

**CITY OF DURHAM**  
**DEVELOPMENT CONTROL COMMITTEE**

**9 July 2008**

**REPORT OF THE HEAD OF PLANNING SERVICES**

**Reports for Information**

Members are asked to note that reports in relation to the following items are placed in the Members Room in the Town Hall: -

- 1. Notice of Planning / Enforcement Appeals which have been lodged with the City Council**
  - a) Appeal by Mrs M Cleary  
Site at 3 Mowbray Street, Durham, DH1 4BH
  - b) Appeal by Mr S Brain  
Site at land adjacent to 48 Garden Terrace, Coxhoe, Durham, DH6 4EH
- 1.1 Notice of Outcome of Planning / Enforcement Appeals which have been lodged with the Council**
  - a) Appeal by Mrs N E Appleton  
Site at 4 Buford Court, Western Hill, Durham
  - b) Appeal by Mr A Hill  
Site on land south of Periwinkle Barn, Low Raisby Farm, Kelloe, Durham
  - c) Appeal by Mr T Lewis, First Class Trade Windows  
Site at land adjoining Graham House, Damson Way, Dragonville Industrial Estate, Durham, DH1 2RE
  - d) Appeal by Mr And Mrs Allen  
Site at 41 The Avenue, Coxhoe, Durham, DH6 4AG
  - e) Appeal by Johnson Brothers  
Site at Quarrington Farm, Old Quarrington, Durham, DH6 5NN
- 2. Planning Applications – Determined under Plenary Powers**
- 3. Building Control Applications – Determined under Plenary Powers**

**4. Confirmation of Tree Preservation Orders**

- a) Site at Aged Minors Home, Bearpark, Durham
- b) Site at 10 Aykley Green, Durham, DH1 4LN
- c) Site at Houghall College, Durham

**5. Decisions made by the County Council**

<b>Applicant No:</b>	CM4/08/307
<b>Applicant:</b>	Durham Community Business College
<b>Location:</b>	Durham Community Business College, Ushaw Moor, Durham, DH7 7NG
<b>Proposal:</b>	Proposed construction of additional car parking and revised layout of existing car parking

The above application was considered by the City Council under delegated powers on 2 May 2008 when it was resolved to raise no objection.

Durham County Planning Committee has now considered the proposal and resolved to approve the application subject to conditions.

**Recommendation:**

That the report be noted.

<b>Applicant No:</b>	CM4/08/311
<b>Applicant:</b>	Sure Start County Durham
<b>Location:</b>	Sherburn Hill Primary School, Front Street, Sherburn Hill, Durham, DH6 1PA
<b>Proposal:</b>	Erection of single storey extension to existing school to form Sure Start Centre with associated landscaping and means of enclosure

The above application was considered by the City Council under delegated powers on 30 April 2008 when it was resolved to raise no objection.

Durham County Planning Committee has now considered the proposal and resolved to approve the application subject to conditions.

**Recommendation:**

That the report be noted.

## 6. Recommendation on other Applications

The applications on the following pages will raise issues, which merit some detailed comment. I set out below a summary together with my recommendations:

Number And Applicant	Location	Proposal	Recommendation
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### ITEM 1

08/00383/FPA Three Rivers Housing Group	21, 23, 33, 35, 37, 39, 41 And 43 Rose Lea Witton Gilbert Durham DH7 6RG	Demolition of 8 no. existing dwellings and erection of 10 no. two storey dwellings	<b>Approve</b>
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### ITEM 2

08/00509/FPA Durham Villages Regeneration	Land At Broomhall Drive Ushaw Moor Durham	Erection of 29 no. dwellings consisting 11 no. two storey houses and 18 no. bungalows with associated roads, footpaths and landscaping areas	<b>Minded To Approve</b>
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**ITEM 1**

<b>08/00383/FPA</b>	<b>21, 23, 33, 35, 37, 39, 41 And 43 Rose Lea, Witton Gilbert, Durham, DH7 6RG</b>
<b>Three Rivers Housing Group</b>	<b>Demolition of 8 no. existing dwellings and erection of 10 no. two storey dwellings</b>

**SITE AND APPLICATION DESCRIPTION**

The application site relates to eight existing dwellings situated within Rose Lea, which itself forms part of a wider residential estate toward the northern end of the village. The application site itself is split into two parts comprising a pair of semi-detached bungalows and a further three pairs of semi-detached bungalows and two-storey dwellings.

Planning permission is sought to demolish the properties and erect ten replacement dwellings, six of which would have two bedrooms, the remainder having three bedrooms. On the site of the pair of bungalows would be a direct replacement with a further pair of semi-detached two storey dwellings, while eight two storey semi-detached dwellings would be provided where currently six exist. All proposed dwellings would be of brick and tile construction and would have private rear gardens with vehicle parking for one car at the front.

**RELEVANT HISTORY**

None

**POLICIES**

***NATIONAL POLICIES***

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

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

***REGIONAL POLICY***

Regional Planning Guidance for the North East (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings, requiring Local Authorities to achieve 60% of new housing on 'brownfield' sites by 2008.

A revised draft Regional Spatial Strategy for the North East is emerging and has recently been the subject of examination in public and subsequent proposed changes have been published. In accordance with paragraph 4.19 of PPS12: Local Development Frameworks, where an examination in public has taken place and the proposed changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State.

### **LOCAL PLAN POLICIES**

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

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

Policy T1 (Traffic 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 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 R2 (Provision of Open Space – New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards.

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

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

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **RESULTS OF CONSULTATION AND PUBLICITY**

### ***STATUTORY RESPONSES***

The County Highway Authority has identified that the existing dwellings have no in-curtilage parking and that parking takes place on the street. The proposed dwellings would benefit from one in-curtilage space in addition to on-street availability and this would be acceptable given the proposed tenure. No objection is therefore raised.

Northumbrian Water Limited have identified that a public sewer crosses the site which would be built upon by the development and a condition is suggested in order to seek the diversion of the apparatus before development commences. Subject to this, no objection is raised.

### ***PUBLIC RESPONSES***

One letter of objection has been received from the occupiers of 22 Rose Lea, which is directly opposite the site of the two existing bungalows. The letter, while stating that it is an objection to the proposed scheme, does not raise specific material planning issues about the actual proposals, and details existing problems of anti-social behaviour among tenants in Rose Lea and the impact of previously approved developments.

*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 [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

## **PLANNING CONSIDERATIONS**

The main issues relate to the principle of development, whether the scale, design, layout and parking would be appropriate, whether the amenity of existing occupiers would be significantly adversely affected, and whether the scheme would be detrimental to highway safety.

Both application sites comprise previously-developed land and their redevelopment would be entirely consistent with the use of brownfield land in former coalfield villages like Witton Gilbert, in accordance with Policy H3 and PPS3 and the proposals are acceptable in principle. Development would represent a contribution to the Affordable Housing Programme negotiated with the Housing Association and the Housing Corporation in accordance with the Council's delivery of affordable housing needs.

Rose Lea is solely residential in character comprising mainly post-war semi detached two storey houses with front and rear gardens, and the proposed scheme would seek to entirely replicate this form, and as such, the layout, scale and design of the proposed dwellings would be acceptable. The two additional dwellings would represent an increase in the efficiency of the use of previously-developed land and is again entirely consistent with national planning policy in this regard. In terms of materials, a facing brick would be utilised in contrast to the more widespread use of painted render, however, recent developments within Rose Lea have successfully used brickwork and this is considered acceptable in this case. Policy R2 of the Local Plan would ordinarily require that where a scheme resulted in ten or more dwellings being provided, a financial contribution is made in lieu of on site provision for play facilities. However, given that the net increase and resultant demand for such facilities would be from two additional dwellings it is considered unreasonable to require such a contribution in this case.

In terms of residential amenity, the single pair of semi-detached dwellings would be set back behind the building line of adjacent properties by some 3.6m, however, being detached from these properties and collectively facing south it is considered that existing occupiers would not be significantly adversely affected, while the rear of the site is bound by existing garages. The remaining eight dwellings would similarly be set some 3.6m beyond the rear elevation of adjacent dwellings, however, the south facing elevation and being up to 5m apart is sufficient to avoid undue harm to residential amenity. The layout of this part of the application site is that of back to back to gardens, and in accordance with Policy Q8, a separation distance of at least 24m is provided between facing elevations.

The County Highway Authority, is satisfied that the proposal will not be to the detriment of highway safety, and that while one in-curtilage parking space is below that normally required, there is sufficient capacity on-street for any additional demand, and moreover that the tenure of the dwellings is such that not all proposed dwellings would be likely to have significant parking demands, and as such the proposals accord with Policies T1 and T10.

Northumbrian Water Limited have identified that the proposals would be built over a public sewer, they are satisfied that works to divert the sewer would be possible and consequently raise no objection to the scheme subject to the imposition of a suitable condition.

## **CONCLUSION**

In conclusion, the proposed dwellings would make efficient use of previously-developed land, while achieving a form of development which will improve the character of the area without harm to residential amenity or highway safety and accordingly Officers are able to support the application subject to appropriate planning conditions.

## **RECOMMENDATION**

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
3. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.



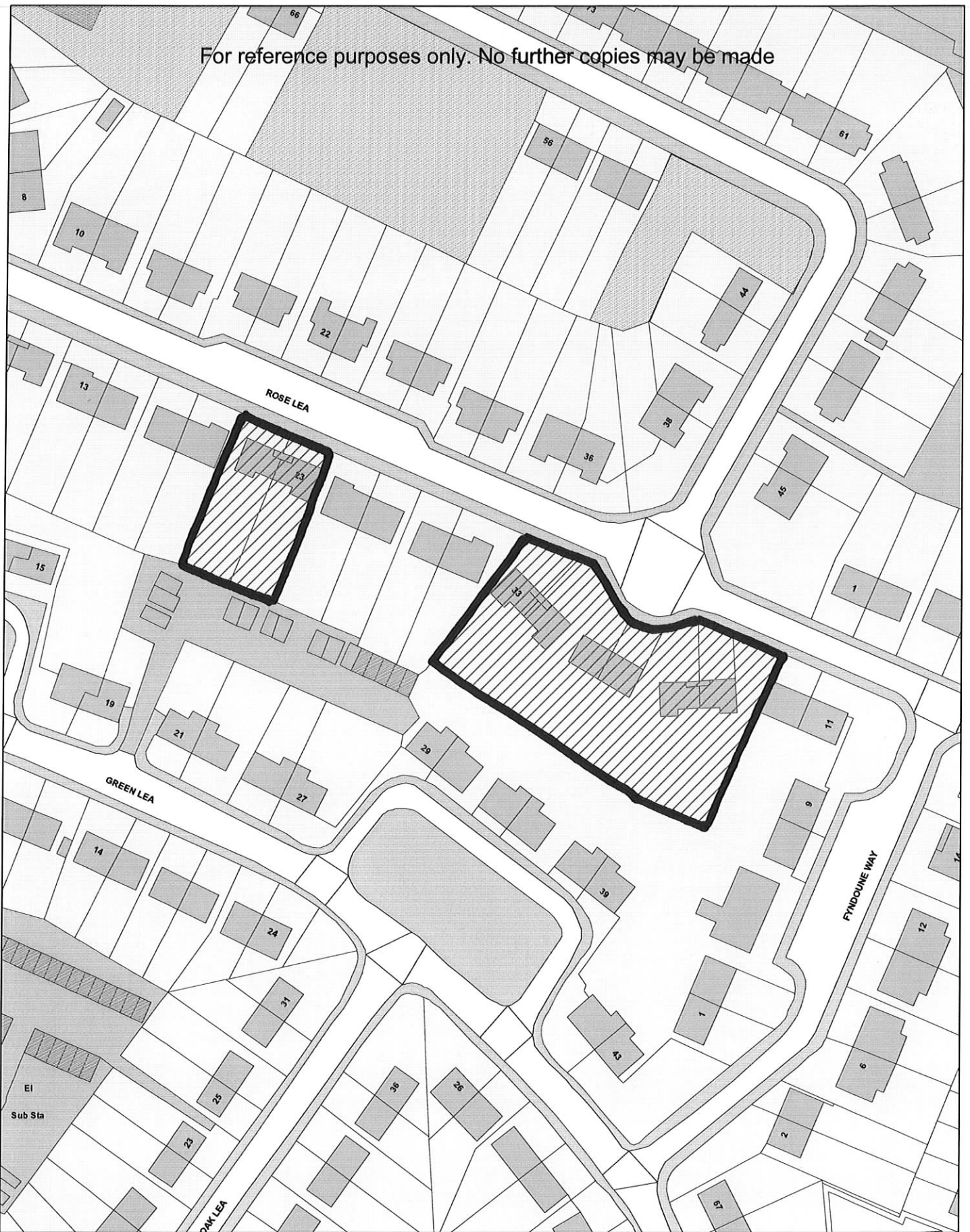
4. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
5. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
6. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicular access and hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
7. No development shall commence until a detailed scheme for the diversion of the public sewer has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited, and development shall thereafter take place in accordance with the approved scheme.

## **BACKGROUND PAPERS**

Submitted Application Forms and Plans  
Design and Access Statement  
Planning Policy Statements 1 and 3  
Regional Planning Guidance (RSS) for the North East  
Draft Regional Spatial Strategy for the North East  
City of Durham Local Plan 2004  
Response from County Highway Authority and Northumbrian Water Limited  
Public Consultation Response  
Various File Notes and Correspondence



For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/08/00383/FPA

21, 23, 33, 35, 37, 39, 41 And 43 Rose Lea,  
Witton Gilbert

Comments

Date

24 June 2008

Scale

1:1000

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**ITEM 2**

<b>08/00509/FPA</b>	<b>Land At Broomhall Drive, Ushaw Moor, Durham</b>
<b>Durham Villages Regeneration</b>	<b>Erection of 29 no. dwellings consisting 11 no. two storey houses and 18 no. bungalows with associated roads, footpaths and landscaping areas</b>

**SITE AND APPLICATION DESCRIPTION**

This application relates to the residential development of a green-field site on the northern boundary of Ushaw Moor. Sloping to the south, the open space is surrounded on three sides by dwellings, facing across the main estate road to countryside on the northern boundary. Surrounding dwellings exhibit a strong urban form, set either parallel with or cut deeply into the slope, being either clustered around cul-de-sacs, or accessed via footpaths front and back from remote garage courts and on-street parking.

The proposed development is accessed from the existing junction serving Bay Court into a cul-de-sac consisting 11 no. two storey, and 18 no. bungalows. An element of landscaping is proposed to mitigate the proposed loss of a hedge that bisects the southern part of the site, and links are proposed into the existing footpath network.

Supporting information has been submitted with the application to explain the sustainable building techniques proposed, affordable housing, a survey of the hedge, and geotechnical and flood-risk assessments.

The development proposes social housing units as defined by national planning policy guidance.

**RELEVANT HISTORY**

The proposed development site is undeveloped, with no specific planning history. However, the application forms part of a wider regeneration initiative by Durham Villages Regeneration Company (DVRC), which has since its formation, sought to regenerate the former coalfield villages in the District. The provision of new housing, including low cost market housing, has formed a significant part of this initiative. The main aims of DVRC in so far as they relate to housing are to create economic regeneration through the provision of affordable housing for sale and to provide sustainable, safe and well balanced environments where community spirit will raise people's aspirations. This application follows a number of such schemes which have been implemented District-wide and which seek to continue the regeneration of the village following coalfield closures.

**POLICIES**

***NATIONAL POLICIES***

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

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

Explanations of affordable housing policy and emphasis on re-use of urban land and buildings are included. A substantial section explores the creation of sustainable residential environments, highlighting the role of public transport provision, making the best use of land and approach to any necessary greenfield development, along with a requirement for the most efficient use of land, and the creation of balanced communities.

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

Planning Policy Guidance 13: Transport, objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

Planning Policy Guidance 17: Sport and Recreation describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value. The guidance observes that it is part of the function of the planning system to ensure that through the preparation of development plans adequate land and water resources are allocated for organised sport and informal recreation.

It requires that local planning authorities should take account of the community's need for recreational space, having regard to current levels of provision and deficiencies and resisting pressures for development of open space which conflict with the wider public interest.

Planning Policy Statement 22: Renewable Energy sets out the Government's planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

Planning Policy Statement 25: Development and Flood Risk sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

## ***REGIONAL POLICY***

Regional Planning Guidance for the North East (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings, requiring Local Authorities to achieve 60% of new housing on 'brownfield' sites by 2008.

A revised draft Regional Spatial Strategy for the North East is emerging and has recently been the subject of examination in public and subsequent proposed changes have been published. In accordance with paragraph 4.19 of PPS12: Local Development Frameworks, where an examination in public has taken place and the proposed changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State.

### **LOCAL PLAN POLICIES**

Defined within Policy H3 of the Local Plan, Ushaw Moor is termed as a 'larger village', within which new housing will be permitted when in scale, design, location and appropriate number of units. The site was identified as a preferred option within the City of Durham Preferred Housing Sites Document 2006. Policy H3 offers the option of development of small green-field sites within the coalfield villages most in need of regeneration with limited sites of less than 0.33ha or less than 10 units, where there are 'clear and quantifiable regeneration' benefits. With a site of just under 0.7ha, and 29 dwellings proposed, the proposals represent a departure from this policy.

Policy H12 requires affordable housing to be a feature of all developments of more than 25 dwellings. The Developer has selected Durham Aged Mineworker's Homes Association as its Registered Social Landlord partner. It is intended that all of the houses be sold to DAMHA for onward rent or shared ownership sale. The official definition of affordable housing excludes low-cost market housing; however PPS3 states that Local Planning Authorities should take account of the need for this type of housing to be provided within the overall dwelling mix.

Policy E5a states that developments within settlement boundaries which detract from open spaces which possess important functional, visual or environmental attributes which contribute to the character of the area either generally or in small scale, will not be permitted.

Policy E14 states that in considering proposals affecting trees and hedgerows the Council will not permit the loss of ancient woodland, designate TPOs as necessary, require development to retain important groups of trees, individual trees and hedgerows, requiring a survey of such when development may affect such.

The inclusion of Recreational and Amenity Space in new residential developments is required by Policy R2. In developments of 10 units or more open space is required in or adjacent the development, to a prescribed formula, or where it is shown this cannot be achieved, monies in lieu, to allow the Council to provide for such in the locale.

Policies Q1 and Q2 seek to ensure the layout and design of new development takes into account the requirements of its users, including incorporation of appropriate measures as regards personal safety, specialist access needs, conflict between pedestrians and motor vehicles, and effective access for emergency vehicles.

Policy Q8 sets out the requirements to ensure developments are appropriate in scale, form, density and materials to the character of the surroundings, providing adequate amenity and privacy for each dwelling, whilst minimising the impact of the proposals on the occupants of nearby and adjacent properties. Providing areas of safe, accessible and attractive open-space and ensuring well-designed means of enclosure are also requirements.

Policy Q15 states the Council will encourage the provision of artistic elements in the design and layout of development, with supplementary guidance having been adopted to formalise procedures for such.

Encouraging energy efficiency in layout, design and use of materials in new development is the aim of Policy U14, with U8a seeking to ensure that issues relating to foul and surface drainage have been fully addressed.

Policy E16 seeks the retention or re-establishment of biodiversity on development sites.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The County Highway Authority raised objection to the proposals in their originally submitted form, raising concerns regarding the introduction of steps into the footpath layout, and a short-fall in parking provision.

Northumbrian Water offer no objection to the proposals.

Brandon and Byshottles Parish Council consider the development will enhance the continuing re-generation of Ushaw Moor, and fully supports the proposals.

The consultation response of the County Archaeologist was still outstanding at the time this committee report was prepared.

### **PUBLIC RESPONSES**

At the time of report writing objections had been received from eleven properties in response to the consultation exercise. Any further representations received between this time and the committee meeting will be reported verbally.

With a standardised letter used by a number of objectors, the views of residents are summarised here. Residents feel the Council should direct its monies and efforts into modernising the existing housing stock, with the demand for new housing queried.

Reference is made to the compromised access to the properties adjacent the site in Skippers Meadow, with no direct vehicular access possible, this being claimed over the grassed area. The loss of this access across the grassed area for deliveries, elderly residents, and to allow overlooking of parked vehicles is presented as an objection. The level of car parking proposed on the scheme is considered insufficient, and having potential to create conflict. The loss of direct access across the grassed area for pedestrians and parents with push-chairs is raised, particularly during the construction phase. Access for emergency vehicles is raised on the same basis.

Residents claim that a roadway was proposed along the edge of the Skippers Meadow estate when built, and ask that this be built into the layout.

Potential problems during the construction process in terms of noise, pollution access and safety are all of concern.

Acknowledging they have no right to a view, residents object to the loss of the view, and the feeling of openness and associated with the rural environment they feel the site currently provides, along with its role as supervised informal recreation space and a green-field buffer.



The proposed properties are not considered in scale or character with the surrounding residential environment, with proposed tree planting likely to remove sunshine from properties and provide a focus for anti-social behaviour. The boundary and fencing on the east boundary is considered unacceptable in its relationship to existing properties in Skippers Meadow, creating an alleyway with safety implications.

Objectors refer to potential devaluation of their property.

The residents complain of a lack of consultation, with the statutory 21 days required by a planning application considered insufficient. They are unhappy that pre-submission discussions were carried out between the developer and the Planning Department, and request meetings to discuss this.

*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 [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

## **PLANNING CONSIDERATIONS**

The planning application seeks development of an area of green-field space on the northern edge of Ushaw Moor. The site is within the settlement boundary of the village, and has been identified, as noted above, within the City of Durham Preferred Housing Sites Document, 2006. The principle policies the application must be considered against are H3, and H12, the main tenets of which are outlined above. The size of the site, and the number of properties involved mean that the proposals in principle represent a departure from these adopted policies, and it is for members to decide whether the benefits of the scheme outweigh this issue. The Local Plan does allow for the development of green-field sites up to a certain size within those villages identified as most in need of regeneration, where a clear and quantifiable regeneration is presented. As a departure any decision to approve the proposals by the Council will need to be endorsed by the Government Office North East before consent can be issued.

Beyond the context of the site itself, the development forms part of a wider regeneration initiative by the Durham Villages Regeneration Company (DVRC), which has since its formation, sought to regenerate the former coalfield villages in the District and the provision of new housing supply including low cost market housing has formed a significant part of this initiative. The main aims of DVRC are referred to above.

These proposals are presented in partnership with Durham Aged Mineworkers Homes Association (DAMHA) who currently provide services for residents of nearly 1500 bungalows in 87 locations across the north-east. The applicant's state that the proposed development is for all 29 no. dwellings proposed to be built to 2007/08 Housing Corporation Scheme Development Standards, with the intention that all the homes be contracted for sale to a Registered Social Landlord prior to works commencing on site, with the DAMHA being the preferred partner. The properties are tenured accordingly and conditioned to a legal agreement as part of any approval. Development would therefore represent a contribution to the Affordable Housing Programme negotiated with the Housing Association and the Housing Corporation in accordance with the Council's delivery of affordable housing needs. The social benefits being presented by the scheme are such that a requirement for public art a percentage of the development cost is not considered appropriate.

The proposed development, whilst a departure from the Development Plan, must therefore demonstrate, amongst other things, consistency with the aims of Policy H3 both in terms of those criteria for exceptional Greenfield release and in terms of criteria for new residential development generally. The scheme forms part of a wider exercise in delivering regeneration, and housing itself is considered to bring about regeneration through an improved housing stock, while quantifiably benefits of a 100% scheme of affordable housing is considered a clear regeneration benefit. The scheme must also be appropriate in scale, design, location, and number of units.

While the site is largely open it does not possess any important functional, visual or environmental attributes, having provided an informal open space which residents have apparently used partially for vehicular access in addition to the more usual uses of such space. The hedgerow bisecting the south of the site is an attractive albeit low key feature which would not justify any form of formal protection. Local residents in Skippers Meadow do not currently enjoy formal vehicular access over the site to their properties, and the development scheme must be considered as presented, with aspirations for additional roads to serve existing properties not part of these proposals. The applicant has provided an open-space audit with the proposals, identifying the extent of informal open space in the immediate vicinity of the site, along with the location of more formal provision at the recreation ground, 0.4miles distant, with a large district sports centre, 120m from the site, which includes external play areas. The general loss of the open space is considered justified and not in conflict with the recent Open Space Needs Assessment. The overall provision of open-space in the local is of a level that would be expected by Policy R2 of the Development Plan.

In terms of the detailed relationships engendered by the proposals, separation distances between the proposed bungalows and existing residential properties average at around 15m, a distance which given the type and scale of dwellings proposed and existent is considered to offer an acceptable degree of privacy and amenity for both properties. The eastern boundary, facing Skippers Meadow has been designed to widen the existing footpath, with splays incorporated to ensure there are no 'blind-spots' to compromise pedestrian safety. Whilst the developer has provided a full compliment of details on fencing such as would usually be conditioned, the proposed boundary treatments in this location are not considered acceptable, or consistent with pre-submission discussions. A condition is therefore proposed to agree a form of boundary treatment that minimises the impact on the facing properties, whilst maintaining an appropriate degree of privacy and security for the bungalows, the appropriate use of railings, and composite fencing comprising panels and trellis could reasonably meet these dual aims. With large areas of grassed open space that exist on the other side of the properties at Skippers Meadow, access for emergency vehicles would remain.

The internal arrangement of the highways and parking within the scheme has been amended during the course of the application, to the detriment of the internal landscaping arrangement, but in a way which satisfies the needs of highway safety within the scheme for both vehicles and pedestrians. This should overcome potential conflict for parking off-site alluded to in objections, ensuring the proposals are compliant with the highways Policies – T1 and T10, and the Policies designed to ensure layouts are fit for all users – Q1 and Q2.

The proposed dwellings are of an appropriate scale as demonstrated by the submitted sections, which show the comparable relationships of the existing and proposed rooflines. The buildings proposed are of a more traditional appearance than those surrounding, incorporating vertically proportioned windows, and art-stone heads and cills. Details of materials are to be confirmed. The size of the development is such that it can establish a character of its own, whilst appropriate materials choice will help integrate it into the existing grain of the village, meeting requirements for such in Policies Q8 and H3. The dwellings would furthermore be built to Sustainable Homes, Code level 3 standards. Provision is also shown for solar panels on appropriate roof slopes.

With no objection confirmed from Northumbrian Water the requirements of Policy U8a are satisfied. A Geo-environmental Appraisal has been submitted investigating the ground conditions of the site, the findings of such are proposed conditioned by any approval. A flood risk survey has identified no potential problems.

## **CONCLUSION**

This application represents a departure from the policy of the Council's adopted planning policies. However a case has been adequately made for the development of the site in principle whereby the specific benefits of the proposals can be argued to justify the departure. Furthermore, the specifics of the detailed design, subject to appropriate conditioning of details is such that the requirements of the policies requiring quality of design, and maintenance of an appropriate degree of privacy and amenity for existing and potential residents are met. The application is thus presented to Committee with officer support.

## **RECOMMENDATION**

That in accordance with The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, the application be referred to the Government Office for the North East with a recommendation that it be **MINDED TO APPROVE**, subject to the following conditions:

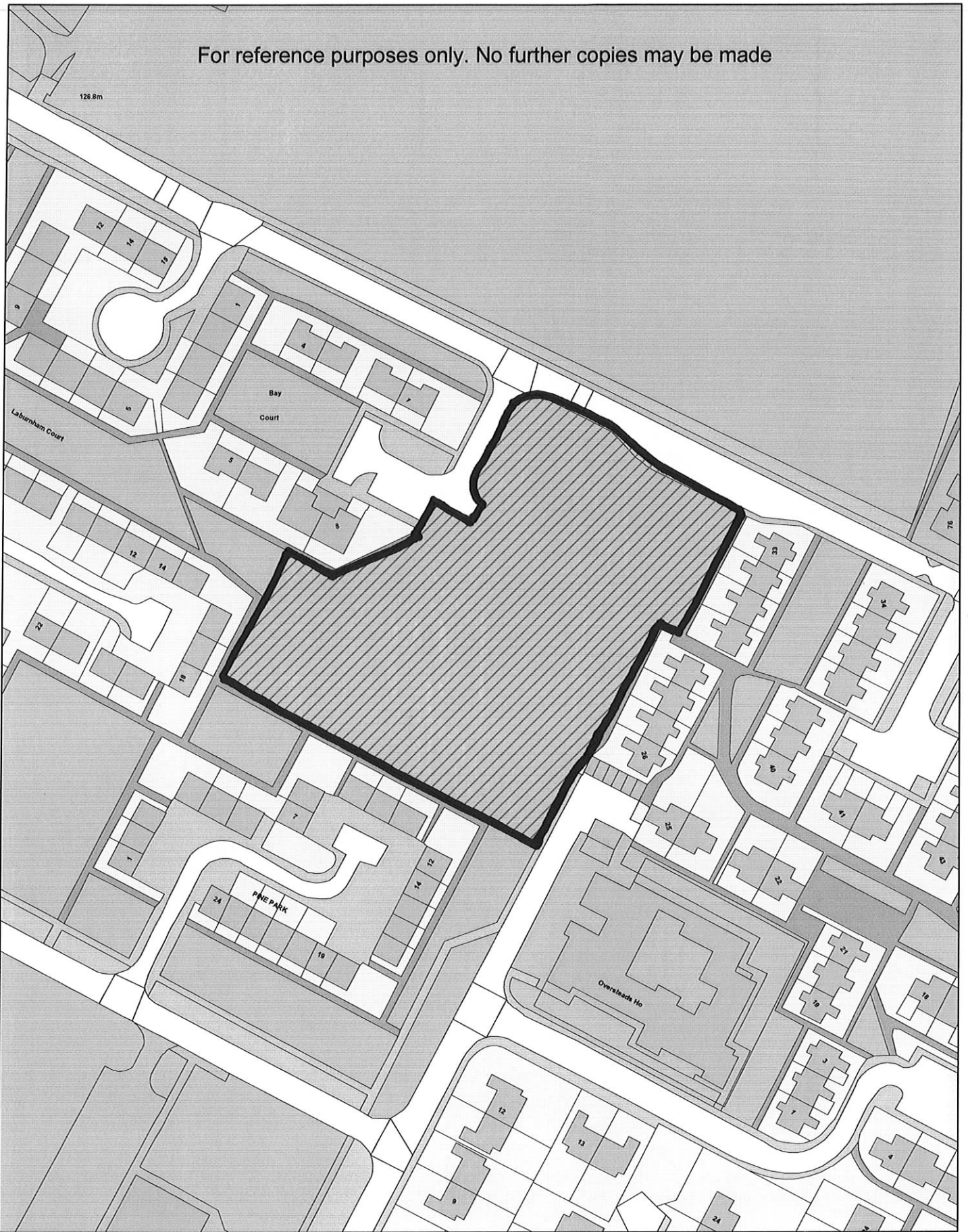
1. No development shall commence until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will secure the transfer of all dwellings hereby approved to the ownership of a Registered Social Landlord.
2. The development to which this permission relates shall be begun not later than three years from the date of this permission.
3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Notwithstanding the information shown on the submitted plans, details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.

6. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
7. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.

## **BACKGROUND PAPERS**

Submitted Application Forms and Plans, and Amended Plans  
Design and Access Statement, incl. Affordable Housing Annex  
Statement of proof, house type assessment within Sustainable Homes Code Level-3  
Geo-environmental Appraisal  
Landscape Audit Plan  
City of Durham Local Plan 2004  
Regional Planning guidance for the NE/ Regional Spatial Strategy  
Planning Policy Guidance Notes/ Statements: PPS1, PPS3, PPS9, PPG13, PPG17, PPS22, PPS25  
National Affordable Homes Agency - investment programme 2008-2011  
Responses from Statutory Consultees – County Highways Authority, Northumbrian Water  
Public Consultation Responses incl. Parish Council  
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

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Application No. 4/08/00509/FPA

Land At Broomhall Drive, Ushaw Moor, Durham

Comments

Date

24 June 2008

Scale

1:1250



# **CITY OF DURHAM**

## **DEVELOPMENT CONTROL COMMITTEE 9 July 2008**

### **Reports for Information**





**CITY OF DURHAM**

**DEVELOPMENT CONTROL COMMITTEE**

**9 July 2008**

**REPORT OF THE HEAD OF PLANNING SERVICES**

**1. Notice of Planning / Enforcement Appeals which have been lodged with the City Council**

a) **Appeal by Mrs M Clearly  
Site at 3 Mowbray Street, Durham, DH1 4BH**

An appeal has been lodged by Mrs M Clearly against the Council's refusal to grant planning permission for the erection of conservatory to rear of existing dwelling at 3 Mowbray Street, Durham, DH1 4BH.

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.

b) **Appeal by Mr S Brain  
Site at land adjacent to 48 Garden Terrace, Coxhoe, Durham, DH6 4EH**

An appeal has been lodged by Mr S Brain against the Council's refusal to grant planning permission for the erection of two dwellings on land adjacent to 48 Garden Terrace, Coxhoe, Durham, DH6 4EH.

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.

**1.1 Notice of the Outcome of Planning / Enforcement Appeals which have been lodged with the City Council**

a) **Appeal by Mrs N E Appleton  
Site at 4 Buford Court, Western Hill, Durham**

The above appeal against the Council's refusal to grant planning permission for the erection of pitched roof extension to side and rear of existing dwellinghouse including dormer window and creation of patio area and steps (revised and resubmitted) at 4 Buford Court, Western Hill, Durham, has been allowed. (See Appendix A).

**Recommendation**

That the report be noted.

- b) **Appeal by Mr And Mrs Allen**  
**Site at 41 The Avenue, Coxhoe, Durham, DH6 4AG**

The above appeal against the Council's refusal to grant planning permission for the erection of two storey pitched roof full width extension to rear, and single storey pitched roof extension to front of existing dwelling at 41 The Avenue, Coxhoe, Durham, DH6 4AG has been allowed in part. (See Appendix B).

**Recommendation**

That the report be noted.

- c) **Appeal by Johnson Brothers**  
**Site at Quarrington Farm, Old Quarrington, Durham, DH6 5NN**

The above appeal against the Council's refusal to grant approval for reserved matters application for discharge or reserved matters for the erection of agricultural workers dwelling pursuant to outline approval 4/04/437/OUT (revised and resubmitted proposal) at Quarrington Farm, Old Quarrington, Durham, DH6 5NN, has been allowed. (See Appendix C).

**Recommendation**

That the report be noted.

- d) **Appeal by Mr T Lewis, First Class Trade Windows**  
**Site at land adjoining Graham House, Damson Way, Dragonville Industrial Estate, Durham, DH1 2RE**

Appeals against the Council's refusal to grant planning permission and the issue of an Enforcement Notice in respect of the change of use of land from adopted highway to a mixed use as adopted highway and for the siting of a mobile snack bar on land adjoining Graham House, Damson Way, Dragonville Industrial Estate, Durham, DH1 2RE, have been allowed and the Enforcement Notice quashed. (See Appendix D).

**Recommendation**

That the report be noted.

- e) **Appeal by Mr A Hill**  
**Site on land south of Periwinkle Barn, Low Raisby Farm, Kelloe, Durham**

An appeal against the Council's issue of an Enforcement Notice in respect of the change of use of land, without planning permission, from agricultural paddock to use for the siting of a residential caravan and for private garden use on land south of Periwinkle Barn, Low Raisby Farm, Kelloe, Durham, has been allowed and the Enforcement Notice quashed. (See Appendix E).

**Recommendation**

That the report be noted.

**2. Planning Applications determined under Plenary Powers**

Attached in Appendix (F) are the lists of applications and conditions where decisions have been made under Plenary Powers since the previous Committee.

### **3. Building Control Applications determined under Plenary Powers**

Attached in Appendix (G) are the lists of applications where decisions have been made under Plenary Powers. I have also listed the building notices received.

### **4. Confirmation of Tree Preservation Orders**

#### **a) PN1/406 Site at Aged Minors Home, Bearpark**

This Tree Preservation Order (TPO) was served on the 25 June 2007. The Order was made to protect 2 no. mature Beech trees adjacent to Woodland Road, which is the main road running past Bearpark. The level of threat high – NEDL wishes to remove one of the trees as a result of proximity to power lines, although the trees appear to have been present before the power lines were erected.

The trees are mature specimens of good form and which contribute greatly to local character. They have intrinsic value, are fully visible from the adjacent road. The trees are also of wildlife value.

The Order had effect for 6 months and it is now necessary to confirm the Order to safeguard the beech trees contribution to public visual amenity.

No objections were received and confirmation is recommended.

#### **Recommendation**

That a Provisional Tree Preservation Order PN1/406 Aged Miners Homes, Bearpark be confirmed without modification.

#### **b) PN1/407 Site at 10 Aykley Green, Durham, DH1 4LN**

This Tree Preservation Order (TPO) was served on the 10 May 2007. The Order was made to protect numerous mature trees (Sycamore, Beech, Alder) within the rear garden of 10 Aykley Green, Durham. An agreement was reached with the owner over which trees it would be acceptable to remove. The owner is in the process of removing additional trees. The level of threat is therefore considered to be high.

The trees have intrinsic value and form part of prominent tree belt alongside the A167 on an approach into Durham. The trees contribute to the character and appearance of the local area. The trees are valuable in screening and softening nearby housing when viewed from the road.

The Order had effect for 6 months and it is now necessary to confirm the Order to safeguard the beech trees contribution to public visual amenity.

No objections were received and confirmation is recommended.

#### **Recommendation**

That a Provisional Tree Preservation Order PN1/407 10, Aykley Green be confirmed without modification.

c) **PN1/408 Houghall College, Durham**

This Tree Preservation Order (TPO) was served on the 19 November 2007. The Order was made to protect numerous mature trees, tree belts and specimen trees including National Collection trees the grounds of Houghall College, Durham. The college is reviewing options including development opportunities with a potential to sell for redevelopment. The level of threat is therefore considered to be high.

The trees have intrinsic value and some of the National Collection are rare. The trees contribute to the character and appearance of the local area. The trees are valuable in within the semi rural area and are part of a wooded valley leading into Durham.

The Order had effect for 6 months and it is now necessary to confirm the Order to safeguard the trees contribution to public visual amenity.

No objections were received and confirmation is recommended.

**Recommendation**

That a Provisional Tree Preservation Order PN1/408 Houghall College be confirmed without modification.



# Appeal Decision

Site visit made on 1 May 2008

by **Christopher John Checkley**  
BA(Hons) MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
28 May 2008

## Appeal Ref: APP/Z1320/A/08/2067861

### 4 Buford Court, Western Hill, Durham, DH1 4TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs N E Appleton against the decision of the City of Durham Council.
- The application (Ref 4/07/00972/FPA) dated 1 October 2007, was refused by notice dated 14 December 2007.
- The development proposed is family room, utility, shower room and gallery.

## Decision

1. I allow the appeal, and grant planning permission for the erection of a pitched roof extension to side and rear of existing dwellinghouse including dormer window and creation of patio area and steps (revised and resubmitted) at 4 Buford Court, Western Hill, Durham, DH1 4TL, in accordance with the terms of the application (Ref 4/07/00972/FPA) dated 1 October 2007 and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  - 2) Before development is commenced, a detailed scheme of tree protection measures and methodology for construction of the extension and associated works shall have been submitted to and approved in writing by the local planning authority. The scheme shall include all the tree protection measures and construction methods set out within the report "An Arboricultural Implication Assessment of Trees at 4 Buford Court, Western Hill, Durham City" and the accompanying drawing ref A dated 15 August 2007 prepared by AllAboutTrees, unless otherwise agreed in writing by the local planning authority. These include trees to be retained and protected both within and adjoining the site in accordance with British Standard 5837:2005 "Trees in relation to Construction", the positions of protective barriers for retained trees, areas around retained trees requiring root protection, areas requiring ground protection measures, areas requiring special construction methodology. In particular, the construction methodology shall follow a "no dig" principle avoiding severance of roots over 2.5cm diameter: the extension shall be supported above the root plate using sheathed mini piles, located to avoid significant roots, with a suspended beam or slab construction that is not ground bearing; the patio shall be constructed above existing ground level and shall provide a

permeable surface. The development shall take place in accordance with the details of the approved scheme.

- 3) The protective barriers and any other approved protection measures shall be erected/implemented in accordance with the details approved under condition 2 before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery or surplus materials have been removed from the site. Nothing shall be stored or placed within any barriered area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.
- 4) Before development is commenced, full details of how materials will be brought onto the site and how and where they will be stored shall have been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved details.
- 5) Before development is commenced, full details of any pruning or lopping or similar tree works necessary to any retained and protected trees to facilitate the development shall have been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved details.
- 6) Notwithstanding the information shown in the submitted application, no development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a scheme showing full details of the windows and doors including the external materials, finish and method of opening have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until a drainage scheme showing the means by which foul and surface water generated as a result of the development are to be catered for have been submitted to and approved in writing by the local planning authority. The drainage scheme shall be completed in accordance with the approved details before the extension is first occupied.

### **Main Issue**

2. The main issue is the effect of the development upon the appearance and character of the Durham City Centre Conservation Area, having particular regard to the longer term impact upon the adjoining mature trees and the effect of the extension upon the parent building and the terrace of which it is part.

### **Reasons**

3. I am using the more apt description of the development from the decision notice.

4. The property is a modern 2-storey end-terrace house on the east side of Western Hill (Albert Street). The extension and patio would extend towards a group of mature trees within the large garden of the appeal site which slopes away from the house to the side and rear and towards several trees within the side garden of the neighbouring house at No 31. The site lies within the extensive Durham City Centre Conservation Area. This section is characterised by traditional vernacular terraced housing with modest front curtilages fronting the road. The mature trees are subject to tree preservation orders and make a positive contribution to the pleasing appearance and predominantly traditional character of the Conservation Area.
5. The development plan includes saved policies of the City of Durham Local Plan 2004. Policy E22 reflects legislative requirement in seeking to preserve or enhance the appearance or character of conservation areas, Policy E6 applying this objective specifically to the Durham City Centre Conservation Area. Policy E14 seeks to retain important individual trees and tree groups. Policy E21 aims to preserve or enhance the historic environment of the District. Policy Q9 requires that the design, scale and materials of extensions are sympathetic to the main dwelling.
6. I have considered all the representations regarding the impact upon the mature trees that would adjoin the extension and patio. On balance, I am persuaded by the arboricultural report prepared on behalf of the appellant (by AllAboutTrees) which is based on a detailed and comprehensive survey and analysis and specifies stringent construction methods to protect the trees, especially the mature oak. Since the footprints of both the extension and the patio would extend into the root protection area, it is essential that any construction employs a "no dig" method, incorporating pile and beam foundations for the building and the construction of the patio above existing ground level with a permeable surface. I consider that the fall in garden levels lends itself to this approach. Also, it is important that no digging should take place within the root protection area except the careful use of hand tools. I note that only limited branch pruning would be required to create adequate headroom between the underside of the tree canopy and the roof of the extension. Protective fencing would be necessary to protect the trees during the construction works. The building materials would need to be delivered and stored in a manner that prevented tree damage or soil compaction within the root protection zone.
7. Although the extension would include south-facing ground floor windows to the family room which would experience some overshadowing from the trees, especially the oak, the main elevations would include windows facing east and west which would not be similarly affected. Therefore, appropriate living standards would be achieved for the residents without the need to remove or severely lop protected trees in a harmful manner.
8. Having considered the objections carefully, I accept the conclusions of the report that if the various protective measures suggested within it are employed then no significant damage should take place during the construction phase and the tree cover should flourish in the longer term. I consider that if permission were to be granted, it would be essential for this arboricultural

report to form the basis for a comprehensive tree protection scheme and construction methodology for the development.

9. Turning to the visual effect of the extension upon the area, the extension would be only 1.5 storeys in height with a pitched roof, incorporating a sympathetic pitched roof dormer within the front slope. The design would be in keeping with the traditional terraced vernacular. The volume of the extension would be about 38% of that of the existing house, a not insignificant increase. However, the extension would be positioned discreetly, set well back from the front building line, its roof ridge considerably below the ridgelines of the parent building so that its height would appear subservient. Although the extension would be relatively wide in relation to the main house it would not appear disproportionate, especially with respect to the overall scale and massing of the terrace of 4 houses that provides the built context.
10. I conclude that subject to appropriate conditions the proposed development would preserve the appearance and character of the Conservation Area. With stringent construction and tree protection measures the scheme would not threaten the long-term retention of the adjoining protected mature trees and would not have a scale, design or position that would be out of keeping with the character of the parent dwelling and the short terrace of which it is part. Thus, there would be no conflict with the provisions of the Local Plan cited above. It is essential that a fully detailed and comprehensive scheme for the protection of the mature trees and their roots from damage during the construction period and afterwards is agreed in advance and then strictly observed. External materials and window/door details are to be agreed for the benefit of the appearance of the conservation area. A drainage scheme is also to be submitted, to ensure such works do not harm the trees.

*C J Checkley*

INSPECTOR





# Appeal Decision

Site visit made on 3 June 2008

by **Kevin Ward BA (Hons) MRTPI**

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**Decision date:**  
**13 June 2008**

## Appeal Ref: APP/Z1320/A/08/2067670 41 The Avenue, Coxhoe, Durham DH6 4AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Allen against the decision of Durham City Council.
- The application Ref 4/07/01076/FPA, dated 30 October 2007, was refused by notice dated 21 December 2007.
- The development proposed is a two storey extension to the rear and a single storey extension to the front of the dwelling.

### Decision

1. I dismiss the appeal insofar as it relates to the two storey extension to the rear. I allow the appeal insofar as it relates to the single storey extension to the front of the dwelling and grant planning permission for a single storey extension to the front of the dwelling at 41 The Avenue, Coxhoe, Durham DH6 4AG in accordance with the terms of the application Ref 4/07/01076/FPA, dated 30 October 2007, and the plans submitted with it (so far as relevant to that part of the development hereby permitted) and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and the living conditions of the occupiers of 42 The Avenue in respect of outlook.

### Reasons

3. The Council raised no objection to the proposed single storey extension to the front of the dwelling. The scale and design of the proposed front extension would be compatible with the existing dwelling and the street scene generally. It would not harm the character and appearance of the area.

4. The scale and bulk of the proposed rear extension would be disproportionate to the existing, modest sized dwelling. It would be prominent in views from Grange Crescent and the rear of other properties on The Avenue. It would not be sympathetic to the existing dwelling and would harm the character and appearance of the area.
5. Due to the close proximity of the rear extension to the boundary and its length and height, it would significantly reduce the outlook from the rear windows and garden of No.42. It would have an overbearing effect and significantly harm the living conditions of the occupiers of No.42.
6. I note that there are a number of rear extensions along The Avenue and in particular a full width extension at No.36. However, the existence of other extensions in the area does not justify the harm to the character and appearance of the area and the living conditions of the occupiers of No.42 that would be caused by the proposed rear extension.
7. I appreciate the appellants' family circumstances and the desire for increased living space and improved room layouts. However, this is not sufficient to outweigh the harm that would be caused by the proposed rear extension. Whilst I also appreciate that the present occupiers of No.42 did not object to the proposed development, I must also have regard to the interests of future occupiers of the property.
8. The Council suggested conditions should the appeal be allowed. I agree that a condition relating to the details of external materials to be used on the single storey extension to the front of the dwelling is required in the interests of the character and appearance of the area.

### **Conclusions**

9. The proposed single storey extension to the front of the dwelling would not harm the character and appearance of the area. The proposed two storey extension to the rear would cause significant harm to the character and appearance of the area and the living conditions of the occupiers of 42 The Avenue in respect of outlook, contrary to Policy Q9 of the City of Durham Local Plan.
10. For the above reasons and taking into account other matters raised, I conclude that the appeal insofar as it relates to the single storey extension to the front of the dwelling should be allowed and the appeal insofar as it relates to the two storey rear extension should be dismissed.

*Kevin Ward*

INSPECTOR



## Appeal Decision

Hearing held and site visit  
made on 29 April 2008

**by Christopher John Checkley**  
**BA(Hons) MRTPI**

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**Decision date:**  
**12 June 2008**

**Appeal Ref: APP/Z1320/A/07/2059450**

**Quarrington Farm, Old Quarrington, Durham, DH6 5NN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Johnson Brothers against the decision of the City of Durham Council.
- The application (Ref. 4/07/00464/RM) dated 24 April 2007, sought approval of details pursuant to conditions Nos 1, 2 and 3 of an outline planning permission (Ref. 4/04/00437/OUT) granted on 12 May 2005.
- The application was refused by notice dated 21 June 2007.
- The development proposed is the erection of an agricultural worker's dwelling at Quarrington Farm.
- The details for which approval is sought are: siting, design and external appearance of the building, the means of access to it and the landscaping of the site.

### Decision

1. I allow the appeal and approve the reserved matters, namely the details of the siting, design and external appearance of the building, the means of access to it and the landscaping of the site, submitted in pursuance of conditions Nos 1, 2 and 3 attached to the outline planning permission (Ref. 4/04/00437/OUT) dated 12 May 2005, subject to the following conditions:
  - (1) Before development is commenced and notwithstanding the details shown on the submitted plans, a scheme of hard and soft landscaping (including fences, walls or other means of enclosure and the surface treatment of all hard surfaced areas) within the application area and the adjoining land under the control of the applicants shall have been submitted to and approved in writing by the local planning authority. The soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with tree, plant and grass establishment); schedules of plants and trees, noting species, sizes and proposed numbers/densities; and an implementation programme. The development shall be carried out in accordance with the approved details of the hard and soft landscaping scheme.
  - (2) If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall

be planted at the same place, unless the local planning authority gives its written consent to any variation.

- (3) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification), no extensions, garages or outbuildings to the dwelling hereby permitted shall be erected other than those expressly authorised by this decision without the prior written approval of the local planning authority.
- (4) No development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- (5) No development shall take place until a sample panel of the proposed wall has been erected on the site to include examples of the materials including mortars to be used including its exposed finish, the style of pointing and the coursing or bonding to be used. The sample wall panel shall be made available for inspection by the local planning authority and development shall not be commenced until the prior written approval of the local planning authority to the sample panel has been received. Development shall take place in accordance with the approved sample wall panel.
- (6) Notwithstanding the information shown on the submitted plans and particulars, development shall not commence until details of all new fenestration, glazing, heads and cills and details of the roof including eaves, verges, chimneys, ventilation, parapets, rooflights and guttering, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- (7) No part of the single-storey extension to the main building that is shown on drawing ref. P2591/01B as "farm and garden machinery store/secure room, single garage, boiler room/fuel store, farm reception meeting room" shall be used as living accommodation. This accommodation shall be retained in each instance for the specific purpose stated on the drawing and shall not be used for any other, without the prior written approval of the local planning authority.
- (8) For the avoidance of doubt, the section of drawing ref. P2591/04C that indicates the site layout is drawn at an incorrect scale and is specifically not approved under this decision.

### **Preliminary Matters**

2. Outline planning permission for the erection of an agricultural worker's dwelling at Quarrington Farm was granted on appeal (ref. APP/Z1320/A/04/1161798) in May 2005. All detailed matters were reserved for subsequent decision and an agricultural occupancy condition was also imposed. The application now before me in this appeal seeks approval of "the

reserved matters" - the details of the siting, design and external appearance of the building, the means of access to it and the landscaping of the site. The Council has raised no objection to the access or landscaping details proposed. Since it was agreed at the hearing that the siting and scale of the dwelling shown in the site layout on drawing ref. P2591/04C are incorrect, that section of that drawing is specifically not approved under this decision.

### **Main issues**

3. There are 2 main issues in this appeal. First, whether the size of the proposed agricultural dwelling is justified in terms of the financial viability and functional requirements of the farming enterprise. Second, whether the siting and scale of the proposed dwelling within the outline application area would be unduly inconspicuous and harmful to the landscape.

### **Reasons**

#### *Size of the dwelling: financial viability and functional need*

4. The Council sought expert advice at the time of the previous appeal and accepted that the agricultural enterprise was financially viable and the Inspector took this as a given. On the main issue identified in the previous appeal, the Inspector concluded that there was a proven functional requirement for a second dwelling. He found the proposal complied with the adopted Durham County Structure Plan (SP) Policies 4 and 14 and with the adopted City of Durham Local Plan (LP) Policy H5 and with national guidance in Planning Policy Statement 7 (PPS7), referring to the functional and financial tests.
5. Thus, the principle of erecting an agricultural worker's dwelling in the countryside at Quarrington Farm has already been established by the grant of outline permission, the scheme being found to be in accordance with the financial and functional tests of planning policy. However, the size of the dwelling also needs to meet the 2 tests.
6. The dwelling is to become the principal residence situated near the entrance to the holding. The dwelling would include 3 bedrooms (2 being ensuite), a family bathroom and an upstairs farm office/records storage room, with a lounge, dining room, family room, kitchen and utility room, w.c and w.c/shower room. The single storey extension would also include a farm reception room, boiler room/fuel store, garage, and secure machinery store. In my opinion, the living accommodation would not be unduly large in relation to the needs of one of the farm partners and his family. I consider that the other facilities would be justified to meet the range of different functional needs associated with this modern and growing farming business that could not be met as conveniently, securely or effectively by using vacated space within the existing farmhouse or within existing farm buildings.
7. The Council accepted at the previous appeal that the submitted evidence showed that the agricultural activity was financially viable. Since that time, on the basis of the evidence presented to the hearing by the appellants, the overall mixed arable and livestock farming business (which includes owner-occupied land beyond the immediate holding together with areas of rented

land) has grown into a substantial operation totalling about 340 hectares (840 acres) of which well over half is owner-occupied. The acreage under crops and grass has increased through the use of significant areas of land rented from other owners. Although there is no long-term security over the various parcels of rented land, the partners are confident of achieving control over the total acreages necessary each year under a changing pattern of individual rental agreements. Crop and cattle sale prices have also risen, with the partnership developing their own herd of Limousin cattle in place of the Charolais herd owned by their uncle.

8. The detailed financial assessment presented by the appellants is based on typical farm management costs and income, which give a good indication of what the average farmer could expect to achieve from the business. These show that even after the costs of funding the new dwelling are taken into account, the overall farming enterprise would generate a significant gross profit for the 2 partners, several times more than the minimum agricultural wage. There seems to be significant leeway within the figures to accommodate annual fluctuations in income and costs and remain profitable. The Council did not seek expert advice on the appellant's submitted assessment or produce any alternative financial assessments of its own. Therefore, I have no reasonable basis for setting aside the appellants' figures.
9. I conclude that the overall size of the dwelling proposed would be commensurate with the functional needs of the agricultural business and would be supportable by the financial viability of the farming enterprise, in accordance with saved LP Policy H5 and national guidance in PPS7.

*Siting and scale: the effect on the landscape*

10. The outline application boundary sets the limits of the area within which the dwelling is to be sited, so the scope for alternative siting is limited. At the previous appeal the Council had no objection to the general location of the dwelling, although the Inspector indicated that any dwelling should be closely related to the existing dwellings on the holding so as not to be conspicuous in the open countryside. In the detailed scheme before me the house would stand within a relatively open field about 10 m north-west of the south-eastern (front) boundary of the roughly square-shaped application area, on slightly elevated land which continues to rise to the rear, so providing a backdrop in many views. The nearest corner of the main house would be only about 30m from the nearest livestock unit that houses cattle. The siting to the north-west of the farm group would enable surveillance of both the farmyard and the entrance road, representing a reasonable compromise between grouping the farm buildings as closely together as possible and providing appropriate separation of the future residents from the noise and smells from the livestock buildings.
11. Since the house would be relatively large and would stand on somewhat elevated and generally open land, when first erected it would appear relatively conspicuous when viewed from the approach road. The submitted plans indicate landscaping either side of the access from the approach road. I consider that this landscaping scheme needs to be worked up in more detail incorporating native species and including land outside the application area but

under the appellant's control, with the aim of creating within a few years a long-term landscape structure that would successfully integrate the house into the overall building group and assimilate the new house into the landscape. The Design and Access Statement indicates that the dwelling would include traditional materials – stone walls, slate roofs and timber doors and windows.

12. I conclude that, subject to the provision and establishment of appropriate landscaping and use of the traditional materials proposed, the siting and scale of the proposed dwelling within the application area would not be unduly conspicuous or harmful to the landscape, thus avoiding conflict with the provisions of saved LP Policy E7.

*Conclusions and conditions*

13. I have concluded that the reserved matters should be approved, subject to necessary conditions. The development remains subject, of course, to conditions Nos 4 and 5 of the outline permission (ref. 4/04/437/OUT) granted in May 2005 regarding the time period within which development is to be commenced and the agricultural occupancy of the dwelling.
14. For the reasons given above, and notwithstanding the details shown in the submitted plans, a landscaping scheme including soft landscaping and hard surfacing works and means of enclosure is required both within the application area and within the other land under the appellants' control. The soft landscaping is to be maintained for 5 years to ensure the effective establishment of a strong landscape structure. I am removing permitted development rights to erect additional extensions, garages and outbuildings so that the building is not so enlarged as to harm the open character of the countryside. Approval is required to the external materials of the building including a sample of wall construction, details of doors and windows and roof features, to ensure that the final appearance of the dwelling is satisfactory. It is also necessary that the ancillary accommodation within the single-storey extension is retained for the purposes indicated on drawing ref. P2591/01B so that these important functional requirements of the farming enterprise remain available in a convenient and secure manner. This section of the building is not be used as living accommodation. Since the site layout shown on drawing ref. P2951/04C is at an incorrect scale, this element of that plan is not approved. A drainage condition was not thought necessary at outline stage and there is no evidence before me to justify its imposition now, the matter also being subject to other legislative controls.

*C J Checkley*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mr M Robson MRICS	Rural Planning Consultant, Acorus Rural Property Services, Sherburn in Elmet
Mr P Johnson	Appellant, Quarrington Farm
Mrs S Johnson	Wife of the above appellant, Quarrington Farm
Mr A Johnson	Appellant, Quarrington Farm
Ms N Lynch	Fiancée of the above appellant, Quarrington Farm

### FOR THE LOCAL PLANNING AUTHORITY:

Mr A Inch BA(Hons) DipTP MRTPI	Senior Planning Officer for the Council
Mr T Burnham MSc	Planning Officer for the Council

### INTERESTED PERSONS:

Mrs M Robinson	Chair of Cassop-cum-Quarrington Parish Council, 93 Park Avenue, Coxhoe
Mr S Robinson	Cassop-cum-Quarrington Parish ward councillor, 93 Park Avenue, Coxhoe
Mr Pringle	The Forge, Old Quarrington
Mrs Pringle	The Forge, Old Quarrington

## **DOCUMENTS AND PLANS SUBMITTED AT THE HEARING:**

- 1 Schedule of Farming Acreages (Harvest 2008 & Harvest 2009)
- 2 Updated version of appellants' Appendix E Financial Assessment (based on John Nix 37th edition 2007 with price increases)
- 3 Analysis of Recent Data on Suckler Cows in England & Implications for the Environment, Defra, March 2006
- 4 Quarrington Farm Barn Conversion, present and proposed use of rooms, plans and inventory
- 5 Letter from Dunelm Veterinary Group dated 25 April 2008  
– All the above documents were submitted by the appellants





## Appeal Decisions

Site visit made on 27 May 2008

by **Michael Hurley** BA DipTP MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
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Decision date:  
30 May 2008

### Appeal A, Ref: APPZ1320/A/08/2066890

**Land adjoining Graham House, Damson Way, Dragonville Industrial Estate, Durham, DH1 2RE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T Lewis, First Class Trade Windows, against the decision of the City of Durham Council.
- The application (Ref: 4/07/00713/FPA) dated 15 June 2007, was refused by notice dated 25 October 2007.
- The development proposed is the change of use of the land for the positioning of a mobile catering trailer.

**Decision: For the reasons given below, I hereby allow this appeal and grant planning permission for the use of land adjoining Graham House, Damson Way, Dragonville Industrial Estate, DH1 2RE, for the positioning of a mobile catering trailer, in accordance with the terms of the application (Ref: 4/07/00713/FPA) dated 15 June 2007, and the plans submitted therewith.**

### Appeal B, Ref: APPZ1320/C/08/2065496

**Land adjoining Graham House, Damson Way, Dragonville Industrial Estate, Durham, DH1 2RE**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr T Lewis, First Class Trade Windows, against an enforcement notice issued by the City of Durham Council.
- The Council's reference is A14/51 PG/AJC.
- The notice was issued on 17 January 2008.
- The breach of planning control as alleged in the notice is:  
Without planning permission, the change of use of land from adopted highway to a mixed use as adopted highway and for the siting of a mobile snack bar.
- The requirements of the notice are:  
Remove from the land the mobile snack bar and discontinue using the land for mobile trading.
- The period for compliance with the requirements is 7 days.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

**Decision: For the reasons given below, I hereby allow this appeal and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the use of land adjoining Graham House, Damson Way, Dragonville Industrial Estate, DH1 2RE (as shown on the plan attached to the notice) as adopted highway and for the siting of a mobile snack bar.**

### **Main issue**

1. I consider the main issue in each of these appeals to be whether the retention of the mobile snack bar would be detrimental to the safe movement of traffic.

### **Reasons**

2. The mobile snack bar is parked outside an industrial building on the north side of Damson Way. It consists of a trailer unit measuring about 3m long by 2m wide, with a height of approximately 2.5m. At the time of my visit it bore a notice indicating that it was for sale. It was not open for business.
3. Damson Way is an adopted highway within the Dragonville Industrial Estate. Generally it has a carriageway width of about 6m. The mobile snack bar is stationed in a lay-by, which extends up to the front wall of the industrial building. The lay-by, which evidently forms part of the highway, is otherwise used for parking, and for loading and unloading vehicles. There are no parking restrictions. At the time of my visit, in the mid-morning, there was space available to park in the lay-by.
4. Neither the local planning authority nor the highway authority provide specific evidence of any occasion on which the presence of the mobile snack bar has impeded the safe movement of traffic. At the time of my visit, the snack bar did not constitute an obstruction to any highway user.
5. The appellant refers to manoeuvring problems associated with articulated lorries visiting Archibald's yard, which is some distance to the east of the appeal site. However, I have no reason to accept the Council's inference that these problems are related to the presence of the mobile snack bar. This seems to me to be unlikely.
6. I note that, in 1998, a temporary planning permission was granted for a catering van to be stationed on the appeal site for a 2-year period. That permission expired in 2000. However, it is not clear to me why development that was acceptable in 1998 should be considered unacceptable now.
7. The Council refer to the City of Durham Local Plan, which was adopted in 2004. Policy S10 of the Local Plan indicates that the development of food and drink outlets will be permitted within settlements, provided that certain criteria are met. The mobile snack bar appears to contravene none of the specified criteria.
8. Policy EMP8 of the Local Plan designates Dragonville as a general industrial site, where development for business use, general industry and warehousing will be permitted. However, this policy does not specifically preclude the use of land for a mobile catering unit.
9. Policy T1 of the Local Plan stipulates that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety. However, I am not satisfied that the mobile snack bar has had such an effect.
10. In the circumstances I can see no sufficient reason for the refusal of planning permission. Accordingly each of the appeals succeeds. No planning conditions have been suggested to me as being necessary.

11. I have taken account of all the other matters raised, including the highway authority's assertion that they "cannot approve any use of adopted land for any purpose other than for a highway". However, I do not find any of these factors to be sufficient to outweigh the considerations that have led me to my decisions.

*Michael Hurley*

**Inspector**





# Appeal Decision

Inquiry held on 28 May 2008

by **Alan Upward BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
4 June 2008

**Appeal Ref: APP/Z1320/C/07/2057746**

**Land to the south of Periwinkle Barn, Low Raisby Farm, Kelloe, Durham**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Arthur Hill against an enforcement notice issued by the City of Durham Council.
- The Council's reference is A10/64.
- The notice was issued on 2 October 2007.
- The breach of planning control as alleged in the notice is **without planning permission, the change of use of land from agricultural paddock to use for the siting of a residential caravan and for private garden use.**
- The requirements of the notice are to:
  - (i) **Remove the caravan from the land and discontinue using the land for the stationing of a residential caravan.**
  - (ii) **Remove from the land all domestic garden paraphernalia including decking, the fencing enclosing the decking, all structures and aviaries, pot plants, planted flowers and shrubs and cease using the land for private garden use.**
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

**Formal Decision: I allow the appeal and quash the enforcement notice.**

1. The inquiry evidence was taken on oath.

## The site

2. The plan attached to the notice identifies a land parcel of some 0.21 hectares lying to the south of a group of buildings at Low Raisby Farm. It is separated from the dwelling, out-buildings and garden at Periwinkle Barn by an access track with boundary fencing/structures on each side of this access way.
3. When I visited the site, its northern and western sides were bounded by fencing. The eastern and southern edges were marked by hedging. A caravan was sited close to the south-eastern corner of the land. It was a static type caravan, said to be about 10 metres long, and contained standard internal fittings and furnishings for sitting and dining with kitchen and bathroom facilities and 2 bedrooms. There were a number of propane gas bottles stored alongside the caravan. I saw no evidence of any service connections to the unit for water supply, drainage or electricity.
4. A small area in front of the caravan (to its western face) was enclosed with low picket fencing and paved. Alongside the caravan in the south-eastern corner of the plot were a timber shed, a metal mesh cage housing poultry, and a further small shed immediately to the rear of the caravan.
5. Most of the field was roughly grass surfaced. Grass was shorter, though not recently mown, on a small area in the vicinity of the caravan, and there were 2 planted borders with ornamental planting, including herbs. Trees had been planted around the body of the plot. These were small, and included fruit trees. Areas within a strip along the western side of the land were in the course of being cultivated for vegetables.

### **The allegation**

6. This is in 2 halves. The "*siting of a residential caravan*" does not expressly refer to the use being made of the caravan other than by the adjectival use of the word "residential". The Council confirmed to me at the inquiry that it had been their intention in the choice of words to allege the "use of a caravan for residential purposes". The Appellant had interpreted the notice in a like manner. It appears to me that this is a reasonable interpretation of this part of the allegation, and I shall approach the appeal on this basis.
7. I was told by the Council that the words "*private garden use*" were intended to reflect a use as a residential garden which was more ornamental than the allotment style activity which was said to have occurred previously. Their witness indicated that this use was seen as associated with a residential use of the caravan, but if that were found not to have occurred, there had still been a residential garden use associated with Periwinkle Barn, albeit within a new planning unit physically separate from that property. The area of ground which officers had seen cultivated and tended ornamentally, with mown grass, during 2007, was small, but the whole plot was seen as being used for the overall garden use, including the planting of trees. It was suggested that this use was severable from the use arising from the caravan.

### **The basis of the appeal**

8. Appeal was made only under ground (d) on the basis that the alleged use had been immune from enforcement action by virtue of 10 years' continuous use prior to issue of the notice. The Appellant argued that a caravan had been sited on the land continuously since about 1991. It had been moved there from the main plot of Periwinkle Barn after its occupation as temporary accommodation for his family had ceased following completion of the barn conversion. The unit had been changed to a newer one of similar size in July 2007, but at all times between 1991 and October 2007 its use had been the same. He did not, however regard this as involving a use as a separate dwelling.
9. I need to examine the detailed facts of the siting and use of a caravan on the land over this period (with particular regard to use between October 1997 and October 2007) expressly in relation to ground (d). The facts which were stated about this activity also raised effectively an appeal under ground (b) ie that a residential caravan use had not occurred as a matter of fact over the period preceding issue of the enforcement notice.

### **Grounds (b) & (d)**

#### ***Evidence in support of the appeal***

10. The Appellant gave oral evidence about the sequence of events concerning the implementation of a planning permission granted in 1989 for conversion of a barn to a dwelling (now known as Periwinkle Barn), his family's occupation with temporary planning permission of a caravan on the site during the period of these works, his transfer of the caravan unit onto the appeal site following occupation of the converted barn and its garden land and his use thereafter for purposes connected with his occupation of that site. Letters were submitted from a number of persons with knowledge of the site since 1991 (or thereabouts) confirming the presence on the appeal site of a caravan at all stages thereafter. Mr G Staff gave evidence of his own personal knowledge of the site. Aerial photographs were submitted showing the presence of a caravan on the land, and other photographs showed how the land had been used by his family over the period.
11. Mr A Hill gave evidence that the caravan moved onto the site in 1991 was a static type van about 32 – 33 feet long and not a tourer as claimed by a third party and the City Council. It could not be towed. It had remained in the same position in the south-eastern corner until July 2007 when it had been replaced because of its deterioration by a more modern unit of a similar size. Both caravans had been used on a similar basis throughout the period 1991 to October 2007. This had not been as a home but for occasional 'sleepovers' by grandchildren, for pleasure purposes and at specific times of the year for security of juvenile goshawks kept in the aviary alongside the caravan adapted from a shed. His hobby involving keeping Goshawks had been of longstanding. He had from about 1994 kept a breeding pair of Goshawks in a converted shed on his main garden plot. When chicks, bred in May, reached a particular stage (usually at 44 days old) they had to be separated from the parents and reared on at a secluded site. This was in the converted

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shed on the appeal site. They were then kept at this site for about a month before being rehomed to interested parties connected with the British Falconers Club.

12. This was an annual process. After a female Goshawk had been stolen in 1990, he had been concerned for the security of the chicks, and had used the caravan to sleep in overnight to protect the birds. This had not been every year, but he had bred successfully for 10 out of 12 years. During the month that the chicks spent each year in the aviary, he had not slept in the caravan every night, but when he felt the need. This would have been perhaps 14 – 20 nights per annum. He would go to the caravan to sleep late in the evenings and wake up early in the mornings and go back to the house. He had made frequent visits during the day to feed the chicks.
13. The caravan had also been used on a regular basis for family sleepovers, generally involving his grandchildren. This would have been during warm weather in summer. They used the caravan, had barbecues, and the children had slept in the caravan with both himself and his wife also staying there. This had happened every year involving perhaps 21 days per annum on average.
14. Since Christmas 2006 the caravan's use had involved housing his daughter's dogs and cats. She had come back to live at Periwinkle Barn in July 2007, partly because of her medical condition involving multiple sclerosis. The replacement caravan had been installed then to provide better facilities for the animals. Numbers of rescue dogs and cats varied, but he thought she now kept 3 dogs and 14 cats. They could not be housed within the main site because of conflict with his own dogs. The caravan was solely being used for this purpose of accommodating the animals. She had at no stage lived in the caravan. She visited the caravan a lot during the daytime to tend to the animals, feed and exercise them, but lived in Periwinkle Barn. On very rare occasions she had slept in the caravan when an animal was sick. The picket fence and paving had been introduced to the caravan frontage to control the animals when they were being let out of the caravan. It also helped in preventing the transfer of mud to its interior by the dogs and cats.
15. There was documentary evidence to support her move having occurred in July 2007, and he submitted these at the inquiry. This was in the form of her medical card re-registering her at this address, and a Council Tax Benefit form. The claim by a neighbour in letters that she lived in the caravan with her partner was simply untrue. The Enforcement Officer's note of a first meeting with Mrs Hill and Julie Hill in July 2007 was incorrect in that they had not said that Julie had lived in the caravan since Christmas 2006. It had only been used for the animals. That situation had been re-iterated in later correspondence with the Council relating to a Planning Contravention Notice in September 2007.
16. Mr Hill indicated that the land itself had been used for the grazing/keeping of 2 pet sheep for a total of 16 years until their recent deaths in June 2007 (confirmed by submitted documents). About a quarter of the site had been cultivated as a vegetable plot between 1991 and 2003 when he had stopped because of his arthritis. More recently, he had planted trees on the land, and was developing it as a wildlife plot with some vegetable growing. A small area around the caravan had then also been planted with herbs and plants. A small area of grass around the caravan and the line between the field gate and the caravan had been mown to allow access in wet conditions. This was not intended to create a residential garden.
17. Mr G Staff, of 2 Town Kelloe, gave evidence that there had always been a caravan on the appeal site throughout the period since 1991 that he had known Mr and Mrs Hill. He lived about a mile away, but had visited the appeal site about once a week throughout that time. The caravan had been used for recreational and leisure purposes as a form of garden. He had brought his grandchildren to the site. The caravan had been used very regularly in summer for picnics and barbecues, perhaps every weekend. He was able to confirm that the original caravan was a static one with no brakes or wheels. He had helped during 2007 to remove and dismantle this structure. He believed that nothing had changed more recently with Mr Hill's daughter looking after her animals during the day. He had seen no evidence of her living there, although he had not visited during evenings.
18. In letters Mrs T Delap, of 2 Low Raisby Farm Cottages, stated that to her knowledge, the caravan had been on Mr and Mrs Hill's land for over 17 years. Mr and Mrs Rutherford, of Low Raisby Farmhouse, indicated in a letter dated 26 July 2007 that there had been an old residential caravan on the appeal site since about 1991. The land, on which the caravan stood, had been cultivated as a garden as well as a paddock for pet sheep for the last 15 years. Mr and Mrs Parnaby, of 58 Burnett Crescent, Kelloe, confirmed in a letter dated 25 July 2007 that the

caravan in the paddock had been there for at least 16 years. Brian and June Abbey, of 149 Ormesby Bank, Middlesbrough, stated in a letter of November 2007, that they had known Mr and Mrs Hill for many years, and had been frequent visitors to the property since 1989. A caravan had been placed on the land at Periwinkle Barn in 1990, and it had been there ever since. An aviary had been built on the paddock approximately 15 years ago, and it was still there. A letter from Tarmac Northern Ltd dated 5 November 2007 stated that the residential caravan at the side of the house had been visible to their employees throughout the last 12 years when the site had been visited to check dust and noise monitoring equipment.

### ***Contradictory information***

19. In a letter written by Mr J C W Taylor of No.1 Low Raisby Farm, accompanying submissions dated 10 December 2007 made on his behalf by England and Lyle, Chartered Town Planners, it was said that a small caravan, occupied by Mr Hill whilst converting the old barn, had been moved to a field to the south of it in 1990. The caravan had remained there unused except for storage, and was never lived in by anyone until the summer of 2006 when Mr Hills' daughter and her partner made it their permanent residence. In July 2007 the old small caravan had been removed and a large mobile home was put in its place. Mr Hills' daughter and her partner now used this as their permanent home. This mobile home was much larger and more intrusive than the old one.
20. Mr A Cutter, as a consultant acting for the City Council on enforcement matters, said that he had visited the site on 19 July 2007 at the request of Council officers who had noted a large new residential caravan being delivered and sited on the appeal site. He had spoken to Mrs Hill and her daughter, Julie Hill. It had been explained that the new caravan was a replacement for the old one which had been on the site for numerous years, and that Julie had lived in the old caravan since Christmas 2006, staying there with her rescued dogs and cats. He had taken notes of the conversation at this visit. At the time of this visit the old caravan had been moved to another part of the site. To his recollection it had not been a static caravan, but significantly different.

### ***Review of the evidence***

21. Although the appeal site 'parcel' had been sold to Mr and Mrs Hill together with the buildings and land for residential conversion, there was no evidence that the planning permissions granted by the Council in 1989 had treated this land as part of the site to be occupied residentially in association with Periwinkle Barn. It appears to have been a paddock alongside the new dwelling and physically detached from it by a track and boundary structures. It was not part of the residential site in terms of the permitted scheme. Neither do the facts of the situation suggest that it formed part of the curtilage of the dwelling for the purposes of GPDO rights and the operation of the 1990 Act exclusions from the meaning of development in S55(2)(d). Although part of the same ownership as the dwelling and garden, it was physically separate from it as a result of the intervening track, and not thereby part of one enclosure with the house. It did not have the intimate association with land which was undoubtedly within the curtilage of the dwelling. As land outside the residential unit and curtilage of Periwinkle Barn, the siting and use of a caravan on the site would neither have been part and parcel of the residential use of that property nor incidental to the enjoyment of its occupants.
22. Following completion of the residential conversion it seems probable that the lawful use of this land was agricultural. Subsequent activity involving use of the land and the siting of a caravan has to be judged in relation to this situation.
23. The Council acknowledged that there was strong evidence that a caravan had been sited on the land continuously since about 1991, but took the view that until Christmas 2006 it had simply involved the storage of a caravan on the land. I agree that there was convincing evidence arising from the oral and written material submitted, of the presence of a caravan for the whole of the 16 years prior to the issue of the enforcement notice. Argument about the size and nature of the caravan kept there between 1991 and July 2007 would not directly bear on the use(s) being made of it, although a small touring caravan would be less likely to have been used residentially.
24. There was limited documentary evidence about the nature of the first caravan. The assertion contained in Mr Taylor's letter was not supported by his presence to give evidence at the inquiry. Mr Cutter's recollections relating to the caravan, which was then in the course of being removed, were in general terms only. The photograph of a touring caravan, said to have been taken in 1995/6, was clearly not on the appeal site itself, but on the grassed space on the opposite side of



the track with the main aviary on the garden of Periwinkle Barn behind it. Two aerial photographs submitted by the Appellant did show a white structure on the site. The oblique photo dated as 1991 was clearer in showing that this was indeed a caravan within the part of the site where the caravan was now located. Although size was difficult to measure from this photograph, the indications were of a caravan which was larger than standard tourers, although probably smaller than the 10 metre unit now on the land. Such a caravan was probably capable of being used as a residential unit.

25. As to its use between 1991 and the end of 2006, there was no evidence contradicting the version of events given by Mr Hill and Mr Staff and in letters written by local people. The extent of 'leisure' use of the caravan, its use for family barbecues and 'sleepovers', and the overnight stays by Mr Hill to provide security for Goshawk chicks would have been sufficient in scale and continuity to have constituted a use of the caravan rather than just the use of the land for the storage of a caravan.
26. Those individual activities within the caravan involved less than a residential use of the unit. In terms both of their scale and frequency, and the nature of the activities, use between 1991 and 2006 was materially different to a residential use of the caravan. A residentially used caravan does not have to be lived in 365 days per annum, but the pattern of occasional overnight sleeping at the site and daytime activity was not part of a full residential use. It was more in the nature of one connected with the recreational/hobby use of the land. On this basis, there was no residential use of a caravan between 1991 and 2006, and a ground (d) appeal against the notice would be bound to fail.
27. The facts of use between Christmas 2006 and October 2007 require consideration of disputed evidence. The Appellant's claim was that the caravan, including the more modern one replacing the original unit in July 2007, was then used essentially in connection with the accommodation of his daughter's large number of rescue dogs and cats. This would not have been a residential use of a caravan. Until his daughter moved into Periwinkle Barn in July 2007 it would not have been connected in any functional manner with that property. As he described the use thereafter, it involved accommodation of the animals and their tending at the site during daytime hours by his daughter. Again, this might be viewed as a form of recreational/leisure use, although it would be more difficult to establish whether this was itself materially different from the activity which had occurred between 1991 and 2006.
28. The contradictory evidence came from Mr Taylor's letter and Mr Cutter's recollection of the initial conversation in July 2007. The contention in the letter was that after summer 2006 the caravan was a permanent residence, and that this related both to Julie and her partner. Apart from Mr Cutter's note there was no other evidence suggesting this. Mr Taylor did not attend the inquiry to give evidence to enable me to establish the facts in detail and to seek to clarify this area of dispute. In his absence, lesser weight should be given to the letter. Mr Cutter's note of the original conversation was of an acknowledgement of residential occupation since Christmas 2006. Such a version of what was said was contradicted by the Appellant in all subsequent correspondence with the Council. Mr Cutter did not produce written notes of the July conversation. His recollection could have arisen from a misunderstanding of how Mrs Hill and Julie had described the use of the caravan in connection with her animals. Reference to Julie being of an age where she required her own space might be treated either as an indication of residence in the caravan or that it provided a place that she could retreat to from Periwinkle Barn during parts of the day.
29. Other available evidence did not suggest that the caravan was residentially occupied together with the dogs and cats over the period preceding issue of the enforcement notice. Although the unit installed in July 2007 was clearly of a size and with the range of internal equipment for residential use, its siting was not associated with the provision of water or drainage services to the unit or a connection to an electricity supply. The provision of propane gas bottles alongside the caravan would have enabled heating and cooking facilities to be used. The absence of other facilities counts against the unit being used for a full residential use. The creation of a paved area outside the front of the new caravan, together with picket fencing, and some grass mowing and ornamental planting around this area would have given a more domestic appearance. They need not have directly related to residential use. Some maintenance of the land around the unit, together with the pathway cut across the land to its front, would have been a practical need following the cessation of grazing by the pet sheep in June 2007. The introduction of herbs and other plants around the caravan might have been carried out to make it more attractive for the

daytime use acknowledged. The paving and picket fence were limited works which could have been provided for the reason given by Mr Hill rather than as a feature of residential use.

30. In the absence of clear evidence that the caravan was being occupied residentially over the 10 months prior to October 2007, my conclusion, on the balance of probability, is that the residential use alleged in the notice did not occur. I consider it likely that use was predominantly connected to the housing of the cats and dogs with daytime use by Mr Hills' daughter in connection with their care. That conclusion would lead to a success under ground (b) that this part of the development had not occurred as a matter of fact.
31. I raised the question during the inquiry of whether a conclusion on the facts that siting of the caravan had involved a leisure/recreational use rather than a residential one could lead to a correction of the allegation in some such manner. The Council thought that that would potentially cause prejudice to the Appellant. Although the factual evidence relating to the siting of a caravan and activities conducted there would probably have been the same if the notice had been differently framed, the arguments advanced on behalf of both parties might have differed. I could not be satisfied that the case advanced by the Council in response to a ground (d) appeal against a differently worded allegation would have been the same, particularly having regard to the view expressed about intensification of use after Christmas 2006. I conclude therefore that such a correction would be beyond available powers without causing injustice.
32. The Council argued that "private garden use" was a separate entity within the notice, and that this allegation could be upheld if the residential use appeal were to succeed. At the inquiry they approached the wording of this allegation as meaning effectively a residential garden use. Areas of planting around the caravan, grass mowing and the laying of patio slabs and the picket fence had in their view created a "private garden". Although the use was seen as associated with a residential use of the caravan, and involving only a fairly small area around that unit, no smaller area could be identified within what was seen as a new planning unit.
33. Individual activities carried out on the land since the conversion of Periwinkle Barn, including the grazing of pet sheep, the keeping of birds, the mowing of grass and the cultivation of ornamental plants would have been of a type which might take place within a residential garden. The same would have applied to vegetable growing until its cessation in 2003. The housing of dogs and cats in a caravan might also occur within a residential garden. Such activities might also be found on land which was differently classified, such as an allotment. The nature of this use requires judgement of fact and degree of the various activities and consideration of how the land physically related to the lawful residential site of Periwinkle Barn.
34. So far as I was able to judge, the grassed area which had been mown during 2007 was itself fairly small, and involved the immediate surrounds to the caravan. Two ornamentally planted borders around its margins were themselves small. The paving and picket fence were alongside the caravan entrance and of very limited extent. The impact which these features would have had on the visual impression and character of the overall appeal site would in my view have been very minor. More recent planting of trees and the resumption of vegetable growing had not thus far lent a residential appearance to the site. The physical separation of this land from the house and garden is also material. The trackway and fences/walls meant that the appeal site was neither visually nor functionally integrated into the area occupied residentially at the property. It did not appear to be part of the garden of Periwinkle Barn as an extension of its site.
35. My conclusion as a matter of fact and degree is that the appeal site was not in use as a private residential garden. A ground (b) appeal against this element of the notice should also succeed. The notice will be quashed.

*Alan Upward*

INSPECTOR

**APPEARANCES**

FOR THE APPELLANT:

Mr A Hill	Appellant
He gave evidence and called Mr G Staff	Of 2 Town Kelloe, County Durham

FOR THE LOCAL PLANNING AUTHORITY:

Mr C Simmonds	Assistant Solicitor, Durham City Council
He called Mr A Cutter	Planning Enforcement Consultant, Durham City Council

**DOCUMENTS SUBMITTED AT THE INQUIRY**

Document	1	List of persons present at the inquiry
Document	2	Letter sent by the Council notifying inquiry arrangements
Document	3	Bundle of documents submitted by the Appellant at the inquiry



**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 20 June 2008**

1. The following applications were **REFUSED**.

Number and Applicant	Location	Proposal
*07/01157/AD JC Decaux UK	Taj Mahal Tandoori 51 High Street South Langley Moor Durham DH7 8EU	Retention of existing 48 sheet illuminated advertisement hoarding attached to gable of commercial unit
08/00131/FPA Mr J Cheesey	Former Garage Site Browney Lane Meadowfield Durham	Demolition of existing buildings and erection of 2 no. two storey dwellings
*08/00191/FPA Ms M Cleary	3 Mowbray Street Durham DH1 4BH	Erection of conservatory to rear of existing dwelling
08/00244/TPO Mrs J Burrup	4 Almoners Barn Durham DH1 3TZ	Felling of 10 no. trees and reduction in height by 50% of 9 no trees to front of existing dwelling
*08/00252/FPA Durham University	York Cottage St Hilds Lane Durham DH1 1QL	Creation of hardsurfaced area following demolition of existing dwelling
*08/00255/OUT Mr S Forster	Land To Rear Of 13 High Street Carrville Durham DH1 1AS	Outline application for the erection of 1 no. dwellinghouse on garden land, including details of access, appearance, layout and scale
08/00267/FPA Mr I Parkinson	15 Gloucestershire Drive Belmont Durham DH1 2DH	Erection of a two and single storey pitched roof extension to side and rear of existing dwelling
08/00289/FPA Kingswood Properties	24 The Avenue Durham DH1 4ED	Demolition of part of rear yard wall and erection of detached garage block with 2 no. dormer windows with storage over (resubmission)

*08/00322/FPA Dr M Bonnington	16 Whitesmocks Avenue Durham DH1 4HP	Demolition of existing garage to side and erection of 1 no. two storey detached dwelling and erection of two-storey pitched roof extension to rear of existing dwelling (revised and resubmitted)
*08/00324/FPA Mrs P Race	Land Adjacent 23 Peterborough Road Newton Hall Durham DH1 5QX	Change of use of public open space into private garden (revised and resubmitted)
*08/00326/FPA Mrs E Wilkinson	3 Foxes Row Brancepeth Durham DH7 8DH	Erection of open storm porch to rear serving new entrance door and single storey pitched roof extension to front of existing dwelling
*08/00329/FPA Mr S Brain	Land Adjacent 48 Garden Terrace Coxhoe Durham DH6 4EH	Erection of 2 no. dwellings
08/00363/PNT BT Payphone Planning Office	The Gates Shopping Centre Durham DH1 4SL	Prior approval for siting and appearance of telephone kiosk
08/00373/FPA Allergate Investments Ltd	6 High Wood Terrace Durham DH1 3DS	Demolition of existing single storey extension and rear yard walls in association with erection of two storey pitched roof extension, erection of new rear yard wall with gates and erection of flat roof dormer to rear elevation
08/00375/AD Stray Aid Ltd	East Pasture Farm Cornforth Lane Coxhoe Durham DH6 4EL	Erection and display of replacement non-illuminated information board

\*08/00378/CAC  
Durham University

York Cottage  
St Hilds Lane  
Durham  
DH1 1QL

Demolition of existing  
dwelling

08/00387/CAC  
Allergate Investments Ltd

6 High Wood Terrace  
Durham  
DH1 3DS

Demolition of existing single  
storey extension and rear  
yard walls in association  
with erection of two-storey  
pitched roof extension,  
erection of new rear yard  
wall with gates and erection  
of flat roof dormer to rear  
elevation

2. The following applications were **APPROVED**.

Number and Applicant	Location	Proposal
*07/01187/LB Mr B Quayle	Laxey Cottage High Street South Shincliffe Durham DH1 2NN	Extensions and alterations, internally and externally to existing single storey offshoots to rear of existing dwelling including erection of 2 no. single storey extensions, pitched roofs over existing, reconfiguration of internal walls and fenestration and erection of pitched roof over existing two storey rear offshoot
*07/01189/FPA Mr B Quale	Laxey Cottage High Street South Shincliffe Durham DH1 2NN	Extensions and alterations to existing single storey offshoot to rear of existing to provide additional accommodation including erection of 2 no. single storey extensions, pitched roofs over existing and pitched roof over existing two storey rear offshoot
08/00081/FPA Loughborough Developments Ltd	13 New Street Durham DH1 4DH	Erection of single storey flat roof extension to rear of existing dwelling

08/00123/AD Mr D J Owen	Barmoor Service Station A167 Croxdale Durham	Retention of 2 no. freestanding signs
08/00166/FPA Mr R Durie	9 John Street Durham DH1 4DE	Erection of single storey pitched roof extension to rear of existing dwelling including demolition of rear boundary wall and outhouses
*08/00174/FPA Church Commisioners	The Old Chapel Moor View Littletown Durham DH6 1PX	Change of use and conversion of existing building to form 1 no. dwelling including insertion of 3 no. rooflights to east elevation and 2 no. to north elevation
08/00189/FPA Land Registry	Durham District Land Registry Units 3 To 4 Belmont Industrial Estate Road Belmont Industrial Estate Durham DH1 1TN	Insertion of high level louvres to rear of existing buildings
08/00198/RM Ramside Estates Ltd	Ramside Hall Hotel Carrville Durham DH1 1TD	Partial demolition, reconstruction and extension of existing ballroom
*#08/00199/LB Ramside Estates Ltd	Ramside Hall Hotel Carrville Durham DH1 1TD	Partial demolition, reconstruction and extension of existing ballroom
*08/00205/FPA Mr S Cummings	5 Stobb House View Brandon Village Durham DH7 8SX	Erection of two storey pitched roof extension to rear of existing dwelling
*08/00211/OUT Mr C And Mrs P H Chambers	77 Bek Road Newton Hall Durham DH1 5LG	Outline application for the erection of 1 no. dwelling including details of layout and access, together with provision of additional parking to front of existing dwelling



08/00216/FPA Ms Alison Saunders	48 Wearside Drive Durham DH1 1LE	Demolition of existing garage and construction of 2 storey pitched roof extension to side of dwelling to provide garage at lower ground floor level and living room above, with single storey pitched roof extension to rear of existing dwelling
08/00227/TPO Mr A Watson	Dryburn Care Home Southfield Way Durham	Crown lift 21 no. trees, crown raise 4 no. trees, felling of 1 no. Beech and 1 no. Willow tree and crown cleaning/removal of deadwood
08/00234/FPA Mr P Shephard	47 Grange Road Carrville Durham DH1 1AL	Erection of conservatory to rear of existing dwelling house
08/00237/FPA Able Construction (Northern) Limited	69 And 71 Forster Avenue Sherburn Durham DH6 1EW	Construction of two car parking spaces
08/00246/FPA L Gowland	Three Horse Shoes Sunderland Road Gilesgate Durham DH1 2JT	Change of use of existing public house to mixed use public house and bed and breakfast at first and second floor levels
08/00253/FPA Mr P Smith	Castle Rigg The Village Brancepeth Durham DH7 8DE	Erection of single storey pitched roof extensions to front and rear of existing dwelling
08/00268/FPA J Reilly O'Donnell	Cassop Farm House Old Cassop Durham DH6 4QB	Erection of single storey pitched roof extension to side of existing dwelling
*08/00270/FPA Mr S Parnaby	Blue Cedars 8 Almoners Barn Durham DH1 3TZ	Amendments to previously approved application (4/07/00227) involving insertion of 3 no. rooflights to single storey side extension

08/00276/FPA Mr B Chowdhry	Land To South Of Whitfield Court St Johns Road Meadowfield Industrial Estate Durham DH7 8XL	Phase 1 of mixed use development comprising car showroom with associated external display area, tv studio, vehicle preparation facility and 8 no. small office suites together with associated means of access, parking and landscaping
08/00287/FPA Mr G Panesar	4 St Monicas Grove Durham DH1 4AT	Removal of existing conservatory and erection of single storey pitched roof extension with rooflights to rear of existing dwelling (revised and resubmitted)
08/00288/FPA B And K Developments	Land Adjacent Apex Cables Ltd St Johns Road Meadowfield Industrial Estate Durham DH7 8RT	Change of use of ground floors of units 1 and 2 from B1 use to A3
*08/00297/FPA Mr And Mrs Middleton	12 Holmlands Crescent Framwellgate Moor Durham DH1 5AR	Erection of two storey pitched roof extension to side and rear of existing dwelling
08/00302/FPA Mr F Knowles	Brooklyn Brookside Lane Carrville Durham DH1 2QW	Alterations to existing bungalow to form two storey dwelling with hipped roof including erection of single storey pitched roof extension to side, erection of detached double garage to rear and relocation of existing vehicular access
08/00305/FPA Mr T Punchin	11 Gloucestershire Drive Belmont Durham DH1 2DH	Erection of single storey pitched roof extensions to front, side and rear of existing dwelling
08/00306/FPA Mr D Martin	3 Meldon Avenue Sherburn Durham DH6 1JX	Erection of pitched roof over existing garage and single storey pitched roof extension to rear of existing dwelling

*08/00309/FPA Mr B C Katakay	Land At The Cottage Whinney Hill Durham DH1 3BE	Erection of 1 no. two storey detached dwellinghouse to side of existing dwelling
08/00310/COL Mr And Mrs Flynn	34 St Cuthberts Way Sherburn Durham DH6 1RH	Certificate of Lawfulness for proposed erection of conservatory to rear elevation of existing dwelling
08/00312/FPA Mr And Mrs Middleton	62 Broome Road Carrville Durham DH1 1ND	Erection of single storey pitched roof extension to rear of existing dwelling
08/00313/FPA Mr B G Hunter	14 Rowley Drive Ushaw Moor Durham DH7 7QR	Erection of conservatory to rear of existing dwelling
08/00314/FPA Miss C L Jones	2 Nelson Terrace Sherburn Durham DH6 1ED	Erection of first floor pitched roof extension to rear and pitched roof over existing single storey offshot
08/00315/FPA Mr Skelton	7 Bamburgh Road Newton Hall Durham DH1 5NW	Erection of single storey pitched roof extension to side of existing dwelling and pitched roof over existing flat roof to front
08/00316/FPA Mr Jones	2 Fairfalls Terrace New Brancepeth Durham DH7 7HB	Erection of first floor pitched roof and ground floor pitched roof extensions to rear of existing dwelling
08/00317/FPA Mr Sibbald	34 Dinsdale Drive Belmont Durham DH1 2TS	Erection of two storey pitched roof extension to side of existing dwelling and replacement pitched roof porch and pitch roof over existing garage to front elevation
*08/00318/FPA Mr J Sedgewick	77 Gilesgate Durham DH1 1HY	Erection of two storey pitched roof extension to rear of existing dwelling

08/00319/FPA Mr Hobson	14 Red Ridges Brandon Durham DH7 8QP	Erection of two storey pitched roof extension to side elevation of existing dwelling
08/00320/FPA Mr Narayanan	27 Rosemount Pity Me Durham DH1 5GA	Erection of single storey pitched roof extension to front of existing dwelling
08/00321/FPA Mr Firth	5 Talisman Close Sherburn Durham DH6 1RJ	Erection of single storey pitched roof extension to rear of existing dwelling
*08/00327/CAC Mrs E Wilkinson	3 Foxes Row Brancepeth Durham DH7 8DH	Demolition of wall to rear of existing dwelling
08/00328/COL A G H M Watson	Land To South Of Finchale Abbey Durham	Application for certificate of lawfulness for use of land for permanent residential purposes
08/00330/FPA Mr L Parkinson	3 Frensham Way Meadowfield Durham DH7 8UR	Erection of two storey pitched roof extension to side and front of existing dwelling
08/00339/FPA Mr M Taylor	79 Willowtree Avenue Gilesgate Moor Durham DH1 1DZ	Erection of single storey pitched roof extension to front and side of existing dwelling
*08/00342/FPA Mr A Jackson	Melrose Bells Folly Durham DH1 3RR	Enlargement of existing dwelling comprising raising roof and insertion of 5 no. additional rooflights on south elevation and extending front elevation of building (revised and resubmitted)
08/00343/FPA Mr R Bell	2 Shropshire Drive Belmont Durham DH1 2LT	Erection of single storey pitched roof extension to side of existing dwelling, removal of existing car port and erection of flat roof garage with canopy to side

08/00345/FPA Groundwork Services (Durham) Ltd	Site Of Former Cemex Building Thistle Road Littleburn Industrial Estate Langley Moor Durham	Erection of replacement two- storey pitched roof office building with associated access, parking and landscaping
08/00346/FPA Mr G Burns	2 Paradise Cottages Shadforth Durham DH6 1NJ	Erection of three bay stable block
08/00347/RM Mr R Bond	Garden Of 2 Nursery Cottage Crossgate Peth Durham DH1 4QA	Reserved matters approval pursuant to outline approval 4/05/00407 for the erection of 1 no. three storey pitched roof dwelling including details of siting, design and external appearance and landscaping
08/00349/FPA Mr D Smith	Land To South East Of A690 And South Of Robin Lane West Rainton Durham	Erection of general purpose agricultural building together with associated upgrading of access track, hardstanding and landscaping
08/00350/FPA Blackrock Investment Managers	Unit 46 Prince Bishops Shopping Centre High Street Durham DH1 3UJ	Erection of 1 no. retail unit and cladding part of the existing wall in natural stone
08/00351/FPA Durham University	St Aidans College Windmill Hill Durham DH1 3LJ	Two storey extension to west elevation of existing building and minor alterations to elevations in association with reconfiguration of accommodation
08/00353/FPA Mr P Bonnick	69 Ashbourne Drive Coxhoe Durham DH6 4SP	Change of use of open space to private garden including erection of 1.8 metre fence to side and rear of existing dwelling and erection of garden shed

*08/00355/FPA Mr T Warren	Bancroft Sacriston Lane Witton Gilbert Durham DH7 6TF	Erection of two storey pitched roof extension to front and side and pitched roof over existing flat roof at front, side and rear of existing dwelling (revised and resubmitted)
08/00356/FPA Mr And Mrs Anyan	5 Kirbys Drive Bowburn Durham DH6 5GA	Erection of conservatory to rear elevation of existing dwelling
*08/00357/FPA Mr A Hewitson	42 Welby Drive Ushaw Moor Durham DH7 7GA	Removal of existing conservatory and erection of two storey pitched roof extension to side of existing dwelling and single storey pitched roof extension to rear
08/00360/FPA Dr K Prasad	6 Larches Road Durham DH1 4NL	Erection of pitched roof to front elevation and over existing garage and single storey pitched roof extension to rear of existing dwelling
08/00364/FPA Blackrock Investment	46 High Street Durham DH1 3UL	Change of use to Class A2 (Financial and Professional Services)
08/00366/LB Mrs C Jeffery	44 Crossgate Durham DH1 4PS	Enlargement of existing basement window to front elevation, erection of timber studing and plasterboard wall, shelving, stairwell handrails and new stair treads and re-hinge internal fire door to opposite jamb (resubmission)
*08/00368/FPA Mr A Bean	18 Carrsdale Carrville Durham DH1 1BD	Erection of single storey pitched roof extension to rear of existing dwelling and erection of garden store (revised and resubmitted)

08/00371/FPA Mr C Parker	7 Barrasford Road Newton Hall Durham DH1 5NB	Erection of two storey pitched roof extension to side elevation of existing dwelling and pitched roof to front elevation
08/00376/FPA Calamander Developments Ltd	66 Gilesgate Durham DH1 1HY	Removal of existing conservatory and erection of replacement single storey pitched roof extension
08/00379/FPA Miss V Lancaster	20 Palm Lea Brandon Durham DH7 8SW	Erection of single storey pitched roof extension to side elevation of existing dwelling
08/00380/FPA Mr And Mrs A Leggett	18 Rowan Tree Avenue Gilesgate Moor Durham DH1 1DU	Erection of two storey pitched roof extension to side/rear of existing dwelling and single storey pitched roof extensions to front elevation and pitched roof over existing garage
08/00381/FPA Mr J T Walton	171 Canterbury Road Newton Hall Durham DH1 5NF	Retention of 1.8m high timber fence to rear of existing dwelling (retrospective)
08/00386/FPA Mr B Rutherford	Pilmore Farm Old Cassop Durham DH6 4QB	Erection of agricultural building (revised and resubmitted)
08/00390/FPA Mr Hayton	130 The Grove Coxhoe Durham DH6 4AR	Erection of replacement detached garage to rear of existing dwelling
08/00392/FPA Tesco Stores Ltd	Tesco Stores Ltd Dragon Lane Gilesgate Durham DH1 2XQ	Continued use of car parking spaces as hand car valeting operation including siting of a cabin, canopy and associated enabling works
08/00393/FPA Hope Estates	37 Whinney Hill Durham DH1 3BD	Erection of single storey pitched roof extension to rear of existing dwelling

08/00395/FPA The Coffee House (Durham) Ltd	6 Millennium Place Durham DH1 1WA	Change of Use from A1 (shop) to A3 (cafe)
08/00398/LB Mr H Shankland	7 Church Street Durham DH1 3DG	Demolition of outbuilding and partial demolition of boundary wall and erection of flat-roofed porch to rear of existing dwelling
08/00403/FPA Mr A Powell	8 Leyland Close Bowburn Durham DH6 5DD	Removal of existing conservatory and erection of replacement single storey pitched roof extension
08/00404/FPA Mr And Mrs Miller	176 Woodland Crescent Kelloe Durham DH6 4LZ	Erection of single storey pitched roof extension to rear of existing dwelling
*08/00412/FPA Pagebet Bookmakers Ltd	94 Claypath Durham DH1 1RG	Installation of new shopfront (revised and resubmitted)
08/00413/FPA Mr D Rodgers	26 High Street South Langley Moor Durham DH7 8JW	Change of use of part of ground floor residential accommodation to form retail unit (Class A1)
08/00416/FPA Co Durham And Darlington NHS Foundation Trust	University Hospital Of North Durham North Road Durham DH1 5TW	Erection of decontamination unit (revised and resubmitted)
08/00417/FPA Mr D Chow	92 Claypath Durham DH1 1RG	Change of use of existing retail unit and residential flats to mixed use retail (A1), cafe/restaurant (A3), and community centre with training/demonstration/meet ing and conference rooms (D1)



3. Raise no objection to the County Matter listed below.

Number and Applicant	Location	Proposal
08/00361/CM Greencycle Plc	Unit S1A Tursdale Business Park Tursdale Durham DH6 5PG	Retrospective application for the change of use to recycling recovery facility
08/00459/CM Framwellgate Moor Primary School	Framwellgate Moor Primary School Newton Drive Framwellgate Moor Durham DH1 5BG	Erection of timber parent waiting shelter

4. Raise objection to the County Matter listed below.

Number and Applicant	Location	Proposal
08/00418/CM Johnson Brothers	Land At Quarrington Farm Old Quarrington Durham DH6 5NN	County consultation on proposed anaerobic digestion of agricultural mature, agricultural crops and potato waste facility to produce electricity and manure

\* Determined under Chairman and Vice Chairman Delegated Authority

# To be ratified by G.O.N.E

For full details of conditions attached to approvals or reasons for refusal please consult individual applications via the website [www.durhamcity.gov.uk/Planning/](http://www.durhamcity.gov.uk/Planning/) .



# List of Approvals

From 27/05/2008 to 23/06/2008

Number and Applicant	Location	Proposal
08/00496/OTHC City Electrical Factors Ltd	Alexander House 3 Whitfield Court Meadowfield Industrial Estate Meadowfield Durham DH7 8XL	Install Generator, Brick up 4 windows, install air- conditioning condensers and external shutters, put bollards at front of building.
08/00520/PARTNR Holmedale T/a	Stores 2B Philadelphia Complex Houghton Le Spring Tyne & Wear DH4 4UG	Structural wall strengthening
08/00521/DOM L Watt	17 East Street Hett Durham DH6 5LP	Proposed New Dwelling
08/00529/DEX Hope Estates Ltd	8 Hallgarth View Durham City DH1 3BH	Single Storey Extension to rear of dwelling
08/00545/OTHDOM Three Rivers Housing	24 Allergate Durham DH1 4ET	Conversion of existing communal room into self contained flat
08/00561/PARTNR Mr Greenwell	6 William Street Newfield Chester-le-Street Co Durham DH2 2SF	Loft Conversion
08/00573/DEX Henry Kave	4 Park Road Sherburn Durham DH6 1EA	Demolition of existing garage and conservatory and erection of single storey pitched roof extension to side and rear of existing dwelling
08/00580/OTHC Mr Smith	Former Durham Van Hire Grove Terrace Langley Moor Durham DH7 8JT	Construction of 2 Industrial Units
08/00582/OTHDOM Durham Gilesgate Sports	Riverdale The Sands Durham DH1 1JZ	Internal Alterations to sub divide internal rooms with new partitions

Number and Applicant	Location	Proposal
08/00587/DEX Mr C Burt	5 Barrasford Road Newton Hall Durham DH1 5NB	Porch & Garage Entrance to Front. Dining Room and kitchen with bedroom and ensuite above to rear
08/00591/OTHDOM Mr N Purdy	St Helens Church Hall Kelloe Durham DH6 4PT	Conversion into dwelling
08/00595/PARTNR Mrs M Murrell	15 Holmlands Park Chester-Le-Street Co Durham DH3 3PJ	Loft Conversion
08/00598/DEX Tony Warren	Bancroft Sacriston Lane Witton Gilbert Durham DH7 6TF	Erection of two storey pitched roof extension to front and side and pitched roof over existing flat roof at front, side and rear of existing dwelling, plus internal alterations.
08/00599/DEX Mark Rafferty	14 Lund Avenue Framwellgate Moor Durham DH1 5BJ	Kitchen Extension
08/00603/DEX Mr & Mrs Davies	Station House Brancepeth Durham DH7 8DL	1st Floor bedroom/bathroom extension
08/00605/DEX Mr D Lawton	High Ground Moor Edge Crossgate Moor Durham City DH1 4HT	Detached garage and garage conversion
08/00606/DEX S & N Pub Enterprises	The Shakespeare Saddler Street Durham City DH1 3NU	Alterations to existing Public House
08/00607/PARTNR David Dodds	3 Grassholm Meadows Tunstall Sunderland Tyne & Wear SR3 1PZ	Sun Lounge extension to rear of property
08/00626/PARTNR Chris Hall	Lanchester All Saints RC Primary Kitswell Road Lanchester Durham DH7 OJG	Partial Electrical Rewire

Number and Applicant	Location	Proposal
08/00628/DEX Mr Browell	9 Surtees Drive Durham City DH1 4AR	Kitchen and dining room extension
08/00629/DEX Mr Shevills	4 Front Street Witton Gilbert Durham DH7 6SR	Sun Room, Utility and wc
08/00630/DEX Mr Childs	11 Larches Road Durham City DH1 4NL	Bedroom, bathroom and family room extension
08/00631/DEX Mr Ferguson	40 Bede Terrace Bowburn Durham DH6 5DS	Garage Extension
08/00632/DEX Mr Przyborski	3 Foxton Way High Shincliffe Durham DH1 2PJ	Breakfast Room and Porch
08/00633/OTHDOM Hope Estates	16 Mistletoe Street Durham City DH1 4EP	Internal Alterations and attic conversion
08/00634/PARTNR Mr Smail	49 St Charles Road Tudhoe County Durham	Attic Conversion
08/00635/DEX Mr Ford Johnson	51 Albert Street Durham DH1 4RJ	Extension and Internal Alterations
08/00636/DRO Mrs Bird	1 Lowes Wynd The Downs Durham DH1	Attic Conversion
08/00637/OTHDOM Mrs Gray	5 Dryburn Road Framwellgate Moor Durham DH1 5AJ	Alterations to kitchen
08/00638/OTHDOM Mrs Hayley	19 Hawthorn Terrace Durham City DH1 4EL	New attic staircase
08/00727/PARTNR Katherine Lamb	Crook Nursery School Croft Avenue Crook Durham DL15 8QF	Construction of a single storey extension, removal of existing canopy and installation of new canopy

Number and Applicant	Location	Proposal
08/00728/DEX G Robinson	22 Church Street Durham City DH1 3DQ	2 storey rear extension to dwelling
08/00745/DEX Mr Bradshaw	32 Finchale Avenue Brasside Durham DH1 5SD	Two storey extension to side and rear plus garage extension
08/00746/PARTNR David Lee (Building	Red Rose Primary School York Crescent Chester- le-Street Co Durham DH3 3NA	Kitchen Development
08/00747/PARTNR Tanfield Lea College Of	Tanfield Lea College Of Science & Engineering Tanfield Lea Road Stanley Co Durham DH9 8AY	Refurbishment of sports hall and changing areas including ramped access
08/00758/OTHDOM Mr & Mrs J Hitchman	1 Beech Crest Durham City DH1 4QF	Conversion of existing offices into new dwellings
08/00759/DEX Mr & Mrs Egglestone	60 Hallgarth Street Durham DH1 3AY	Single Storey Extension to rear of property
08/00762/ELEC Miss J M Clark	Methodist Church Park Road Sherburn Durham DH6 1EA	Manual Alarm System
08/00764/DOM Hedley Park	44 - 47 Front Street Witton Gilbert Durham DH7 6SY	Erection of 5 houses and 2 apartments and associated parking
08/00765/DEX Mr Timothy Belsey	Briarside South Street West Rainton Houghton- Le-Spring Durham DH4 6PA	2 storey extension for utility/wc garage and first floor
08/00768/DEX Mr & Mrs Everatt	3 Low Green Shincliffe Durham DH1 2NF	Erection of single storey extension to provide garden room and utility area

Number and Applicant	Location	Proposal
08/00773/DEX Mr G Cooney	19 The Meadows West Rainton Durham DH4 6NP	Erection of 2 storey pitched roof extension to side, pitched roof over flat roof offshoot to
08/00775/DEX Mrs Craig	8 Arbour Court Avenue Esh Winning Durham DH7 9HZ	Ground Floor Extension to side and rear, housing 2 disabled bedrooms and bathrooms
08/00794/DEX Crighton Mather	6 Front Street Framwellgate Moor Durham DH1 5EJ	Proposed 1st floor extension and conversion of existing property to form 2 apartments
08/00844/DEX Mr J Walker	1 Mavin Street Durham City DH1 3AU	Two storey extension for provide additional bedroom, dining room and wc
08/00845/DEX Mr & Mrs Pollard	18 Middle Grove Brandon Durham DH7 8TR	2 Storey extension to side of property
08/00901/DEX Mr D Curry & Mrs E	19 Warkworth Road Newton Hall Durham DH1 5PB	Proposed Bedroom Extension
08/00902/PARTNR Mr Jones	19 Deneside Sacriston Co Durham	Bedroom and ensuite
08/00903/OTHDOM Mr B Nelson	4 Holly Street Durham DH1 4ER	Internal Alterations
08/00904/PARTNR Mr Baker	57 South Dene South Shields Tyne & Wear	Family Room Extension
08/00906/DEX Mr Stanger	95 High Street Carrville Durham DH1 1BG	Proposed Alterations
08/00908/PARTNR Nick Woodward -	Teesdale School Science College And Sixth Form Centre. Prospect Place Barnard Castle County Durham DH12 8HH	Refurbishment of existing classrooms into student support centre including platform lift from ground to

Number and Applicant	Location	Proposal
08/00910/DEX Mr Damian Cooper	59 Priors Grange High Pittington Durham DH6 1DA	2 Storey Extension for utility and bedroom and single storey sun lounge.
08/00922/DEX Hope Estates	6 Elvet Crescent Durham City DH1 3AP	Erection of single storey extension to rear of dwelling
08/00926/DEX Mr J Collinson	37 Russell Street Waterhouses Durham DH7 9AR	2 Storey Rear Extension



## List of Refusals

From 27/05/2008 to 23/06/2008

Number and Applicant	Location	Proposal	Decision
08/00491/OTHC ING Retail Fund Britannia LP	Unit 38 The Gates Durham DH1 4SL	Stripping out and re- confirmation of unit, including ground floor extension.	REJ16
08/00508/OTHC K Dobson	Church Of Christ The King Prince Charles Avenue Bowburn Durham DH6 5DL	New Church	REJ16



# Building Notices

Between 27/05/2008 and 23/06/2008

## Number of cavity wall insulation applications 61

Number and Applicant	Location	Proposal
08/00643/OTHDBN G L Shield	30 Brancepeth View Brandon Durham DH7 8TT	Routing Drainage to rear of property
08/00726/OTHDBN Mr G Grainger	25 Herefordshire Drive Belmont Durham DH1 2DQ	Build porch under existing canopy and build pitched roof over existing flat roofed garage/utility room and canopy
08/00748/OTHCBN John Malcolm Smart	21 Petterson Dale Coxhoe Durham DH6 4EZ	Convert garage into reception room
08/00753/DEXBN John Albery And Ivy Papps	1 Grove House Drive Gilesgate Durham DH1 1UP	Sun Room
08/00754/OTHDBN Wells	29 Staindrop Road Newton Hall Durham DH1 5XS	Garage conversion to bedroom
08/00755/DEXBN Stuart Trow	30 Lichfield Road Newton Hall Durham DH1 5QN	Kitchen Extension to rear of property
08/00756/OTHDBN Mr & Mrs Davison	17 Apperley Avenue High Shincliffe Durham DH1 2TY	Internal Alterations to Kitchen/Utility Room
08/00757/OTHDBN Mr A C Walker	3 Cambridgeshire Drive Belmont Durham DH1 2LS	Form expanded opening into conservatory
08/00763/OTHDBN Graham Quinn	15 Lindisfarne Road Newton Hall Durham DH1 5YH	Conversion of garage to living room
08/00771/OTHDBN Bruce Stonehouse	20 Mitford Drive Sherburn Durham DH6	Conversion of attached garage to dwelling room with toilet and shower

Number and Applicant	Location	Proposal
08/00772/DEXBN Ian Askew Hewitson	47 The Avenue Pity Me Durham DH1 5DY	Garage Extension
08/00905/OTHDBN Paul Wallace	8 The Croft Sherburn Hill Durham DH6 1QL	Conversion of garage into study
08/00921/OTHDBN T.W. & M.S. Willcox	64 Wolsingham Drive Newton Hall Durham DH1 5XH	Conversion of existing garage to small study/lounge
08/00923/OTHDBN Barbara Anderson	1 North End Brandon Village Durham DH7 8UN	Removal of wall and supporting pillar
08/00924/OTHCBN Evelyn Nicholas	28 Archery Rise Durham City DH1 4LA	Instal 2 x 55cm x 98 cm velux roof windows

# List of Regularisations

From 27/05/2008 to 23/06/2008

Number and Applicant	Location	Proposal
08/00760/OTHDRG Peter Bell	74 Runcie Road Bowburn Durham DH6 5EY	Garage Conversion

