



AREA PLANNING COMMITTEE
(CENTRAL AND EAST DURHAM)

REPORT OF HEAD OF PLANNING SERVICES

17 NOVEMBER 2009

3. APPLICATIONS TO BE DETERMINED

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
4/09/697/FPA Tavistock Leisure	The Greyhound Public House South Street West Rainton Houghton-Le-Spring Tyne And Wear DH4 6PA	Erection of conservatory to side of existing public house and use of land to side and rear to form car parking areas with 11 no. spaces	APPROVE Page No. 1-12
4/09/760/FPA Mr Rutherford	19 Alnwick Road Newton Hall Durham DH1 5NL	Erection of pitched roof over existing garage and porch and erection of single storey pitched roof extension to rear of dwelling	APPROVE Page No. 13 - 18
PLAN/2008/0591 Mr D Bunton	Beech Lodge Mill Hill Castle Eden	Rear Extension (Retrospective)	APPROVE Page No. 19 - 28

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/09/00697/FPA
FULL APPLICATION DESCRIPTION:	Erection of conservatory to side of existing public house and use of land to side and rear to form car parking areas with 11 no. spaces
NAME OF APPLICANT:	Tavistock Leisure
SITE ADDRESS:	The Greyhound Public House, South Street, West Rainton, Durham, DH4 6PA
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Henry Jones henry.jones@durham.gov.uk 0191 3018739

DESCRIPTION OF THE SITE AND PROPOSALS

The application site relates to the Greyhound Public House, its' associated curtilage and a roughly rectangular parcel of land located to the south of the public house. The Greyhound Public House itself is located off South Street in West Rainton.

To the north of the application site lies the pavement and main road itself whilst to the south lies modern residential properties on St Mary's Drive. To the west and south-west lies an un-adopted street and beyond are grassed areas of open space and a row of traditional cottages. An unkempt parcel of land lies to the south-east of the pub and beyond another residential property, Beehive Cottage.

The application itself has altered during the course of it's consideration. Originally, the application site enclosed a larger section of land including a parcel of land adjacent to No.17 South Street. However, in response to queries over land ownership and in response to the level of public concern towards the impact of the parking areas, the applicant has amended the application and layout. The amended plans now propose a single storey conservatory extension to the western elevation of the pub. Adjacent to this the applicant proposes to form 3 no. disabled parking spaces and to the rear an 8 no. space car park.

The planning application is, in part, retrospective as the rectangular parcel of land to the rear of the public house has already been laid out as a hard surface.

The proposed conservatory extension is of relatively simple mono-pitch design and runs the full depth of the building and extends 3m in width from the gable elevation.

PLANNING HISTORY

There are no recent planning applications of relevance which apply to the application site but in December 1976 planning permission was granted, in outline, for the erection of a single dwellinghouse on the land to the rear of The Greyhound which is now proposed for parking.

PLANNING POLICY

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 Guidance Note 13: Transport has the objectives of integrating 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.

Planning Policy Statement 6: Planning for Town Centre's establishes the Government's key objective for town centre's as being to promote their vitality and viability by; planning for the growth and development of existing centres; promoting and enhancing existing centres, by focusing development in such centres and by encouraging a wide range of services in a good environment, accessible to all.

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

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format, and now carries the full weight of forming part of the development plan for the area, and at a County level, replaces the County Durham Structure Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self reliant, ambitious and outward looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

The above represents a summary of the Regional Spatial Strategy, the full text may be accessed at <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

Policy E5a (Open Spaces within Settlement Boundaries) does not permit proposals which would detract from the functional, visual and environmental attributes they possess.

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 Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

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 T1 (Traffic Generation – 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 S10 (Food and Drink) states that development for food and drink use will be permitted provided that there is no adverse impacts upon the amenity of nearby occupants, that parking provision is adequate, the development is in scale and character with the surroundings and provided that the development does not compromise the retail character of the City Centre primary and secondary retail areas.

Policy C8 (Community Facilities – Provision of New) states that planning permission will be granted for new community facilities and for extensions to community facilities such as public houses where, amongst other things, they are within existing settlement boundaries and are well-related to residential areas, are capable of serving a number of uses, and would not adversely affect residential amenity.

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 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 in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

The County Highway Authority has been consulted on the application and no objections are raised to the proposed development, however, given the condition of the access road to the side of the Greyhound, it is advised that the road is resurfaced. Further consultation has been made with the County Highway Authority as a result of the applicant's amendments to the scheme and the removal of some parking spaces from the proposal and the County Highway Authority continues to raise no objections.

INTERNAL CONSULTEE RESPONSES:

None

PUBLIC RESPONSES:

A total of 13 no. letters of representation have been received with regards to the application. Much concern relates to the potential for an increase in congestion on South Street which could lead to local residents having their access to properties infringed upon. Concern is also raised that due to the sight lines of the access and its standard of construction, and that there will be a danger to highway safety. Some objectors consider that the additional visitors using the pub and using the car parking areas will create additional noise, disturbance and anti-social behaviour. Concern is raised about whether the applicant has the right of access to the rear of the public house with some objectors adamant that the owners of the Greyhound do not have a right of access nor is it within their remit to repair the access road. Queries were raised with regard to whether the applicant owns all of the land within the application site and whether they have the legal right to develop on all the land with particular reference made to an area which is used as garden where the proposal seeks to locate 4 no. parking spaces. Objectors raise the point that outside drains are located on the site of the proposed conservatory and query what arrangements would be made to facilitate the construction with this in mind and that the movement of drains has the potential to cause problems for local residents.

Also amongst the objections raised is concern that the development will affect the resale value of properties. Concern is raised with regards to the public consultation exercise and which residents received letters informing them of the application. Suggestions are made with regard to alternative ways in which the pub could extend the property without having such an impact upon local residents. Concern is raised with regard to the overlooking of local residents which could occur through the erection of a conservatory and queries are raised as to whether triple glazing or frosted glass will be used to ease impacts. Additional objection is raised to the visual impact of having a large car park in the area. Security is another issue raised within the letters of representation with the concern being that the conservatory will provide a means of a "lookout" for an opportunist thief.

APPLICANTS STATEMENT:

On request, the applicant submitted a statement confirming that the car parking spaces 1-4 on the original plans was submitted in error and that it was never the intention to develop this parcel of land. In addition to this statement, the submitted Design and Access Statement states that the need for the application emanates from an expected increase in trade. The

position of the conservatory was chosen to allow an ease of access and the design approach taken was to reflect the style of the building. Some additional landscaping features are to be placed along the length of the conservatory together with potted bushes.

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=09/00697/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

In accordance with the relevant Local Plan Policies E5A, H13, Q3, Q5, T10, T1, S10, C8, Q1, Q2 and U8A the main planning considerations are the principle of the development proposed at the location, the visual impacts of the development, the impacts of the development upon the amenities of local residents and the impacts upon highway safety.

PRINCIPLE OF THE DEVELOPMENT

Policies S10 (Food and Drink) and C8 (Community Facilities – Provision of New) of the City of Durham Local Plan 2004 both relate to public houses and state that the development of sites for such a purpose within settlement boundaries is acceptable in principle. Since the adoption of the Local Plan in 2004, guidance relating to public houses is also provided within Planning Policy Statement 6: Planning for Town Centres (PPS6). PPS6 defines a public house as a main town centre use and as a result, the development of new public houses should meet the requirements of PPS6 with the requirement of a sequential approach to site selection and a demonstration of need for the development. However, in this instance the proposal seeks an extension and alterations to an existing public house. In accordance with the requirements of PPS6, as the proposed conservatory extension provides well under 200m² of additional floorspace there is no requirement for the sequential approach to site selection to be undertaken in this instance. The applicant's have provided some details regarding need and have stated that the proposal is needed due to an expected increase in the number of customers and for the general health and profitability of the business. Ultimately the requirements of PPS6 are in place to ensure that inappropriate new developments of main town centre uses in out-of-centre locations do not occur to the detriment of the viability of vitality of main town and local centres. The potential impact of this small scale development is not considered to cause any such harm to any main town or local centres. As a result the principle of the development is considered to accord with PPS6.

Policy E5A relates to parcels of open space within settlement boundaries and their development is considered acceptable provided that the land involved has no particular functional, visual or environmental attributes. The land to rear, to be used as car park and currently hard surfaced, was previously undeveloped. However, despite being a previously undeveloped parcel of land it is not considered to have had any particular functional, visual or environmental attributes which would warrant its protection from any development proposal. As a result, no objections in principle are raised to the development of the land for the purposes of car parking, in accordance with Policy E5A of the Local Plan.

VISUAL IMPACT

Policies H13 and S10 of the Local Plan require developments within residential areas, and developments for the purposes of food and drink uses, to be of a scale and design which is in character with the local area. Policy Q3 seeks to ensure that parking areas are well designed whilst Policy Q5 requires new developments to incorporate landscaping proposals where impacts on visual amenity occur. The visual impact of the development, in particular of a car park in a predominantly residential area is a concern contained within some letters of objection. The degree of car parking proposed has been reduced during the course of the application. A total of 6 no. car parking spaces have been removed from parcels of open space to the south-west of the public house including the four spaces adjacent to No. 17 South Street which some letters of objection have stated was garden land. The removal of these spaces which were located away from the public house and somewhat detached and isolated, is in itself an improvement in visual terms from the original scheme with the remaining parking spaces being on land to the immediate side and rear which by virtue of this closer relationship to the public house, creates a more tidy visual impact and spreads the parking spaces less disparately in the immediate area.

The hard surfaced area already formed to the rear is currently not demarcated. A condition can be attached to any approval which requires that the parking spaces are demarcated which will provide the parking area with a more formal and finished appearance as well as provide the obvious safety benefit of clarifying the parking spaces to customers. The rear boundary of the hard surfaced area to rear is formed by a brick wall with a narrow, informal and rather unkempt landscaping strip above and behind timber fencing dividing it from the properties on St Marys Drive. This timber fencing is in good condition and is not in need of replacement or improvement. However, a benefit visually would be to reinstate the narrow landscaping strip atop of the brick wall and a condition can be attached to any approval requiring a landscaping scheme to be submitted and implemented. The submitted Design and Access Statement indicates the applicant's willingness to use landscaping and planters to improve the aesthetics of the development.

The proposed conservatory extension is of simple and typical conservatory design. The extension is single storey with a mono-pitch lean-to roof and extends to the side of the public house by only 3m. The conservatory is constructed of UPVC with a painted and rendered blockwork base. The extension is considered to remain in scale and character with the public house and the local area and no objections are raised to its appearance.

On balance the visual impact of the development is considered to be acceptable with no detrimental impacts upon the local area in accordance with Policies S10, H13, Q5 and Q3 of the Local Plan.

RESIDENTIAL AMENITY

Policies H13, S10, T1 and C8 of the Local Plan require all related developments to cause no detrimental impacts upon the amenities of local residents. Much of the objection contained within the submitted letters of objection raise concern over the impacts of the development upon residential amenity. Some of this concern relates more specifically to the impacts of the use of the unadopted highway and impacts on congestion and highway safety. These matters are considered in a separate section below, this section focuses upon the other matters affecting amenity.

Some concern has been raised over the prospect of overlooking from the proposed conservatory extension and indeed that this degree of overlooking may also lead to a threat to security. The conservatory extension is sited a significant distance from the nearest residential properties. Dwellings on St Marys Drive are some 26m away and a boundary treatment obscures any view. The nearest cottage on South Street to the west is some 37m away, the properties on the opposite side of the road on North Street are at least 20m away whilst Beehive Cottage is located some 30m away and the conservatory would be largely hidden from view by the main pub building. Taking into consideration these distances involved it is not considered that there are clear views at short distance to any individual's property from the conservatory and, as a result, there is no loss of privacy for local residents. With regard to the threat to security from the views offered from a conservatory, it is not considered that the presence of a clear glazed conservatory presents any demonstrable increase in a security threat, above and beyond any existing threat, to nearby property.

A further area of concern amongst local residents is that of noise and disturbance. The existing site is already a public house, a licensed premises to which customers visit for food and drink. The critical point is whether the addition of a conservatory extension and the provision of more formalized parking causes any significant increase in noise and disturbance to the detriment of the local residents. Given the separation distances summarised above, it is not considered that the addition of a conservatory extension which provides an additional 37.5m² of floorspace to the existing pub will create any increase in noise or disturbance which is demonstrably harmful to local residents. It is acknowledged that the conservatory is a glazed structure and that noise is likely to be less subdued than if the extension were of more solid brick or blockwork construction. Nevertheless, it is still considered that with the separation distances involved to neighbouring dwellings and with the double glazed window construction proposed that noise would be successfully subdued to a degree which would be acceptable in the area. In addition a condition can be attached to any approval which requires full fenestration details to be submitted which would enable control over the specific type of windows used in the conservatory and require windows to be of top opening type to reduce concern over the emission of noise.

Also requiring consideration is the noise and disturbance which may emanate from cars visiting the site, the turning on of engines, shutting of car doors and indeed, in an evening, the use of lights. Cars have always visited the pub, however, this proposal will formalise specifically where cars will park. The main area proposed for car parking is adjacent to the rear gardens of neighbouring properties on St Marys Drive. The boundary treatment between the rear of the proposed car park and these garden areas is substantial in the form of a brick wall with timber fencing above. It is also proposed to further enhance this boundary with some additional landscaping where possible. This boundary treatment will affectively screen views of the car park from St Marys Drive and help to reduce the degree of noise as well. The plans indicate 8 no. parking spaces in this area so the number of cars which can park at any one time or be manoeuvring at one time is not significant. The additional parking spaces adjacent to the conservatory extension are further away from St Marys Drive and indeed a substantial distance from any residential properties. On balance, it is considered that given the number of parking spaces available, the frequency of the vehicular movements and associated noise and the standard of the boundary treatment to rear, that no significant detriment to neighbouring occupiers through noise or disturbance will occur in accordance with relevant Policies H13, S10, T1 and C8 of the Local Plan.

HIGHWAY SAFETY/ISSUES

Amongst the letters of representation received, the most fervent issue of objection has related to highways issues. Firstly, whether the applicant has the right to use the unadopted access road adjacent to the public house, whether the applicant has any control over the maintenance of this road and also concerns over the additional parking blocking residents' access and egress. In submitting this application, which will require vehicles to use the unadopted access road to gain entry to the car parking areas, the applicant considers that they do have such right of access. This matter is contested by some objectors and queried by others. Ultimately a matter of a right of access is a legal matter separate from the material planning considerations. The material planning considerations relate to the acceptability of the access route and the implications for highway congestion and safety. The County Highway Authority has been consulted on these matters and no objections to the scheme have been raised including the amendments to the parking areas. However, it is advised that the access road is resurfaced. The applicant has stated that they would be willing to resurface this access road in accordance with this suggestion. Some local residents, however, dispute the ability of the applicant to do this given the allegation that the applicant has no right of access or right of authority to maintain or improve this access road.

As stated above, ultimately a matter of a right of access is a legal matter, separate from the material planning considerations. Part 9 of The Town and Country Planning (General Permitted Development) Order 1995 provides permitted development rights to anyone who wishes to maintain or improve an unadopted street or private way. Therefore, in planning terms, no formal planning permission is required if someone wishes to improve sections of an unadopted street or private way. The County Highway Authority considers that such an improvement to the street would improve access to the car parking areas. Therefore it would appear reasonable to place a condition on the approval requiring the applicant to improve the surface of the unadopted street. The unadopted street is located outside of the application site and the applicants control over the unadopted street is being contested by some local residents. Advice to Local Planning Authorities is that conditions should not be imposed on planning permissions where the applicant has no power to carry out the action required. This presents something of a conundrum. However, the advice contained within Circular 11/95 (Use of Conditions in Planning Permissions) states that suitably worded conditions requiring such actions can still be attached where there is a reasonable prospect that the action in question can be achieved. Given the applicant's understanding that they have a right of access to the land to rear, the fact that the improvement of the unadopted street would improve the condition of the street for local residents as well and the fact that ordinarily, such improvements can be made without any prior permission of the Local Planning Authority, it is still considered acceptable to attach a condition requiring the street improvement to be undertaken.

On balance the impacts of the development upon highway safety are considered acceptable and in accordance with the most relevant Local Plan Policy T1.

OTHER MATTERS

Some letters of representation contest whether the applicant owns the land subject to the application. The application site and layout has been amended during the course of the application as the applicant acknowledged that some land, where car parking spaces 1-4 were to be located, was not in their ownership. However, the applicant now considers

matters to be correct with regards to this issue. The matter of land ownership is a legal one beyond the remit of the planning application and, ultimately a matter for the courts.

A concern is raised by local residents with respect to drainage and whether the conservatory can be located over drains adjacent to the public house or if these will be relocated. Wherever extensions are proposed there is often a conflict with the existing location of drains/manholes. However, the matter can be resolved with no significant disturbance to any local residents and is an issue which can be addressed under Building Regulations when the applicant applies and negotiates with the Building Control section.

A concern is also raised that the development may affect the resale values of property. The issue of property values is not however a matter that should be given significant weight as a material planning consideration.

Some concern has also been raised with respect to the public consultation exercise undertaken and which properties received letters informing them of the application. The public consultation exercise undertaken was in full accordance with the statutory requirements.

CONCLUSION

The proposal effectively seeks to improve the facilities of a public house, a community facility which Local Plan Policies seek to protect and improve whenever possible. The proposal has attracted objection, some of these matters relate to ownership and rights of access matters, essentially beyond the control of the Local Planning Authority. In terms of the material planning considerations, the proposal is considered acceptable with respects to the main issues of visual impact, impact upon the amenity of local residents and highway safety. On balance, the proposal is considered to accord with the relevant Local Plan Policies E5A, H13, Q3, Q5, T10, T1, S10, C8, Q1, Q2 and U8A.

RECOMMENDATION

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

1. The conservatory extension and 3 no. parking spaces to side hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20, cross sections and method of opening, of the proposed windows shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details.
3. Within two months of the date of this decision a detailed landscaping scheme shall be submitted to the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

5. Notwithstanding the information shown on the submitted plans the car parking spaces to side and rear hereby approved shall not be brought into use until such time as the unadopted street forming the access to the site has been improved in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

6. Notwithstanding the information shown on the submitted plans, the car parking spaces to side and rear hereby approved shall not be brought into use until such time as the spaces have been clearly demarcated in accordance with a scheme which has first been submitted to and then approved in writing by the Local Planning Authority.

REASONS FOR THE RECOMMENDATION

1. The proposed erection of conservatory extension and formation of parking areas is considered to be an acceptable development in principle at the location, with no detrimental impacts upon the character or appearance of the area, no significant harm to the amenities of local residents and no harm to highway safety in accordance with Policies E5A, H13, Q3, Q5, T10, T1, S10, C8, Q1, Q2 and U8A of the City of Durham Local Plan 2004.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and 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 it was not considered that the erection of a conservatory extension or the formation of parking areas would create any levels of noise, loss of privacy or other impacts and forms of disturbance which would be detrimental to the amenities of local residents. The impacts upon highway safety were considered and no objections are raised.

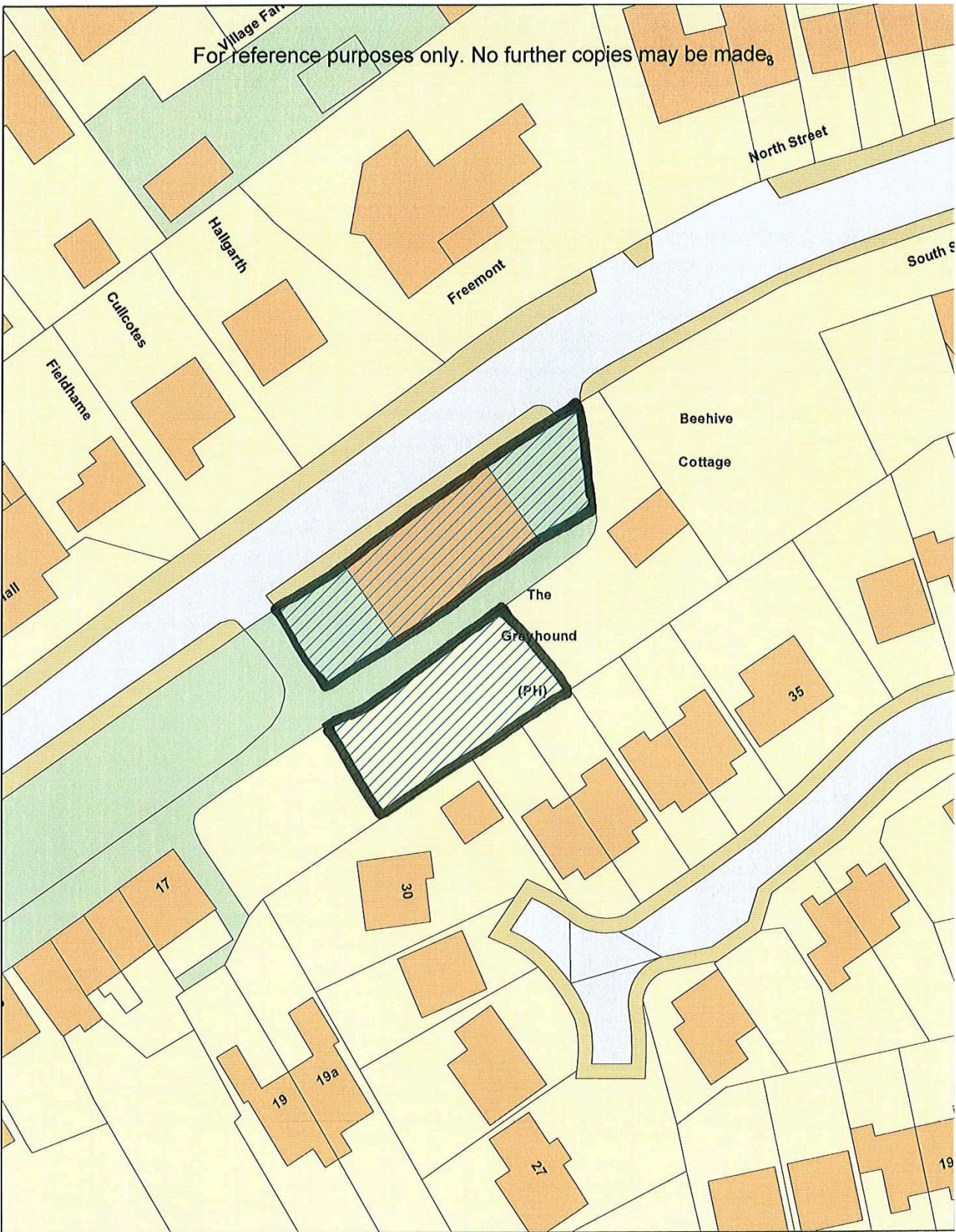
3. Thirteen letters of objection were received regarding the application and the main points of concern related to land ownership issues and rights of access, impacts upon residential amenity and visual amenity and impacts upon highway safety and congestion. Matters of land ownership and rights of access are ultimately beyond the remit of the Local Planning Authority. The impacts upon visual amenity, residential amenity and highway safety and congestion were all considered and impacts were found to be acceptable.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement and additional letters and statements of support
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements / Guidance, PPS1, PPS6 and PPG13



For reference purposes only. No further copies may be made.



Planning Services

4/09/00697/FPA - Thr Greyhound Public House,
South Street, Weste Rainton

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Comments

Date

04 November 2009

Scale

1:625



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/09/00760/FPA
FULL APPLICATION DESCRIPTION:	Erection of pitched roof over existing garage and porch and erection of single storey pitched roof extension to the rear of the dwelling
NAME OF APPLICANT:	Mr Rutherford
SITE ADDRESS:	19 Alnwick Road Newton Hall Durham DH1 5NL
ELECTORAL DIVISION:	Newton Hall
CASE OFFICER:	Hilary Sperring Hilary.sperring@durham.gov.uk 0191 3018742

DESCRIPTION OF THE SITE AND PROPOSALS

The application site is a detached two storey residential dwelling house located on the western side of Alnwick Road, Newton Hall, a large residential estate to the north of Durham City. The brick built dwelling includes a flat roof double garage to the side and sits within sizeable grounds. The site lies within the settlement boundary of Durham City. To the north and south lie other residential dwellings and the Alnwick Road shopping parade with residential flats above, to the east.

The proposals seek planning permission for the erection of a single storey pitched roof extension to the property, extending 2.05 metres from the line of the rear of the main host property, providing enlarged dining room and kitchen accommodation. A pitched roof is also proposed over the existing garage, porch and rear extension. Two velux style windows are proposed to the rear west facing roof slope of the extension.

The application is being reported to Committee as the applicant is the partner of an officer within the Directorate.

PLANNING HISTORY

There is no relevant planning history relating to this site.

PLANNING POLICY

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.

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

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

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.

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.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

The Highway Authority raise no objection to the proposals.

INTERNAL CONSULTEE RESPONSES:

None

PUBLIC RESPONSES:

None

APPLICANTS STATEMENT:

The property is a four bedroom detached dwelling on a generous plot which we recently purchased and are in the process of carrying out various improvement works that are required because the property is one of the original houses built on this 1960's housing estate.

The extension is required to compliment part of the ongoing works to improve the above property which has not been updated since it was initially built in 1960. It is intended to provide a kitchen and dining area commensurate with the size of the property. There would be very little or no effect on the amenity of any other residential properties in the vicinity.

The proposed pitched roof above the existing double garage is only intended to be used as storage space and will not be a habitable room. Since it will be no higher than the ridge of the host dwelling, there should be no detrimental impact on the local amenity and enjoyment of neighbouring properties.

The proposed works are all to the ground floor area of the property and would serve to extend the kitchen and dining room area. By virtue of the blank side elevation the privacy of neighbouring properties will be maintained as in its current state.

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=KR6TERBN02O00 . Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

The main issues in line with Policy 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. The development would not have any implications in relation to highway safety or off street parking.

DESIGN

The host property is a brick built detached dwelling house with concrete tile roof. Policy Q9 states that residential extensions should be of a design, scale and materials that are sympathetic to the main dwelling and appearance of the area.

The proposed extension is located to the rear of the existing dwelling house, well related to the host property and of a scale and design considered to represent a sympathetic and subordinate extension in accordance with Policy Q9 of the Local Plan. The proposed pitched roof additions are not unusual additions to this area of the residential estate and are common on many properties in the vicinity of the application site.

The proposals are considered sympathetic to the host dwelling and take design cues from the fundamental architectural elements of the host dwelling and the wider estate. The proposals are considered sympathetic to the main dwelling and are not considered to have an adverse effect upon the character and appearance of this residential area.

RESIDENTIAL AMENITY

The proposed extension extends 2.05 metres from the main house. The application site is set centrally within a sizeable plot. Given the orientation of the neighbouring properties, existing boundary markers and position of the proposed extension it is not considered that the proposals would result in a material loss of light or amenity to the adjacent residents.

Proposed windows and doors are positioned on the rear elevation. No additional windows are proposed on either gable and the proposals would not result in material overlooking or loss of privacy in this respect.

CONCLUSION

In conclusion, it is considered that the proposed extension and pitched roof additions to this residential dwelling house would be entirely consistent with national, regional 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 would be appropriate in terms of its design, scale and form and character of its surrounds in line with Policy Q9 of the City of Durham Local Plan. 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

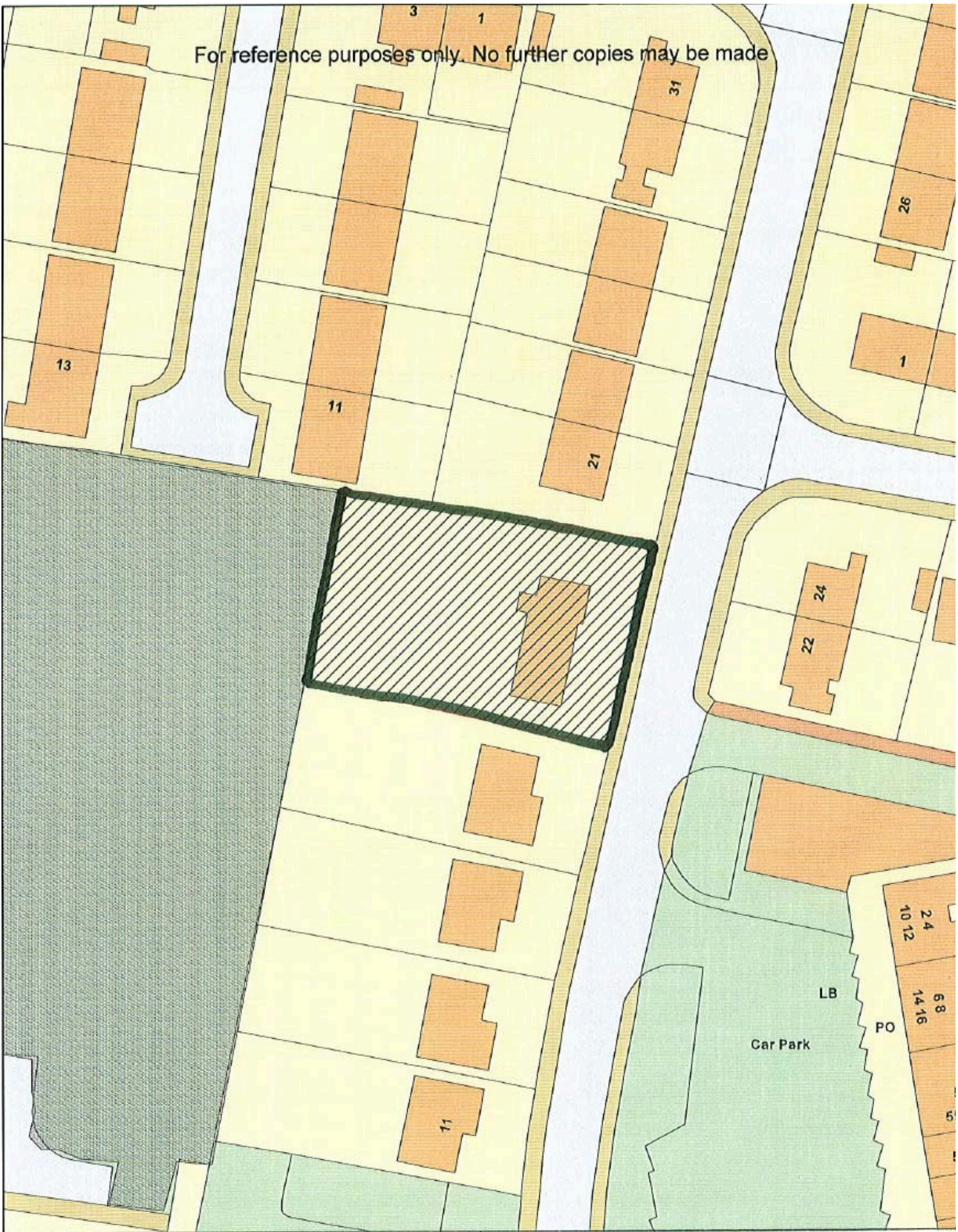
1. The principle of the proposed development together with the impacts upon visual and residential amenity are judged acceptable, having regard to Policy Q9 of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policies 8 and 24 North East of England Plan - Regional Spatial Strategy to 2021.
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 and the amenities of existing residents.

BACKGROUND PAPERS

Submitted Application Forms and Plans and associated documents and reports
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements / Guidance, PPS1
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 Highways
Various File notes and correspondence



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Planning Services

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Comments		
Date	04 November 2009	Scale 1:625

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PLAN/2008/0591
FULL APPLICATION DESCRIPTION	REAR EXTENSION (RETROSPECTIVE)
NAME OF APPLICANT	MR D BUNTON
SITE ADDRESS	BEECH LODGE, MILL HILL, CASTLE EDEN
ELECTORAL DIVISION	WINGATE
CASE OFFICER	Grant Folley 0191 527322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site: The application relates to a recently converted former Coach House known as Beech Lodge situated on Mill Hill in Castle Eden. The original property is two storeys in height finished in brown/red bricks with a slate roof.

The application site is situated within Castle Eden Conservation Area. The Conservation Area appraisal describes this area as having a high proportion of architecturally interesting buildings. Beech Lodge would appear to have originally been an outbuilding or a modest dwelling. It is of a different scale and much simpler in design than its neighbours, Beech Grove and Kilbrogan.

Vehicular access is provided to the property by a private drive that leads from Stockton Road, the driveway also provides access to Beech Grove and Kilbrogan.

Proposal: Retrospective planning permission is sought for the erection of a two-storey extension on the rear of Beech Lodge. The building works are now completed.

Planning permission was granted on the 23/03/1999 for the conversion of the former coach house to form a dwelling including the erection of a rear extension and detached garage (plan ref. 99/672). Although the change of use of the property occurred in approximately 2001, building works did not commence on the property until 2006 when the detached garage was built. Works commenced on the rear extension in 2008. The 1999 planning permission was implemented following the change of use of the property. At this time it was noted that the building works being undertaken did not accord with the approved plans for the site. As such a retrospective application was requested. The main differences between the approved plans and the currently completed works relate to:

- The footprint of the extension being slightly larger, shadow lines being removed;

- The height of the roof being increased to match the original building;
- Minor changes involving the re-location of windows, the insertion of roof-lights and the removal of a chimney.
- UPVC windows being used rather than timber;
- The materials used in the build have also changed, with the bricks being a different size to those on the original building and Eternit Roof Tiles being used rather than Natural Slate.

Applicant Statement

In support of the current application the applicant has submitted the following comments:

I purchased Beech Lodge (formally known as the Coach House) in June 2007. This property had planning permission already granted for an extension to the existing property. On purchasing the property, I was only given the written approval from the previous owners (no actual plans.) I tried to obtain a copy of these plans from both the Easington Council and Burns Architects who had drawn up the original plans, but to no avail.

Following this, I directed the same architects (Burns) to draw me up new plans, which I could use, and also as working copies for the contractors. I copied both to the Easington Planning Dept and the Building Regulations Dept in September 2007.

After several meetings and discussions and agreements with both departments, I then received final approval from the Building Department in November 2007.

I then commenced the build in February 2008. Throughout the build, I discussed several changes (which were agreed) with the Case Officer for Easington Council Planning Dept. The UPVC windows were also discussed and verbally agreed with Elaine Hogg (Durham Conservation Officer) in May 2009.

I continued the build, and in July 2008 when the roof was on, it was noted that the plans, which I had drawn up with the original architects, were different from the original plans which had already been approved. I was then asked by the Planning Department to put in a new application for retrospective planning approval.

It should be noted that throughout the build I have liaised at all times with Easington Council Planning/Building Departments. I have conformed to all requests throughout and never done anything, which has not been agreed prior to the installation. I was totally unaware that I was not building in accordance to the original plans until the Planning Department made me aware in July 2008 when the build was literally complete.

Although Officers have discussed the proposal with the applicant as stated above, it should be noted that the applicant was requested to cease works on site whilst the retrospective planning application was determined, and it was made clear in writing that any further works would be completed at his own risk.

PLANNING HISTORY

99/672 - Conversion of the former coach house to form a dwelling including the erection of a rear extension and detached garage – Approved March 1999.

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning

policies on the delivery of sustainable development through the planning system.

Planning Policy Guidance Note 15 (PPG15) - Circulars Circular 01/01: Arrangements for handling heritage applications - notification and directions by the Secretary of State and Circular 09/05: Arrangements For Handling Heritage Applications - Notification To National Amenity Societies Direction 2005 discuss arrangements for handling heritage applications that amend the existing Planning Policy Guidance 15 (PPG15). Circular 01/07: Revisions to Principles of Selection for Listed Buildings contains revised principles for use in listing decisions to replace the existing paragraphs 6.1-6.40 of PPG15, which are revoked. The Circulars should be read in conjunction with this guidance.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

LOCAL PLAN POLICY:

District of Easington Local Plan

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

Policy 22 - The character, appearance and setting of the conservation areas will be preserved and enhanced.

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

Policy 73 - Extensions or alterations to existing dwellings, requiring planning permission, will be approved provided that there are no serious adverse effects on neighbouring residents, the proposal is in keeping with the scale and character of the building and the proposal does not prejudice road safety or result in the loss of off street parking.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Castle Eden Parish Council – This Parish Council wishes to object to the application on the strongest possible terms. This development was commenced on an old approval that has been painstakingly negotiated between the Planning Department, Durham Conservation Officer, The Parish Council and Neighbours of the development. The currently constructed building is entirely different to what was originally approved; being larger in terms of site coverage and height and being constructed of unsympathetic materials. The Castle Eden

Parish Council's objection to this application is based on the differences between that originally approved and what has been constructed, but even more on a deep concern for the future preservation of the Conservation Area and the rule of Planning Law in Castle Eden. We believe if this application is approved it will send out the worst possible message to future developers in Castle Eden. Concerns are also raised regarding the change in the Conservation officer's comments during the application process. As stated originally by the Conservation Officer this development "...harms the character and scale of the original building and... the materials and detailing are not sympathetic to the character and quality of the conservation area". It is considered that it is time to re-establish the authority of the Planning Department on behalf of all those who abide by the rules and consider the preservation of their environment and amenity of their neighbours.

Castle Eden Society – The Society is opposed to the alterations proposed to the original planning approval given in 1999. Former Easington District members rejected a similar scheme in March 1999. Subsequently a much more modest, single storey extension was approved following prolonged discussion between the applicants at the time, council officers and the parish council. It is considered that the current retrospective application negates all of the previous deliberations and that it is detrimental to the Conservation Area and the amenities of its neighbours. The Society feels strongly that this application must be opposed otherwise what is the point in a having a Conservation Area or a Building Control Department or indeed Councillors wasting time on site visits and Planning Committee meetings?

INTERNAL CONSULTEE RESPONSES:

Design and Conservation – Original comments received raised objections to the scheme and concluded that the development harms the character and scale of the existing building and the materials and detailing were not sympathetic to the character and quality of the conservation area. Following further site visits and discussions with the developer revised comments were received; it is considered that the originally approved plans are more sympathetic to the building than the retrospective plans against which the original objections were raised. However it is considered that the main issue to consider is whether the changes warrant demolition or whether further work could be carried out to mitigate the objections. It is suggested that the following works could take place, which would improve the situation:

- Replace Roof Tiles.
- Replace UPVC windows with Timber, and recess new windows.
- Issues in relation to bricks used cannot be rectified unless building demolished.
- Insertion of down pipe to hide joins between original and new bricks.
- Replace existing UPVC porch with painted timber structure.
- Re-location of satellite dish.

It is considered that any decision should be proportionate for the breach of planning and capable of being justified in the event of an appeal. Consideration should also be given to the impact of the building on the character and appearance of the conservation area and whether it is so harmful that demolition is necessary. In this regard, it is suggested that if the roof covering were to be replaced with natural slates then the extension as currently built would not be bad enough to warrant demolition. The building may not be as good as the approved plans but subject to the suggested works being completed, the building is not considered to be bad enough to justify demolition and rebuild.

PUBLIC RESPONSES:

The application has been advertised in the local press and by a site notice. Neighbour consultation letters have also been sent. Two letters of representation have been received in relation to this application. Objections have been raised on the following grounds:

- Concerns regarding the accuracy of the submitted plans, it does not accurately show the works that have been completed on site;
- The current proposal is not in accordance with the previously approved scheme on this site. The previous scheme was subject to detailed discussions and amendments to ensure it was in keeping with the existing building and Conservation Area setting;
- The building now constructed negates all of the previous considerations agreed by planners, councillors and neighbours. It completely overwhelms the original building, destroys its outline, is of no architectural merit and has no integrating features. The footprint has been increased in size, and the roof height has been raised. Additionally previously agreed materials i.e. reclaimed slates and wooden windows, have not been used.
- What was to be a small incongruous development with little impact upon the Conservation Area has now resulted in a large ugly building.
- This is considered to represent a test case with implications regarding the whole planning process. Unless the authority acts strongly it will have little credibility and will certainly encourage others to “try their hands”.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=101598>

PLANNING CONSIDERATION AND ASSESSMENT

The main issues to consider in determining this application relate to:

- Planning History.
- Design and Scale.
- Conservation Area.
- Retrospective Development and Enforcement Considerations.

Planning History

Planning permission was originally granted for the conversion of the former coach house to form a dwelling including the erection of a rear extension and detached garage (plan ref. 99/672) on the 23/03/1999. This permission was subject to various amendments and represented the re-submission of a previously refused planning application. Conditional approval was granted for the erection of a single storey extension (incorporating storage in the roof space) at the rear of the property, with a detached garage to be in the private garden at the rear of the property.

This planning permission was implemented when the change of use of the former coach house occurred. The approved detached garage was built in approximately 2006, however works on the rear extension did not commence until 2008. Once works commenced on site it became apparent that the extension was not being built in accordance with the approved plans, and at that time Officers requested that works ceased on site and that a planning application be submitted to regularise the unauthorised works. Although an application was submitted, building works did not cease and the works have now been largely completed.

The applicant was requested to cease works in writing and it was made clear that any further works would be completed at his own risk as they did not benefit from planning permission. Due to the nature and scale of the works, it was not considered that the breach of planning control warranted firmer action through the use of a “stop notice”.

The completed works differ from the approved in terms of scale and design. The constructed extension is larger in terms of footprint and has increased ridge and eaves heights. The increase in height of the extension has allowed the creation of a habitable first floor. The constructed extension is also missing various design features such as chimney

details, which were included in the approved scheme.

The applicant has submitted a statement in support of his application, which outlines his involvement in the development of the property. The statement is included in the proposal section of this report.

Whilst the original application may have been the result of negotiations, it does not represent the only way of extending the property in an acceptable manner. The Local Planning Authority must consider any other applications on their merits.

Design, Scale, and Impact on Conservation Area.

In terms of impacts on neighbouring properties, as constructed, it is considered that the proposed extension at the site would not give rise to any adverse impacts upon residential amenity given the distance to the nearest neighbouring properties and the location of the extension at the rear of the existing building.

The property is located well away from other properties the nearest of which is over 30 metres away. There is potential for overlooking of a neighbouring garden from the first floor window in the rear elevation of the extension, however no overlooking of neighbouring houses will occur. Due to this and the extensions location to the rear of the site it is considered that there would be minimal if any impact upon residential amenity for neighbouring occupants.

The extension as constructed, although not ideal in terms of materials used, due to its location can be broadly considered to accord with policies 1, 35, and 73 of the District of Easington Local Plan. The key issue therefore in determining this planning application relates to the Conservation Area setting.

The application relates to a site situated within Castle Eden Conservation Area. The Conservation Area Appraisal describes this area as having a high proportion of architecturally interesting buildings, although the property subject of this application is not specifically mentioned. Beech Lodge would appear to have originally been an outbuilding or a modest dwelling. It is of a different scale and is much simpler than the neighbouring properties situated to the south: Beech Grove and Kilbrogan.

The Conservation Officer originally raised an objection to the scheme on the grounds that this development harms the character and scale of the original building and because the materials and detailing were not sympathetic to the character and quality of the Conservation Area. However, following a further site visit and discussions with planning officers and the applicant, revised comments were received, which stated that "any decision in this case should be proportionate to the breach of planning and capable of being justified in the event of an appeal."

Consideration needs to be given to the impact of the building on the character and appearance of the conservation area, and whether it is so harmful that demolition is necessary. Given the extensions location at the rear of the existing property, the proposed works have a negligible impact on the existing street scene, and is largely unseen from the public road to the west of the site. Views are possible from Hesleden Road to the north, but such views are distant (190 metres) and partially obscured by mature trees on the northern side of the property. A public footpath runs to the north of the application site, from which much closer views of the extension are possible. However, the impact the extension has on the character of the area, even when viewed from this distance is minimised due to the relative scale of the extension. The impact of the constructed extension on the wider Conservation Area is therefore considered to be minimal.

It is the Conservation Officer's view that if the suggested works are carried out, that although the building as constructed may not be as good as the originally approved plans, it would not be bad enough to justify demolition and re-build. The Conservation officer has stated that the currently constructed extension subject of this application is less sympathetic than the previously approved scheme; however it is suggested that various works could be required by conditions attached to any retrospective grant of planning permission to mitigate the impact of the constructed extension.

The Conservation officer has suggested that the following works could take place to improve the situation: replacement roof tiles; replacement of UPVC windows with timber, and recess new windows; replacement of materials used; insertion of down pipe to hide joints between original and new bricks; replace existing UPVC porch with painted timber structure; and re-location of satellite dish.

However, in relation to the Conservation officer's comments, it is considered that it would be unreasonable to require some of the suggested works by way of planning conditions. The use of replacement bricks would require the total demolition of the structure and as such it is suggested could not be justified. The replacement of the UPVC windows cannot be considered reasonable as the windows used in the extension match those of the original property, which were changed under "permitted development rights" after the original 1999 planning permission was granted.

The suggested replacement of the constructed porch and roofing materials are matters that it is considered could be requested by conditions attached to any grant of planning permission; however, due to the location of the extension at the rear of the dwelling, Planning Officers are concerned that it may be difficult to enforce any such requirements. This is clearly a subjective issue, and it is a decision for Members as to whether they consider the replacement of the roof tiles and porch necessary to mitigate the impact of the extension on the existing building and Conservation Area. Following discussions between the case officer and conservation officer it is considered that the current roof tiles are not appropriate for this development, and should be replaced by a more suitable material. On this basis, it is recommended that a condition be attached to any grant of planning permission to require that the roof materials be replaced with reclaimed slates as originally proposed. Given the location of the porch on the side of the building and with limited public views, demolition and rebuild is less easily justified. In these circumstances the change in roof materials would mitigate any detrimental impact the development as constructed has on the conservation area sufficient to warrant approval of the retrospective planning application.

The applicant has already incorporated the suggested insertion of a down pipe to hide the join between old and new materials into the scheme. The re-location of the Satellite Dish is not a consideration in determining this planning application. The issue is to be discussed with the applicant and will result in re-siting or a further planning application.

The extension as constructed is clearly not as aesthetically pleasing as the previously approved works. It is considered that the development is out of scale with the existing property, and concerns have been raised regarding the materials used and the lack of integrating design features. However, the location of the proposed development, with minimal impacts on public vistas, and the proposed change of the roofing materials through the use of a planning condition, will ensure that there will only be a minor impact on the wider Conservation Area. As such, subject to the suggested conditions the works as constructed can be considered to accord with policy 22 of the District of Easington Local Plan which seeks to "preserve and enhance" the character of the Conservation Area.

Although the development does not necessarily enhance the conservation area, it can be argued that following the proposed changes, the extension as constructed would preserve the character of the conservation area.

Retrospective Development and Enforcement Considerations

The fact that this planning application seeks to authorise building works retrospectively is in itself not a planning consideration. However, due to the retrospective nature of this application, it should be noted that a refusal of planning permission would lead to enforcement action being taken against the development. As such, planning permission should not be refused for any works, unless it is considered that enforcement action is likely to be successful. Therefore in this case any decision should be proportionate to the breach of planning and capable of being justified in the event of an appeal.

CONCLUSION

It is not ideal when planning applications are submitted retrospectively, but it does occasionally happen. The retrospective nature of the development is not a consideration in determining the application; the proposal should be assessed against the relevant development plan policies and any material considerations.

It should be noted by Members that objections have been received from Castle Eden Parish Council, Castle Eden Society and two neighbouring properties. It is considered that the issues raised have been addressed in this report.

In this instance the extension as constructed is clearly not of the quality originally approved on the site. However, the key issue in determining the current application is whether or not the extension is bad enough to warrant demolition, and whether an enforcement notice requesting the demolition can be defended if appealed. The fact that the development relates to a property situated within a Conservation Area is important, and as noted previously there are concerns that the works are not as appropriate as those allowed through the previous planning permission in terms of design, and do not have proper regard for the Conservation Area setting. However, the location of development also needs to be considered. The extension is situated at the rear of the property, and is largely unseen from Stockton Road, with public views limited to those from the adjacent right of way and more distant views from Hesleden Road. As such any impact on the wider Conservation Area would be negligible. The Conservation Officer has suggested that the applicant could be requested to carry out various works to the extension through the use of planning conditions, to mitigate some of the negative impacts; as such it is suggested that a condition requesting the re-roofing of the extension with reclaimed slates as originally proposed, be attached to any grant of planning permission. It is considered that a change in roofing materials would overcome any detrimental effects the extension may have, sufficiently to allow retrospective planning permission to be granted.

The building as constructed may be of a poorer standard of design than was approved in 1999, but it is not considered that, subject to replacement of the roofing materials, there is sufficient adverse impact to justify refusal of this application and subsequent enforcement action to seek demolition.

RECOMMENDATION

That the application be **APPROVED** subject to the following condition:

1. Within 3 months of the date of this decision notice, the tiles on the extension hereby approved shall be replaced with reclaimed slates to match the original building, a sample of which shall be first submitted to and approved in writing by the Local Planning Authority.

REASONS FOR THE DECISION

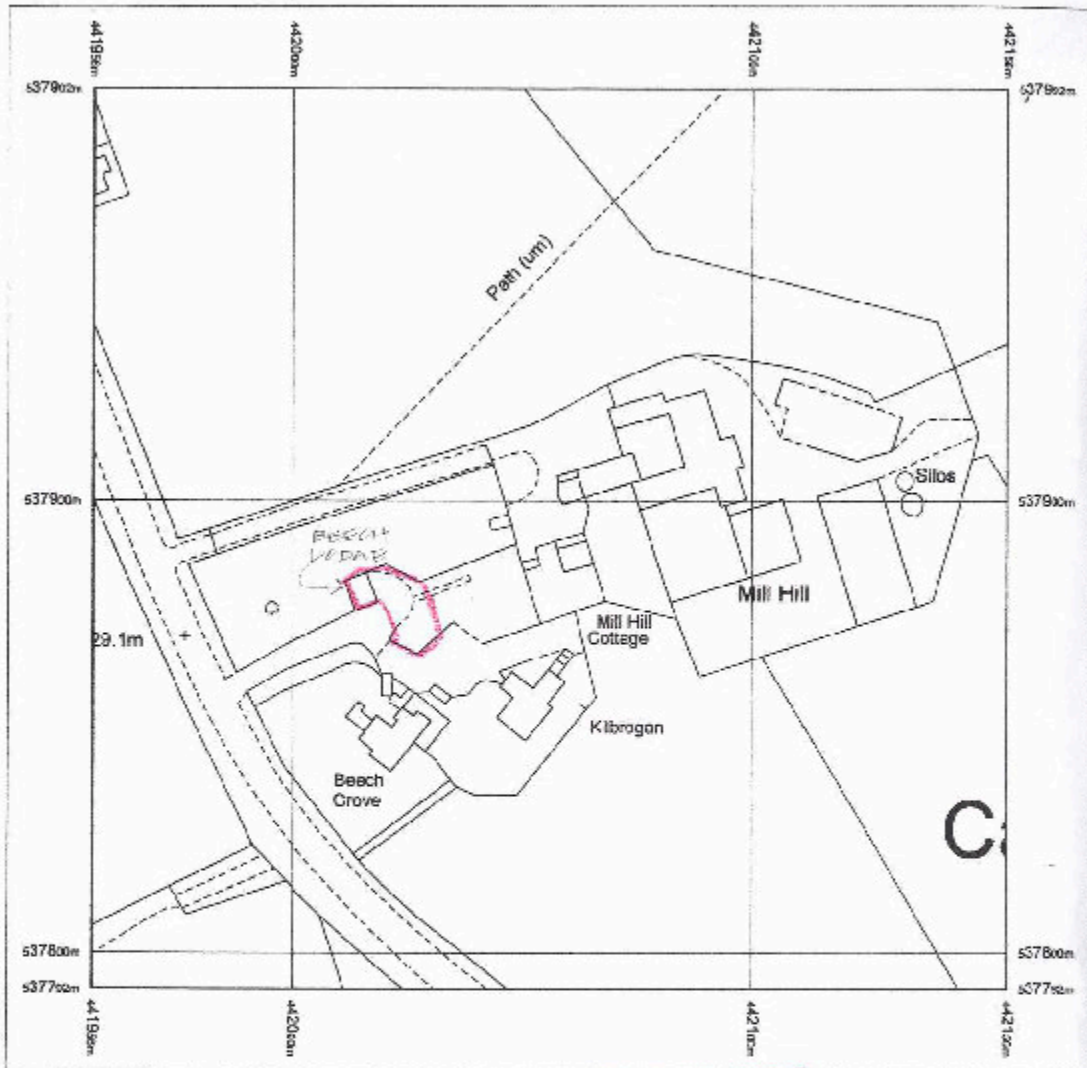
1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV22 - Preservation and Enhancement of Conservation Areas
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU73 - Extensions and/or alterations to dwellinghouses

2. In particular the development was considered acceptable having regard to consideration of issues of design and scale and impact upon the conservation area.
3. The stated grounds of objection concerning the scale and design of the extension and its impact on the conservation area were not considered sufficient to lead to reasons to take enforcement action or refuse the planning application due to the location of the extension at the rear of the property in a less than prominent position.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



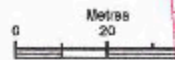
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