

**REPORT OF THE HEAD OF PLANNING AND ENVIRONMENTAL HEALTH**

**ITEM1** District Matters Recommended Refusal

1.

**Reference: 07/00135/FUL**

**Proposal** Proposed erection of 7 no dwelling houses

**Location** Springfield Mains Park Road Chester-le-Street Durham DH3 3PU

**Applicant** McCarrick Construction

**The Proposal**

This report relates to an application for the erection of 7 dwellings on land known as Springfield House, Mains Park Road, Chester-le-Street. The site is presently vacant, as the Springfield House property that previously stood on the site has recently been demolished.

A number of mature trees, protected by a Tree Preservation Order exist on the site. Residential development, in the form of bungalows exists to the rear and north of the site, whilst the Chester-le-Street cricket club exist to the south. Across Mains Park Road, to the west of the site are the rear elevations of commercial properties on Front Street. The site is located immediately adjacent to the Town Centre Conservation Area boundary.

The proposed dwellings would be arranged in two separate blocks, one comprising a pair of semi detached properties, the other a row of 5 dwellings.

**Relevant Planning History**

An application for prior approval consent for the demolition of the original Springfield House property was granted on 1 November 2006, Reference 06/00481.

An application for proposed tree works including the felling of 2 no Lime trees & raise crown of 2 no Beech trees was refused on 3 May 2007, Reference 07/00033.

An application for the proposed felling of 1 no Lime tree & 1 no Birch tree was refused on 4 May 2007, reference 07/00045.

**Consultation Responses**

Durham County Council as Highways Authority for the area raise no objections to the proposal (subject to some comments in relation to adoptions issues)

The Council's Regeneration Manager (technical) has no comments to make.

The Council's Environmental Health Team has no comments to make.

The Council's Environmental Services Team advise that the proposals will lead to the removal of a tree protected by a TPO. They also advise that the development will be likely to have an adverse affect on two other protected trees located within the site.

The Design and Conservation Officer at Durham County Council advises that the proposals make a contribution to Chester-le-Street town centre. She notes that the proposals have been drawn up to make strong reference to Springfield House, which previously stood on the site, including containing the appropriate architectural detailing.

The application has been advertised by way of site notice and direct consultation with surrounding occupiers. In response two letters of objection have been received. Objections are raised on the following grounds;

- The proposal are out of character with the surrounding area (in particular the bungalows)
- It is noted that previously the plot housed only the one dwelling
- The development will increase traffic congestion on Mains Park Road. It will also impact on water and sewerage facilities.
- Reference is made to a case at a neighbouring Authority whereby a planning permission for 3 storey development adjacent to bungalows was rescinded
- The footprint of the proposed dwellings will lead to the removal of protected trees within the application site.
- Concern is raised about the impact of windows overlooking adjacent property
- Concern is raised that a Party Wall has been demolished without agreement with the neighbouring land owner
- The development will adversely restrict light to the windows of neighbouring property.
- There is a fear that the development will lead to noise nuisance.

### **Relevant Planning Policies and Considerations**

The proposal raises a number of issues for consideration having regard to the relevant Policies contained in the County Durham Structure Plan and Chester-le-Street Local Plan.

#### **County Durham Structure Plan**

Policy 2 of the Structure Plan seeks to ensure new development is directed to locations that minimise the need to travel. Policy 3 expands on this approach by advising that the provision of new development should be well related to the County's main towns. Policy 9 seeks to ensure that new housing development is located within sustainable locations being well related to existing towns and transport infrastructure, and also seeks to ensure that priority is given to the redevelopment of derelict or redundant sites.

In assessing the proposals against these relevant Structure Plan Policies it is considered that they are acceptable in principle. The proposed site is located within the existing urban framework of Chester-le-Street and is situated in a town centre location, which will reduce the need to travel by private car, being close to existing public transport facilities. Furthermore, the site falls within the definition of previously developed land, as it

comprises the site of a recently cleared dwelling house. In principle, assessed against the relevant Structure Plan Policies, the site would be acceptable for residential development.

#### Chester-le-Street Local Plan

Policy HP6 of the Local Plan provides relevant advice on the subject of residential development within boundaries of settlements including Chester-le-Street. The Policy advises that proposals will be considered acceptable in principle provided the site comprises previously developed land and that the detailed criteria contained in Policy HP9 are met. As discussed above, as the site is located within the defined settlement limit to Chester-le-Street, and furthermore comprises previously developed land, the view is taken that in principle the proposals are compliant with the aims of Policy HP 6.

Policy HP9 of the Local Plan requires residential development to meet a number of detailed design criteria. Of particular relevance to this proposal are the requirements that the proposals must relate well to the character of the surrounding area respecting its predominant character, street pattern and density; provide adequate privacy to both proposed and existing adjacent residents, and, incorporate as far as possible existing landscape features.

Policy NE 11 provides advice in respect to development and protected trees.

In assessing the proposal against the requirements of the relevant Local Plan Policies, and taking into account all relevant material planning considerations, including the comments received as part of the consultation process, it is considered the following areas of the proposal require particularly careful assessment;

#### Scale / Massing of Development

Policy HP 9 of the Local Plan requires new development to respect the character of the surrounding area. In this respect it is considered the proposals, for 2 half-storey development, are acceptable in the general context of the surrounding area.

However part of the development, to the southern boundary of the site, includes proposal for 2 half storey development in close proximity to the existing bungalow at Linden Grove, along Lindisfarne Avenue. The gable end of the nearest proposed property to the boundary with this existing property is situated only some 1.2 metres from the existing common boundary. The view is taken that this arrangement will lead to an unacceptable level of over shadowing, and a general over-bearing impact on this property; which would be detrimental to the amenities the occupiers of this property can reasonably expect to enjoy.

#### Design

Policy HP 9 requires new residential development to respect the character of the existing surrounding area. In addition this site is particularly sensitive as it is located immediately adjacent to the Town Centre Conservation Area. Policy BE 4 of the Local Plan establishes a presumption that the Council will pay particular attention to ensuring the scale / design and layout of new development is of an acceptable standard where development sites are located adjoining Conservation Areas.

In this respect the proposals have been the subject of significant pre-application discussions with Officers, including those from the Design Section at the County Council. The design of the dwellings has been worked up through the course of these discussions to ensure it is complementary to the Conservation Area, and indeed the former Springfield House premises.

As Members will note from the representations section above the Design Officer at the County Council is satisfied that the design proposed will make a positive contribution to the street scene. Accordingly the view is taken that the proposals are acceptable on design grounds.

### Trees

As discussed above the site contains a number of mature trees. These are protected by a Tree Preservation Order. Policy HP 9 encourages the retention of existing landscape features within development sites. In addition Policy NE 11 advises that there will be a presumption that protected trees should not be removed unless there are sound arboriculture reasons (such as they may be dead or diseased, or it can be proved they are causing structural damage to adjacent properties).

In this respect Members will note that the Council's Environmental Services Team have raised concerns that the layout of the development, as proposed, will endanger the health of some of the trees within the site. Accordingly the view is taken that this arrangement would be likely to lead to the loss of protected trees, contrary to the requirements of Policies HP 9 and NE 11.

### Conclusion

In conclusion, having regard to the above, it is considered that although the design of the proposals is considered acceptable, concern is raised that the layout proposed would be likely to adversely affect the amenities of adjacent residents, and in addition would be likely to lead to the loss of protected trees. Accordingly it is recommended that planning permission be refused.

### RECOMMENDATION

Refuse

FOR THE FOLLOWING REASONS: -

Extra 1.

The proposal would have an over bearing impact on the adjacent residential occupiers which would be detrimental to the amenities they could reasonably expect to enjoy and accordingly would be contrary to the aims of Policy HP 9 of the Chester-le-Street Local Plan

Extra 2.

The proposal would lead to the loss of protected trees without any appropriate justification and accordingly would be contrary to the aims of Policies HP 9 and NE 11 of the Chester-le-Street Local Plan.

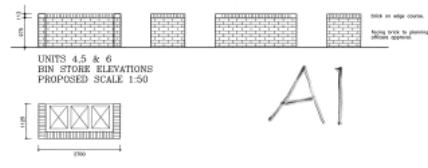
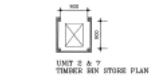
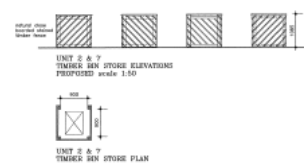
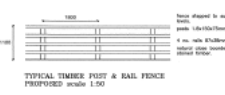
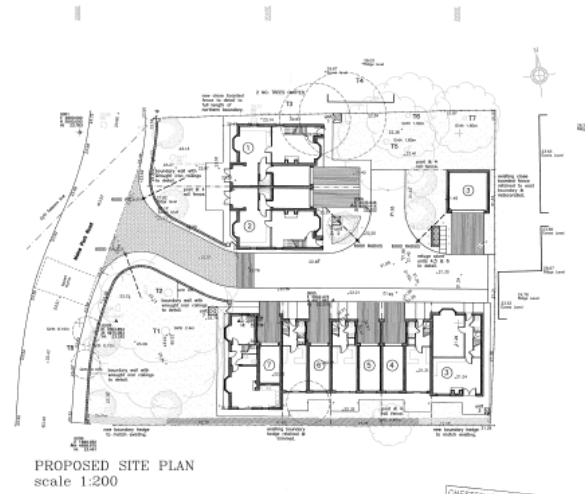
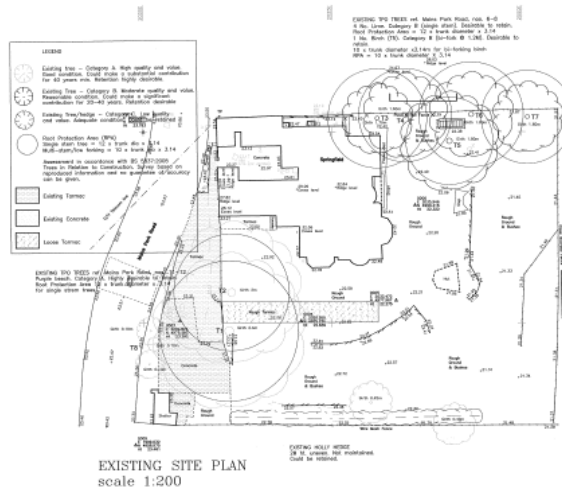
## Application Summary

**Ward:** Chester East  
**Case Officer:** Stephen Reed  
**Contact Details:** 0191 387 2212

[stephenreed@chester-le-street.gov.uk](mailto:stephenreed@chester-le-street.gov.uk)

**Summary of Reason for Recommendation:** This proposal would unacceptably harm the amenities of adjacent residents. It would also lead to the loss of mature trees protected by a Tree Preservation Order.

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A1

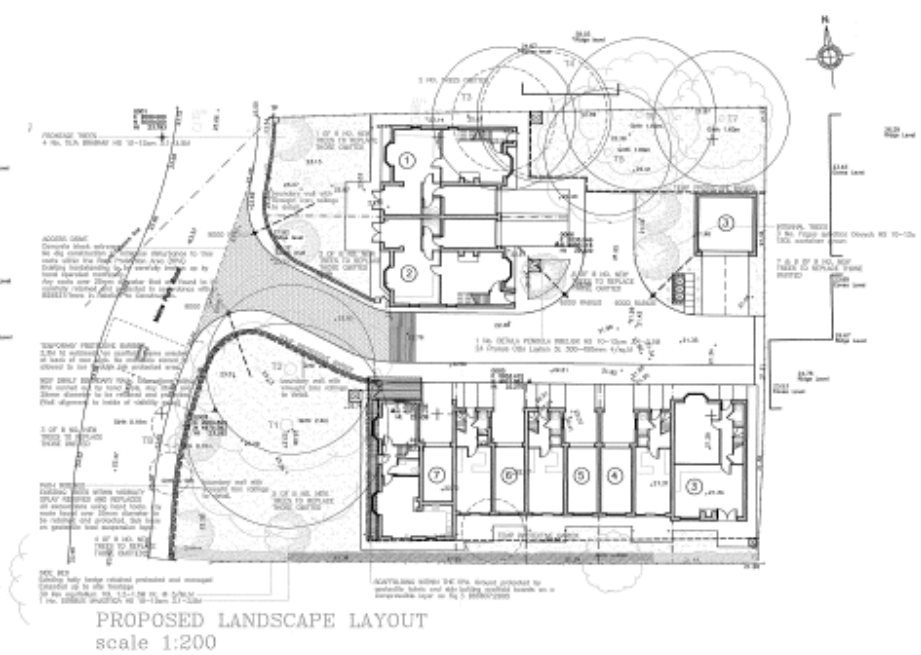
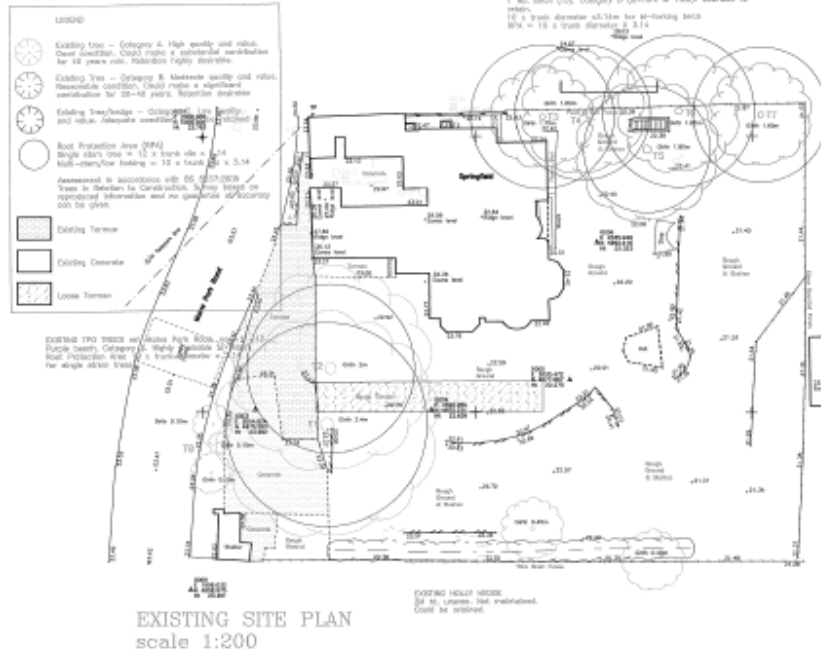
CHESTER-LE-STREET C.D. PLANNING DEPT.  
RECEIVED - 2 APR 2007  
REVISED:  
FILE NO.:

REV. E - REVISED - NAME OF ENCLOSURE / BIN STORE HEIGHTS.  
REV. D - REVISED - BRUSH WALL HEIGHTS FOLLOWING LANDSCAPE ARCHITECT'S PROVISIONS. BRUSH WALL HEIGHT TO BE 1.5M.  
REV. C - REVISED - BRUSH WALL HEIGHTS. BRUSH WALL HEIGHTS MATCHING TO MOORS LIP OF WASTE AND CONCRETE FILLING. USE 1.5M.  
REV. B - REVISED - BRUSH WALL HEIGHTS. BRUSH WALL HEIGHTS MATCHING TO MOORS LIP OF WASTE AND CONCRETE FILLING. USE 1.5M.  
REV. A - REVISED - BRUSH WALL HEIGHTS. BRUSH WALL HEIGHTS MATCHING TO MOORS LIP OF WASTE AND CONCRETE FILLING. USE 1.5M.

Do not accept all drawings and specifications to be site confirmed prior to work commencing and all other conditions contained in contract. This drawing is to be used in conjunction with all other architectural and structural drawings.

David Green/Charles Architects  
2100 BRUSH WALL  
2100 BRUSH WALL  
2100 BRUSH WALL  
2100 BRUSH WALL

PROPOSED RESIDENTIAL DEVELOPMENT.  
SPRINGFIELD HOUSE, MANUS PARK ROAD, CHESTER-LE-ST  
for McCAFFREY CONSTRUCTION.



**OUTLINE PLANTING SPECIFICATION**

Existing trees, retain and protect in accordance with BS 5823:2003. Trees in Retention in Consultation. Temporary protective barriers to contain soil and prevent access to excavation works to vehicle access, change in level, compacted, excavated, retained areas or placed in run through the protected area.

All structural works to be carried out in accordance with BS 5823:2003. Tree works.

Services to trees to be planted within 3 meters of existing or proposed foot of surface water drain. Planting adjacent to other services to be in accordance with the guidelines set down by the relevant service authority.

Subsoil, top plant beds to 300mm depth using the levels of a 2:23 back bucket to break up compaction and allow free drainage.

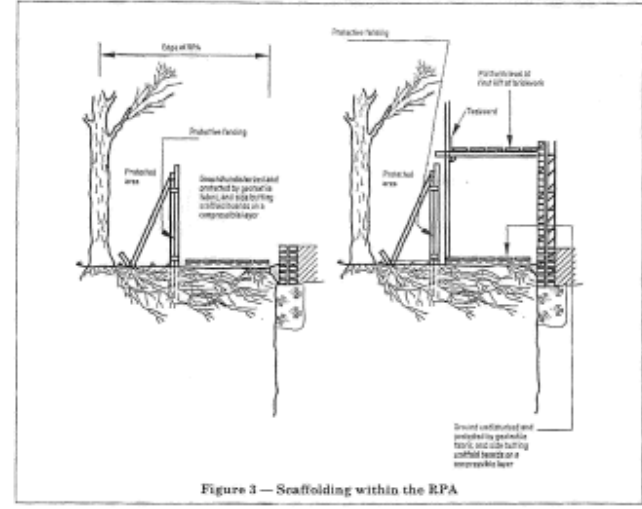
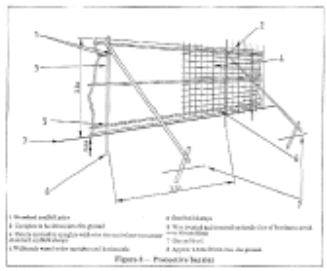
Topsoil, Existing turf beneath future landscaping areas to be stripped to the depth of topsoil depth to be gained on site and stored on site in stacks not more than 200mm high for use for landscaping to eradicate perennial weeds as required. Topsoil to be used within 12 months.

Tree pits 12 x 12m x 750mm. Gravelled around and edge - 400mm. Grass 100mm.

Bank multi 300mm depth over ornamental shrub beds adjacent to driveway parking lane to 100mm above of the road surface. Particulate 20-50mm. Free of peat, silt or sand. Watermark 100mm. Sample to be submitted for approval with tender documents.

Water all plants in after planting and before mulching. Allow for provision of water from 100mm during periods of restriction to maintain uniform healthy growth.

Maintenance. Include for the removal of weeds and litter and the maintenance of bare ground between planted areas at all times. Replacement of plant defects and dead, pruning, deadwood branches, watering, edge trimming and fencing over completed areas as required. Grass areas to be mowed on a regular basis and kept short. Grass areas to be mowed on a regular basis and kept short. Grass areas to be mowed on a regular basis and kept short.



CHESTER-LE-STREET D.C. PLANNING DEPT.  
RECEIVED - 2 APR 2007  
ACTIVITY: POST BOOK NO.

**A1**

REVISED 20 MARCH 2007 - UPDATED AS CURRENT SITE PLAN (DRAWING NO. 1000/01)

Do not make any scaling and dimensions to be able confirmed prior to work commencing and any discrepancies notified to authors. This drawing is to be read in conjunction with all other architectural and structural engineering drawings.

**Draw/Checked/Author/Date**  
The City Council  
Planning Department  
Chester City Council  
Chester  
1000/01  
1 APR 2007  
1000/01/01

**PROPOSED RESIDENTIAL DEVELOPMENT, SPRINGFIELD HOUSE, MAINS PARK ROAD, CHESTER-LE-ST. for McBRICK CONSTRUCTION.**

**PROPOSED LANDSCAPING PLAN** 1:200

Date: Drawn: Checked: **602/TS/01A**

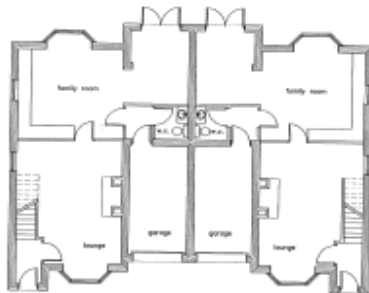


EAST ELEVATION  
 PROPOSED scale 1:100

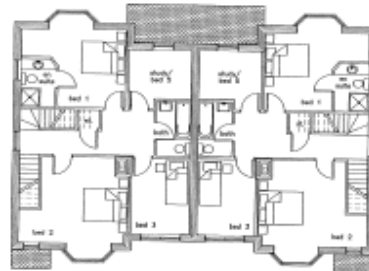
NORTH ELEVATION  
 PROPOSED

WEST ELEVATION FACING MAINS PARK ROAD  
 PROPOSED

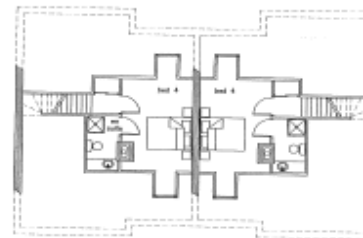
SOUTH ELEVATION  
 PROPOSED



BLOCK A  
 GROUND FLOOR PLAN  
 PROPOSED scale 1:100



BLOCK A  
 FIRST FLOOR  
 PROPOSED scale 1:100



BLOCK A  
 SECOND FLOOR  
 PROPOSED scale 1:100

A1

CHATELAIN STREET LTD	
PLANNING DEPT.	
RECEIVED - 2 APR 2007	
ACTION BY	
POST ROOM NO.	

early issue

Do not scale all ceiling and dimensions to be site confirmed prior to work commencing and any discrepancies notified to architect. This drawing is to be used in conjunction with all other architectural and structural engineers drawings.


 CHATELAIN STREET LTD  
 100-102  
 MANSFIELD ROAD  
 LONDON E1 6AA  
 TEL: 020 7463 2007  
 FAX: 020 7463 2040  
 EMAIL: info@chatelain.co.uk

PROPOSED RESIDENTIAL DEVELOPMENT,  
 SPRINGFIELD HOUSE, MAINS PARK ROAD, CHESTER-LE-ST.

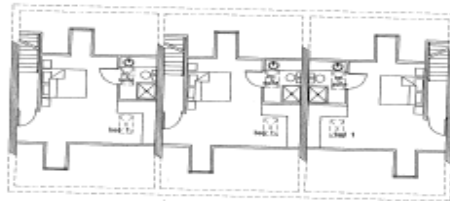




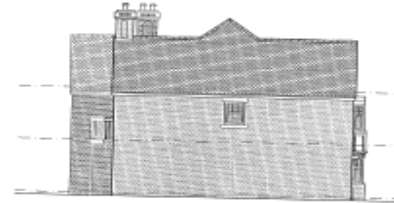
SOUTH ELEVATION  
 PROPOSED scale 1:100



NORTH ELEVATION  
 PROPOSED scale 1:100



BLOCK B  
 SECOND FLOOR  
 PROPOSED  
 scale 1:100



WEST ELEVATION  
 PROPOSED scale 1:100



EAST ELEVATION  
 PROPOSED scale 1:100



BLOCK B  
 FIRST FLOOR  
 PROPOSED  
 scale 1:100



SOUTH ELEVATION  
 PROPOSED  
 scale 1:100



WEST ELEVATION  
 PROPOSED  
 scale 1:100

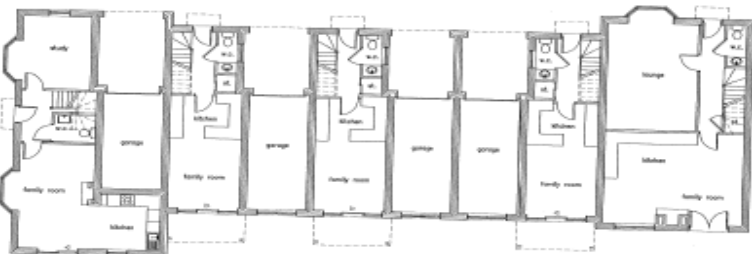


NORTH ELEVATION  
 PROPOSED  
 scale 1:100



EAST ELEVATION  
 PROPOSED  
 scale 1:100

CHESTER-LE-FOREST D.C.  
 PLANNING DEPT.  
 RESOLVE - 2 APR 2007  
 RECEIVED  
 PLANNING DEPT.



BLOCK B  
 GROUND FLOOR  
 PROPOSED  
 scale 1:100



GARAGE PLAN  
 PROPOSED  
 scale 1:100

A1

REV. C - 20/04/07 - UNIT 2 REISED TO REFLECT IMPACT ON NEIGHBOUR PROPERTIES. DETACHED GARAGE IN LAY OF INTERNAL GARAGE TO UNIT 2.

REV. B - 20/04/07 - UNIT 2 REISED FOLLOWING COMMENTS FROM PLANNING.

REV. A - 12/04/07 - REVIEW FOLLOWING MEETING WITH CLIENT. CHECK NEED TO END-OF-CORNER DRILLING.

All work will be carried out according to the site conditions plan for water connections and all other connections. All work will be carried out in accordance with the relevant building regulations and all other applicable codes of practice.

Library Issue


  
 PROPOSED RESIDENTIAL DEVELOPMENT,  
 SPRINGFIELD HOUSE, MANS PARK ROAD, CHESTER-LE-ST.  
 for MCGARRICK CONSTRUCTION.  
 BLOCK B ELEVATIONS 1:100  
 BLOCK B PLANS 1:100  
 UNIT 2 DETACHED GARAGE 1:100

**ITEM 2** District Matters Recommended Approval

**2.**

**Reference: 07/00117/FUL**

**Proposal** Erection of stable building and feed store plus associated fencing (Revised scheme)

**Location** Land Adjacent to Redrose Stud Chester-le-Street Durham

**Applicant** Mr J.P. Jones

**The Proposal**

Detailed planning approval is sought for the construction of a free standing stable building at this existing field which is located to the east of the A167 opposite Park Road South, Chester le Street. It has been proposed to position the stable building on the eastern perimeter of the plot immediately adjacent to the existing woodland on the hillside leading down towards the river Wear. It should be noted that this application is a re-submission of an earlier planning application (App. No. 07/00030/FUL) which initially sought planning approval to erect a 3 bay stable and feed store within this plot but immediately adjacent to the vehicular entrance serving this parcel of land and Red Rose Livery.

The applicant initially sought planning approval to relocate the original 'L' shaped stable building, which would consist of a 3 bay stable and a feed store. The original proposal measured 10.9 metres x 7.3m at its largest point and is approximately 2.7 metres high. The stables would be approximately 3.7m in depth. The stables in question would be constructed in timber with felt roofing. However, during the course of this planning application the applicant has stated that he now wishes to erect a smaller rectangular stable building, which would measure approximately 11.5m x 3.7 m. The application site including the grazing land measures approximately 3.1 hectares.

It is also proposed to erect post and rail fencing, measuring approximately 1.2 -1.4m in height along the boundary of the site adjacent to the A167. To secure the paddock some fencing work has already been carried out to sub-divide the single large field into smaller paddocks, this element of the proposals did not require planning approval.

**Site Description**

The application site forms part of a larger paddock, which has been sub-divided. The application site, which is tri-angular in shape, is flanked by the A167 to the west, as illustrated on the attached plan. The area to the east is wooded and the ground levels fall from this point towards the river Wear, The southern boundary of the site is bounded by a larger paddock, which does not form part of this application.

The closest residential properties to the application site are located at Park Road South, approximately 35 metres to the west of the application site. However, because of the

relocation of the stable building to eastern boundary of the site the stables would now be approximately 135 metres from nearest dwelling house at Park Road South.

### **Consultation Responses**

Durham County Council, as Highway Authority, have confirmed that emerging visibility looking north along the A167 is sub standard. However, bearing in mind the relatively minor nature of the proposal and the fact that the applicant does not require planning approval to graze livestock on the site, no highway objection is raised provided that the stables are for the private recreational use of the applicant only.

Although this planning application was advertised via both direct neighbour notification and the posting of a site notice at the entrance to the paddock no representations have been received in respect of this amended scheme.

### **Supplementary information supplied by the Applicant**

The applicant has confirmed that he currently owns 3 horses, which are currently kept at two different sites. He has stated that his children have recently moved to this part of Chester le Street and now he has been given the opportunity to lease this land and he would like to keep his horses on this single site. It has been stated that the buildings proposed would provide shelter for his animals and to store feed.

The applicant has informed officers that the building is to be used to stable up to a maximum of four horses, which belong to him and his children. He also confirmed that the horses are to be kept for recreational purposes only and that he does not intend to run a business from the site.

The applicant has confirmed that the land holding in question is large enough to graze the number of horses in question. The applicant has also stated that the proposed stables would not, in his opinion, harm the visual amenity of the Green Belt or the open countryside. In fact, he stated that the appearance of the proposed buildings would be significantly better than several existing buildings in the allotment area to the north east of Croxdale garage site.

### **Relevant Planning Policies and Considerations**

#### **Durham County Structure Plan**

Policy 6 of the Durham County Structure Plan seeks to ensure that the openness of the North Durham Green Belt is preserved.

Policy 64 (A) of the Durham County Structure Plan seeks to ensure that the quality of the County's landscape is maintained and enhanced by ensuring that development in an Area of High Landscape Value does not detract from the areas special character.

Chester-le-Street Local Plan

Policy RL11 of the Local Plan provides specific advice in regard to equestrian facilities. The Policy acknowledges that such facilities are, in principle, acceptable uses in the countryside and will be permitted provided that:

- New facilities are appropriate in scale and situated next to existing buildings and do not detract from the landscape;
- The number of stables proposed and the number of horses to be grazed relate to the amount of grazing land available;
- New commercial establishments where tracking facilities are needed are in close proximity to existing bridle ways; Other types of commercial establishments should either be close to bridle ways or make provision within the scheme to adequately exercise horses;
- New commercial establishments are close to existing residential accommodation, which will allow proper supervision at all times;
- The proposal fulfils the criteria of Policies NE4 and RL10 (which relate to green belt issues).

The application site is located within the North Durham Green Belt.

Policy NE4 ii) permits the construction of new buildings for 'essential facilities for outdoor sport and recreation ... that preserve the openness of the Green Belt'. The limited scale of the proposed building itself is considered satisfactory, and because of the revised siting of the building some distance away from the A167 and adjacent to the existing woodland, it is felt that this proposal would not detrimentally affect the openness of the Green Belt.

Policy RL10 states that within the Green Belt permission for outdoor participatory sports and recreational uses will be granted provided that the uses are predominantly participatory and outdoor, that any ancillary facilities are small in scale in the Green Belt and the proposed development does not harm the visual amenity of the Green Belt.

As the application site is located within an Area of High Landscape Value, Policy NE15 is also relevant to this proposal. This Policy seeks to maintain and enhance the landscape character and quality of development within AHLV. As such, development will only be permitted where this is of a high quality of design, where this reflects the character and scale of the buildings in the area and where this does not detract from the high landscape quality of the area.

National and local Planning Policies accept that small scale equestrian uses can be an 'appropriate' use within the countryside and the Green Belt. Guidance states that new equestrian facilities should preferably be located next to existing buildings already in place. Where this is not the case, buildings should be designed and located in such a manner that these are not unduly prominent within the landscape and make best use of both existing topography and screening.

As such, buildings which are located against a backdrop of an existing hedgerow or tree belt can 'blend' into the landscape rather than appearing to be an alien feature within it. The prominence of buildings can often also be reduced by locating the building away from roads, public footpaths and other public vistas. This approach has been adopted at the

paddock to the east of Croxdale Motors where the existing stables / out buildings are located along the southeastern boundary of the field rather than being located immediately adjacent to the A167.

Although the applicant was initially reluctant to relocate the proposed stables from their original location adjacent to the A167 and the entrance to the paddock, he has now taken on board the advice of officers and has agreed to relocate the stables to the eastern boundary of the plot, so that this is situated as far as possible from the A167 and housing opposite at Park Road South. This arrangement would mean that the stable building would be approximately 135 metres from the nearest residential property and that these long distance views would be seen against the back drop of the existing woodland immediately to the east of the site.

The proposed usage, design and materials of the proposed stables are considered satisfactory. Officers are of the opinion that the proposed siting of the building immediately adjacent to the existing woodland adjacent to the eastern perimeter of the site is satisfactory in this sensitive location within the Green Belt and Area of High Landscape Value.

The Local Planning Authority has only limited control over the erection of fencing and other means of enclosure. Where the new fencing is not 'adjacent to a highway used by vehicular traffic' the means of enclosure under 2 metres in height is beyond the control of the Local Planning Authority. However, the fencing carried out to date is in keeping with the rural character of this area.

### **Conclusion**

In conclusion, it is also felt that this proposal, in this revised location, would comply with Policies NE4 ii), RL11 and NE15 of the Chester le Street Local Plan in that this would not unacceptably affect the openness of the Green Belt or detract from the visual appearance of the countryside or this Area of High Landscape Value.

### **RECOMMENDATION** CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

01A - The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

#### Extra 1.

The stables hereby approved shall be for private stable use only and these shall not be used for any trade or business use in order to safeguard the integrity and openness of the Green Belt, so that this proposal complies with Local Plan Policies NE4 and RL11.

#### Extra 2.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and / or roofs of the building have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory

appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy NE15 of the Chester-le-Street District Local Plan.

Extra 3.

Notwithstanding any description of the materials in the application, form details of any proposed jumps or any other equipment relating to the equestrian use of the land shall be submitted to and approved in writing prior to the commencement of the development hereby approved, in the interests of visual amenity and in accordance with the provisions of Policy NE15, RL11 and NE4 of the Chester le Street Local Plan.

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### **Application Summary**

**Ward:** Chester East

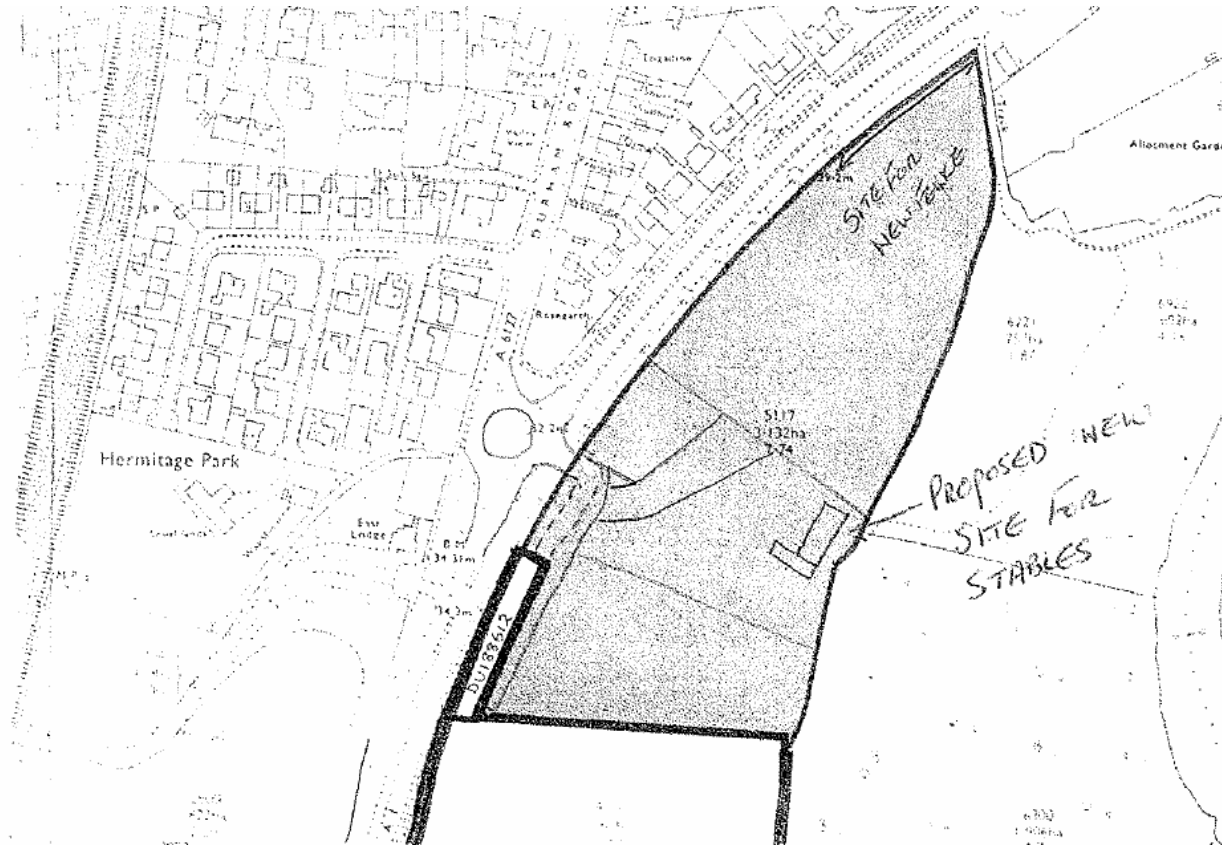
**Case Officer:** David Walker

**Contact Details:** 0191 387 2146

[davidwalker@chester-le-street.gov.uk](mailto:davidwalker@chester-le-street.gov.uk)

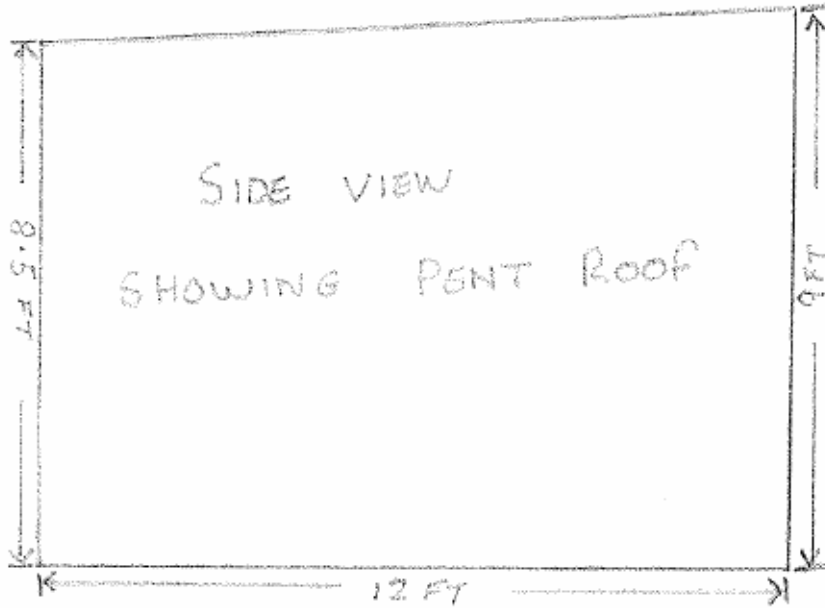
**Summary of Reason for Recommendation:** The proposal would comply with Policies NE4 ii), RL11 and NE15 of the Chester le Street Local Plan in that this would not unacceptably affect the openness of the Green Belt or detract from the visual appearance of the countryside or this Area of High Landscape Value.

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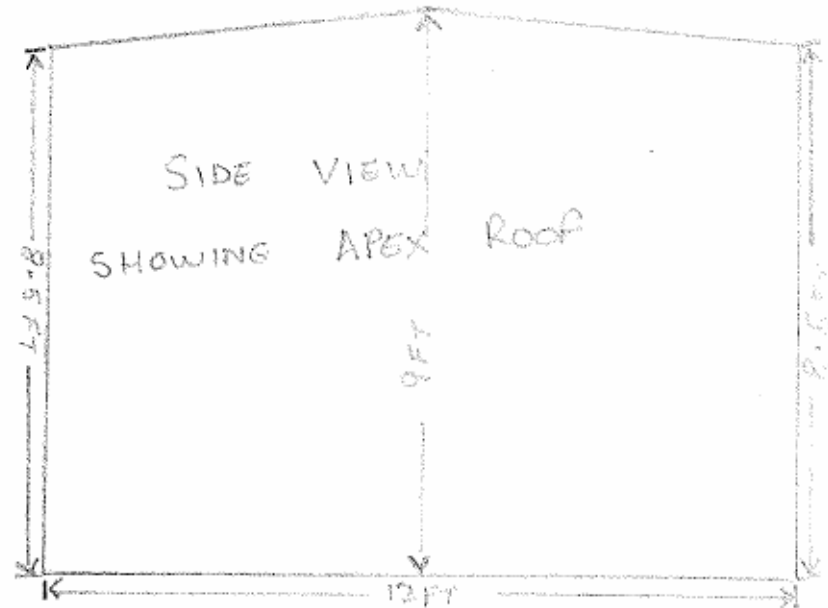
SIDE VIEW

SHOWING:- STABLE HEIGHT  
(FRONT AND REAR)



SIDE VIEW

SHOWING:- STABLE HEIGHT  
(FRONT, CENTRE AND REAR)







3.

**Reference: 07/00113/FUL**

**Proposal** Sub-division of existing rear garden to facilitate the construction of a 5 bedroom detached house including new vehicular access and associated works. Amended plans received 30 April showing reduced footprint of dwelling house and bedroom window in gable deleted.

**Location** 18 Plawsworth Road Sacriston Durham DH7 6HL

**Applicant** Mr & Mrs Cain

**The Proposal**

Detailed planning approval is sought for the construction of a single dwelling house in part of the rear garden at No. 18 Plawsworth Road. This property fronts onto Plawsworth Road but has a very long rear garden.

It is proposed that the western section of the garden be sold off to facilitate the construction of a single dwelling house. The new dwelling would run alongside the housing at Nos. 14-17 Highfield and would be accessed from the existing estate road serving Highfield.

The plot in question measures approximately 12.5 m in width and is approximately 28 m deep. It is proposed to build a 5 bedroom dwelling house and sun lounge to rear.

The foot print of the initial proposal, excluding the sun lounge, measures approximately 11.5m x 10.3m with the eaves and ridge height 5.2m and 8.4m respectively. The front building line would be in line with that of the existing housing at Highfield with the rear of the property extending some 1.5m past the rear wall of the adjacent housing. The design of the proposed dwelling is similar to that of Nos. 14-18 Highfield although this building is higher to utilise the roof space. The proposed sun lounge which measures 3.6m x 3.8m is located on the northern gable facing onto the rear garden of No.18 Plawsworth Road. and is off set from Graham Court.

As a result of concerns relating to the size of the proposed dwelling house and it's inter relationship with the adjacent housing a revised scheme was submitted on 30th April 2007. The footprint of the revised dwelling has been reduced to 10m x 10.3m, so that the rear of this property is in line with the rear of No.17 Highfield.

The existing housing at Highfield has been built over a number of years and, as such, Nos. 1-12 are older being traditional semi-detached housing. Nos. 14-17 are a modern house type with a gable feature. Graham Court, a 2 storey block of sheltered housing is located to the south west of the application site.

### **Consultation Responses**

The Technical have raised no objection but have recommended that Northumbrian Water Authority be contacted regarding this matter. No response has been received from Northumbrian Water at the time of drafting this report.

DCC highways have raised no objection subject to an appropriate footpath crossing being laid in accordance with Section 184(3) of the Highways Act 1980.

The initial planning application has been advertised via both direct neighbour notification and the posting of site notices in this area.

As a result a 21-name petition has been received from the residents of Highfield and Plawsworth Road Nos. 1,2,3,4,5, 8, 9,11 and 12 Highfield. This petition raised concern that the new dwelling would lead to additional traffic problems in this area because of the limited width of the existing road and lack of turning facilities in this area. Concern was also raised that an existing care home in Highfield also attracts quite a lot of traffic throughout the day with residents being picking up / dropped off and staff parking.

Three additional letters of objection were also received from other householders.

The occupants of No.9 Highfield objected to this scheme on highway safety grounds, reference was made to the access to the proposed dwelling would be located on a 'dangerous bend' and that this area is already heavily congested by on street parking.

The occupants of No.17 Highfield raised concern that the rear building line of the proposed extension would not be in line with the rear wall of Nos. 14-17 Highfield. It was felt that this would be out of keeping with the character of the area. Concern was also raised that this would overshadow the rear of No.17 Highfield.

The owner of 18 Plawsworth Road initially raised concern regarding loss of privacy to the adjacent house and garden caused by the proposal to include fenestration on the gable end of the property and the glazing in the sun lounge. The respondent has confirmed verbally that she has agreed with the applicant to delete the window in the gable serving bedroom 5 to delete the window in the proposed sun lounge extension and to install obscure glazing only in the bathroom window on the gable.

As a result of the concerns regarding the size of the proposed dwelling house and it's inter relationship with the adjacent housing a revised scheme was submitted on 30th April 2007. Neighbours have been re-consulted on this revised application but at the time of drafting this report two written representations had been received regarding the revised and reduced submission. One respondent re-iterated their earlier concerns regarding road safety and congestion, which makes it difficult for emergency vehicles to access the road.

The owner of No 18 Plawsworth Road has raised the following issues, in response to the re-consultation: -

- The applicant agreed not to erect a window in his proposed sun room facing my garden, but rather a solid brick wall. He has not amended the plans to reflect this;

- I came to an agreement with the applicant that I would not object to a bathroom window facing onto my garden only on the condition that it would be frosted glass, hinged to open from the top, again, this is not indicated on the amended plans.

I would expect to see these details to be written into the final planning decision.

Any additional views received will be reported to the Planning Committee verbally.

### **Relevant Planning Policies and Considerations**

This proposal relates to a new dwelling house on a Brownfield site inside the settlement boundary of Sacriston. As such, Policies HP6 and HP9 are applicable in this instance.

This proposal is located within the settlement boundary of Sacriston and comprises previously developed land. Hence it complies with HP6.

Policy HP9 - outlines a number of criteria for consideration. The key issues are outlined below

- The design of the property relates well to that of the surrounding area, respects its character, street pattern, setting and density and avoids damage to the amenities of adjoining properties;
- Provides adequate privacy in the rooms, gardens and outdoor areas of the proposed and adjacent properties.
- Provides adequate open private amenity space.
- Provides convenient and safe road access for residents, visitors and service vehicles.
- Regard is given to the indicative standards or residential estate design in Appendix 1.

The proposal is generally in keeping with the style and pattern of the more modern housing at Nos. 14 - 17 Highfield.

The Highways Authority have also stated that the proposal in its existing format is satisfactory in highway safety terms and notwithstanding additional traffic generated by a single dwelling, this would not be sufficient so as to justify refusal on highway safety grounds.

The key concern regarding the initially submitted scheme related to the relationship of the proposed property and Graham Court to the rear. Whilst it is noted that the existing housing at No. 18 Highfield is closer to Graham Court than the 21m separation distance outlined in Appendix 1 of the Local Plan, this property would be closer again. The window of bedroom No. 4 would overlook the existing two storey bay at Graham Court (because of the design this is very likely to be either the lounge or main bedroom of the property). It is estimated that the distance between the rear of the proposed property and the bay window would be approximately 17m only.

The initial proposal would also have had some impact on the residential amenity of the householders at No. 17 Highfield because the rear of the buildings overlap. However, this would not infringe this Council's 45 degree code and would not be sufficient to justify

refusal. Privacy can be safeguarded between this property and No.18 Plawsworth Road by deleting the proposed bedroom window in the gable of the property in the roofspace. Either obscure glazing or screen fencing could be utilised to safeguard privacy between the sun lounge and adjacent property.

As a result of the concerns regarding the limited separation distance between the proposed dwelling and Graham Court the applicant has agreed to reduce the footprint of the proposed dwelling house so that the rear of the proposed house, excluding the sun lounge, would be in line with the rear of No. 17 Highfield. Although the separation distance in question would not meet the guidance figures contained within Appendix 1 of the Chester le Street Local Plan it should be noted that these would match the existing separation distance between the rear of No. 17 Highfield and Graham Court. This is a 'material' planning consideration. As, such, it is felt that it would be unreasonable to refuse this proposal on this basis, particularly, bearing in mind the off set nature of the windows in question.

The revised and reduced footprint would alleviate the original overlap at the rear of No. 17 Highfield and this would, therefore, minimise any impact upon the adjacent property at No. 17 Highfield. Within the revised plans the agent has deleted the gable window serving the room in the roof space and clarified that a 1.8m high close boarded fence is to be erected between this plot and the remaining garden area of No. 18 Plawsworth Road, in order to safeguard privacy in this area. This amended scheme is considered satisfactory from a planning viewpoint.

### **Conclusion**

In conclusion, this proposal in its revised format is considered to comply with Local Plan Policy HP9 and other material considerations.

### **RECOMMENDATION** CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

01A - The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

02A - Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and / or roofs of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

65 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) any external alterations to the dwelling (except painting and repairs) and any development within the curtilage of the dwelling (ie development permitted under Schedule 2, Part 1( Class A-H inc.) and Part 2 ( Class A) of the Town and Country Planning (General Permitted Development) Order 1995 shall require the benefit of

planning permission in order to ensure the satisfactory appearance of the development upon completion and in the interests of visual and residential amenity.

Extra 1.

Notwithstanding the details shown on the hereby approved plans and elevations, full details of all other means of enclosure of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual and residential amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Before the hereby approved development is occupied, a 1.8m high close boarded fence shall be erected along the common boundary of this plot and No. 18 Plawsworth Road to the satisfaction of this Local Planning Authority and shall thereafter be retained to the like satisfaction, in the interests of visual amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

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### **Application Summary**

**Ward:** Sacriston

**Case Officer:** David Walker

**Contact Details:** 0191 387 2146

[davidwalker@chester-le-street.gov.uk](mailto:davidwalker@chester-le-street.gov.uk)

**Summary of Reason for Recommendation:** The proposal would comply with Policy HP9 - Residential Design Criteria, of the Chester-le-Street Local Plan

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**ITEM 3**

Planning General

**3.1 NOTIFICATION OF PLANNING APPEAL DECISIONS**

**3.1.1 APPEAL AGAINST REFUSAL TO GRANT OUTLINE PLANNING APPROVAL TO CONSTRUCT No. 18 DWELLINGS ON LAND SOUTH OF Nos. 11-16 EDGEWOOD COURT, SACRISTON.**

Notification has recently been received from the Planning Inspectorate of the decision reached in an appeal lodged by Mr Raw against the Council's decision to refuse consent to construct No.18 dwellings and at the above site.

The Council's decision to refuse permission was upheld with the appeal being dismissed.

In considering the merits of the appeal the Inspector agreed with the views of the Local Planning Authority that the appeal site makes a positive contribution to the character and appearance of this part of Sacriston and that this would be diminished as a result of the proposed development.

The Inspector noted that the appeal site is unallocated land outside the defined settlement boundary of Sacriston. Policy HP6 of the Local Plan indicates that planning permission will not generally be granted for residential development on unallocated sites outside the defined settlement boundaries. The proposed development would be contrary to this Policy.

The Inspector also agreed with the Local Planning Authority's view that it is necessary to make a comprehensive assessment of the opportunities available to cater for new residential development in the District.

The Inspector also agreed with this Council's view that the proposal does not accord with Government advice on promoting previously developed land, as defined in Annex B of PPS3. Paragraph 36 of PPS3 makes it clear that priority for development should be on previously developed land.

A copy of the Inspector's decision letter is appended to this report.

**Case Officer : David Walker**

**3.1.2 APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF PRIOR APPROVAL FOR THE ERECTION OF 10M HIGH SLIMLINE STREETWORKS MONOPOLE WITH ANCILLARY HOUSING.**

Notification has recently been received from the Planning Inspectorate of the decision reached in an appeal lodged by Hutchinsion 3G against the Council's decision to refuse prior approval for the erection of a 10 metre high streetworks monopole and ancillary housing.

The Council's decision to refuse permission was overturned with the appeal being allowed.



The inspector noted that the proposed monopole would be designed to replicate the lighting columns that line both sides of the road, being generally similar in height, girth, materials and appearance. Taking this into account the Inspector considered the development would not harm the openness of the green belt, being no more intrusive than any one of the numerous lighting columns that line the road.

The Inspector considered that there were very special circumstances to justify the acceptance of inappropriate development within the green belt. This conclusion was based on the evidence supplied by the appellant demonstrating the significant coverage gaps within the network, the fact that existing structures of other operators are inappropriately located for mast sharing and that the operator had explored various other locations, which were discounted. The Inspector noted that the proposed location is on the very edge of the greenbelt, while seeking to be as far away as possible from residential development.

The inspector noted that the Council has suggested an alternative area of search, this is located well within the greenbelt and would be likely to have a greater impact on its openness.

With regards to the expressed health fears, the Inspector noted that, in accordance with PPG8, it should not be necessary for a planning authority to consider health aspects of the proposal, where an ICNIRP certificate has been submitted with the application. Whilst the inspector noted that several local residents had raised objections on health grounds, there was little objective evidence to support local fears and that the emissions from the mast would be well within the ICNIRP guidelines.

A copy of the Inspector's decision letter is appended to this report.

**Case Officer : Sarah Bough**

### **3.1.3 APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF A SINGLE DWELLING WITHIN THE REAR GARDEN OF 2 BLIND LANE, CHESTER-LE-STREET.**

Notification has recently been received from the Planning Inspectorate of the decision reached in an appeal lodged by Mr Lowe against the Council's decision to refuse planning permission for the erection of a single dwelling within the rear garden area of 2 Blind Lane, Chester-le-Street.

The Council's decision to refuse permission was overturned with the appeal being allowed.

The Inspector noted that a number of properties within Blind Lane have already been subdivided to form plots for new houses, which are served by accesses from Park Road North. In this respect, the current proposal appears to be a continuation of an established pattern of development.

The Inspector noted that the plot would be somewhat smaller than it's neighbours, however he considered that the plot would be of sufficient size to accommodate the proposed house without the development appearing unduly cramped.

The Inspector did conceded that the dwelling, which would be set back from the road by 4 metres, would appear more conspicuous than the neighbouring house to the south, nevertheless, he considered that the house would not be out of place or detract significantly from the appearance of this part of Chester-le-Street or have any adverse impact on the amenity of the adjacent residents.

A copy of the Inspector's decision letter is appended to this report.

**Case Officer : Sarah Bough**

### **3.2 STREET NAMING AND NUMBERING**

#### **PROPOSED RESIDENTIAL DEVELOPMENT ON LAND PREVIOUSLY OCCUPIED BY PELAW GRANGE COTTAGE, NORTH ROAD, CHESTER-LE-STREET**

The scheme is for the erection of 12 town houses comprising of three blocks of link dwellings.

The access to the development is directly off North Road.

The developer has requested that consideration be given to the naming and numbering of the development and has suggested Nos. 1-12 'The Grange'.

Royal Mail has been contacted and has raised no objection to the naming and numbering of the development.

As the name appears appropriate I would recommend your agreement to this.

**Anneliese Hutchinson**  
**Head of Planning and Environmental Health**  
**10<sup>th</sup> May 2007**