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Gary Ridley Acting Chief Executive

7th January 2009

Dear Councillor,

I hereby give you Notice that a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **THURSDAY 15th JANUARY 2009** at **6.00 P.M.**

AGENDA

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|--|----------|
| 1. Apologies for absence | |
| 2. To consider development control application 3/2008/0713 – Reserved matters application for proposed dwelling at land south east of 30 Myrtle Grove, Roddymoor for Mr. Khan. | 1 - 10 |
| 3. To consider development control application 3/2008/0727 – Change of use from shop and store to 2 no. flats (resubmission) at 46 Front Street, West Auckland for Mr. Bayles, Swift Timber Homes. | 11 - 18 |
| 4. To consider development control application 3/2008/0690 – 2 no. new replacement windows to first floor residential accommodation and replacement ground floor entrance door, new shopfront to ground floor café at 10 Fore Bondgate, Bishop Auckland for Mr. S. Zair, Zairs Café. | 19 - 23 |
| 5. To receive for information appeal decision 3/2007/0080 – Proposed new four bedroom dwelling with integral garaging at 11 Hall View, Hunwick for Mr. Goundry. | 24 - 26 |
| 6. To receive for information appeal decision 3/2008/0379 – Outline application for the erection of 4 no. dwellings at land at Low Yard, Helmington Row, Crook for Mrs. Sheridan. | 27 - 30 |
| 7. To receive for information appeal decision 3/2007/0747 – Change of use from retail to residential at Edmundbyers Village Store, Edmundbyers, Consett for T.M. and P.J. Davidson. | 31 - 33 |

8. To receive for information appeal decision 3/2008/0415 – 34 - 36
Proposed four bedroom dwelling at land adjacent to 13 High Road, Stanley, Crook for Mr. Dobson.
9. To consider such other items of business which, by reason of special circumstances so specified the Chairman of the meeting is of the opinion should be considered as a matter of urgency.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Sey Rde', is written on a light blue background.

Acting Chief Executive

Members of this Committee: Councillors Anderson, Bowser, Buckham, Mrs Burn, Mrs Douthwaite, Gale, Grogan, Mrs Jopling, Kay, Kingston, Laurie, Mrs Lee, Lethbridge, Mairs, Mowbray, Murphy, Perkins, Taylor, Des Wilson and Zair.

Chair: Councillor Grogan

Deputy Chair: Councillor Mrs Jopling

TO: All other Members of the Council for information
Management Team

DEVELOPMENT CONTROL COMMITTEE

15TH JANUARY 2009

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0713 - RESERVED MATTERS APPLICATION FOR PROPOSED DWELLING AT LAND SOUTH EAST OF 30 MYRTLE GROVE, RODDYMoor FOR MR. KHAN – 07.11.2008 - AMENDED 09.12.2008 AND 17.12.2008

description of site and proposals

1. This application has been reported to Committee as it has received four letters of objection/observation.
2. Reserved matters approval relating to siting, design, external appearance and landscaping is sought for the erection of a 3 bedroom dwelling on land south east of 30 Myrtle Grove, Roddymoor.
3. The proposed dwelling would measure 8 metres in width by 10 metres in length, 5 metres to the eaves, and 8 metres to the ridgeline. The dwelling would incorporate an integral garage to the northern elevation. The scheme also involves the provision of a 1.7 metre wide footway along the front of the site.
4. The application site is located to the south east of Myrtle Grove and is currently used as a garden. The site measures approximately 380 square metres in area. The site lies within the settlement limits for Roddymoor and has an existing outline planning permission for a dwelling. The application site is located within a residential area with neighbouring dwellings to the north and west of the site. There is a row of terraced dwellings located to the south of the site. The site is bounded to the south west by the highway, with neighbouring gardens to the north east and south east of the application site. At present the site is bounded by a 1.5 metre high fence.

planning history

5. The following planning history is considered relevant to this planning application.
 - 3/2006/0224 Proposed Dwelling (Outline) Approved 27.04.2006

planning policies

6. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are relevant in the consideration of this application:

- GD1 General Development Criteria
- H3 Distribution of Development
- H24 Residential Design Criteria
- T1 Highways- General Policy

Also relevant are: County Durham Local Transport Plan 2, BRE- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, PPS1 Delivering Sustainable Development and the Climate Change Supplement, PPS3: Housing, and PPS22 Renewable Energy.

consultations

7. Northumbrian Water: No objection.

8. CDE&TS (Highways): The dwelling shown on the submitted plan differs from the plan submitted for outline approval in that it fails to show the required footway provision along the site frontage. It appears that the proposed garage will only be 5 metres back from the edge of the existing highway. A footway could not be provided if this were the case. I recommend that the application be refused on highway grounds for the lack of adequate highway provision and adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner. (The application has been amended to overcome these objections.)

officer analysis

9. The issues for consideration are:

- Principle of the Development
- Design
- Residential Amenity
- Highways Issues
- Sustainability

principle of the development

10. The proposed development would not be supported under current planning policy however the principle of development for the site has been established in the outline planning permission 3/2006/0224 for a dwelling. The site is located within the settlement limits for Roddymoor as identified on the Proposals Map of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and policy H3 of the Local Plan.

design

11. The proposed dwelling would be a typical modern detached family home. The proposed dwelling would be set amongst existing properties and would be set back from the main highway. The dwelling would have a gable feature to the front along with a canopy over the front door and lounge window. The dwellings on Myrtle Grove are a mix of detached and semi detached dwellings of varying ages and designs. The design and appearance of the proposed dwelling would be acceptable in this location. It would not have an adverse impact on the appearance of the neighbouring dwellings and would not have a detrimental effect on the visual amenity of the surrounding area. Conditions are recommended with regards to the external materials to ensure the proposed dwelling is built from materials which would blend in with the surroundings.
12. It is considered that the proposal would not be detrimental to the appearance of the front street scene or the character of the area and as such the design of the proposed dwelling is considered to be in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

residential amenity

13. There are neighbouring dwellings to the southwest, northwest and northeast of the application site.
14. The rear of the dwelling to the northwest of the application site, 30 Myrtle Grove, would be 14 metres from the northwestern gable of the proposed dwelling. The gable ends of the proposed dwelling would not contain any openings. Policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 states a distance of 15 metres separation between gable elevations and windows of habitable rooms should be achieved. It is considered that whilst this proposal does not meet the 15 metre distance, the distance of 14 metres that would be achieved would not lead to any loss of residential amenity to the occupiers of 30 Myrtle Grove given the orientation between the two dwellings.
15. The bungalow to the northeast of the application site, 9 East Terrace, would be sited approximately 9 metres from the proposed dwelling. The boundary between the two dwellings is bounded by a 1.7 metre high close boarded fence. To the southern elevation of 9 East Terrace is a window looking onto the application site, which is positioned approximately 2 metres from the boundary fence.
16. Full consideration has been given to the potential for loss of light and overshadowing to number 9 East End by the proposed dwelling in relation to aspect and by applying the Building Research Establishment Guidelines (BRE) – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, which is the accepted method for assessing overshadowing in planning applications.

17. The BRE guidelines identify two components of natural daylight: skylight, which is light diffused all around (even on cloudy days); and sunlight, which is the light directly from the sun on clear days. Tests for skylight and sunlight obstruction have been applied to the proposed property in relation to the neighbouring property 9 East End, in the form of the BRE 25 degree line and 45 degree line tests, which are the appropriate tests in this case:
18. *25 degree line – if a new building or extension significantly breaches a 25 degree line taken from a point 2m above ground level at, or just below the top of a neighbouring window, then overshadowing may occur (not applicable to north facing windows).*
19. *45 degree line – If a 45 degree line taken from the top of a new building or extension and drawn down towards the nearest neighbouring window crosses the centre point of that window then some overshadowing may occur.*
20. In this case the two tests show that there would be no loss of general daylight or sunlight to the windows of 9 East End as a result of the proposed property. It is therefore considered that the proposed development would not compromise the residential amenities currently experienced by the occupiers of 9 East End.
21. The proposed dwelling would be positioned approximately 17 metres from the front elevation of 19 Dale Terrace with a highway running between the two sites. The northern boundary of 19 Dale Terrace is bounded by a 2 metres high wall. It is considered that a distance of 17 metres, although below the recommended distance of 21 metres as set out in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, would be sufficient. The application has been amended in that the proposed garage has been handed so to avoid any direct window to window distances between the proposed dwelling and 19 Dale Terrace. There is a highway between the two properties which would provide sufficient activity between the dwellings to ensure there would be no unreasonable loss of privacy to the occupiers of the two properties. The proposal would not undermine the objective of policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
22. The proposed dwelling would have a rear garden area of approximately 90 square metres, which is considered to be adequate to serve the proposed dwelling. The proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
23. It is considered that given the constraints of the site in terms of separation distances, in order to protect the residential amenity of neighbouring occupiers, it would be expedient to remove the permitted development rights from the property so that any future development on the site would require planning permission.

highways issues

24. The County Council Highways Engineer originally objected to the proposed development as *“it fails to show the required footway provision along the site frontage. It appears that the proposed garage will only be 5 metres back from the edge of the existing highway. A footway could not be provided if this were the case. I recommend that the application be refused on highway grounds for the lack of adequate highway provision and adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner.”* The applicant has submitted amended plans showing a footway to be installed to an adoptable standard to the front of the site, and the dwelling has been moved back from 5 to 6 metres from the back of the footway to provide adequate off street car parking provision. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and guidance contained within the County Durham Local Transport Plan 2.

sustainability

25. Since 1 May 2008 the Code for Sustainable Homes is mandatory for all new housing development, however a registration certificate is not required for this application because it was received before 1 May 2008. Nevertheless, this highlights the importance of sustainable design in the current policy climate and the thrust of planning policy in PPS1 and the Climate Change Supplement, PPS3 and PPS22; as well as policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. These all require new development to be energy efficient. It would therefore be appropriate to condition further details to demonstrate how the proposed dwelling would be energy efficient.

objections/observations

26. Occupiers of neighbouring properties were notified in writing and a site notice was also posted.
27. Four letters of objection/ observation have been received, the details of which are set out below;
- a) If this house is built, it would totally block my view and lower my quality of life.
 - b) I am shocked to find that planning permission on this land was given in 2006 as I had not received any notice of this.
 - c) The house will take light away from my bungalow and garden.
 - d) How can someone from as far away as Redcar be allowed to just buy a piece of land in Roddymoor and stick a two storey house on it, ruining everything I have loved and worked for, for 34 years?
 - e) When I planned to have a window in my living room to enjoy the view of the fields up towards Billy Row, Crook Council said I was not allowed to put a window there yet this house has plans for windows to enjoy the very same view I was denied.

- f) I believe this two storey build to be far too close to the property I am hoping to buy and not only that but the two storey build would take light away from the property.
- g) The situation of a two storey build would seriously invade the privacy of the residents, both inside and outside of the property.

response to objections

28. Below is a response to the issues raised;

- a) Loss of view is not a material planning consideration.
- b) It is regrettable that a letter was not received; however a site notice was also posted advertising the application. The Council has fulfilled its statutory requirements.
- c) Full consideration has been given to the potential for loss of light and overshadowing by the proposed dwelling in relation to aspect and by applying the Building Research Establishment Guidelines (BRE) – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, which is the accepted method for assessing overshadowing in planning applications. This has shown that the proposed dwelling would not have a significant impact in terms of loss of light to neighbouring dwellings.
- d) Not a valid planning objection.
- e) Each application must be decided on its own merits.
- f) It is considered that the proposed dwelling would not cause any overbearing or overshadowing impacts to neighbouring dwellings, and as stated in c), the proposed dwelling would not have a significant impact in terms of loss of light to neighbouring dwellings.
- g) Whilst the proposed dwelling does not fully meet the guidelines under policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, it is considered that the proposed dwelling would not cause a significant loss of privacy or residential amenity to the occupiers of neighbouring properties.

conclusion and reasons for approval

1. The application site lies within the development limits for Roddymoor as identified under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The principle of residential development has been established on the site through the approval of planning application 3/2006/0224.
2. The proposed dwelling would be of a modern design and would not be detrimental to the street scene or the character of the surrounding area, in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. The proposed dwelling would not have an unreasonable impact upon the residential amenity of neighbouring occupiers in terms of loss of light, loss of privacy or overbearing impacts. Whilst not strictly adhering to guidance set out in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, the relationship between the proposed dwelling and neighbouring dwellings would be acceptable. The proposal accords with Policy GD1 and would not undermine the objectives of policy

H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

4. The proposed dwelling would have 90 square metres of useable private amenity space to the rear of the property. This is considered sufficient to serve the proposal, in accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
5. The development would provide a footway to an adoptable standard to the front of the site, and would have a 6 metres long driveway to provide off street car parking, in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

RECOMMENDED

That the reserved matters be **APPROVED** subject to the following conditions and reasons;

conditions

1. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
2. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
4. Notwithstanding the provisions of Article 3 and Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et sq. no additional openings shall be formed in the southeastern or northwestern elevations of the building hereby approved.
5. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E and G of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 et sq. none of the categories of development described therein shall be carried out on the site without an application for planning permission having first been made to and approved in writing by the local planning authority.

6. The garaging, hardstanding and car parking shown on the approved plans shall be used and maintained in such a manner as to ensure their availability at all times for the standing and garaging of private motor vehicles.
7. The development shall not commence until details demonstrating how energy efficiency is being addressed in the design and construction of the dwelling hereby approved have been submitted to and approved in writing by the local planning authority and thereafter the development shall be implemented and retained in accordance with the approved details. The details shall include an assessment of the predicted energy performance of the approved dwelling against suitable baseline data.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. To safeguard the privacy of the occupiers of nearby buildings. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
5. The local planning authority wishes to control future development on the site in the interests of safeguarding the amenities of surrounding occupiers. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
6. In the interests of road safety; to ensure that an adequate supply of off street car parking is maintained. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
7. In the interests of reducing carbon emissions. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPS1, the PPS1 Climate Change Supplement and PPS22.

background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, County Durham Local Transport Plan 2, BRE: Site Layout for Planning for Daylight and Sunlight: A Guide to Good Practice PPS1: Delivering Sustainable Development and the Climate Change Supplement, PPS3: Housing, and PPS22: Renewable Energy.

PS code

13

number of days to Committee

69

target achieved

No

explanation First available Committee

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

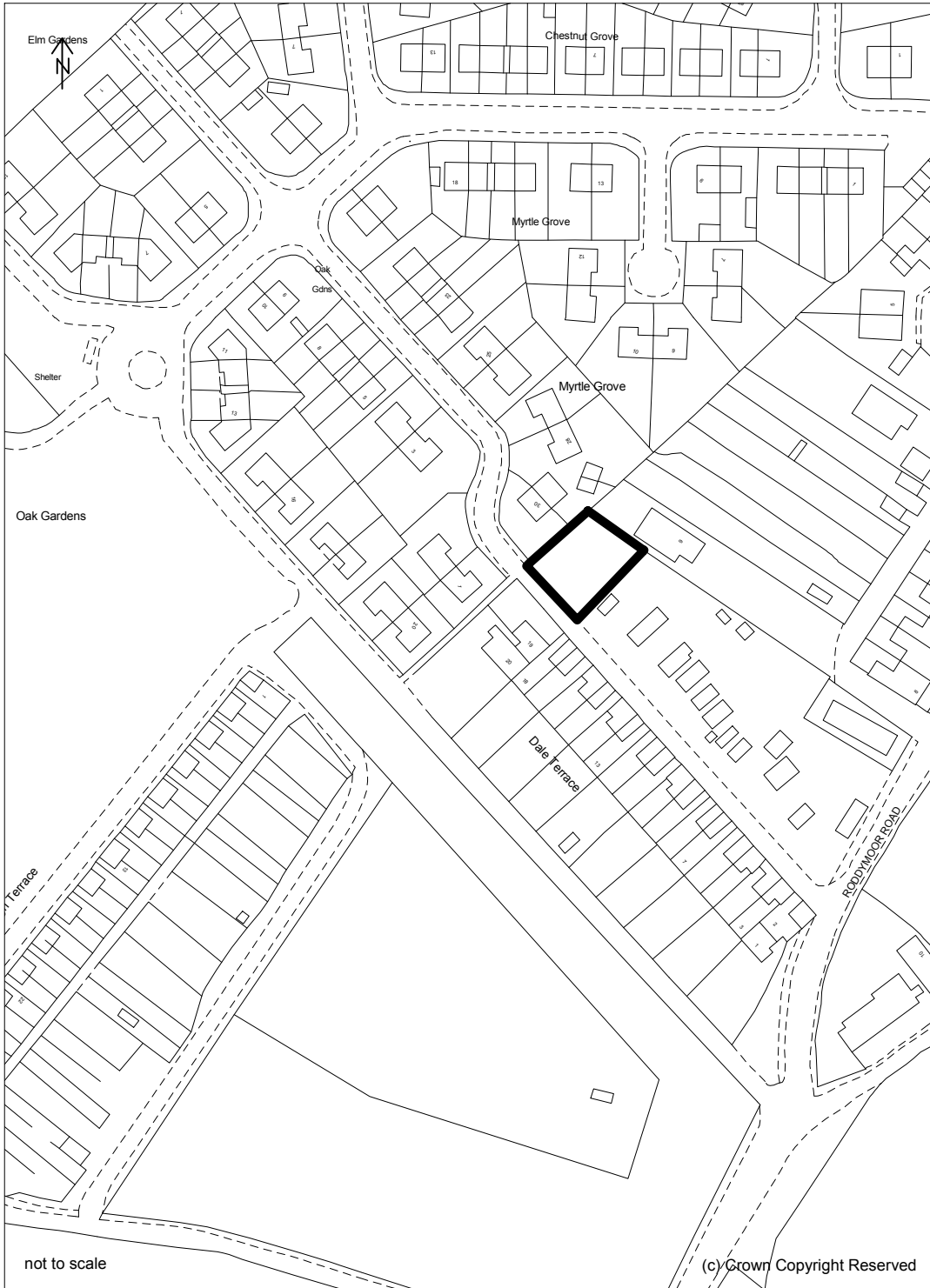
Author of the report

Adam Williamson

Planning Officer

Ext 495

3/2008/0713 - RESERVED MATTERS APPLICATION FOR PROPOSED DWELLING AT LAND SOUTH EAST OF 30 MYRTLE GROVE, RODDYMOR FOR MR. KHAN – 07.11.2008 - AMENDED 09.12.2008 AND 17.12.2008



DEVELOPMENT CONTROL COMMITTEE

15th JANUARY 2009

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0727- CHANGE OF USE FROM SHOP AND STORE TO 2 NO. FLATS (RESUBMISSION) AT 46 FRONT STREET, WEST AUCKLAND FOR MR. BAYLES, SWIFT TIMBER HOMES - 22.11.2008 - AMENDED 16.12.2008

description of site and proposals

1. This application has been reported to Committee as it is a departure from the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007.
2. Planning permission is sought for the change of use of an existing commercial unit to two residential apartments. The proposal also includes the erection of an extension to the rear of the current building. The proposed extension would be built upon an existing off shoot extension to the rear and would be increased in height by approximately 750 mm to gain adequate headroom to the proposed first floor apartment. The existing shop front would be replaced by timber windows. The ground floor windows would align with the existing upper floor windows. Additional windows would be inserted into the rear elevation which would closely match those in the existing building.
3. The application site comprises of an end terraced property located on Front Street, West Auckland. The property is currently a commercial unit with a modern shop front and roller shutter with an associated fascia sign. The property is located with the Conservation Area as identified within the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and is also a Grade II Listed Building. To the front of the property there is an area of hard standing which is outside of the applicant's ownership. There is a main highway to the front of the site with a village green beyond. There are neighbouring properties to either side of the building. The building is accessed by a shared side access.

planning history

4. The following planning history is considered relevant to this planning application:
 - 3/1998/0612 Change of Use to Beauty Salon Approved 17.02.99
 - 3/1990/0700 Reinstated Shopfront Approved 03.12.90
 - 3/2008/0414 Change of Use to Two Dwellings Withdrawn 11.08.08

- 3/2008/0444 Change from Shop to Two Dwellings Withdrawn 11.08.08
- 3/2008/0621 Listed Building Change of Use Withdrawn 07.11.08
- 3/2008/0620 Change of Use Withdrawn. 07.11.08

planning policies

5. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:

- BE17 Areas of Archaeological Interest
- BE4 Setting of a Listed Building
- BE5 Conservation Areas
- FPG5 Alteration and Extensions Guidelines
- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development
- S8 Local Shopping Areas

Also relevant are: Policy 4 North East Regional Spatial Strategy 2008, Planning Policy Statement 6 Planning for Town Centres, Planning Policy Guidance 15 Planning and the Historic Environment,

consultations

6. Durham County Council Highways: No objection.
7. Design and Conservation Officer: Offered detailed design advice and appropriate conditions.
8. Durham County Council Archaeology: Awaiting Response.
9. West Auckland Parish Council: No objection however raised concerns regarding the following issues:
 1. Parking facilities – The hard landscaping area between the pavement and the house is not an area we consider appropriate for car parking. There is adequate space for on street parking for two cars and the central car park in front of the Old Hall.

response

The area to the front of the property is outside the ownership of the applicant and a revised red line boundary was submitted with the amended application. It is agreed that there is sufficient on street parking available within close proximity to the site.

2. listed building - There is no mention of the Listed Building status within the Design and Access Statement, presumably a Listed Building application has been submitted. We would like to raise issues regarding the chimney stack, stone slate verge, sash windows, render and the interior.

response

The Design and Conservation Officer has contributed significantly to the design of the application and suggested appropriate conditions to ensure there would be no detrimental impact on the Listed Building as a result of the proposed development. A Listed Building application has been submitted.

officer analysis

10. The key issues for consideration are:

- Principle of Development
- Impact on Listed Building
- Residential Amenity
- Highways

principle of development

11. The site comprises of a two storey building. The ground floor has been used as a commercial unit with the first floor being used for storage. The grade II listed property is located within the West Auckland Conservation Area.
12. In respect of the first floor of the building the proposal is considered to conform to local plan policy H19 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 which seeks to permit upper floor residential use of commercial buildings providing there is no conflict with other relevant policies as contained in the local plan. As well as this, since the site is brownfield land and West Auckland is one of the district's urban areas the proposal is considered to conform to the sequential requirements of Policy 4 of the North East of England Regional Spatial Strategy 2008.
13. Since the property is located within the designated Local Shopping Area the proposed change of use of the ground floor must be assessed against policy S8 of the Wear Valley District Plan Local Plan 1997 as amended by Saved and Expired Policies September 2007. Policy S8 seeks retail usage within the designated area; although the current permitted use (tanning and toning salon) is not strictly a retail use it still performs a commercial function, thus contributing towards the vitality and viability of the local centre. As well as this local policy the local planning authority must have regard to Planning Policy Statement 6 'Planning for Town Centres' which requires that proposals should not adversely affect the vitality and viability of existing centres. West Auckland is the second smallest of the local centres in Wear Valley and a

Retail Study Update dated March 2007 highlighted the lack of shops and services within this centre as a weakness.

14. However, there has recently been planning approvals for bringing nearby properties into commercial use: at Number 36 Front Street a former café that had been used as a residential property has had planning approval for a change of use from residential to a hairdresser and beauty salon (3/2007/0882); and there has been planning approval for a change of use of an out-house from a non-commercial use to a café at Number 48 The Green (3/2008/0252). Although No. 48 The Green is located just outside of the retail area it is considered that these approvals would help to compensate for the loss of the commercial unit at the application site itself, that is, if they are implemented.

impact on listed building

15. It is also considered that the proposal would bring a currently vacant, rundown grade II listed building back into use and dramatically improve its appearance; this would accord with PPG 15 which seeks amongst other things to ensure that any new works respect the character and scale of the building. The site is located within a conservation area and the proposal would improve the character and appearance of the conservation area in accordance with policy BE6 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007 which seeks to preserve and enhance the character of the area. Furthermore, national guidance in the form of Planning Policy Guidance 15 'Planning and the Historic Environment' states in paragraph 3.8 that "Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use".
16. Having regard to the above and the impact of the recent commercial approvals to properties nearby it is considered that the bringing back into use of a listed building would, on balance, not impact on the local shopping area to an extent that would warrant a refusal.
17. It is considered that the proposed development subject to appropriate conditions, would not adversely affect the character and appearance of the host building nor the special scenic quality of the surrounding conservation area. The proposed arrangement and design of the windows and doors to the front elevation are of an acceptable design and the ridge and eaves line of the rear elevation have been amended to make this element subservient to the main building. The proposal accords with policies BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the objectives of PPG15: Planning and the Historic Environment.

residential amenity

18. There are neighbouring properties to either side of the application site. No. 47 Front Street has a small extension to the rear with a window facing onto the application site. As there would be no windows to the side elevation of the proposed extension it is considered that no loss of privacy would be caused to the occupiers of this property. There would be no increase in the foot print of the existing single storey extension to the rear of the application site however

there would be an increase in height to accommodate the first floor. It is considered that as this increase would only be approximately 1.4 metres there would be no unreasonable increase in overbearing overshadowing effects on the occupiers of the neighbouring properties. The garden area to No. 45 Front Street is adjacent to the proposed development. It is considered that as there would be no windows to this elevation no loss of privacy would be caused to these occupiers. The proposal accords with policies GD1, H24 and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007.

highways

19. It is not proposed to provide any parking spaces within the site however there would be adequate space for on street parking within close proximity to the site and there is a community car parking nearby. Durham County Council Highways Department have not objected to the scheme therefore it is considered that it would be unreasonable to refuse this application because there would be no parking provision within the site. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

20. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. The application was also advertised in the local press.
21. One letter of observation has been received, the contents of which are summarised below:
 1. The application shows a window to the proposed side elevation at ground floor level, as this elevation forms the boundary to my mother in laws property this would access directly into her garden.
 2. The boundary is in very poor condition and the applicant may well need access from No. 45 Front Street to remedy this.

response to objections

22. The following comments are made in response to the issues raised:
 1. The application has been amended since this observation has been received. The windows to the side elevations of the rear extension have been removed.
 2. This is a civil matter and not a material planning consideration.

conclusion and reasons for approval

1. The proposal accords with policies GD1, H25, FPG5, BE5, BE6, BE17 and S8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, policy 4 of RSS, PPS6 and PPG15 as:
 1. The application site is located within the settlement limits to development as identified within the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007. The application site is brownfield land and West Auckland is one of the district's urban areas.
 2. The development would not have an adverse impact on the local shopping area or the Grade II Listed Building.
 3. The development would not result in loss of privacy to occupiers of adjacent dwellings.
 4. The development would not create any overbearing or overshadowing impacts on the neighbouring occupiers.
 5. The development would not harm the vitality and viability of the local shopping area.

RECOMMENDED

That planning permission is **GRANTED** subject to the following condition and reason;

condition

1. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a) all windows shall be timber with a painted finish, single glazed and putty pointed, the exact specifications for which shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
 - b) all windows shall be recessed 100 mm from the face of the building the exact specifications for which shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
 - c) Windows to the front elevations shall be fully inspected and a written condition report shall be provided to the local planning authority detailing the findings, if replacement is required the new windows shall be sliding sash windows with a cord and weight mechanism as a means of opening. The use of spring or spiral balances are unacceptable.
 - d) Prior to the commencement of development full joinery details at a scale of 1:20 for all new and replacement windows shall be submitted to and approved in writing by the local planning authority and the development shall be implemented in accordance with these approved details.

- e) There shall be no trickle vents on the outer faces of the windows.
- f) Prior to the commencement of development, full joinery details of the new doors at a scale of 1:20 shall be submitted to and approved in writing by the local planning authority and the development shall be implemented in accordance with these approved details.
- g) Prior to the commencement of development samples of all external materials shall be submitted and approved in writing by the local planning authority and the development shall be constructed in accordance with these approved details.
- h) All roof lights shall be conservation flush fitting lights.
- i) Any new rainwater goods shall be cast iron, painted black or traditional profile to match existing. All rainwater goods shall be mounted on traditional brackets.
- j) No fascia boards shall be used throughout the development including the extension to the rear.
- k) Prior to the commencement of development the type and colour finish of the proposed render shall be submitted and approved in writing by the local planning authority and constructed in accordance with the proposed details.
- l) All new cills and lintels shall be used below and above all window openings and shall be natural stone.

reason

1. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1, H24, BE5, BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, RSS, PPS6 and PPG15.

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|--|--|------------------------|---|--|--|
| PS code | <input style="width: 40px; height: 20px;" type="text" value="13"/> | | | | |
| number of days to Committee | <input style="width: 40px; height: 20px;" type="text" value="54"/> | target achieved | <input style="width: 40px; height: 20px;" type="text" value="√"/> | | |
| explanation Next available committee after amended plans were received. | | | | | |

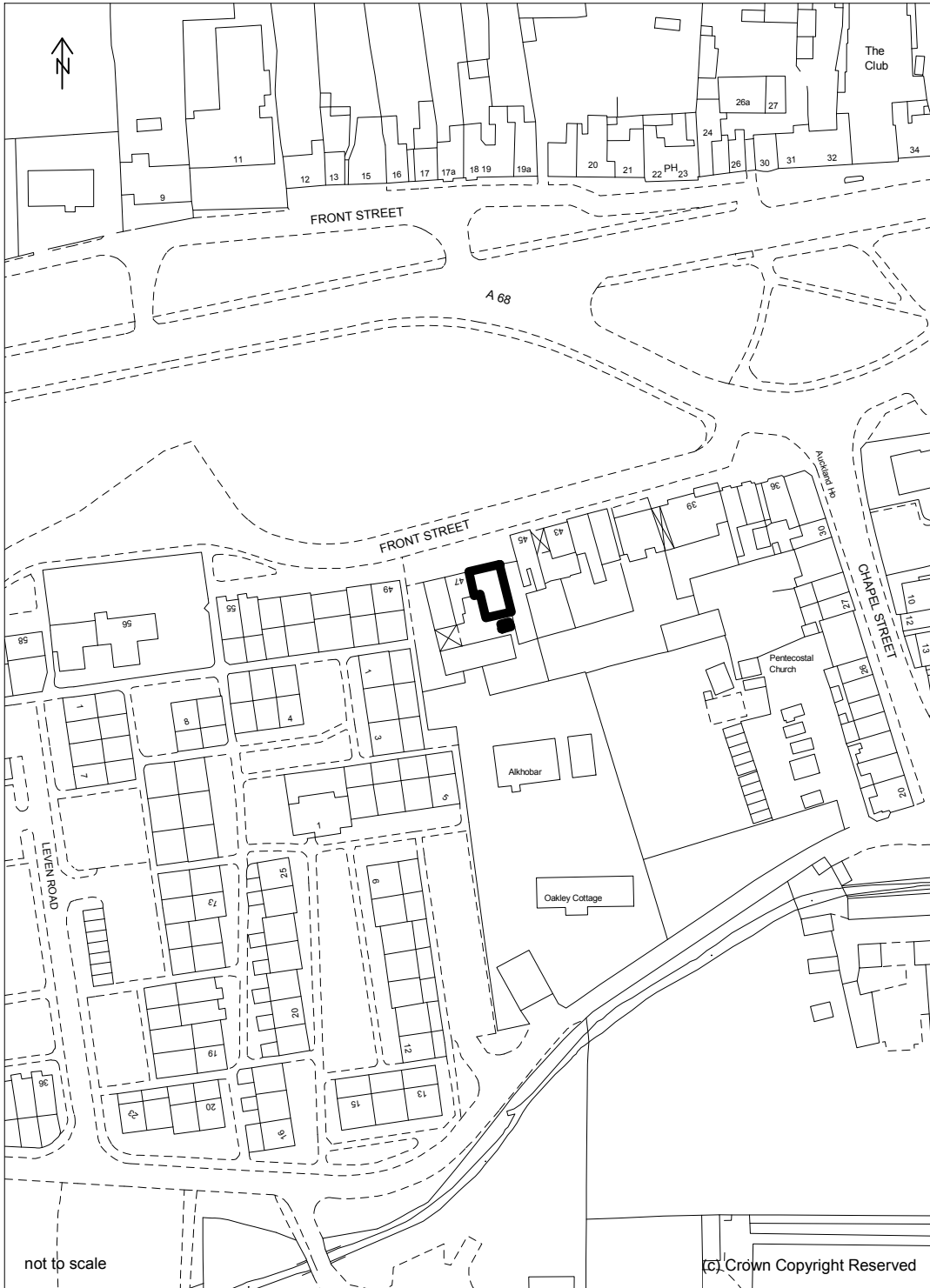
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Joy Whittington
 Planning Officer
 Ext 268

**3/2008/0727- CHANGE OF USE FROM SHOP AND STORE TO 2 NO. FLATS
(RESUBMISSION) AT 46 FRONT STREET, WEST AUCKLAND FOR MR.
BAYLES, SWIFT TIMBER HOMES - 22.11.2008 - AMENDED 16.12.2008**



DEVELOPMENT CONTROL COMMITTEE

15th JANUARY 2009

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0690 - 2 NO. NEW REPLACEMENT WINDOWS TO FIRST FLOOR RESIDENTIAL ACCOMMODATION AND REPLACEMENT GROUND FLOOR ENTRANCE DOOR, NEW SHOPFRONT TO GROUND FLOOR CAFE AT 10 FORE BONDGATE, BISHOP AUCKLAND FOR MR. S. ZAIR, ZAIRS CAFÉ – 30.10.2008 AMENDED 05.01.2009

description of site and proposals

1. Planning permission is sought for alterations to the front elevation of Zairs Café at 10 Fore Bondgate, Bishop Auckland. The alterations include replacing the windows at first floor level, a door at ground floor level and incorporating a new shop front for the café.
2. The application site is a two storey terraced property which has the café at ground floor level and residential accommodation at first floor. The site is located on Fore Bondgate which is the northern shopping area of Bishop Auckland town centre. There are commercial buildings surrounding the site. The application site is situated within the Bishop Auckland Conservation Area.
3. This application is reported to the Development Control Committee as the applicant is a Councillor.

planning history

4. No past planning history.

planning policies

5. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:

- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- GD1 General Development Criteria
- S1 Town Centres
- S15 Shop Fronts

Also relevant is PPG15: Planning and the Historic Environment.

consultations

6. WVDC (Conservation and Environment Manager): The proposal is welcomed as an opportunity to improve an important part of an important historic building in a principal street of the historic commercial core of the Bishop Auckland Conservation Area.
7. I recommend approval of the proposed amended details as received on the 5 Jan. 2008 and strongly advise that conditions be applied to ensure appropriate control over the precise design and materials ensuring that the implemented scheme achieves the Council's objectives concerning the enhanced character and appropriate appearance of this nationally significant Conservation Area.
8. Durham County Council (Archaeologist): No comments received.
9. Bishop Auckland Town Council: No objections.
10. Bishop Auckland Town Centre Manager: No comments received.

officer analysis

11. The key issue for consideration is:
 - Impact on the Surrounding Area

impact on the surrounding area
12. Currently the main elevation of 10 Fore Bondgate is bland and uninteresting with very little architectural qualities. The original drawings which were submitted were not considered to be acceptable. Amended plans have been provided which show a scheme which would enhance the appearance of the host building and surrounding area.
13. The first floor windows are to be replaced with dark brown sliding sash windows which would be more in keeping with the area. The proposed alterations to the shop front would positively add to the appearance of the host building. The features proposed in the new shop front are traditional and would provide character to the building and contribute positively to the special scenic quality of the Bishop Auckland Conservation Area. The proposed alterations to the front elevation of 10 Fore Bondgate would be in keeping with the character of the building and the design would harmonise with its setting.
14. For the above reasons, the proposal satisfies the aims of policies GD1, BE5, BE6, S1 and S15 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, and accords with the guidance in PPG15:Planning and the Historic Environment.

objections/observations

15. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. The application was also advertised in the local press.
16. No observations have been received.

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1, BE5, BE6, S1 and S15 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPG15 for the following reasons:
 1. It would be an improvement to the appearance of the host building.
 2. It would have a positive impact on the visual amenity of the Fore Bondgate shopping area.
 3. It would not detract from the special scenic qualities of the Bishop Auckland Conservation Area.

RECOMMENDED

That planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. Before the commencement of the development hereby approved details shall be submitted to and be approved in writing by the local planning authority showing what the precise proposed external treatment is of each of the shop front elements being replaced, these being the timber fascia, cornice, corbels, pilasters, stall risers and hand painted signage. The development shall thereafter be implemented in accordance with the approved details.
2. Before the commencement of the development hereby approved, detailed drawings shall be submitted to and be approved in writing by the local planning authority showing the exact design and external finish of the proposed residential front door. The door shall be constructed of timber. The development shall thereafter be implemented in accordance with the approved details.
3. The existing grill cover (not a replacement) to the existing extraction system that emits from the front fascia of the building shall be refitted in exactly the same location and shall protrude no more than existing unless otherwise agreed in writing by the local planning authority.
4. The two replacement first floor windows shall be genuine timber sliding sash, not top hung or casement and they must be recessed a minimum of 100mm, unless otherwise agreed in writing by the local planning authority.

reasons

1. To ensure that the development is entirely appropriate to the historic host building and its location on a principal commercial street within the Bishop Auckland Conservation Area, thereby preserving or enhancing the character and appearance of that Conservation Area. In accordance with policies BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To ensure that the development is entirely appropriate to the historic host building and its location on a principal commercial street within the Bishop Auckland Conservation Area, thereby preserving or enhancing the character and appearance of that Conservation Area. In accordance with policies BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. For the avoidance of doubt given the sensitive nature of the site and overall importance of detail in order to ensure that the development is entirely appropriate to the historic host building and its location on a principal commercial street within the Bishop Auckland Conservation Area, thereby preserving or enhancing the character and appearance of that Conservation Area. In accordance with policies BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
4. To ensure that the development is entirely appropriate to the historic host building and its location on a principal commercial street within the Bishop Auckland Conservation Area, thereby preserving or enhancing the character and appearance of that Conservation Area. In accordance with policies BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, PPG15.

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|---|----|------------------------|----|
| PS code | 18 | | |
| number of days to Committee | 78 | target achieved | No |
| explanation Amended plans were required. | | | |

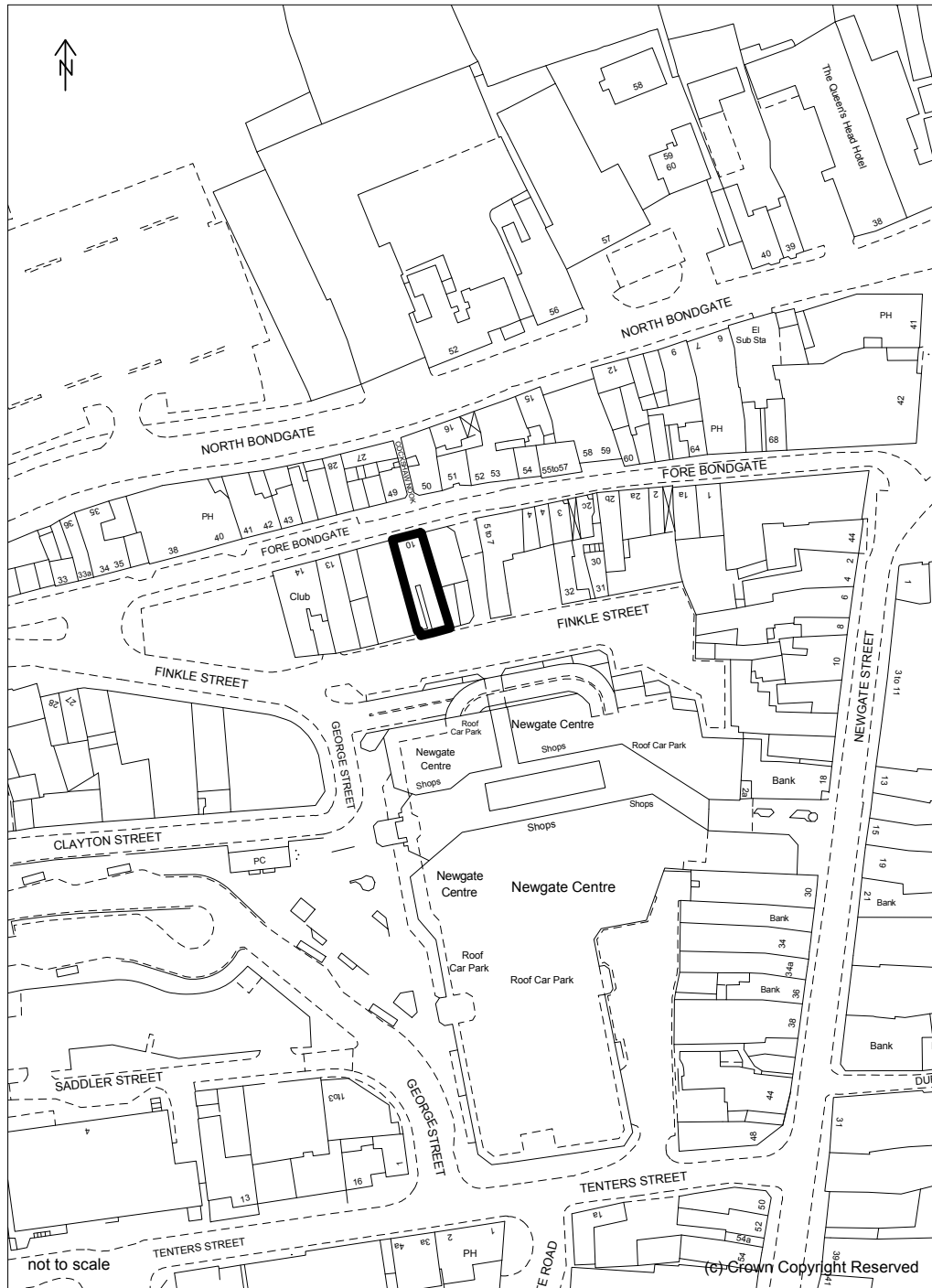
Officer responsible for the report

Robert Hope
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Ext 264

Author of the report

Chris Baxter
Senior Planning Officer
Ext 441

3/2008/0690 - 2 NO. NEW REPLACEMENT WINDOWS TO FIRST FLOOR RESIDENTIAL ACCOMMODATION AND REPLACEMENT GROUND FLOOR ENTRANCE DOOR, NEW SHOPFRONT TO GROUND FLOOR CAFE AT 10 FORE BONDGATE, BISHOP AUCKLAND FOR MR. S. ZAIR, ZAIRS CAFÉ – 30.10.2008 AMENDED 05.01.09



DEVELOPMENT CONTROL COMMITTEE

15TH JANUARY 2009

Report of the Strategic Director for Environment and Regeneration

PART III – OTHER MATTERS

FOR INFORMATION

APPEAL DECISION

3/2007/0080 - PROPOSED NEW FOUR BEDROOM DWELLING WITH INTEGRAL GARAGING AT 11 HALL VIEW, HUNWICK FOR MR. GOUNDRY -13.02.2007

1. Planning permission was refused for the erection of a four bedroom dwelling at land at 11 Hall View, Hunwick for the following reason:
 1. *The application proposes the development of a greenfield site. No justification has been submitted to explain why this land should be released for residential purposes prior to the development of sequentially preferable brownfield sites. The application is therefore considered to be unacceptable and contrary to policies DP1, DP2 and H3 of the Regional Planning Guidance for the North East (RPG1), Policy 3 of the Draft Regional Spatial Strategy and guidance contained in PPS3: Housing.*
2. Mr. Paul Goundry appealed against the refusal of this application.
3. The Inspector has upheld the appeal and granted planning permission. He concluded that:
 - Hunwick is a sustainable location, well related to jobs and services by all modes of transport. The appeal proposal is also compliant with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
 - There is a dispute between the parties as to whether the appeal site constitutes 'previously-developed land' as defined in PPS3. The matter does not appear to be conclusive either way. Nevertheless, within the context of Hunwick, it is considered that the appeal site is in principle, a suitable site for development, even if it were deemed to be 'greenfield'.
 - It was accepted that the appeal site falls within the fourth priority category identified under Policy 4 of the RSS i.e. 'suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.'
 - In April 2007, the Council's Special Regeneration Committee approved a sequential approach to decision making on housing applications in

the light of the findings of its Annual 2006 Monitoring Report (AMR), and to reflect then emerging policy in the RSS. Although this sequential approach is a sensible response, it has not been the subject of consultation, which must limit the weight given to it. The rigid application of this informal policy could prevent any new housing development outside the settlements of Bishop Auckland, Crook and Stanhope. It is not considered that this is a realistic or sustainable position and in the absence of any up-to-date local development policy, it is considered that developers and applicants are entitled to rely on the provisions of WVDLP policy H3, which was 'saved' as recently as August 2007.

- The proposal would not have a detrimental effect on the creation of sustainable patterns of growth in the area having regard to national, regional and local planning policies of development restraint outside established settlements with a range of local facilities and to any identified over-supply of housing land within the district.
- The separation distances involved, the changes in levels and the deposition of windows and the built elements of the scheme, which have been carefully designed to respect neighbouring property, would prevent any undue adverse impact on the living conditions of neighbouring occupiers.

RECOMMENDED

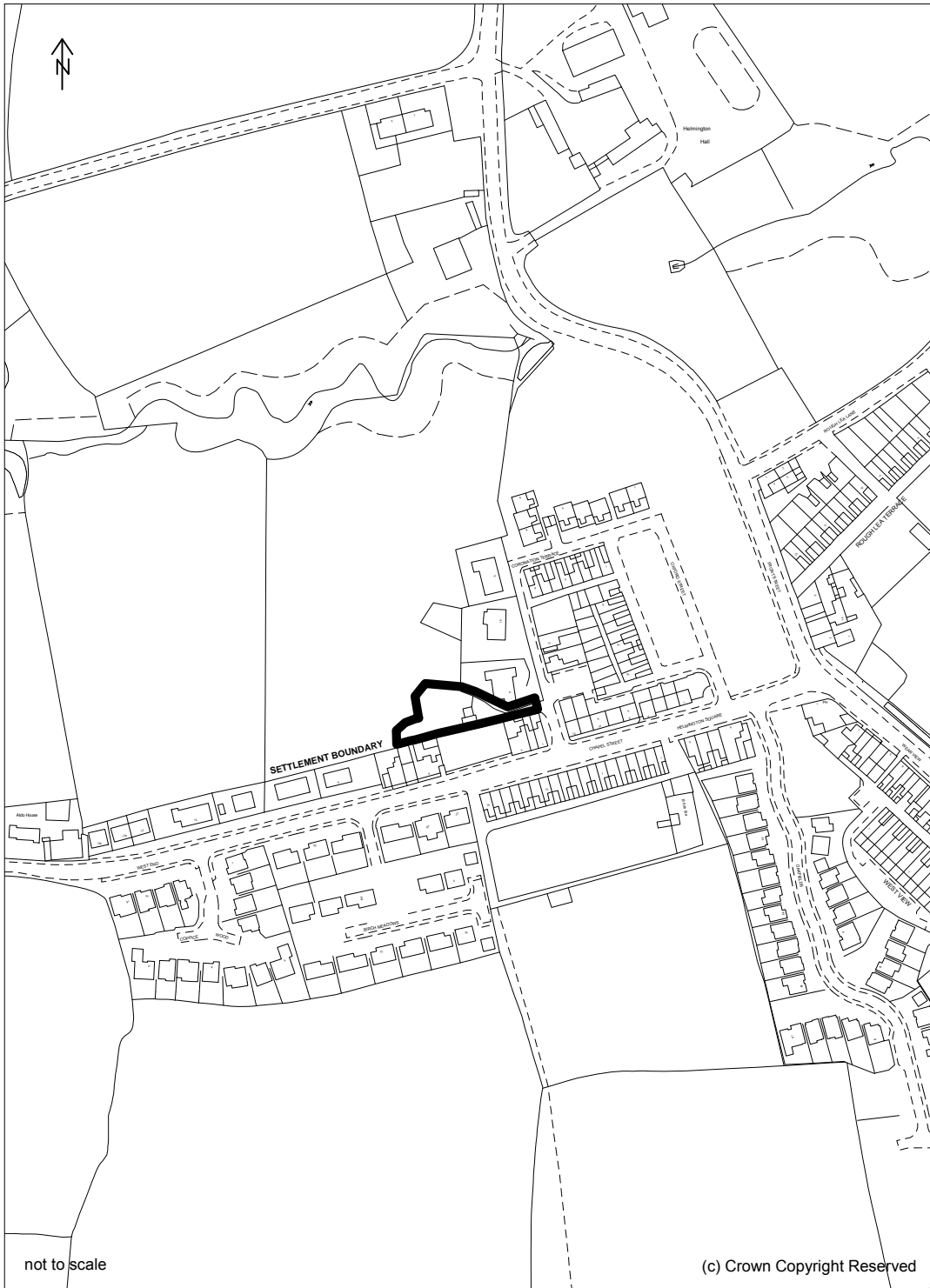
That the Inspector's decision in relation to the above appeal be noted for future reference.

background information

Application file, Wear Valley District Local Plan as amended amended by Saved and Expired Policies September 2007, RSS, Inspector's decision letter dated 28th October 2008.

| Officer responsible for the report | Author of the report |
|---|--|
| Robert Hope Strategic Director for Environment and Regeneration Ext 264 | Chris Baxter Senior Planning Officer Ext 441 |

3/2007/0080 - PROPOSED NEW FOUR BEDROOM DWELLING WITH INTEGRAL GARAGING AT 11 HALL VIEW, HUNWICK FOR MR. GOUNDRY - 13.02.2007



DEVELOPMENT CONTROL COMMITTEE

15th JANUARY 2009

Report of the Strategic Director for Environment and Regeneration

PART III – OTHER MATTERS

FOR INFORMATION

APPEAL DECISION

3/2008/0379 - OUTLINE APPLICATION FOR THE ERECTION OF 4 NO. DWELLINGS AT LAND AT LOW YARD, HELMINGTON ROW, CROOK FOR MRS. SHERIDAN

1. Outline planning permission was sought for the erection of 4 dwellings at Low Yard, Helmington Row. Planning permission was refused for the following reasons;
 1. *Helmington Row is not recognised as an ‘urban area’ under the Council’s application of policies 4 and 6 of the Regional Spatial Strategy, nor could it be considered as a secondary settlement, or offer significant opportunity in terms of previously developed land. The proposal conflicts with policies 4 and 6 of the RSS and PPS1 Delivering Sustainable Development.*
 2. *The proposal does not reflect sustainable patterns of development, and sequentially preferable sites are available within the identified ‘urban areas’, therefore the principle of residential development on the site cannot be supported. The proposal conflicts with policies 4 and 6 of the RSS and PPS1 Delivering Sustainable Development.*
 3. *The proposal, by virtue of the location of the site in relation to nearby residential properties, would be likely to lead to an unacceptable degree of overlooking and would result in a loss of amenity and privacy. The development would not therefore comply with policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007*
2. An appeal was made against the decision. The Inspector has dismissed the appeal for the following reasons;
 - The Inspector did not attach great weight in this case to the Council’s arguments on a surplus of planning permissions for housing given the Council accept RSS housing requirements are not to be regarded as ceiling figures and that the appeal proposal involves only 4 dwellings. Also, whilst the 2007 policy repeats to the letter the priority order for

development in RSS Policy 4, the final category in that order is “suitable sites in settlements outside urban areas, particularly those that involve the use of previously developed land and buildings”. In the absence of any information on the location and availability of sequentially preferable sites the Inspector considered that a decision on this issue in this appeal rested on an assessment of the extent to which Helmington Row is a sustainable settlement, and the proposal makes use of previously developed land, i.e. is the site “suitable” in policy terms?

The Inspector stated that Helmington Row is within 2 kms of a good range of services in both Willington and Crook, the urban area of the latter comes quite close to the village and all three settlements are linked by a bus service twice hourly and which also extends to Durham. There is a convenience store and post office in a service station within a short distance of the appeal site, a playing field and play area along the A690 to the east and a village hall along the same road to the west; and as that hall is within easy walking distance the fact that it is outside the village’s settlement limit, as the Council point out, is not significant. By these commonly used indicators, and contrary to what the Council argue, the Inspector considered the village to be a reasonably sustainable location. Also, although the site extends into greenfield land, that land is within the settlement limit and the proposal would in principle both make constructive use of previously developed land on Low Yard and secure a significant environmental benefit in removal of the existing derelict lock up garages.

In the Inspector’s view the appeal proposal would comply in principle with Local Plan Policies GD1 and H3 and with RSS Policies 4 and 6. Although it would be within the lowest of four locational categories in the RSS Policy, it would meet the requirements of that category and, even if it did not, it would be hard to argue that a development of the modest size proposed, in this particular location, would seriously prejudice achievement of greater sustainability either regionally or locally. He concluded the proposal would represent development of previously developed land in a sustainable location, acceptable in principle in planning policy terms.

- The appellant gave a number of different figures for the separation distance between the proposed and existing dwellings. The Inspector estimated that the separation would be about 10-12m to the houses to the north on Church Street and 14m to the houses to the east at the end of Russ Street. Whatever the precise figures are the Inspector concluded the separation would be below the Local Plan minimum guideline for window to gable distance and significantly below that for distance between windows of habitable rooms.

The Inspector stated that the guidelines are self-evidently for guidance and must be applied with reasonable flexibility to the circumstances of each individual case. However, and importantly, in this case the front elevation of the proposed dwellings would face, at a distance of only some 14 m, ground and first floor windows in Nos. 14 and 21 Russ

Street in a way that the Inspector considered would seriously detract from the privacy that both existing and prospective residents could reasonably expect to enjoy. Also, although there would be no direct overlooking to and from the Church Street properties, activities around both the new and existing dwellings would be very much open to view from neighbours.

The Inspector accepted that the submitted layout plan was indicative but there was only limited room for manoeuvre in siting. In particular, to improve separation distances by moving the proposed buildings westwards would encroach further onto the paddock to the rear and thus significantly weaken the argument that the proposal makes good use of previously developed land. Given this and other siting constraints the Inspector considered that the layout plan gave a good indication of what the situation would be in practice.

Although the appellant argued that the level of separation envisaged is not uncommon locally, and that applying the Local Plan figures would give a form of development out of keeping with the locality, the Inspector considered that this would be taking the need to respect the context of development somewhat too far. Levels of privacy that were commonplace in Victorian colliery rows are not necessarily acceptable today and, although there were houses on the appeal site up to some 30-40 years ago, it is evident from submitted map extracts that they were decidedly cramped and un-neighbourly by modern standards. In the Inspector's view what was proposed would risk returning in part to an unsatisfactory form of development and would fail to safeguard residents' living conditions in terms of overlooking and loss of privacy, contrary to the aims of Local Plan Policy H24.

RECOMMENDATION

That the Inspector's decision in relation to the appeal be noted for future reference.

background information

Application file, Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, RSS, Inspector's letter dated 16 December 2008.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

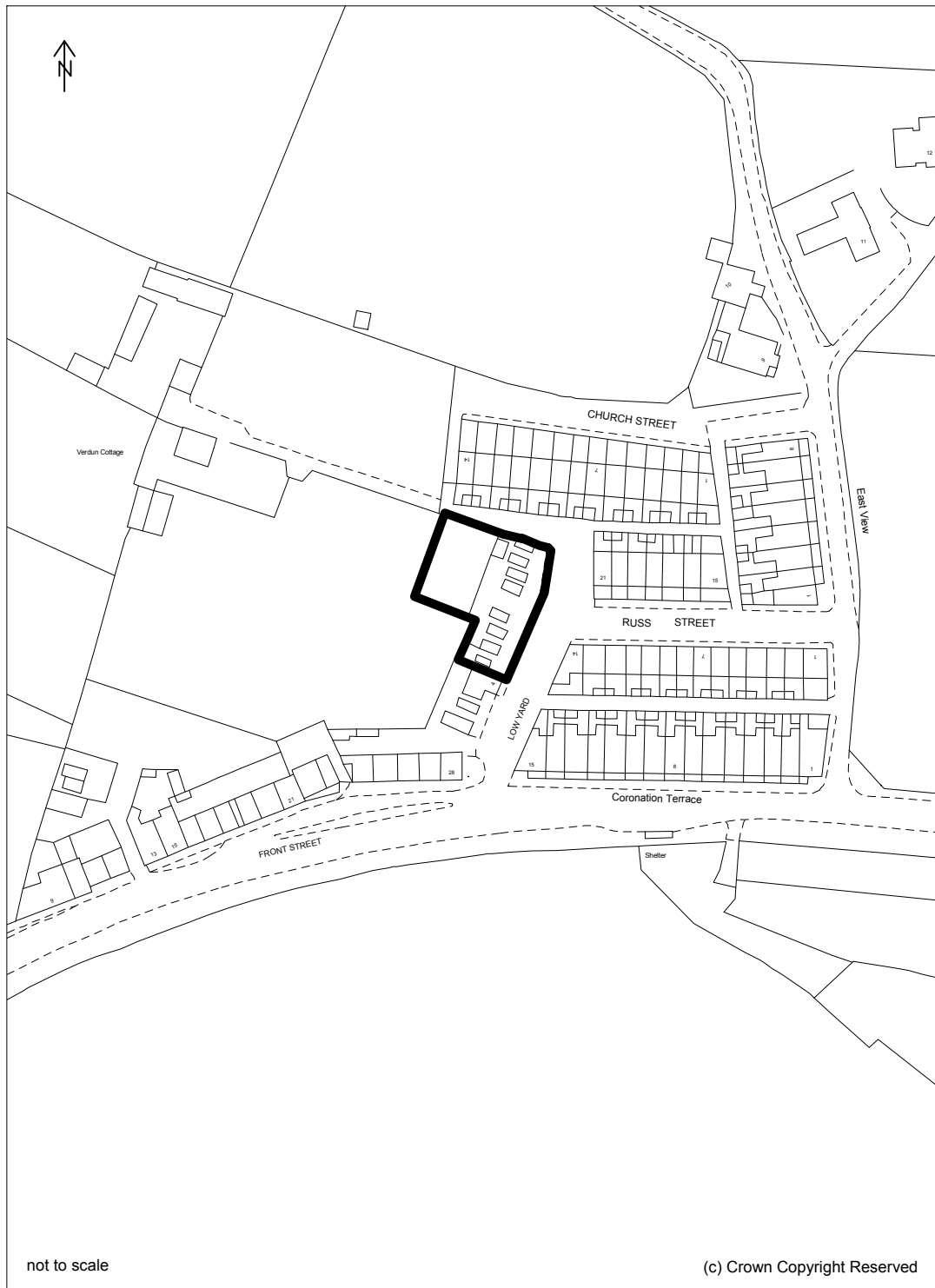
Author of the report

Adam Williamson

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Ext 495

3/2008/0379 - OUTLINE APPLICATION FOR THE ERECTION OF 4 NO. DWELLINGS AT LAND AT LOW YARD, HELMINGTON ROW, CROOK FOR MRS. SHERIDAN – 05.06.2008



DEVELOPMENT CONTROL COMMITTEE

15th JANUARY 2009

PART III – OTHER MATTERS

**FOR INFORMATION
APPEAL DECISION**

**3/2007/0747- CHANGE OF USE FROM RETAIL TO RESIDENTIAL AT
EDMUNDBYERS VILLAGE STORE , EDMUNDBYERS, CONSETT FOR T. M. AND
P. J. DAVIDSON**

1. Planning permission was refused for the change of use from retail to residential at Edmundbyers Village Store, Edmundbyers for the following reason;
 1. *The proposal would lead to the loss of the last A1 retail unit in the Village, and as such is in direct conflict with guidance contained in policy S13 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*
2. The applicant appealed against the refusal of the application.
3. The Inspector has dismissed the appeal for the following reasons;
 - There are no other shops in the village. An extant planning permission exists for a retail use (Class A1) for part of the nearby public house. This has not yet been implemented however and there is no certainty that there would be another retail facility in the village. The Inspector therefore considered that the appeal premises contain the last remaining retail facility in the village. On this basis the proposed change of use is contrary to Policy S13.
 - No substantive evidence was put to the Inspector to demonstrate that the shop is not viable. No information relating to turnover or profit/loss was submitted. It may well be that the appellants do not have the funds to invest in the premises and the business. It has not been demonstrated however, that another party would not be willing to take on the business and make the necessary investment, should it be marketed at an appropriate value. It was confirmed at the hearing that although the property had been marketed for sale in the past, this was on the basis of entirely residential use. There is no evidence that the property has been marketed on the basis of mixed residential and retail use, or indeed whether the value placed on the property was appropriate.

- The Inspector also took into account the personal circumstances of the appellants and appreciated the past difficulties in relation to the business. The Inspector also accepted that the shop is physically connected to the residential element of the property and that it would be difficult to function as a retail unit on its own, certainly without significant investment. However, in the absence of substantive evidence in relation to viability and the appropriate marketing of the property, the Inspector considered that these factors are not sufficient to outweigh the need to protect local services in rural areas and the conflict with Policy S13.

RECOMMENDATION

That the Inspector's decision in relation to the appeal be noted for future reference.

background information

Application file, Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, PPS7: Sustainable Rural Development, Inspector's letter dated 29 December 2008.

Officer responsible for the report

Robert Hope

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Ext 264

Author of the report

Adam Williamson

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Ext 495

APPEAL DECISION

3/2007/0747- CHANGE OF USE FROM RETAIL TO RESIDENTIAL AT EDMUNDBYERS VILLAGE STORE , EDMUNDBYERS, CONSETT FOR T. M. AND P.J. DAVIDSON



DEVELOPMENT CONTROL COMMITTEE

15th JANUARY /2009

PART III – OTHER MATTERS

FOR INFORMATION

APPEAL DECISION

3/2008/0415 - PROPOSED FOUR BEDROOM DWELLING AT LAND ADJACENT TO 13 HIGH ROAD, STANLEY CROOK FOR MR. DOBSON

1. Planning permission was refused for a four bedroom dwelling on land adjacent 13 High Road, Stanley Crook, for the following reasons;
 1. *Stanley Crook is not recognised as an 'urban area' under the Council's application of policies 4 and 6 of the Regional Spatial Strategy, nor could it be considered as a secondary settlement, or offer significant opportunity in terms of previously developed land. The proposal conflicts with policies 4 and 6 of the RSS and PPS1 Delivering Sustainable Development.*
 2. *Sequentially preferable sites are available within the identified 'urban areas', therefore the principle of residential development on the site cannot be supported. The proposal conflicts with policies 4 and 6 of the RSS and PPS1 Delivering Sustainable Development.*
2. The applicant appealed against the refusal of the application.
3. The Inspector has dismissed the appeal for the following reasons;
 - Outline permission was granted in November 2005 and in the description of the development this referred to the erection of a bungalow. As the Council properly explain, that extant permission establishes the current acceptability of suitable residential development here. However, the current proposal is not for a bungalow or for the approval of any 'reserved matter'. On the contrary, it is a new application for a substantial, double gabled, 4 bedroom dwelling that would occupy much of the plot frontage and stand closer to the roadside than the adjacent bungalow at No.14. The Council do not object to such development believing that it would not impair the street scene or harm residential amenity. Rather, they have refused permission because the proposal would not accord with their recently approved 'sequential test'. That test is designed to reflect national and adopted regional policies aimed at guiding the limited new housing required to 'brownfield' sites in named urban areas and preventing development in less sustainable locations. Stanley Crook is not one of those named urban areas and, consequently, this 'brownfield' site

would not be in one of the more sustainable locations now identified for housing development.

- The Inspector considered that the intrusion of such a large double gabled property between and opposite relatively modest bungalows would appear oddly intrusive. That harmful effect would be all the more evident due to the projecting double gables, the extent of the building across the plot frontage and the proximity of the structure (accentuated by the protruding garage) to the roadside. Because the width of the street is limited and the gardens of the bungalows opposite are very small, the double gables would stand barely 19m from those front elevations, their looming presence accentuating the impression of being under surveillance in the front rooms of those small dwellings. The height of the structure would curtail the open prospect above a single storey building that might reasonably be expected across the playground to the east of the site, thereby obscuring more of the sky and the morning sunshine, particularly in winter when what sun there is might be most welcome. The Inspector considered that such a large house would impair the street scene and harm the residential amenity that neighbouring residents might reasonably expect to enjoy.

RECOMMENDATION

That the Inspector's decision in relation to the appeal be noted for future reference

background information

Application files, Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, Inspector's letter dated 6th January 2009.

Officer responsible for the report

Robert Hope
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Author of the report

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Ext 495

APPEAL DECISION
3/2008/0415 - PROPOSED FOUR BEDROOM DWELLING AT LAND
ADJACENT TO 13 HIGH ROAD, STANLEY, CROOK FOR MR. DOBSON

