



Area Planning Committee (Central and East)

Date Tuesday 12 December 2023
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 14 November 2023
(Pages 3 - 12)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee
(Central and East)
 - a) DM/23/02859/FPA - 5 Monks Crescent, Gilesgate, Durham, DH1 1HD (Pages 13 - 20)
Retrospective planning application for the raising of a garage roof.
 - b) DM/23/02860/FPA - 9 Monks Crescent, Gilesgate, Durham, DH1 1HD (Pages 21 - 28)
Retrospective planning application for the raising of a garage roof.
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
4 December 2023

To: **The Members of the Area Planning Committee (Central and East)**

Councillor D Freeman (Chair)
Councillor D Oliver (Vice-Chair)

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali,
J Elmer, P Jopling, C Kay, D McKenna, R Manchester,
I Roberts, K Robson, K Shaw and A Surtees

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in the **Council Chamber, County Hall, Durham** on **Tuesday 14 November 2023** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), A Bell, J Cosslett, S Deinali, J Elmer, P Jopling, R Manchester, I Roberts, K Robson and A Surtees

Also Present:

Councillors J Miller and C Varty

1 Apologies for Absence

Apologies for absence were received from Councillors L Brown, I Cochrane and D McKenna.

2 Substitute Members

There were no Substitute Members.

3 Minutes

The minutes of the special meeting held on 25 September 2023 and meeting held 10 October 2023 were confirmed as correct records by the Committee and signed by the Chair.

4 Declarations of Interest

There were no Declarations of Interest.

5 Applications to be determined by the Area Planning Committee (Central and East)

a DM/23/01107/FPA - Wheatley Service Station, Durham Road, Wheatley Hill, Durham, DH6 3LJ

The Senior Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the demolition and removal of all existing structures on site and redevelopment of the site to provide an enhanced domestic forecourt and HGV refuelling positions; provision of an EVC hub including a disabled EV charging bay; sales building including food to go offer, two jet wash bays, vacuum and air/water bay; new access, associated parking and landscaping and was recommended for approval, subject to the conditions as set out in the report.

Councillor S Deinali entered the meeting at 9.40am

The Senior Planning Officer noted no objections from the Council's Highways Section, subject to conditions and appropriate road markings. She highlighted four letters of support had been received from Members of the public, though with concerns as regards litter and the pedestrian entrance possibly being used by quad bikes and motorcycles. She noted objections had been received from Wheatley Hill Parish Council in relation to the closure of the rear road access to the service station, and the impact that would have on highway safety. The Senior Planning Officer concluded by noting that Condition 5 should contain an extra sentence to read: '*... Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details and implemented prior to the site being brought into use.*' and should Members wish to approve the application, she would ask that would include the addition.

The Chair thanked the Senior Planning Officer and asked Councillor J Miller, Local Member, to speak in relation to the application.

Councillor J Miller noted he was one of the three Local Members for Trimdon and Thornley, the Electoral Division in which the application site was located. He noted he was not in attendance in opposition to the application, rather he was in attendance to relay the concerns raised by residents and the Parish Council. He noted he had asked for the application to be called-in to Committee as concerns had been raised in relation to highway safety.

He added he had been told that the Committee report would answer the concerns raised, however, subsequent to looking at the report, he still felt the matter should be looked at by Committee.

Councillor J Miller noted that the garage in question was very popular, with many customers, as it had the cheapest fuel prices in the area. He added that the road was very busy, with a traffic flow of 17,000 vehicle pre-pandemic. He added since that time, a number of additional houses had been built in the area, adding to the traffic numbers. He explained that the road was the main route from the east of the county into Durham City and was a link road between the A19 and A1(M), and was a high speed, 60 mph road.

Councillor J Miller noted that the garage was situated in a location which had four junctions within close proximity, namely the route into Wheatley Hill, the garage itself, a nearby caravan park and a farmer's field opposite. He noted that the application proposed two junctions to replace the existing one, make a new total of five within close proximity. He added that he had personally had to wait for up to five minutes to be able to turn into the garage, with a wait of up to 20 minutes to try and cross-over the road to travel in the other direction. He noted that he had asked that improvements such as a roundabout or pedestrian crossing be considered on highway safety grounds, however, he noted neither were included within the recommendations.

Councillor J Miller explained there had been a number of crashes in the area and questioned the description within the report of a "*small number of incidents*", as he knew of a very serious crash recently, and fatal accidents in the past. He noted he felt that not all of the crashes could be attributed to "*driver error*" as set out within the report.

Councillor J Miller explained he understood those local residents in support of the application, in terms of their support of the closure of the rear lane access to the garage. He added that the Parish Council had raised concerns in terms of the impact on highway safety in closing that back lane entrance to the garage. He added that, should the application be approved without a rear access for vehicles, he would welcome any measure on the pedestrian access to limited access by quad bikes and motorbikes. He noted that he was wary that closing the rear vehicle access could lead to a dead-end lane which could lead to an increase in anti-social behaviour, and increased parking on Wingate Lane.

The Chair thanked Councillor J Miller and asked Councillor C Varty, another Local Member for the area, to speak in relation to the application.

Councillor C Varty noted she would second the comments made by Councillor J Miller and therefore would just add a few points. She noted that when speaking to local community groups, such as a group providing baby massage classes for young mother, she understood that many young people, and the elderly, preferred to use the back lane entrance to the garage, for fear of the traffic speeds on the main road entrance. She noted that recent speed advisors had been displaying an alert of driver speed, therefore it was known there was an issue in terms of speeds. She added that there had been a lot of customers at the garage today, noting the time it took to get to County Hall.

Councillor C Varty explained that the shop at the garage was used by many, including young people and the elderly, and closing the back lane vehicle entrance would limit their access to the shop facility, fearing many may in fact drive to the left all the way to Wingate and double-back along the main road, rather than make the right-hand turn out of the garage across the busy main road. She concluded by noting she too was not in objection to the application, rather she was voicing the concerns that had been raised with her by local residents.

The Chair thanked Councillor C Varty and asked David Swetnam, Local Resident to speak in support of the application.

D Swetnam noted he, along with other residents in attendance with him, supported the application before Members. He noted at the A181 was a busy road, however, the Thornley junction was the main highway concern on this road. He noted that the junction near to the garage was not a major concern and the proposed new separation of entrance and exit for the new garage would help improve safety amongst other benefits. He explained that he lived to the rear of the garage, in a small cul-de-sac, and noted that if the application was for new garage, meaning there had been no previous development on the site, he could not see how a rear lane entrance would ever be granted. He noted the rear entrance was historic, pre-dating the bypass road, and therefore the current application presented a good opportunity to close that rear lane access. He concluded by noting that residents in attendance felt the proposals represented an improvement and they wished for the development to go ahead.

The Chair thanked D Swetnam and asked H Chapstick, agent for the applicant, to speak in support of the application.

H Chapstick noted he had reviewed the Officer's report and information in relation to the addition for Condition 5 and confirmed they were acceptable. He added that he welcomed and supported the Officer's recommendation for approval and thanked consultees for their contributions.

He noted that there had been no objections from residents in relation to the scheme, the proposals being to enhance an existing petrol station facility, with an enhanced offer and enhanced environmental benefits. He noted the proposals were policy compliant in terms of the County Durham Plan (CDP) and National Planning Policy Framework (NPPF).

H Chapstick noted the local residents had spoken of their support for the closure of the vehicular access via the rear lane, however, he added that it was also to help in terms of safety, allowing for a better layout within the garage site for heavy goods vehicles (HGVs). He added that other benefits included the separation of entry and exit on to the A181, reducing conflict at those points. In that regard, he noted that Highways Officers had endorsed the proposals and concluded by reiterating he would support the Officer's recommendation for approval.

The Chair thanked H Chapstick and asked Council Officers to comment on the points raised by the speakers.

The Principal DM Engineer, D Battensby noted that the data source used by the Council in terms of accidents was from the Police, a national standardised data set that was shared with Local Authorities and other bodies. He added that it contained a lot of information in respect of incidents, road condition, time of day, other road safety issues, including contributing factors. He explained that only incidents resulting in personal injury were recorded, not damage only incidents which had not required the attendance of the emergency services or are dealt with by an exchange of details; therefore, these incidents are not recorded or have any specific investigation. He noted the standard period to consider for accident data was three years, however, for this application Officers had looked at data for a five-year period, to take account of any changes as a result of the pandemic and associated lockdowns. He noted that period showed a total of six incidents in the area, with only one being directly relating to turning into the filling station, with two others being on Cemetery Road, the remaining three being elsewhere on the A181. The Principal DM Engineer noted that "driver error" being recorded as a contributing factor was a term used to encompass a number of issues, such as failure to observe, failure to judge speed, failure to observe traffic signs amongst others. He reiterated that there had only been a small number of recorded incidents, given the large volume of 17,000 vehicles per day on the A181, and only one of those directly relating to the filling station in five years. In terms of the separation of the junctions in the area, he noted that 100 metres was defined in the national standards as the minimum separation distance which is exceeded by the proposal with the caravan site junction being 600 metres from the garage to the east. In terms of any new pedestrian crossing referred to by Councillor J Miller, such a provision would not be justified as a requirement as a mitigating factor in terms of the application as submitted.

The Lawyer (Planning and Highways), Neil Carter noted Councillor S Deinali had entered the meeting shortly after the Senior Planning Officer had begun her presentation and asked if she felt fully sighted in terms of the application and issues. Councillor S Deinali noted she did feel fully sighted on the application and the issues and had been present while all the speakers had made their contributions.

The Chair thanked the Officers and asked the Committee for their comments and questions.

Councillor J Elmer noted he had attended the site visit and had a few observations in respect of the application. He noted he had found the comments from the Highways Section useful, in terms of the separation of access roads. He noted that had been a concern of residents, however, he personally felt the new arrangements proposed were an improvement. He added he felt the closure of the rear vehicular access was also an improvement, in terms of highway safety. He asked for clarity in terms of the rear entrance remaining open for pedestrian access, as he felt that was very important, though with measures to ensure the exclusion of quad bikes and motorbikes. Councillor J Elmer noted that the proposals, as it included a retail element, would be a litter generator and therefore he felt there should be the inclusion of a condition relating to not only the operator of the business providing litter bins, but also picking up litter in addition. He proposed that should the Committee be minded to approve the application, he would seek an additional condition relating to a litter picking via a litter management plan.

Councillor D Oliver noted the comments made by Councillor J Elmer and added he felt very comfortable with the application, and that the steps outlined within the report and explained by Officers at Committee were clear in terms of helping to reduce risk, such as the removal of the rear lane access. He thanked residents in attendance, with their comments also being valuable in terms of helping Members understand the situation. He noted it was very rare to have such letters of support from residents for an application that was being heard at Committee. He noted he felt the closure of the rear lane vehicular access would in fact reduce litter spreading and therefore he was minded to support the application.

Councillor A Surtees noted she agreed in principle with the application, however, noted the objections to the rear vehicular access being closed by some residents. She noted she had known there had been the rear access road for a very long time, being a resident from the east of the county herself. She noted she also knew that the A181 at that point was a very busy road with a lot of traffic, adding she had to sit in her car and wait at the garage entrance and junction into Wheatley Hill on many occasions due to traffic.

She noted the reference to a fatality on the road as referred to by the Local Members. She asked if the only reason to close the rear lane vehicular access was to do with the HGV movements within the garage site, and asked if there was not another way to organise that aspect, or to have the rear entrance open at peak times as required. She noted that the closure of the rear vehicular access was only supported by the five or six properties directly to the rear of the garage site.

Councillor P Jopling noted that when looking at the existing garage plans and those of the proposed new garage, she felt that there was quite a lot being included on the site. She added that she felt the proposals represented an enhanced offer for local residents. She also asked for the rationale in terms of closing the rear vehicular access, was it for highways safety, flow of traffic. In any case, she noted she agreed with Councillor J Elmer in terms of the pedestrian access and ensuring it would not allow quad bikes or motorbikes to gain access.

The Chair asked the agent for the applicant, H Chapstick to explain as regards the closure of the rear lane vehicular access within the proposals. H Chapstick noted that the proposed closure of the rear vehicular access was to ensure segregation of HGVs and regular vehicles within the filling station. He noted that retention of the rear entrance would conflict with the HGVs and also the closure allowed for a loop within the site such that a one-way system helped in terms of efficient and safe traffic flow.

Councillor S Deinali noted her delay in getting to Committee had been as a result of gridlock at the very garage in question, adding she had been required to use the current rear vehicular access to get out of the garage, else she may well have still been at the garage now. She noted she had listened to those speaking in respect of the application and added she supported the development, however, she felt she was against closure of the rear access to the site. She noted the comments from the agent for the applicant as regards HGVs, however, she felt something could be accommodated, for example having the rear access as exit only.

Councillor A Bell asked for clarification on the closure of the rear lane access. He noted that it was supported by those residents who had written to the Council, and those in attendance at Committee. He noted the comments from fellow Members, however, noted that the application before the Committee did include closure of the rear vehicular access. In terms of the wider redevelopment of the site, he felt that the proposals were excellent and appropriate to ensure the facility was fit for the future, with electric vehicle parking/charging and improvements to the shop element.

He noted he had experience of using that section of the A181, and he too had waited at the junctions for a period of time to be able to cross safely in his vehicle, however, it was not for the Planning Committee to look to solve those other highways issues, rather to consider the application as proposed. He noted he would support approval to include a condition relating to litter and asked for clarification on the issue of pedestrian access.

Councillor A Surtees noted she would second any proposal that retained the rear vehicular access. Councillor I Roberts endorsed the view of Councillor A Surtees, especially given the volume of traffic on the A181.

Councillor J Elmer noted that the retention of the rear vehicular access could present issues in terms of highway safety and also would represent a significant departure from the application as presented. He proposed that the application, with the additional wording for Condition 5, and an additional condition relating to a litter management plan be approved. Councillor D Oliver noted that he felt the closure of the rear vehicular access was helping to reduce risk and contributed overall positively to the issues related to traffic in the area. He emphasised that the access on to the main road would not be the same as currently in place, rather it was separate entry and exit, an enhanced provision. He felt that the closure of the rear vehicular access would also help in terms of litter, and he would second the proposal from Councillor J Elmer, however, would wish to hear from Officers as regards the rear access and litter picking provision.

The Senior Planning Officer noted that it was possible to add a condition relating to litter management. She noted that rear pedestrian access was being proposed within the application. She added that the concerns raised by supporters of the application had been the potential use of the pedestrian access by quad bikes, and that was considered via condition, however, there was a limit to the measures permissible while still allowing sufficient access for wheelchairs and pushchairs. She noted paragraph 92 of the report had considered those issues. She reiterated the closure of the rear vehicular access was as described by the agent for the applicant and was part of the application being considered.

The Principal DM Engineer noted the comments from the agent for the applicant in terms of the separate of HGVs from regular cars. He added that retaining the rear access would lead to vehicles entering the site in a contraflow direction which would be a safety issue. Furthermore, if it were retained as an exit only there would still be a possibility of some motorists risking entering the site from that direction. He advised that Highways Officers had requested improvements to the new accesses with the A181 from an early stage of the development which the applicant had taken on board.

He reiterated that the proposals included new, separate entry and exit points from the garage on to the A181, which was felt to represent a significant improvement on the current arrangement, with better radii on the turns into and out of the garage, longer tapers on and off the A181, and with a larger right-hand turn lane. He added that on balance, Officers were in favour of the proposals. He noted that retention of the rear entrance would be contrary to the proposed flow of vehicles and therefore the application as proposed was the more appropriate and safer option. He noted that the proposed new separate entry and exit was very similar to many other filling stations located on busy main roads. In terms of the speed of traffic on the A181, the applicant had carried out speed surveys and the result concurred with County Council surveys conducted in the past and therefore he was confident the data was credible. He concluded by noting that visibility at the garage was greater than the required national standards, that the separate entry and exit was an improvement, and therefore the application was acceptable in terms of highways safety.

The Lawyer (Planning and Highways) noted that in respect of the rear vehicular access, and retention as proposed by some Members, it was clear that the application before the Committee included proposals to close that rear entrance and there was not the option to alter that at Committee. Councillor A Surtees noted she would withdraw her motion.

The Chair noted the application had been moved for approval by Councillor J Elmer and seconded by Councillor D Oliver.

Upon a vote being taken, it was:

RESOLVED

That the application be **APPROVED** subject to the conditions within the Committee report, an additional sentence to be included within Condition 5 relating to compliance with final approved design details, and an additional condition in relation to a litter management plan.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/23/02859/FPA
FULL APPLICATION DESCRIPTION:	Retrospective planning application for the raising of a garage roof.
NAME OF APPLICANT:	Mr Nick Swift
ADDRESS:	5 Monks Crescent Gilesgate Durham DH1 1HD
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	David Richards Planning Officer 03000 261955 david.richards@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a 3-bedroom, semi-detached dwelling located on Monks Crescent within a predominantly residential area of Gilesgate. The site is framed by residential dwellings, to the northwest is 3 Monks Crescent, and adjoining the property to the southeast is 7 Monks Crescent.

The Proposal

2. The application seeks full planning permission for the raising of the existing garage roof. The application is retrospective, and the garage roof has increased in height by 505mm with two additional brick courses and has a white UPVC fascia to all sides.
3. The application is reported to Planning Committee at the request of Belmont Parish Council who consider the works are out of keeping with the streetscape and that the applicant has provided no justification for the works themselves.
4. The application site has extant permission for a change of use from C3 dwellinghouse to C4 HMO which was granted on 8th February 2023. For the avoidance of doubt, the previous planning permission establishes the lawfulness of the use of the property as a HMO and as such this application relates solely to the works described above.

PLANNING HISTORY

5. Permission reference DM/22/03690/FPA for the change of use from dwellinghouse (Use Class C3) to small house in multiple occupation (Use Class C4 HMO) approved on 8th February 2023.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
8. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
9. NPPF Part 12 - Achieving Well-Designed Places. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good.
10. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

11. The Government has consolidated several planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; historic environment; design process and tools; determining a planning application; healthy and safe communities; neighbourhood planning; noise; and use of planning conditions.

LOCAL PLAN POLICY:

The County Durham Plan

12. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
13. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards
14. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
15. The Council's Residential Amenity Standards Supplementary Planning Document January 2023 provides detailed guidance in relation to extensions and other works to dwellinghouses to ensure that these do not have an adverse impact upon the host dwelling, the character of the wider area and residential amenity.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

Neighbourhood Plan

16. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. Belmont Parish Council objects to the application citing that the development is out of keeping with the streetscape and that no justification has been provided for the works.

PUBLIC RESPONSES:

18. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents.

19. To date, 2 letters of objection have been received. The letters of objection raise the following concerns:
 - Development is out of character with other properties in the street.
 - Reason for the raising of the roof is to allow conversion to a habitable room and increase occupancy of the HMO.
20. The City of Durham Trust has expressed concerns that the alterations to the garage might be preliminary to creating additional rooms in the recently approved HMO.

The above is not intended to list every point made and 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 <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANT'S STATEMENT:

21. The application for 5 and 9 Monks Crescent are retrospective applications born about by changes on site from those of the original planning approvals. For clarity the applications submitted consider the raising of the garage roof by around 450mm.
22. As confirmed to the enforcement officer at the time the change occurred for the following reasons
 - When we re-waterproofed the roof (old mineral felt removed) the roof structure was found not only to be defective (rot) but to be substandard and undersized by modern building regulation specifications so the timber joists had to be upsized
 - The existing joists were also set to a very low pitch so the builder increased it slightly
 - Building regs requires that when elements of external fabric are fully changed they need to be current thermal standards so hence we had to insulate the roof (150mm insulation on top of the new timber structure).
23. Without destructive surveys at the time of the planning permission we were not aware of the issues until the builders discovered them.
24. There will naturally be a difference between houses constructed in the 1960's and new or elements modified to today's standards and regulations.
25. We would argue that the difference in the as built condition to the as approved condition is minimal in real visual terms and not commensurate with the level of objection or a call to committee for consideration. We would suggest the level of change de-minimis and of little real-world consequence.
26. We also note that some objections are because the application is retrospective and that the applicant may exercise PD rights in the future
27. We note the parish council objected on the basis of the proposals being out of character and called the application to committee on that basis. I would like to respectfully enquire, if the Parish could demonstrate similar applications where they objected for the change in depth of fascia board on domestic extensions/conversions
28. We feel the objections are simply punitive and with malice and clearly not really about the visuals of the proposals but punishing the applicant for getting approval for a HMO in the 1st place
29. Whilst the objectors point to these being out of character with other garages in the street we can point to many others garages in the surrounding streets that have similar taller proportions.

PLANNING CONSIDERATIONS AND ASSESSMENT

30. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
31. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up-to-date local plan for the area which is the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11(d) of the NPPF is not engaged.
32. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, the impact on the character of the area and the impact on residential amenity.

Principle of Development

33. The application is retrospective as the works are already complete but are understood to have been undertaken in association with the existing permitted use of the property as a C4 House in Multiple Occupation. Belmont Parish Council has objected to the application on the basis that no information has been provided to justify the works. However, there is no requirement in national or local planning policy for justification to be provided in relation to extensions or alterations to existing dwellinghouses or HMOs.
34. The development is therefore considered acceptable in principle subject to consideration of the impact on the character and appearance of the area and residential amenity.

Character and appearance of the area

35. National Planning Policy Framework (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities.
36. Policy 29 of the CDP states that all development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
37. The Council's Residential Amenity Standards SPD (Adopted January 2023) outlines basic principles to ensure that development has a positive impact on the character of the area. These include, amongst other things, consistent design approach including materials and subservience whereby all new development should be of a scale that is appropriate to the existing building and does not have an overbearing appearance or nature.
38. Two letters of objection have been received which raise concerns that the development is out of character with the surrounding street scene.

39. The height of the garage roof has increased by 505mm but remains a flat roof design which is a characteristic of the street scene, in that most properties have flat roof garages to the side. The garage of 3 Monks Crescent (adjacent to no5) is stepped down from the application site due to the incline in the street, and therefore already has a staggered appearance. Whilst the garage of no5 is already higher because of this, it is not considered that the increased height appears out of proportion, or dominates in the street scene, and it still appears subservient to the host dwelling. The addition of white uPVC which is a material that is present in the street is also not considered to cause a detrimental impact to the character or appearance of the area.
40. Overall, it is considered that the development does not cause a detrimental impact on the host property or the character of the area in accordance with NPPF Part 12, Policy 29 of the CDP and the Residential Amenity Standards SPD.

Impact on Residential Amenity

41. Policy 31 (Amenity and Pollution) of the CDP states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living conditions. In addition, criterion 'e' of Policy 29 (Sustainable Design) states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
42. Given the limited nature of the alterations which have seen the eaves height of the flat roof having been increased by approximately 505mm it is not considered that this has resulted in any adverse impact upon the amenity of adjacent residents, either from overshadowing, overbearing or loss of privacy.
43. Overall, the development has not resulted in a significant loss of amenity to neighbouring properties and as such accords with the aims of NPPF Part 12 and the requirements of CDP policies 29 and 31.

Other issues

44. An objector has raised concerns that the increase in roof height of the garage has been undertaken in order to allow conversion of the garage to a habitable room, and potentially support an additional floor above. The application site already benefits from planning permission for change of use to class C4 (small HMO) and this establishes the acceptability of that use. The permission was not granted subject to any planning condition restricting the number of occupiers and permitted development rights relating to extensions were not removed as it was not considered necessary. Therefore, conversion of the garage to a habitable room would not amount to a change of use for which planning permission is required so long as the number of occupiers did not exceed 6 and as such would be beyond the control of the Local Planning Authority in this instance. However, the erection of an additional storey above the garage would require planning permission and should the applicant choose to extend the property in this way in the future a planning application would need to be submitted.

Public Sector Equality Duty

45. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination,

harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

46. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

47. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case relates to the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
48. By reason of its limited scale, position, design and external material the works have not resulted in any adverse impact to the character and appearance of the host property or surrounding streetscene or the residential amenity of adjacent occupiers in accordance with Parts 12 and 15 of the NPPF, CDP Policies 29 and 31 and the Council's Residential Amenity Standards SPD.

RECOMMENDATION

That the application be **APPROVED**, subject to the conditions detailed below:

1. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 16, 29 and 31 of the County Durham Plan and Parts 8, 9, 12, and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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- Submitted application form, plans, supporting documents.
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<p>Planning Services</p>	<p>Retrospective planning application for the raising of a garage roof.</p>	
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	<p>Date</p>	<p>Scale NTS</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/02860/FPA
FULL APPLICATION DESCRIPTION:	Retrospective planning application for the raising of a garage roof.
NAME OF APPLICANT:	Mr Nick Swift
ADDRESS:	9 Monks Crescent Gilesgate Durham DH1 1HD
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	David Richards Planning Officer 03000 261955 david.richards@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a 3-bedroom, semi-detached dwelling located on Monks Crescent within a predominantly residential area of Gilesgate. The site is framed by residential dwellings, to the southeast is 11 Monks Crescent and to the northwest is 7 Monks Crescent.

The Proposal

2. The application seeks full planning permission for the raising of the existing garage roof. The application is retrospective, and the garage roof has increased in height by 425mm at the front and 430mm at the rear with two additional brick courses and has a white UPVC fascia to all sides.
3. The application is reported to Planning Committee at the request of Belmont Parish Council who consider the works are out of keeping with the streetscape and that the applicant has provided no justification for the works themselves.
4. The application site has extant permission for a change of use from C3 dwellinghouse to C4 HMO which was approved on 18th May 2023. For the avoidance of doubt, the previous planning permission established the lawfulness of the use of the property as a small HMO and as such this application relates solely to the works described above.

PLANNING HISTORY

5. Permission reference DM/23/00588/FPA for the change of use from dwellinghouse (Use Class C3) to small house in multiple occupation (Use Class C4 HMO) approved on 18th May 2023.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
8. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
9. NPPF Part 12 - Achieving Well-Designed Places. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
10. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

11. The Government has consolidated several planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; historic environment; design process and tools; determining a planning application; healthy and safe communities; neighbourhood planning; noise; and use of planning conditions.

LOCAL PLAN POLICY:

The County Durham Plan

12. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
13. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards
14. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
15. The Council's Residential Amenity Standards Supplementary Planning Document January 2023 provides detailed guidance in relation to extensions and other works to dwellinghouses to ensure that these do not have an adverse impact upon the host dwelling, the character of the wider area and residential amenity.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

Neighbourhood Plan

16. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. Belmont Parish Council objects to the application citing that no justification has been provided for the development and it is out of keeping with the streetscape.

PUBLIC RESPONSES:

18. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents.

19. To date, 2 letters of objection have been received. The letters of objection raise the following concerns:
- Development is out of character with other properties in the street.
 - Reason for the raising of the roof is to allow conversion to a habitable room and increase occupancy of the HMO.
20. The City of Durham Trust has expressed concerns that the alterations to the garage might be preliminary to creating additional rooms in the recently approved HMO.

The above is not intended to list every point made and 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 <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANT'S STATEMENT:

21. The application for 5 and 9 Monks Crescent are retrospective applications born about by changes on site from those of the original planning approvals. For clarity the applications submitted consider the raising of the garage roof by around 450mm.
22. As confirmed to the enforcement officer at the time the change occurred for the following reasons
- When we re-waterproofed the roof (old mineral felt removed) the roof structure was found not only to be defective (rot) but to be substandard and undersized by modern building regulation specifications so the timber joists had to be upsized
 - The existing joists were also set to a very low pitch so the builder increased it slightly
 - Building regs requires that when elements of external fabric are fully changed they need to be current thermal standards so hence we had to insulate the roof (150mm insulation on top of the new timber structure).
23. Without destructive surveys at the time of the planning permission we were not aware of the issues until the builders discovered them.
24. There will naturally be a difference between houses constructed in the 1960's and new or elements modified to today's standards and regulations.
25. We would argue that the difference in the as built condition to the as approved condition is minimal in real visual terms and not commensurate with the level of objection or a call to committee for consideration. We would suggest the level of change de-minimis and of little real-world consequence.
26. We also note that some objections are because the application is retrospective and that the applicant may exercise PD rights in the future
27. We note the parish council objected on the basis of the proposals being out of character and called the application to committee on that basis. I would like to respectfully enquire, if the Parish could demonstrate similar applications where they objected for the change in depth of fascia board on domestic extensions/conversions
28. We feel the objections are simply punitive and with malice and clearly not really about the visuals of the proposals but punishing the applicant for getting approval for a HMO in the 1st place
29. Whilst the objectors point to these being out of character with other garages in the street we can point to many others garages in the surrounding streets that have similar taller proportions.

PLANNING CONSIDERATIONS AND ASSESSMENT

30. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
31. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up-to-date local plan for the area which is the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11(d) of the NPPF is not engaged.
32. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, the impact on the character of the area and the impact on residential amenity.

Principle of Development

33. The application is retrospective as the works are already complete but are understood to have been undertaken in association with the existing permitted use of the property as a C4 House in Multiple Occupation. Belmont Parish Council has objected to the application on the basis that no information has been provided to justify the works. However, there is no requirement in national or local planning policy for justification to be provided in relation to extensions or alterations to existing dwellinghouses.
34. The development is therefore considered acceptable in principle subject to the consideration of the impact on the character and appearance of the area and residential amenity.

Character and appearance of the area

35. National Planning Policy Framework (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities.
36. Policy 29 of the CDP states that all development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
37. The Council's Residential Amenity Standards SPD (Adopted January 2023) outlines basic principles to ensure that development has a positive impact on the character of the area. These include, amongst other things, consistent design approach including materials and subservience whereby all new development should be of a scale that is appropriate to the existing building and does not have an overbearing appearance or nature.
38. Two letters of objections received raise concerns that the development is out of character with the street scene.

39. The height of the garage roof has increased by up to 430mm but remains a flat roof design which is a characteristic of the street scene, in that most properties have flat roof garages to the side. The garage of 7 Monks Crescent (adjacent to no9) is stepped down from the application site due to the incline in the street, and therefore already has a staggered appearance. Whilst the garage of no9 is already higher because of this, it is not considered that the increased height appears out of proportion, or which dominates in the street scene, and it still appears subservient to the host dwelling. The addition of white uPVC which is a material that is present in the street is also not considered to cause a detrimental impact to the character or appearance of the area. No other alterations are proposed as part of the application.
40. Overall, it is considered that the development does not cause a detrimental impact on the character of the area and the development is in accordance with the NPPF Part 12, Policy 29 of the CDP and the Residential Amenity Standards SPD.

Impact on Residential Amenity

41. Policy 31 (Amenity and Pollution) of the CDP states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living conditions. In addition, criterion 'e' of Policy 29 (Sustainable Design) states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
42. Given the limited nature of the alterations which have seen the eaves height of the flat roof having been increased by up to approximately 430mm it is not considered that this has resulted in any adverse impact upon the amenity of adjacent residents, either from overshadowing, overbearing or loss of privacy.
43. Overall, the development has not resulted in a significant loss of amenity to neighbouring properties and as such accords with the aims of NPPF Part 12 and the requirements of County Durham Local Plan 29 and 31.

Other issues

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46. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

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RECOMMENDATION

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