses the site, probably with a diversion.

Northumbrian Water have no objection to the proposals.

10. INTERNAL CONSULTEE RESPONSES:

With additional information submitted during the course of the application, the County Ecologist is satisfied that there is no adverse effect on species affected by law.

Likewise following a response to a request during the course of the application, the County Energy Officer is now satisfied that the requirements for alternative energy can be met from the scheme.

11. PUBLIC RESPONSES:

One resident has made comment on the public consultation exercise but has raised no issues about the proposed development itself.

Brandon and Byshottles Parish Council fully support the application.

12. APPLICANTS STATEMENT:

Background

The Ridding Road site was identified for development in the September 2007 Esh Winning Masterplan which highlighted the need for a mixed tenure regeneration scheme of the Oaks, Rowan Court and Pinetree.

A public consultation exercise carried out in July 2008 identified that 85% of the residents living in The Oaks supported demolition and the provision of new housing. Similarly 63% of residents in Pinetree supported redevelopment and 59% in Rowan Court. Only a small number of residents were against demolition and redevelopment – 9%, 17% and 17% respectively.

The majority of the existing residents (72%) wanted to remain in the village with 56% wanting to be re-housed within the regeneration scheme.

The Ridding Road Site Opportunity

With a high percentage of existing residents stating that they wish to be accommodated within the new development or elsewhere in Esh Winning, DVRC needed to identify a vacant site which could be developed ahead of the regeneration site in order to kick start the resident decanting process. A site on College Road was initially identified but this can not be brought forward for development in the short term.

A detailed appraisal of other potential development opportunities within the village has only revealed two very small sites in the village centre which will potentially accommodate 9 bungalows. A planning application has been submitted for these sites. No alternative location was identified within the formal village planning boundary that would be suitable for family housing hence the outline planning application for the Ridding Road site.

Development of the site will provide an opportunity to provide new rented housing for existing residents whose homes have been earmarked for demolition. The location of the site may also be of interest to some of the owner occupiers in the clearance area, should they were to be interested in some form of shared equity, property swap arrangement.

Funding of Local Needs, Affordable Housing

To date DVRC has provided over 250 new local needs, affordable homes across the Durham City District in partnership with Registered Social Landlords. DVRC is also currently constructing 28 new Council Houses for letting by Durham City Homes on 4 small sites in the District.

The majority of these homes, certainly all of those developed in recent years, have been built with an element of grant assistance from Central Government. Typically around half of the cost of providing the new rented homes has been met with grant. The current economic climate has however led the new government to significantly cut the amount of grant available for the construction of new affordable homes. The Homes and Communities Agency which provides grant for new affordable homes has recently had its 2010/11 budget cut by £450m. The Shadow Housing Minister has claimed that this will result in 6,000 fewer new affordable homes.

Any bid for grant funds to development affordable homes on the Ridding Road site in the coming months will need to demonstrate excellent value for money, if it is to have any chance of success. This is likely to result in the need for an element of cross subsidy from some private housing for sale also developed on the site. It is proposed that the land value that would be payable to Durham County Council for the private housing land is ring fenced to the scheme to assist in cross subsidising the new affordable homes to be provided and thereby reduce the grant level required.

At this point in time it is difficult to predict accurately what levels of grant funding may be available in the future for new affordable homes in Esh Winning. It is suggested that the affordable housing condition attached to any outline consent that may be granted for the Riding Road site relates the percentage of affordable housing to be provided to the overall viability of the development.

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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00229/OUT>

PLANNING CONSIDERATIONS AND ASSESSMENT

13. This application proposes a departure from the adopted City of Durham Local Plan, the definitive document against which the proposals must be considered, in proposing residential development outside the settlement boundary. The level of departure is such that the Council may make a decision on the application itself, without referring the decision to the Government Office North-east.

14. Policy E7 restricts development outside settlement boundaries, with H5 defining the restriction of such to persons employed in agriculture or forestry, unless in exceptional circumstances. The exceptional circumstances presented are that the scheme is one of a number of residential areas in this part of Esh Winning that have been identified as being in need of regeneration, with the timing of the redevelopment of a number of the sites dependent on each other. With the applicant's original phasing aspirations thwarted by legal difficulties on the site first planned to kick-start the series of residential developments, this area of land at the head of Ridding Road has been identified as being able to be developed immediately, allowing the relocation of the residents of Pine View, and the redevelopment of that site (previously approved) and so on. The applicant's agents contend this is a 'strong material consideration' in favour of the proposal.

15. The agents have then considered the development against Policy H3 which sets out the approach the Council takes when considering the development of sites within the settlement boundaries of the larger Villages within the scope of the City of Durham Local Plan, 2004. This policy directs development towards 'brown-field' or previously developed land, where it is 'appropriate in scale, design, location and number of units ...to the character of the settlement and does not result in the loss of areas which possess important functional, visual or environmental attributes which contribute to the settlement's character'. An indication of the intended scale parameters is included in the supporting information forwarded with the application, showing an intention for development that would fit with the historic form of development in this western part of the village.

16. There has been an on-going exchange during the course of the application between the applicant's agents, and the Council officers, who consider that the repeated representation of the 'unmanaged' land as possessing no visual or environmental attributes, and having little function beyond its use for anti-social behaviour and fly-tipping, does not provide an accurate assessment of the land. The land has three components – an area of close mown well maintained grassland at the head of the road, connected physically, visually and in terms of maintenance with the housing estate to the north. The central, and greater, part of the site is an area of woodland and scrub, obviously well use by the public of Esh Winning for recreational access to the countryside beyond. These footpaths have been identified as rights of way and are noted by the response of the Highway Authority as requiring accommodation or diversion in any detailed scheme. The remaining area of the site is that which is occupied by the remains of a small area of hardstanding, which has attracted a degree of low-level dumping and the apparent vestiges of anti-social behaviour. This part of the site may be argued as brown-field. However to present the site as derelict and unmanaged misrepresents the whole site and undermines the applicant's arguments.

17. The Local Plan allows for the development of brown field land and the redevelopment of small (less than 0.33ha or 10 units) green-field sites where there are clear and quantifiable regeneration benefits which could not be achieved through the redevelopment of brown-field land. Again the case is presented that in kick-starting the developer's and the Council's wider housing aspirations in this part of the village an exceptional circumstance exists to justify a deviation from adopted Policy in the Development Plan. In addition the developer purports that the development of the site would improve townscape and provide a 'sensitive edge' to the village. An area used for anti-social behaviour would also be removed. Employment of construction staff is presented as a regeneration benefit, as is the potential for additional retail expenditure from 24 new units in the area, notwithstanding that elsewhere it is stated the development is partly to relocate existing residents. The additional expenditure arguments work better in the context of all the potential development sites put together, whilst the relevance of the benefits of construction employment are not immediately apparent in justifying the clear and quantifiable regeneration benefits of this specific site.

18. Reference is made to the two local primary schools operating below capacity, with the potential for development to improve their viability, with a development of 24 dwellings reasonably expected to generate around 6 extra pupils.

19. In terms of the principal policies to be considered in the assessment of the site at this outline stage, where the principal is considered, Officers can accept the benefits of the development of the site in meeting the wider Council housing aspirations for this west part of Esh Winning both as the exceptional circumstance to deviate from Policy restricting development in the countryside (E7), and in providing regeneration benefits for development within the settlement boundary (H3), with varying weight given to the additional arguments put forward by the applicant's agents.

20. Other Policy implications raised by the application relate to the natural environment, with Policies E14, E15, E16 and E19 seeking to protect trees, hedgerows and protected species, with the site and its surrounding countryside identified as within a wildlife corridor. The additional submitted information gives an indicative layout that shows the principal trees on site can be retained in a scheme of the maximum density proposed, and any detailed scheme will be expected to include for an appropriate degree of new planting, to both mitigate the existing trees being lost, and to ensure the new development is of an appropriate character. The additional survey work submitted during the course of the application likewise shows the scheme being unlikely to detrimentally affect species protected by law. The applicant has undertaken to carry out the mitigation measures set out in the Phase 1 Protected Species Survey, and consider measures to assist in wildlife habitat creation in the development. The application is considered to address the requirements of these Policies to a level appropriate to the outline status of the current submission, with the assessment of the mitigation measures appropriate at the stage of any detailed application.

21. The applicants likewise seek to defer the assessment of the affordable housing implications of the scheme to a detailed submission. Whilst the applicants agents point out that at up to 24 dwellings could be provided on the site, the scheme is below the threshold for requiring affordable housing. However, with the developer being a partnership between Keepmoat Homes and Durham County Council and with the need for relocation of residents from The Pines, it is hoped that a significant element of some form of affordable housing will be incorporated at the detailed stage, and make a contribution against Policy H12.

22. The general requirements of the Quality of Residential Development Policy – Q8, and the Highways Policies in so far as they relate to on site requirements for road layout and parking would be best assessed at the detailed stage, although through the amended plan submitted during the course of the application shows that the required amenity standards to ensure the privacy and amenity of new and existing residents, and the provision of a road network to adoptable standards, and an acceptable level of parking can be achieved at the desired maximum density on the area of land available.

23. The illustrative layout shows that the level of recreational and amenity space required by the formula set out in Policy R2 is achievable on site, and Officers would hope for an appropriate provision of such within a detailed submission.

24. The requirements of Policy U8a relating to drainage have been taken into account to an appropriate degree with the consultation and response from Northumbrian Water who offer no objection to the scheme.

CONCLUSION

25. The application for housing on this site represents a departure from Policy as development in the Countryside. The developers and their agents have made a case for the development to be assessed within the wider context of the regeneration of housing in this area of the village, and this is accepted by Officers as providing the ‘exceptional’ justification for this departure.

26. Whilst the lack of response to the public consultation exercise, consisting site notices, advertisements in the local press, and 38 letters –sent twice when the application was amended – is most disappointing, the support of the local Parish Council for the scheme is noted.

27. The repeated presentation of the site as a derelict area, un-maintained and overrun by anti-social behaviour is not accepted. Officers have given varying weights to the other supporting justifications, with some relevant and others less so.

28. Subject to conditions appropriate to the outline status of the application, it is recommended favourably.

RECOMMENDATION

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved

2. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced, the details of access having been approved by this outline application.

3. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed, this consisting the junction layout shown on plan QD380-SK-01.

4. Development shall not commence until a full schedule of all the materials to be used in the development, in elevational treatment and hardstanding, including samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with approved details.

5. A landscape scheme for the site showing the treatment of all areas of soft and hard landscaping the position, size, species and density of all new planting, levels, mounding, site recontouring, and a programme of works and maintenance, shall be carried out as part of the development hereby approved in accordance with details to be submitted to and approved in writing by the Local Planning Authority. All planting seeding or turfing shall be carried out by the end of the first planting season following the completion of the development and any new trees or shrubs which within a period of five years from the completion of the development are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

No development shall commence nor shall any materials or machinery be brought on the site until details showing the exact position of protective fencing around trees and hedges within, and adjacent to the site have been submitted on plan, and agreed in writing by the Local Planning Authority. This fencing shall be erected not less than a distance 12 times the diameter of single stem trees or 10 times the diameter at 1.3m high of multi-stem trees and 3 metres from hedges or in accordance with the details agreed:

a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of the Local Planning Authority.

b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to affect any tree, without the prior written agreement of the Local Planning Authority.

c) Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees.

d) No underground services trenches or service runs shall be laid out without the prior written approval of the Local Planning Authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees), and BS 5837:2005 'Trees in Relation to Construction'

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6. No scrub clearing or tree felling shall be undertaken during the bird breeding season (1 March - 31 August inclusive) at any time during the construction phase unless a checking system has been undertaken by a qualified ecologist prior to the commencement of works and no active nests are found.
7. No development shall take place other than in accordance with the results and identified mitigation of additional ecological survey work identified in the 'AMENDED EXTENDED PHASE 1 AND PROTECTED SPECIES SURVEY OF LAND AT RIDDING ROAD, ESH WINNING', by E3 Ecology, with the mitigation requirements fully compliant, but not restricted to, the measures set out at para. D4, p20, and Appendix 1- Reptile Method Statement, p21.
8. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
9. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local Planning Authority, in line with discussions during the course of the application agreeing a minimum of 10% of energy is provided through solar PV panels, and the homes are built to CSH Level 4 . Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.
10. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
- a) The numbers, type and location of the site of the affordable housing provision to be made:
 - b) The timing of the construction of the affordable housing;
 - c) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
 - d) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.
11. The development hereby permitted shall not be commenced until a scheme providing for appropriate informal play space and amenity space associated with the residential development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
12. Development must not commence until a detailed scheme for the treatment of the foul and surface flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. The development shall not be occupied until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.

13. Before the last house is completed, a footpath must be constructed to DCC adoptable standards between the junction of Hamilton Close and the south-west end of Ridding Road.

14. Provision must be made within the detailed layout for the maintenance or diversion of the public right of way crossing the south-west part of the site.

REASONS FOR THE DECISION

1. Whilst the development represents a departure from adopted Local Plan Policy, the applicant has submitted exceptional circumstances which justify the approval of the proposals.

2. The development was considered acceptable having regard to consideration of issues of Regeneration and improvement of housing stock in a former pit village identified as in need of regeneration.

3. There has been no objection to the scheme.

BACKGROUND PAPERS

Submitted Application Forms and Plans.

Amended plans, planning statements, Design and Access Statements

City of Durham Local Plan 2004

E3 Ecology Protected Species Phase 1 report and Mitigation Report

All About Trees Arboricultural Tree Constraints Assessment

Letter confirming commitment to achieve a 10% reduction in CO2 through LZC

Planning Policy Statements / Guidance, PPS1, PPS3, PPS4, PPS7, PPS13

Responses from County Highways, Northumbrian Water

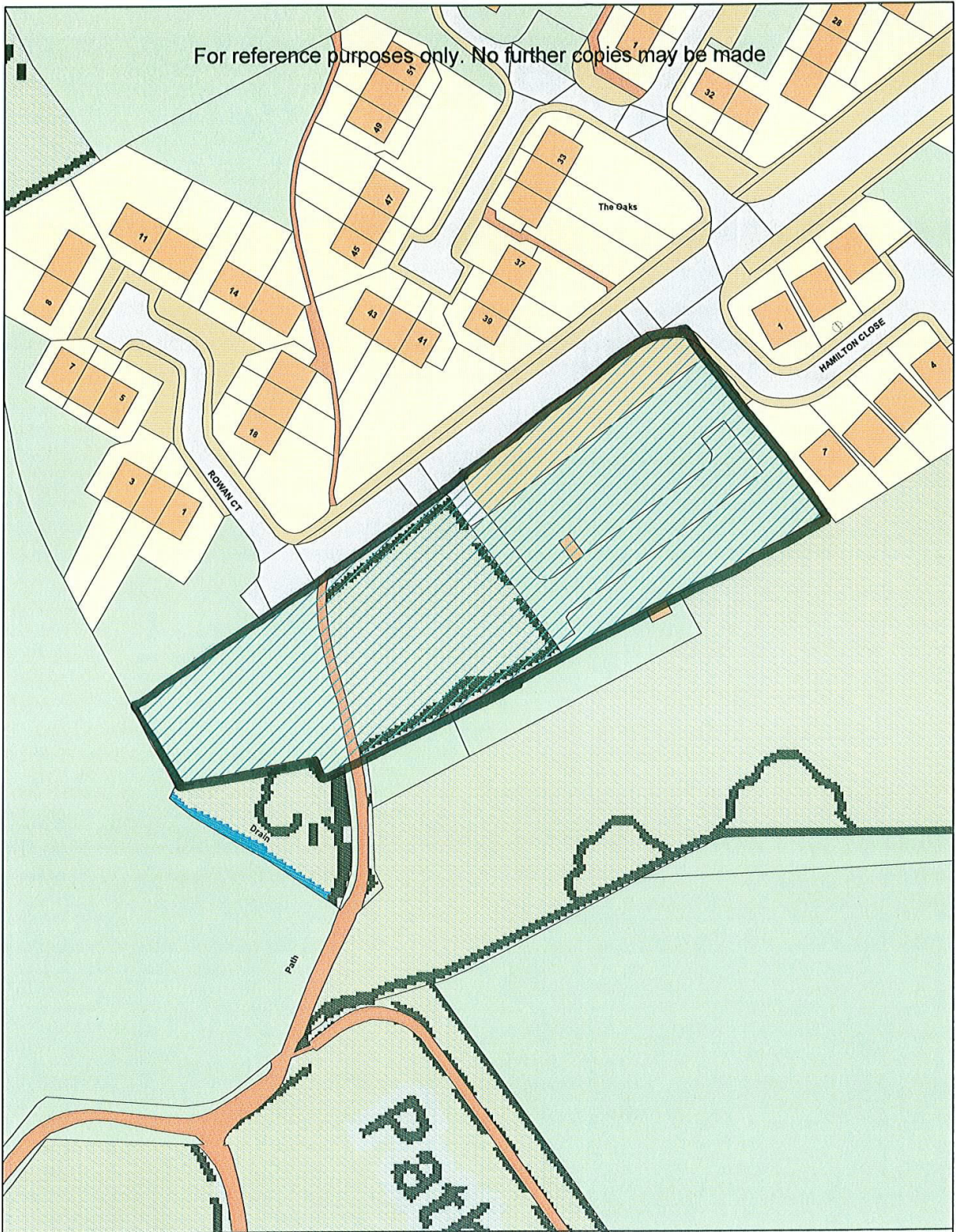
Responses from internal consultees

Brandon and Byshottles Parish Council Response

Esh Winning Master Plan 2007



For reference purposes only. No further copies may be made



Planning Services

4/10/00229/OUT - Land At Ridding Road

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Comments

Date

01 September 2010

Scale

1:1000

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/10/00411/FPA

FULL APPLICATION DESCRIPTION: Change of use and conversion of 2 no. existing apartments to form 2 no. houses in multiple occupation (Class C4) together with the erection of two and single storey pitched roof extensions to rear of existing building, removal of chimney, insertion, removal and replacement windows to front, side and rear elevations, and insertion of 2 no. roof lights to rear elevation in association with loft conversion

NAME OF APPLICANT: Hope Estates Ltd

ADDRESS: 27 and 28 Mistletoe Street, Durham, DH1 4EP

ELECTORAL DIVISION: Nevilles Cross

CASE OFFICER: Henry Jones, Planning Officer
henry.jones@durham.gov.uk
0191 301 8739

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to Nos. 27 and 28 Mistletoe Street, two existing apartments contained within an end terrace within Durham City. The application site lies within the Durham City Centre Conservation Area but the property is not a listed building. The property is a traditional terrace dating from the early twentieth century and is constructed of red brickwork with natural slate roof and features a bay window on front elevation. Mistletoe Street is located off Hawthorn Terrace and is a street comprising wholly of similar traditional terraced properties.

2. The property has a hardsurfaced rear yard space divided into two, one area dedicated to No. 27 and the other to No. 28. To the rear of this yard space there is a back lane and beyond that the rear yards and rear elevations of properties on Lawson Terrace. To the north of the property there is a public footpath forming a link between the terraced streets and beyond this a steep and wooded embankment. Adjoining the property to the south is No. 26 Mistletoe Street and to the east Nos. 12 and 13 on the opposite side of Mistletoe Street.

3. The application proposes the change of use of the existing pair of apartments to form 2 no. houses in multiple occupation (HMO) falling within the C4 use class. The existing apartments are both two bed. The proposal would provide one ground floor HMO with three bedrooms and one first and second floor HMO with five bedrooms, two bedrooms being located within a loft conversion sought as part of the proposal. Both proposed HMOs would contain shared lounge/dining, kitchen and bathroom/shower and WC facilities. The separate yard spaces would also remain.

4. External alterations are also proposed as part of the application. Two and single storey rear extensions are proposed both incorporating mono-pitch roofs. An existing mid chimney stack is proposed for removal, the remaining chimney re-pointed and re-flashed as necessary. Fenestration alterations are proposed with the insertion of some new windows and doors and the replacement and blocking up of some existing windows and doors. Two rear elevation rooflights are proposed as part of the proposed loft conversion. The proposed plans also state that the condition of the existing roof structure is to be inspected with replacement timbers, underlay and slates added if and where necessary.

5. There are no parking spaces at present within the curtilage of the properties and none are proposed through the development. Parking is provided through on street spaces as part of the Central Parking Zone in operation in this part of Durham City.

6. This application is being reported to Committee at the request of two local ward Councillors.

PLANNING HISTORY

7. This application follows the withdrawal of a previous application from earlier in the year seeking planning permission for extensions to Nos. 27 and 28 Mistletoe Street. This application was withdrawn by the applicant as a change in planning legislation meant that the extensions being sought would result in the formation of properties falling within the C4 HMO use class. As a result, in order to for the development to be handled correctly the proposal has been resubmitted including the application for the necessary changes of use involved.

PLANNING POLICY

8. NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing 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 5: Planning for the Historic Environment replaces Planning Policy Guidance 15 and similarly lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection.

9. LOCAL PLAN POLICY:

Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

Policy H9 (Multiple Occupation/Student Households) seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations which would unacceptably alter the character or scale of the original building having regard to Policy Q9.

Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.

Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policy Q9 (Alterations and Extensions to Residential Dwellings) states that proposals should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.

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:-

National Planning Policy

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/>

Local Plan Policy

<http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

10. STATUTORY RESPONSES:

The County Highway Authority has been consulted on the application and considers that no on-site parking will be provided through the proposal but it is not considered that this is necessary in this part of Durham. There is on-street parking provided as part of the Central Parking Zone and space is generally available on this street. Pedestrian access is available to both properties. As a result no objections are raised.

11. PUBLIC RESPONSES:

A total of three public representations have been received with regards to the proposal all raising objections to the proposed development. The main points of objection are as follows:

Quality of the Development

The proposal is considered to result in the “cramming” of individuals into the properties without regard for the quality of the development which policies seek to achieve. The application includes no statement with regards to the energy efficiency of the properties considered particularly important as a loft conversion is proposed.

The plans indicate no arrangements for the storage of wheelie bins and recycling boxes, the applicant should be providing a means of storage. In addition the plans are not considered to indicate how the occupiers of No. 27 access the back lane.

One point of objection considers the proposal to fail to respect the Conservation Area.

Highway Issues

Parking space is provided only through on-street spaces and the doubling of occupancy removes the choice of each occupant to own a car.

Impact Upon Residential Amenity

The proposed extensions reduce the size of rear yard space available for the occupants therefore reducing their levels of amenity.

Character of the Area/Community Balance

The proposal is considered contrary to Policy H9 of the Local Plan as the subdivision of houses has occurred to a point whereby the street is “overloaded” with occupants. The proposal is considered contrary to the requirements PPS3 which amongst its aims seeks to ensure a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households including family homes. An objector considers that the proposal makes it difficult for the two flats to return to such a family dwelling use and the area is considered to be one with little community balance and variety in type of dwellings.

Other Objections/Issues

Concern is raised that during previous pre-application discussions the case officer responded favourably to the proposal and assurance is sought that the case officer is acting impartially.

Confusion is raised that a publication within the Durham Times refers to Nos. 27 and 28 Mistletoe Street as two houses when they are considered to be two flats.

12. APPLICANTS STATEMENT:

The application is accompanied with a Design and Access Statement which also provides support to the proposal. The supporting statement considers that the application accords with the relevant Local Plan Policies and national guidance. The physical extensions and alterations to the property are considered to remain sympathetic to the property and character and appearance of the Conservation Area.

Specifically regarding Policy H9 of the Local Plan, the supporting document states that an existing dwelling is not to be subdivided as part of the proposal, the property is already subdivided into two separate flats at present. It is not considered that harm to the residential amenity of neighbouring occupiers would occur through the development and will also afford the occupiers of Nos. 27 and 28 Mistletoe Street adequate amenity.

Emphasis is placed on the sustainable location of the site and the proximity to the City Centre and the full range of services and transport links available. The supporting statement considers that the provision of additional residential accommodation is suitably being located within a sustainable location in accordance with PPS1 and PPS3.

No private parking is proposed within the site in part due to the sustainable location and to adhere to the requirements of Local Plan Policy T10 which seeks to limit the provision of parking in new developments but also to retain adequate outdoor amenity space for the future occupiers of the properties.

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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=L3ZVM2BN5B0
00
Analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

13. The main planning issues to consider in assessing this application are whether the principle of the development is acceptable at the location, the impact of the development upon the character and appearance of the area, the impact upon the character and range of the housing stock, impact upon the residential amenity of local residents and the occupiers of the development and highway safety.

Principle of the Development

14. The proposal seeks to provide additional residential accommodation within existing properties close to Durham City Centre. As a result the proposal seeks to further develop previously developed land within a sustainable location.

15. Policy H9 of the Local Plan accepts the principle of conversion, sub-division or the extension of houses for flats, bedsits or for multiple occupation but only if a series of criteria are met. Policy Q9 of the Local Plan accepts that residential properties may be extended but once again only when the development meets relevant criteria.

16. On balance, no objection is raised to the principle of the proposed changes of use to houses in multiple occupation or the extension of the properties at the location. The acceptability of the proposal rests on whether the detailed requirements of those relevant policies can be met.

Impact upon the Range and Variety of the Local Housing Stock

17. Policy H9 of the Local Plan states that the sub-division of existing houses for flats, bedsits or multiple occupation or proposals to extend or alter properties in such use will be permitted provided that it will not result in concentrations of sub-divided dwellings to the detriment of the range and variety of the local housing stock. Similarly PPS3 states that a key objective of the Governments housing strategy is to create sustainable, inclusive and mixed communities in all areas and that the key to this is maintaining a variety of housing.

18. Some elements of public objection to the proposal relate to these areas of policy and concern is raised that the proposal makes it difficult for the property to return to a standard family, C3 dwellinghouse use. In addition, the proposal is considered to contribute to the street being “overloaded” with occupants.

19. The justification to Policy H9 of the Local Plan states that in several wards there are significant concentrations of student households occupying older properties and the supply of housing for those usually resident in the City is eroded. The justification goes further and states that it is difficult to fix an overall limit on the amount of multiple occupation that should be allowed in any street as this depends on individual circumstances and indeed in cases when planning permission is not required it is virtually impossible to control this. In considering applications for extensions as part of an application for multiple occupation or to properties already in such a use, the existing level of multiple occupation and student housing will be taken into consideration when evaluating them.

20. From the latest available Council records of the 28 properties on Mistletoe Street, 20 properties are understood to benefit from the Class N Council Tax exemption for full time students. A letter of representation submitted with regards to the application considers that fewer than 6 no. properties on Mistletoe Street are occupied by residents who are not students. On neighbouring Lawson Terrace of the 34 properties, Council records indicate that 18 benefit from Class N Council Tax exemption for full time students. It must be noted that with regards to the Council records on student exemption, not all landlords may apply for this exemption so this data cannot prove with absolute accuracy how many properties contain student residents. The Class N Council Tax exemption data does also not prove that all those properties necessarily constitute houses in multiple occupation within the C4 use class but it does provide relevant information and provides a gauge as to how many properties in the immediate area are occupied by students and an indication as to how many properties may constitute HMOs in the planning definition of the term.

21. At present Nos. 27 and 28 Mistletoe Street are not family houses as such. They are already two separate self contained flats which are understood to be occupied by students given the evidence that the Class N Council Tax exemption is applicable to both flats. As a result an existing house or pair of houses are not to be subdivided through the proposal, this has already occurred. The change of use to a house in multiple occupation would result incidentally due to the physical alterations proposed to the property resulting in two properties occupied by between 3 and 6 unrelated individuals who share basic amenities.

22. As a result of the proposed development two existing student occupied flats would become student occupied HMO's with higher occupancy levels. The further subdivision of a house would not be occurring through the development nor indeed is it understood that occupancy would be transferring from that of families to students. As a result, although a material change of use would occur through the proposal and a greater number of occupiers would also result, it is not considered that the proposal is contributing to the additional subdivision of a house or indeed the erosion of housing for those usually resident in the City to the point of clear or demonstrable harm.

23. Officers do not therefore consider that the development would result in concentrations of sub-divided dwellings to the detriment of the range and variety of the local housing stock in accordance with Policy H9 of the Local Plan.

Impacts Upon Residential Amenity

24. Policy H9 of the Local Plan states that planning permission will only be granted for the conversion to an HMO or for extensions to such properties when it will not adversely affect the amenities of nearby residents. Similarly, Policies Q9 and H13 of the Local Plan require extensions to residential property and development within residential areas to have no detrimental impact upon the amenity of local residents.

25. With regards to the impact of the physical extensions to the building the Local Planning Authority considers that no harm should occur through the proposal in accordance with the requirements of Policies Q9, H9 and H13 of the Local Plan. The two and single storey extensions proposed are relatively modest additions and the maximum projection from the rear building line of 2.5m would not cause an overbearing impact upon the occupiers of the adjoining property No. 26 Mistletoe Street. No. 26 Mistletoe Street does have a flanking two storey extension within close proximity including a flanking first floor window. However, this window is an obscure glazed window to bathroom reducing concern. On balance the impact of the proposed extensions upon the amenity of the adjoining property is considered acceptable. Similarly, although windows are proposed within the rear elevation of the proposed extensions, including at first floor, it is not considered that this would result in a significant change in circumstances from the present situation and the degree of overlooking or levels of privacy within an area of terraced properties. Indeed, a set of first floor french doors and "Juliet balcony" would actually be removed through the development likely reducing the degree of overlooking available. No objections have been received during the course of the application with regards to matters of a loss of light, privacy or outlook.

26. Although the extensions proposed would reduce the rear yard space, the proposed plans indicate the adjustment of the wall dividing the two rear yard spaces and both Nos. 27 and 28 would be left with ample rear yard space for typical storage needs. A point is raised within the public consultation exercise regarding the lack of clarity on how the occupiers of No. 27 would access the back lane. However, the plans do indicate that a door from the lounge/dining space would allow access to the rear yard from the property whilst there remains, as present, an access from the back lane to this same yard space.

27. On balance, the officers consider that the physical alterations proposed to the property are of a scale and form which would not result in harm to the immediate neighbouring occupiers through a loss of privacy or amenity.

28. Consideration must also be given as to whether the changes of use proposed and the sheer increases in occupancy would result in other harm such as noise, disturbance or littering for example. The justification to Policy H9 of the Local Plan states that flats and houses in multiple occupation may have undesirable characteristics which may include adverse effects on the amenity of other occupiers. Where new developments allow for a greater number of residents within a property this can exacerbate potential problems. A judgment must therefore be made on whether this proposal which would increase the occupancy of Nos. 27 and 28 Mistletoe Street, would cause such an increase in such problems. Certainly there would be a significant increase in the number of individuals in the properties through the development, from a total of four to eight. However, officers do not consider that on this occasion there is clear and substantiating evidence that harm through potential increases in noise, disturbance, anti-social behavior, littering or other forms of adverse impact would occur. The public objection to the proposal does not significantly focus upon such impacts either though some points regarding residential amenity are raised regarding a lack of remaining yard space and a considered lack of quality in the development proposed in general.

29. Ultimately planning applications must only be refused on sufficiently good grounds and rely only on reasons for refusal which stand up to scrutiny. In this instance officers do not consider that there is evidence of such clarity or strength to warrant refusal of the application on the grounds of an increase in occupancy by default creating an increase in adverse impact.

Visual Impact and Impact upon the Character of the Area

30. The application site lies within the Durham City Centre Conservation Area. As a result all physical alterations to property should be to a high standard to preserve or enhance the character of the Conservation Area. In addition extensions must remain both sympathetic to and not unacceptably alter the character of the property or local area in accordance with Policies Q9 and H9 of the Local Plan.

31. The proposed single and two storey extensions are considered suitable additions. Both extensions incorporate pitched roofs with the two storey extension having a ridge height set well below that of the main dwelling to help ensure a subordinate appearance. The Design and Historic Environment Section have been consulted on the application to provide expertise on matters of design and impact upon the character and appearance of the Conservation Area. No objections to the proposed scheme have been raised as such although conditions are recommended for attachment on any approval to ensure that the final finishes, use of materials and fenestration detailing are acceptable.

32. On balance the officers consider that the physical alterations proposed through the development are acceptable and in accordance with Policies E6, E22, Q9, H9 and H13 of the Local Plan. Some public objection to the proposal highlights the lack of detail with regards to the energy efficiency of the properties, considered particularly important as a loft conversion is proposed. Building Control through their exercise of powers and control can ensure that the loft conversion incorporates adequate insulation and that the extensions are constructed to required standards and levels of efficiency.

Highway Safety/Issues

33. Further public concern with regards to the proposal relates to parking space only being provided through on-street spaces and that the doubling of occupancy removes the choice of each occupant to own a car. Policy H9 of the Local Plan also raises the point that increased occupancy can frequently give rise to parking problems where off-street parking provision is scarce.

34. The County Highway Authority has been consulted on the application and although no on-site parking will be provided with the proposal, it is not considered that this is necessary in this part of Durham. There is on-street parking provided as part of the Central Parking Zone and space is generally available on this street.

35. Policy T10 of the Local Plan actually seeks to limit off-street parking within new development and redevelopment so as to promote sustainable transport choices. The application site is located within a sustainable location close to the City Centre with good access to public transport.

36. On balance and taking into consideration the comments of the County Highway Authority, the proposed development is not considered to cause harm to highway safety nor cause parking problems which would warrant refusal of the application in accordance with Policies T1, T10, H9 and Q9 of the Local Plan.

Other Considerations

37. Reference is made within public consultation responses to pre-application discussions that have occurred with regards to the proposal and assurances are sought that the application is to be handled impartially. All pre-application advice is provided on a goodwill basis and without prejudice to any decision the Council may decide to make on any formal planning application. All applicants are made aware of this throughout such pre-application discussions. In addition, as this application is being presented at Committee, the report constitutes a recommendation only and is open to the wider debate of Members and public alike.

38. With regards to the point raised within one representation that a publication within the Durham Times has caused confusion regarding the properties being flats or houses, the officers are unsure as to the detail of what those assertions were and cannot comment at length. However, it is considered that the application description clearly defines the development and that a material change of use from two existing flats to two properties falling within the C4 use class of houses in multiple occupation is proposed.

CONCLUSION

39. The proposal seeks to extend two existing apartments to increase levels of occupancy and in so doing in turn proposes a material change of use from the existing two apartments to two houses in multiple occupation (C4 use class). The extensions and physical alterations proposed are considered acceptable with no harm to visual amenity or the wider Conservation Area considered to occur.

40. This report seeks to discuss and conclude whether the changes of use and the intensification of the residential occupancy proposed would cause other forms of harm, through an erosion of the range or variety of housing stock or through harm to residential amenity. The existing flats are understood to have been occupied by students and not other residents such as families that may be expected to live within this part of Durham. The proposal would retain the student occupation but with more occupants. As such officers do not consider that a further erosion to the variety of housing stock is occurring nor would further harm to the mix or balance of the community clearly occur.

41. Despite the increase in occupancy, officers do not consider that there is clear or substantive evidence that harm to the residential amenity of nearby residents would occur through the development whilst no harm to highway safety would occur either.

RECOMMENDATION

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.
2. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
3. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads, cills and rooflights shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans the extensions hereby approved shall be constructed with dry pointed verges to the main walls and shall avoid the use of bargeboards.
5. Prior to the commencement of the development details of all gutters, downpipes and other external pipework shall be submitted to and approved in writing by the Local Planning Authority. The gutters/downpipes shall be provided in accordance with the approved details.
6. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Plan Reference Nos. 472 – 02 D and 472 – 03 C Date Received 14th June 2010.

REASONS FOR THE RECOMMENDATION

The Local Planning Authority considers that the proposed changes of use of and extensions to Nos. 27 and 28 Mistletoe Street would not result in an additional concentration of subdivided dwellings to the detriment of the range and variety of the local housing stock nor would harm to the amenity of local residents occur. The physical alterations to the properties are considered to be acceptable, having special regard to the desirability of preserving and enhancing the character and appearance of the Conservation Area as required by section 72 of the Planning (Listed Building and Conservation) Areas Act 1990.

1. Preserving the character and appearance of the Durham City Centre Conservation Area. No harm to highway safety would result from the development. As a result, the proposal is considered to accord with Policies H9, H13, Q9, E6, E22, T1 and T10 of the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

2. In particular, the impact of the formation of the houses of multiple occupation and the impact of this upon residential amenity was considered acceptable whilst the visual impact of the extensions considered acceptable in the context of the Conservation Area setting.

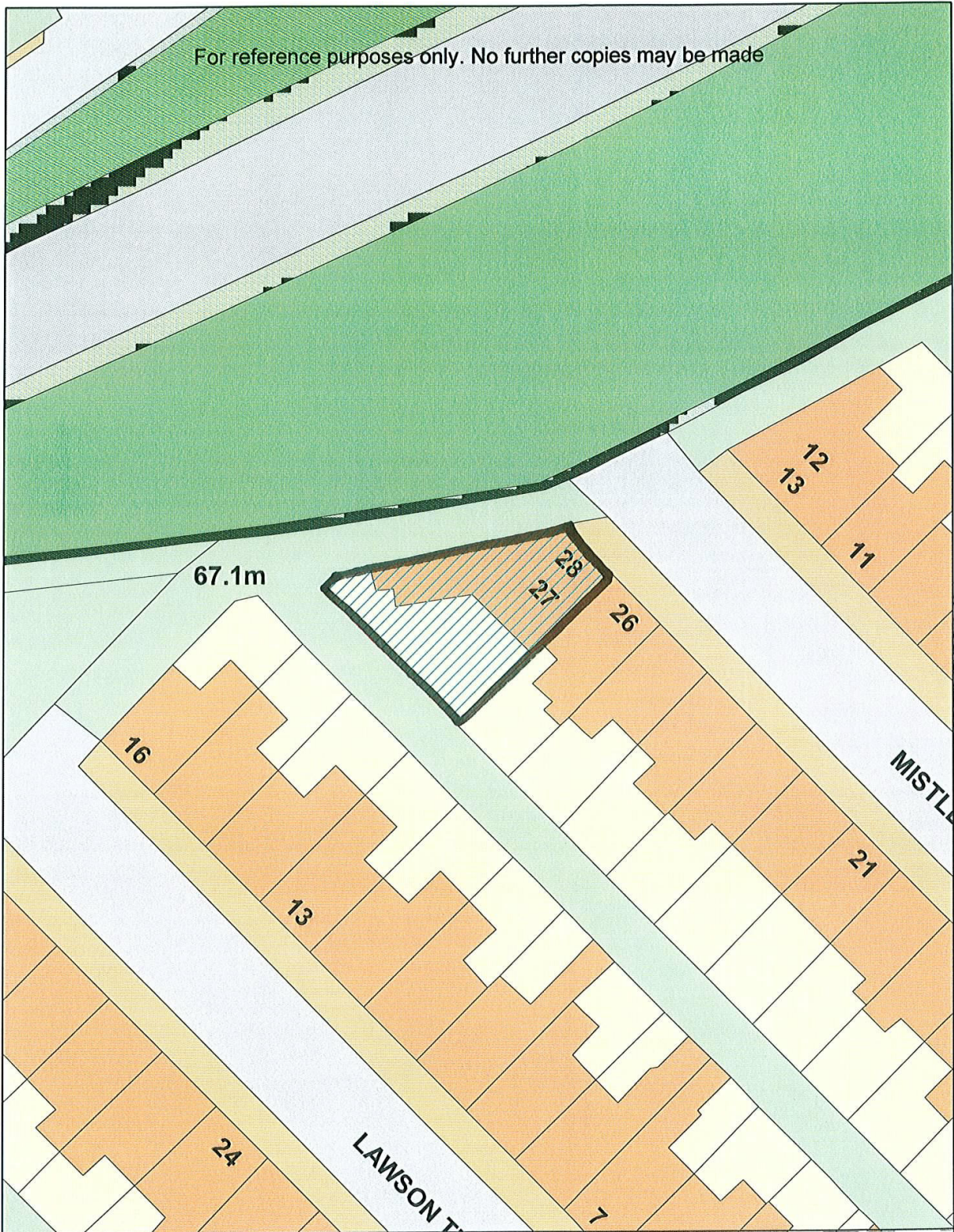
3. Public objection focused upon the impact of the changes of use upon the character of the area and balance of the community, residential amenity, the quality of the development and highways issues. The planning considerations and assessment section of this report discusses these matters but concludes that the proposal accords with the relevant Local Plan Policies.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Information
City of Durham Local Plan 2004
Planning Policy Statements 1, 3 and 5
Statutory and other consultee responses
Public consultation responses
Planning Circulars



For reference purposes only. No further copies may be made



Planning Services

4/10/00411/FPA - 27 And 28 Mistletoe Street

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Comments

Date

01 September 2010

Scale

1:352

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/10/00458/FPA

FULL APPLICATION DESCRIPTION: Erection of single storey pitched roof extensions to rear and internal works to facilitate additional 1 no. bedroom, in existing house in multiple occupation

NAME OF APPLICANT: 3R Property Developments

ADDRESS: 18 Mitchell Street, Durham, DH1 4DQ

ELECTORAL DIVISION: Nevilles Cross

CASE OFFICER: Tim Burnham, Planning Officer
0191 301 8794
tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to 18 Mitchell Street, a residential terraced property, located within the City Centre of Durham. The property is situated mid way along the slope of the hill, within an established area of residential terraced dwellings to the south of the Bus Station. The site also lies within Durham (City Centre) Conservation Area. The property has adopted the recently imposed C4 use class, and is in planning terms, a House of Multiple Occupation.

2. The proposal seeks planning permission to add 2 single storey extensions to the rear elevation which would provide space for an additional 5th bedroom at the property. It is also proposed to provide roof lights to the front and rear roof slopes at the property and to make alterations to the rear yard. A single storey rear extension in a similar manner to which is under consideration as part of this application was approved in December 2009. The application proposes a single storey rear extension tight to the northern boundary of the site which would measure 2.2m in width, 3m in depth, 2.4m to eaves level and 3.4m in overall height. A further lean to pitched roof off shot of 1.12m projection is proposed to an existing single storey element. This extended room would then be utilised as a bedroom while the new extension would be used as a kitchen.

3. The application is being reported to committee following a request from Councillor Martin.

PLANNING HISTORY

4. Planning permission was granted in 1998 for the construction of a two storey pitched roof extension to the rear of the property. In 2009 planning approval for a single storey rear extension similar in nature to the one proposed under this application was granted. Two applications for a slightly enlarged extension have been submitted and withdrawn through the course of this year.

PLANNING POLICY

5. NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 5: Planning for the Historic Environment sets out the Government's planning policies on the conservation of the historic environment.

6. LOCAL PLAN POLICY:

Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the Conservation Area.

Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

Policy H9 (Multiple Occupation/Student Households) seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area.

Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policy Q9 (Alterations and Extensions to Residential Property) sets out the Council's standards for alterations to existing residential property. Development should be appropriate in design, scale and materials and be sympathetic to the character of the area, should incorporate a pitched roof and should respect the privacy of adjoining residential occupiers.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

7. STATUTORY RESPONSES:

N/A

8. INTERNAL CONSULTEE RESPONSES:

Environmental Health has offered no objection to the application.

9. PUBLIC RESPONSES:

The Authority has received a letter of objection from the City of Durham Trust and two letters of public objection regarding the application. Letters of objection suggest that the application would increase over crowding, raise questions regarding balanced communities and objectors question the need to provide additional student accommodation in the City. Concerns have been raised over possible strain on local services such as rubbish collection and lack of dedicated provision for recycling. Objectors have suggested house extensions in the Conservation Area are inappropriate and that a line should be drawn. Further it has been suggested that the bathroom arrangement at the property would breach Environmental Health regulations and that there would be a detrimental impact upon the local parking situation.

10. APPLICANTS STATEMENT:

The proposal is intended to maximise and improve the living environment at the property by providing bedroom floor areas and sanitary accommodation in excess of the minimum requirements for HMO licensing conditions. This is extremely important, not only for the wellbeing of the students, but also commercially in an extremely competitive student accommodation market.

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://publicaccess.durhamcity.gov.uk/publicaccess>

PLANNING CONSIDERATIONS AND ASSESSMENT

11. The main planning issues are considered to be the addition of a further bedroom at the property, balanced communities, the amenity of those occupying the property the scale and design of the proposal and its impact upon residential amenity. These issues are covered by Policies E6, E22, H9, H13 and Q9 of the City of Durham Local Plan.

Houses in multiple occupation / balanced communities

12. Policy H9 is of special relevance and deals with houses in Multiple Occupation. It requires that proposals to extend such properties should not adversely affect the amenities of nearby residents and should not result in detriment to the range and variety of local housing stock. It requires that proposals be in scale and character with their surroundings and the host property along with neighbouring residential properties. It requires that developments and should incorporate adequate parking, privacy and amenity areas.

13. There are a large number of HMO's on Mitchell Street and in the immediately surrounding area. In response to points raised by objectors relating to the application, Officers believe it to be the case that an increase by one bedroom at the property would not bring about harm which would significantly adversely affect the amenities of nearby residents. The area does exhibit relatively high density housing and this is especially apparent during term time when HMO occupancy levels are at their peak. However, Officers consider that such an extension would not significantly exacerbate overcrowding or upset the balance of the existing community. In light of objections received it must be stated that the issue of levels of provision of student accommodation is not primarily for the council to consider and market forces will inevitably to a large extent dictate this.

14. The back yard would be reduced in size to approximately 9.72m². Officers consider amenity space of 2m² per resident appropriate and the level proposed is deemed acceptable. To achieve this, the gate would be moved across the yard to the higher side, removing the need for a step well. The yard size is considered appropriate for light amenity uses and the storage of bins and recycling bags.

Design

15. Objectors have questioned the merit of such extensions within the Conservation Area. In terms of design the spirit of the proposals, on balance, are deemed acceptable. The extensions would be sympathetic and subordinate to the host property and would be relatively limited in visibility from the public domain. Whilst it is acknowledged that in pure design terms the proposals are not considered ideal, the character and appearance of the Conservation Area will not be harmed. The fact there is an extant permission at the site for a similar extension must be taken into consideration. In light of advice and recent guidance in PPS 5 which seeks relative enhancement of the Conservation Area, materials will be conditioned and will be requested to match those on the original dwelling, windows will be requested to be set in reveal in timber with appropriate cill details and velux style roof windows will be requested to be Conservation in style.

Other Issues Raised

16. Set against contributions which have questioned the sanitary provision at the premises, the bathroom arrangement at the house is considered acceptable and Environmental Health has offered no objection to the application which accords with the relevant regulations in this respect. Objections have been raised on highways grounds, however the County Highways Authority has offered no objection to a similar proposal at 21 Mitchell Street and there is provision for on street parking through the residents parking scheme.

CONCLUSION

17. Summary, and on balance, Officers consider the application to be acceptable. It is not considered that the provision of an additional bedroom would significantly exacerbate overcrowding or significantly upset the balance of the existing community. Further, the proposal is acceptable in design terms, would not harm the appearance of the Conservation Area and would be appropriate in terms of highway safety, in accordance with all relevant Local Plan Policy.

RECOMMENDATION

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.
2. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
3. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
5. Notwithstanding the submitted details, the velux style windows to be inserted into the roof slopes under this application shall be conservation in style and shall remain as such.
6. The development hereby approved shall be carried out in strict accordance with the following approved plans (Drawings 519/18/3 & 519/18/6 received 23rd June 2010) unless otherwise agreed in writing with the Local Planning Authority.

REASONS FOR THE RECOMMENDATION

1. The principle of the proposed development, potential impacts upon the character and appearance of the Durham City Centre Conservation Area, impacts upon the character of the residential area and the amenities of its residents, Highway Safety and Parking Provision are judged acceptable, having regard to Policies E6, E22, H9, H13, T1, T10 and Q9 of the City of Durham Local Plan 2004.

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2. In particular the development was considered acceptable having regard to issues surrounding the impact upon the development on the character of the residential area and the impact in terms of design and the character and appearance of the Conservation Area. Additionally the physical alterations to the properties are considered to be acceptable, having special regard to the desirability of preserving and enhancing the character and appearance of the Conservation Area as required by section 72 of the Planning (Listed Building and Conservation) Areas) Act 1990.
 3. Grounds of objection relating to the proposals were carefully considered but were not considered to be sufficient lead to reasons on which to refuse the application in view of the accordance of the proposals accordance with relevant development plan policies combined with appropriate planning conditions.
-

BACKGROUND PAPERS

Submitted Application Forms and Plans and associated documents and reports
City of Durham Local Plan 2004
Planning Policy Statements PPS1 and PPS5
Circular 01/06: Guidance on Changes to changes to the Development Control system
Circular 11/95: Use of Conditions in Planning Permission
Responses from County Council Department- Environmental Health
Town and Country Planning Use Classes Order (as amended 2006)
Response from the City of Durham Trust
Responses from public contributors
Various File notes and correspondence



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Planning Services

4/10/00458/FPA - 18 Mitchell Street, Durham

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Comments

Date

01 September 2010

Scale

1:360

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/10/00467/FPA

FULL APPLICATION DESCRIPTION: Erection of 2 no. single storey extensions to rear elevation of existing house in multiple occupation to provide 1 no. additional bedroom, and insertion of 1 no. roof light to front elevation and 1 no. to rear elevation including infilling of steps within yard and relocation of yard door (revised and resubmitted)

NAME OF APPLICANT: 3R Property Developments

ADDRESS: 21 Mitchell Street, Durham, DH1 4DQ

ELECTORAL DIVISION: Nevilles Cross

CASE OFFICER: Tim Burnham, Planning Officer
0191 301 8794
tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to 21 Mitchell Street, a residential terraced property, located within the City Centre of Durham. The property is situated mid way along the slope of the hill, within an established area of residential terraced dwellings to the south of the Bus Station. The site also lies within Durham (City Centre) Conservation Area. The property has adopted the recently imposed C4 use class, and is in planning terms, a House of Multiple Occupation.

2. The proposal seeks planning permission to add 2 single storey extensions to the rear elevation which would provide space for an additional 5th bedroom at the property. It is also proposed to provide roof lights to the front and rear roof slopes at the property and to make alterations to the rear yard. A single storey rear extension in a similar manner to which is under consideration as part of this application was approved in December 2009. The application proposes a single storey rear extension tight to the northern boundary of the site which would measure 2.2m in width, 3m in depth, 2.4m to eaves level and 3.4m in overall height. A further lean to pitched roof off shoot of 1.12m projection is proposed to an existing single storey element. This extended room would then be utilised as a bedroom while the new extension would be used as a kitchen.

3. The application is being reported to committee following a request from Councillor Martin.

PLANNING HISTORY

4. Planning permission was granted in 1997 for the construction of a two storey pitched roof extension to the rear of the property. In 2009 planning approval for a single storey rear extension similar in nature to the one proposed under this application was granted. Two applications for a slightly enlarged extension have been submitted and withdrawn through the course of this year.

PLANNING POLICY

5. NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 5: Planning for the Historic Environment sets out the Government's planning policies on the conservation of the historic environment.

6. LOCAL PLAN POLICY:

Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the Conservation Area.

Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

Policy H9 (Multiple Occupation/Student Households) seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.

Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policy Q9 (Alterations and Extensions to Residential Property) sets out the Council's standards for alterations to existing residential property. Development should be appropriate in design, scale and materials and be sympathetic to the character of the area, should incorporate a pitched roof and should respect the privacy of adjoining residential occupiers.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

7. STATUTORY RESPONSES:

The County Highways Authority has offered no objection to the application. They suggest that it is unlikely that there would be greater demand for car parking which is controlled by means of the central parking zone.

8. INTERNAL CONSULTEE RESPONSES:

Environmental Health has offered no objection to the application.

The Design and Historic Environment section have stated that the proposed extension would not be very visible within the townscape and would consequently not have a detrimental impact upon the character and appearance of the Conservation Area.

9. PUBLIC RESPONSES:

The Authority has received a letter of objection from the City of Durham Trust and two letters of public objection regarding the application. Letters of objection suggest that the application would increase over crowding, raise questions regarding balanced communities and objectors question the need to provide additional student accommodation in the City. Concerns have been raised over possible strain on local services such as rubbish collection and lack of dedicated provision for recycling. Objectors have suggested house extensions in the Conservation Area are inappropriate and that a line should be drawn. Further it has been suggested that the bathroom arrangement at the property would breach Environmental Health regulations and that there would be a detrimental impact upon the local parking situation.

10. APPLICANTS STATEMENT:

21 Mitchell Street is a mid terrace property located to the west of the City Centre. The area consists of late 19th Century Terrace Houses almost all of which are used for student lets, as is this property.

The proposal is to extend the ground floor area and re configure the internal layout in order to create an additional bedroom and to improve kitchen and dining facilities and sanitary accommodation which would result in a better environment for the tenants. The design of the extension would be in accordance with those surrounding.

The property has previously been granted planning permission for a lesser scheme comprising a single extension to the rear together with internal alterations, however it was decided to attempt to future proof the accommodation and undertake.

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://publicaccess.durhamcity.gov.uk/publicaccess>

PLANNING CONSIDERATIONS AND ASSESSMENT

11. The main planning issues are considered to be the addition of a further bedroom at the property, balanced communities, the amenity of those occupying the property the scale and design of the proposal and its impact upon the character and appearance of the Conservation Area and upon residential amenity. These issues are covered by Policies E6, E22, H9, H13 and Q9 of the City of Durham Local Plan.

Houses in multiple occupation / balanced communities

12. Policy H9 is of special relevance and deals with houses in Multiple Occupation. It requires that proposals to extend such properties should not adversely affect the amenities of nearby residents and should not result in detriment to the range and variety of local housing stock. It requires that proposals be in scale and character with their surroundings and the host property along with neighbouring residential properties. It requires that developments and should incorporate adequate parking, privacy and amenity areas.

13. There are a large number of HMO's on Mitchell Street and in the immediately surrounding area. In response to points raised by objectors relating to the application, Officers believe it to be the case that an increase by one bedroom at the property would not bring about harm which would significantly adversely affect the amenities of nearby residents. The area does exhibit relatively high density housing and this is especially apparent during term time when HMO occupancy levels are at their peak. However, Officers consider that such an extension would not significantly exacerbate overcrowding or upset the balance of the existing community. In light of objections received it must be stated that the issue of levels of provision of student accommodation is not primarily for the council to consider and market forces will inevitably to a large extent dictate this.

14. The back yard would be reduced in size to approximately 9.72m². Officers consider amenity space of 2m² per resident appropriate and the level proposed is deemed acceptable. To achieve this, the gate would be moved across the yard to the higher side, removing the need for a step well. The yard size is considered appropriate for light amenity uses and the storage of bins and recycling bags.

Design

15. Objectors have questioned the merit of such extensions within the Conservation Area. In terms of design the spirit of the proposals, on balance, are deemed acceptable. The extensions would be sympathetic and subordinate to the host property and would be relatively limited in visibility from the public domain. The Design and Historic Environment section have commented on the detail of the proposal and whilst it is acknowledged that in pure design terms the proposals are not considered ideal, the character and appearance of the Conservation Area will not be harmed and have offered no objection. The fact there is an extant permission at the site for a similar extension must be taken into consideration. In light of Design advice and recent guidance in PPS 5 which seeks relative enhancement of the Conservation Area, materials will be conditioned and will be requested to match those on the original dwelling, windows will be requested to be set in reveal in timber with appropriate cill details and velux style roof windows will be requested to be Conservation in style.

Other Issues Raised

16. Set against contributions which have questioned the sanitary arrangements at the premises, the bathroom provision at the house is considered acceptable and Environmental Health has offered no objection to the application which accords with the relevant regulations in this respect. Objections have been raised on highways grounds, however the County Highways Authority has offered no objection to the application and there is provision for on street parking through the residents parking scheme.

CONCLUSION

17. In summary, and on balance, Officers consider the application to be acceptable. It is not considered that the provision of an additional bedroom would significantly exacerbate overcrowding or significantly upset the balance of the existing community. Further, the proposal is acceptable in design terms, would preserve the character and appearance of the Conservation Area and would be appropriate in terms of highway safety, in accordance with all relevant Local Plan Policy.

RECOMMENDATION

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.
2. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
3. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

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4. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
 5. Notwithstanding the submitted details, the velux style windows to be inserted into the roof slopes under this application shall be conservation in style and shall remain as such.
 6. The development hereby approved shall be carried out in strict accordance with the following approved plans (Drawings 519/21/3 and 519/21/6 received 23rd June 2010) unless otherwise agreed in writing with the Local Planning Authority.
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REASONS FOR THE RECOMMENDATION

4. The principle of the proposed development, potential impacts upon the character and appearance of the Durham City Centre Conservation Area, impacts upon the character of the residential area and the amenities of its residents, Highway Safety and Parking Provision are judged acceptable, having regard to Policies E6, E22, H9, H13, T1, T10 and Q9 of the City of Durham Local Plan 2004.
 5. In particular the development was considered acceptable having regard to issues surrounding the impact upon the development on the character of the residential area and the impact in terms of design. Additionally the physical alterations to the properties are considered to be acceptable, having special regard to the desirability of preserving and enhancing the character and appearance of the Conservation Area as required by section 72 of the Planning (Listed Building and Conservation) Areas) Act 1990.
 6. Grounds of objection relating to the proposals were carefully considered but were not considered to be sufficient lead to reasons on which to refuse the application in view of the accordance of the proposals accordance with relevant development plan policies combined with appropriate planning conditions.
-

BACKGROUND PAPERS

Submitted Application Forms and Plans and associated documents and reports
City of Durham Local Plan 2004
Planning Policy Statements PPS1 and PPS5
Circular 01/06: Guidance on Changes to changes to the Development Control system
Circular 11/95: Use of Conditions in Planning Permission
Statutory Responses from the County Highways department
Responses from County Council Departments - Design and Conservation and Environmental Health.
Town and Country Planning Use Classes Order (as amended 2006)
Response from the City of Durham Trust
Responses from public contributors
Various File notes and correspondence

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Planning Services

4/10/00467/FPA - 21 Mitchell Street, Durham

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Comments

Date

01 September 2010

Scale

1:352

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/10/00551/FPA
FULL APPLICATION DESCRIPTION:	Erection of ramped access and walls to the front of existing dwelling
NAME OF APPLICANT:	Mr C Jackson
ADDRESS:	19, Briar Road, Carrville, Durham, DH1 1NH
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Hilary Sperring, Planning Officer 0191 301 8742 hilary.sperring@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is a semi-detached two storey residential dwelling house located on a corner site of Briar Road, Carrville, a residential area to the east of Durham City. The brick built dwelling is bounded by a small brick wall to the front and side, with an open grassed area located to the northwest. A grassed area lies opposite with dwellings situated in a square around. The property lies within the settlement boundary of Durham City and is surrounded by other residential dwellings.
2. The proposals seek planning permission for the erection of a ramped access and walls to the front of the existing dwelling in place of the present ramp. The new ramp would cover part of the existing front garden of the dwelling, over an area approximately 6.75 metres by 3metres in size. The proposals include a level landing outside the front door with 1 in 12 ramp down to a second level landing which returns to a second 1 in 12 ramp running in the opposite direction leading onto a level landing which joins the public footpath. A new wall is also proposed 0.9 metres in height above the landing and ramp levels. (The new wall would therefore have a maximum height of 1.2 metres). The ramp would be comprised of concrete with the walls of brick construction.
3. The application is being reported to Committee as the applicant is related to an officer within the Directorate.

PLANNING HISTORY

4. Conditional planning permission was granted in 1994 for the erection of a two storey pitched roof extension to the side of 19, Briar Road, Carrville, Durham.

PLANNING POLICY

5. NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

6. LOCAL PLAN POLICY:

Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.

Policy Q9 (Alterations and extensions to residential dwellings) states that proposals should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.

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

National Planning Policy

<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

Local Plan Policy

<http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

7. STATUTORY RESPONSES:

None

8. INTERNAL CONSULTEE RESPONSES:

None

9. PUBLIC RESPONSES:

None at the time of report preparation.

10. APPLICANTS STATEMENT:

The proposed works are part of a recommendation made by Durham County Council, Social Services to replace the existing ramped access to the front of the property, which is currently in a state of disrepair and does not comply with the current Building Regulations. The new works are to be carried out under a Disabled Facilities Grant and will be constructed with brick walls and the ramp in concrete with a 'tamped' finish to match existing and to blend in with the surrounding properties and area.

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

http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_searchresults.aspx

PLANNING CONSIDERATIONS AND ASSESSMENT

11. The main issues in line with Policies Q1, Q2 and Q9 concern the acceptability of the design, scale and materials of the alterations, their impacts upon the amenity of adjacent residents and on the character of the area and taking into account the requirements of all users.

Design

12. The host property is a brick built semi-detached dwelling house with concrete tile roof, which includes a two storey pitched roof extension to the side. Policy Q9 states that residential alterations should be of a design, scale and materials that are sympathetic to the main dwelling and appearance of the area.

13. The proposed new ramp and wall is to replace the existing arrangements currently in place to the front of the property. The proposals are considered to be well related to the host property and of a scale and design considered to represent a sympathetic and subordinate addition in accordance with Policy Q9 of the Local Plan.

14. There are a variety of wall treatments and boundary markers within the vicinity of the application site, which include hedging, fencing and brick walls. At the highest point, extending to 1.2 metres, the proposals are considered sympathetic to the host dwelling and the wider estate. The proposals are not considered to have an adverse effect upon the character and appearance of this residential area.

Residential Amenity

15. The proposals occupy an area to the front and side of the existing dwelling. At its highest the new wall enclosing the ramp would extend to 1.2 metres. The proposals are situated within the applicants own garden and do not extend up to the boundary with the adjoining neighbours. Thus an area of garden will be retained between the properties. It is not considered that the proposals would result in a material loss of light or amenity to the adjacent residents.

16. The proposed development would provide improved access into the existing dwelling house for all occupiers, thus meeting the requirements of Policies Q1 and Q2 also.

CONCLUSION

17. In conclusion, it is considered that the proposed new ramp and walls to the front of this residential dwelling house would be entirely consistent with national and Local Planning Policies. The proposed development, subject to condition, is not considered to detract from the character or the appearance of the surroundings or from the amenities of existing residents and is appropriate in terms of its design, scale and form and character of its surrounds in line with policy Q9. The development also takes into account the requirements of all users providing improved access to the property, in line with Policies Q1 and Q2.

18. Accordingly, officers recommend the approval of the application.

RECOMMENDATION

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.
2. 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.

REASONS FOR THE RECOMMENDATION

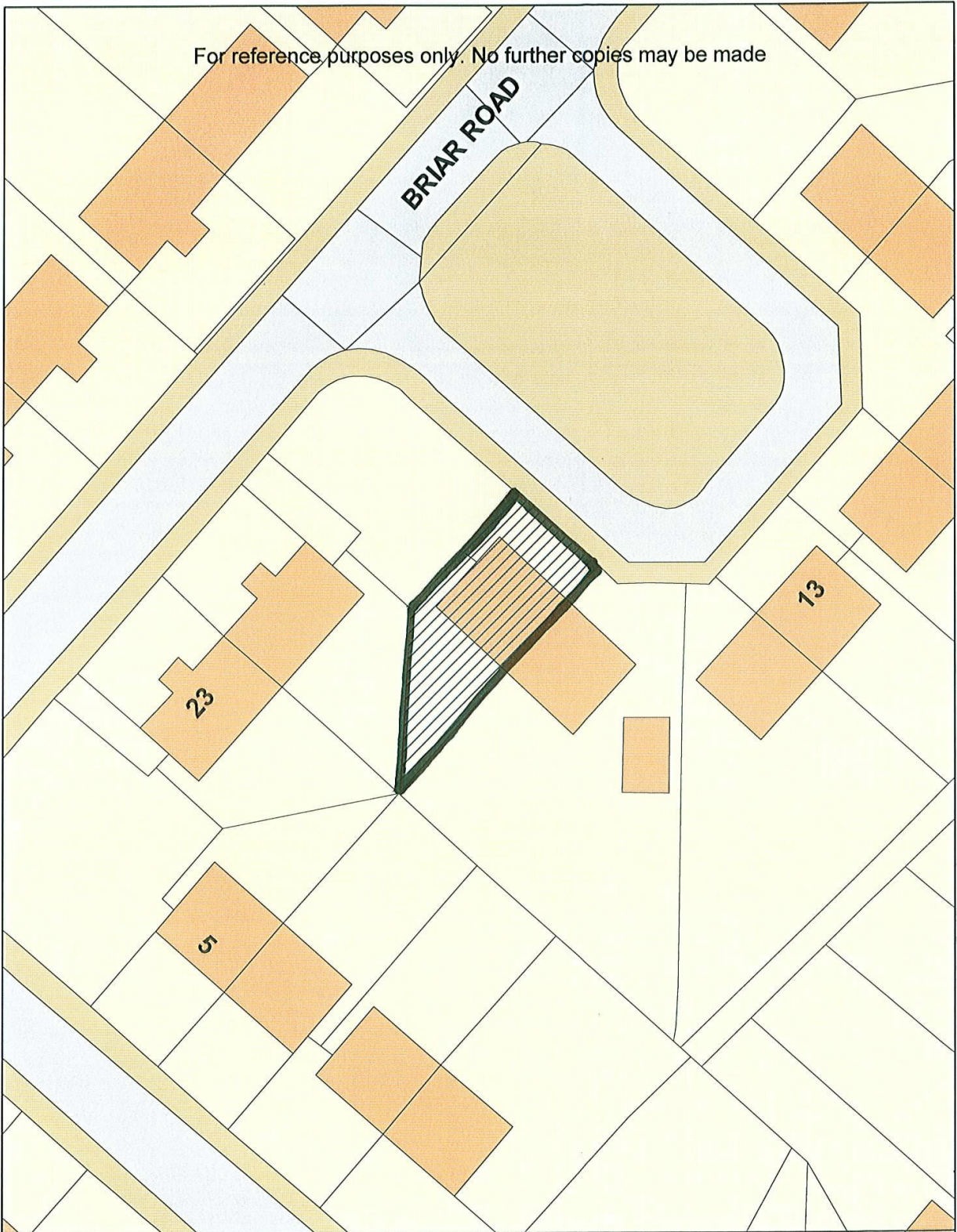
1. The principle of the proposed development together with the impacts upon visual and residential amenity and the requirements of all users are judged acceptable, having regard to Policies Q1 and Q9 of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004).
2. In particular the development was considered acceptable having regard to consideration of issues of development principle, design, the impacts upon the character and appearance of the surroundings, the amenities of existing residents and the access needs of all people.

BACKGROUND PAPERS

Submitted Application Forms and Plans.
City of Durham Local Plan 2004
Planning Policy Statements / Guidance, PPS1
Circular 01/06: Guidance on Changes to the Development Control System
Circular 11/95: Use of Conditions in Planning Permission
Various file notes and correspondence



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4/10/00551/FPA - 19 Briar Road, Carrville

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Comments

Date

01 September 2010

Scale

1:345