

COMMITTEE REPORT

APPEAL UPDATE (EASINGTON AREA OFFICE)

APPEALS RECEIVED:

None received

APPEAL DECISIONS:

Appeal by Mr Joseph Slater

Site at (formerly) The Freezer Shop, 5-6 Granville Terrace, Wheatley Hill, DH6 3JQ

An appeal was lodged and an application for costs was made by Mr Joseph Slater against the Council's Refusal to grant planning permission for the sub-division of a shop into two to provide retail and hot food takeaway at 5-6 Granville Terrace, Wheatley Hill.

The appeal has been dismissed and planning permission refused for the development. The application for the award of costs has also been dismissed.

The inspector concluded that the main issue was the effect of the proposal on the living conditions of neighbouring residents in terms of noise and disturbance, fumes and cooking odours.

The inspector was satisfied that the proposal would not cause an unacceptable level of noise and disturbance to the detriment of the living conditions of neighbouring residents, however he was unconvinced that it would not cause serious nuisance through fumes and cooking odours. In this respect, it was considered that the proposal would not fulfil the requirements of Local Plan Policies 1, 35 and 111.

Recommendation:

That the appeal decision be noted.

Appeal by Mr Paul Finnigan

Site at Blackthorne House, Thornley Road, Trimdon Station, TS29 6DA

An appeal was lodged by Mr Paul Finnigan against the Council's Refusal to grant planning permission for the erection of a two storey extension at Blackthorne House, Thornley Road, Trimdon Station.

The appeal has been dismissed.

The inspector concluded that the doubling in size of the host property would be out of scale and character with the host dwelling, and would appear as a visual intrusion in the countryside contrary to saved policies 1, 35 and 73 of the District of Easington Local Plan.

Recommendation:

That the appeal decision be noted.

**Appeal by Mr Michael Slater
Site at 4 Barwick Street, Murton, Seaham, SR7 4DB**

An appeal was lodged by Mr Michael Slater against a condition that required a (retrospective) raised decking area to be carried out in accordance with amended plans showing a reduction in size of the decking area within 4 weeks of the decision notice, at 4 Barwick Street, Murton.

The appeal against the condition has been allowed. However, the inspector concluded that the raised decking area as it stands is unneighbourly and caused serious harmful overlooking and loss to privacy to the neighbour. The inspector noted that he was obliged to formally allow the appeal as the 4 weeks specified on the decision notice given to carry out the works had passed so the disputed condition could not be implemented.

The inspector concluded that he supported the Council's decision on the original application but substituted the disputed condition with one that required the appellant to carry out the works in accordance with the amended plans within 4 weeks from the date of the appeal decision. The effect on the appellant therefore, will be merely that the requirements contained in the Council's original condition will have a different start date.

Recommendation:

That the appeal decision be noted.

**Appeal by Mr James Smith
Site at Land off Wingate Road, Trimdon Station**

An appeal was lodged by Mr James Smith against the Council's Refusal to grant Planning Permission for the proposed change of use of land to caravan site and associated works (access track, hardstanding, landscaping, utility block, septic tank etc.) and stable with yard area at Land off Wingate Road, Trimdon Station. An application was also made for the award of costs.

The appeal has been dismissed and planning permission refused for the development. The application for the award of costs has also been dismissed.

The Inspector concluded that the lack of adequate visibility at the access onto the main road meant that the residential use would give rise to serious highway dangers. Whilst the appeal development would seemingly benefit from a right of vehicular passage over the access, the appellants land ownership does not extend to the junction with the main road or land on either side of it. Any improvement to visibility is constrained by the bend in the road to the east and by the presence of the bus stop. Having regard to these considerations the Inspector stated it was not possible to overcome the problem by reasonable practicable works that could be achieved by planning conditions. On the other hand, the evidence of the need for sites for gypsies and travellers in County Durham and the absence of available

authorised pitches, together with the implications for the health and education of the occupiers of the site if they were to leave, are matters which weigh in the appellant's favour.

Circular 01/2006 advises that consideration should be given to granting a temporary planning permission where, as here, there is an unmet need, no available sites and a prospect that new sites will be available through Development Plan Documents. Nevertheless, whilst a temporary planning permission would not be seen as setting a precedent for any future applications for full planning permission, the Inspector considered the granting of planning permission for, say, three years would unacceptably perpetuate the dangers associated with the use of the access.

Having considered all other matters raised, the Inspector concluded that the harm caused by the development to highway safety was not outweighed by other considerations and therefore dismissed the appeal.

Recommendation:

That the appeal decision be noted.

APPEAL UPDATE (DURHAM CITY AREA OFFICE)

APPEALS RECEIVED:

Appeal by Mr Alan Whitley

Site at Bracken Cottage, Bank Foot, Shincliffe, Durham, DH1 2PD

An appeal has been lodged by Mr Alan Whitley against the Council's refusal to grant planning permission for the erection of single storey orangery extension to side of existing ancillary residential accommodation at Bracken Cottage, Bank Foot, Shincliffe, Durham, DH1 2PD.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

Appeal by Mr Ian McKay

Site at 18 Hawthorn Terrace, Durham, DH1 4EL

An appeal has been lodged by Mr Ian McKay against the Council's refusal to grant planning permission for the erection of three storey pitched roof extension and 1 no. pitched roof dormer to rear and erection of 1 no. pitched roof dormer to front of existing dwelling at 18 Hawthorn Terrace, Durham, DH1 4EL.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

APPEAL DECISIONS:

Appeal by Mr T Macallan

Site at 7 Warwickshire Drive, Belmont, Durham, DH1 2LU

Members will be aware of the recent approval of a detached bungalow by this Committee for a site at Warwickshire Drive, Belmont, Durham, DH1 2LU. The applicant has submitted a previous version of the scheme which was refused by a Committee of the former City Council, different principally by virtue of its roof design. The applicant had appealed this refusal, and the Planning Inspectorate's decision has now been received.

The Inspector noted the 'simple pitched roof' design of the bungalows as a characteristic of the cul-de-sac, and in line with Government advice, there could be no objection in principle to a larger dwelling on the site, providing it related well to its neighbours and the street-scene. It was noted that in an attempt to mitigate and reduce the scale of the new dwelling by the hipped roof, reflecting the complex footprint had become over-elaborate, and emphasised the bulk of the dwelling, contrasting with the prevailing roof-form in the street. Whilst the greater height of the new dwelling was not, on its own a critical objection, the complexity of roof emphasised the bulk and mass of the building, resulting in its being out of character with the rest of the street.

The inspector noted that with 'significant opportunity' for properties in Devonshire Road to overlook the new bungalow there was a loss of privacy and some detriment to living conditions, but this was insufficient reason in itself to dismiss the appeal.

In conclusion, the proposal was considered to have a detrimental effect on the street-scene by virtue of its overly complex hipped roof design emphasising the building's proposed size, which would be compounded by privacy issues. The appeal was dismissed.

Officers note that the amended scheme subsequently approved by Committee was described by the Inspector as having 'significant differences in terms of ...roof design'.

As a result the Inspector **dismissed** the appeal.

Recommendation:

That the report be noted.
