

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/18/03707/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Two storey and single storey side extensions and alterations to existing detached dwelling
<b>NAME OF APPLICANT:</b>	Mr and Mrs Edmenson
<b>ADDRESS:</b>	6 Durham Road, Sedgefield, Co Durham
<b>ELECTORAL DIVISION:</b>	Sedgefield
<b>CASE OFFICER:</b>	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to a detached 2 storey dwelling located to the east of Durham Road, Sedgefield. The site is located within residential surrounds with neighbouring properties on Pine Ridge Avenue to the north and Conifer Avenue to the east. No.5 Durham Road is located to the south. The site is set within spacious private curtilage and is accessed from Durham Road to the west via a private driveway some 40m in length. This elevated site can be viewed intermittently through mature boundary vegetation from the main carriageway to the west and in between neighbouring properties to the north and east. The dwelling is located outside of the Sedgefield Conservation Area and is not listed.
2. Permission is sought to construct single storey and two storey extensions to the side (northern elevation) of the dwelling on an area of existing hardstand and private garden space. The proposals would also involve the removal of an existing timber garage structure presently located to the north of the main dwelling. This sizeable extension would have a staggered layout and comprise ground floor kitchen and dining area, living room, porch/entrance lobby and multi-use games room with an attached double garage space to the north. At the first floor a smaller master bedroom and en-suite extension would be provided where attached to the main dwelling.
3. Given the variable site levels across the site (with land falling away to the north and west), the proposed extensions are intended to remain subservient to the main dwelling, not exceeding the existing ridge height (approximately 8.1m) and would step down in height from the original building. The proposed 2 storey element would have maximum ridge height of 7.8m with the single storey element 6.3m at ridge height, reducing further to approximately 4m at the garage. However, given the change in ground levels across the site with land falling away to the north, these extensions would all maintain a staggered scale.
4. The external walls would be rendered red facing brick with a profiled concrete tile roof to match the main dwelling.

5. The application is being reported to the Planning Committee at the request of Cllr John Robinson because of local objections relating to invasion of neighbouring privacy, overdevelopment of the site and highway safety concerns.

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## **PLANNING HISTORY**

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6. Planning ref: DM/18/02258/FPA relating to extensions to the existing dwelling and a new build bungalow within the front garden with associated access works was withdrawn by the applicant in October 2018. The current application has been submitted alongside a separate submission concerning the erection of a 3-bed bungalow within the front garden space with associated access involving the subdivision of the existing private curtilage (planning ref: DM/18/03824/FPA).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
8. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *NPPF Part 9 - Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *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.
11. *NPPF Part 15 - 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.

## **LOCAL PLAN POLICY:**

12. The development plan is the Sedgefield Borough Local Plan saved policies:
13. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
14. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
15. *Policy E15 – Safeguarding of woodlands, trees and hedgerows* - seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost.
16. *Policy H15 – Extensions to dwellings* – requires residential extensions to be of a scale and design compatible with the property, with no adverse effect on the amenity and privacy of surrounding properties, the general character of the area or highway safety.
17. *Residential Extensions Supplementary Planning Document (RESPD)* - Provides design advice on residential extensions including those to the side of dwellings which need to be designed to safeguard amenity and respect the character and appearance of the dwelling and locality.

## **RELEVANT EMERGING POLICY:**

### The County Durham Plan

18. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On 16 January 2019, Cabinet approved the 'Pre-Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

### Sedgefield Neighbourhood Plan

19. The Sedgefield Neighbourhood Plan has now progressed through the Submission stage of preparation (Regulations 15 and 16 of The Neighbourhood Planning (General) Regulations 2012). An examiner has been identified and the examination is expected to start in February/March 2019. For determining applications, Planning Policy Guidance advises that a Neighbourhood Plan only becomes part of the development plan when it has been approved by the local community at referendum. Nevertheless, NPPF (paragraph 48) states that local planning authorities may give weight to relevant policies in emerging plans according to their stage of preparation, the level of consensus from consultation feedback, and, the degree of consistency of the relevant policies in the emerging plan to NPPF.
20. It is noted that the Neighbourhood Plan is at a reasonably advanced stage of preparation (it has reached a stage where it can be considered as a tool to prevent development on prematurity grounds, for example, in accordance with paragraph 50 of NPPF). While DCC have advocated some areas for further improvement, there have

been no substantial objections to the Neighbourhood Plan or its consistency with the Framework. It is considered therefore that some weight may be given to the draft document. As necessary, further analysis is provided in relation to the following specific policies.'

21. G1a (Built development within the built-up area boundary) – Built development, including residential, within the built-up area boundary will be supported providing it accords with local and national policy.
22. H2 (Design, style and density of housing) - All development proposals must demonstrate good design principles that respond to local character and distinctiveness; deliver a density of housing that is appropriate for the local setting; and utilise appropriate materials.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

23. *Sedgefield Town Council* – Has no objections to the application.
24. *Highway Authority* – No objections.

### **INTERNAL CONSULTEE RESPONSES:**

25. *Environmental Health (Contaminated Land)* – No adverse comments. There is no requirement for a contaminated land condition.
26. *Environmental Health (Noise)* – The development is considered to fall outside of the scope of the TANS and no concerns or comments are raised in relation to this development. The development is unlikely to cause a statutory nuisance.
27. *Ecology* – No objections, subject to condition.
28. *Design and Conservation* – Raise no objections to the application.
29. *Landscape (Arboriculture)* – No objections to the recent removal of trees or to the proposed extension works. Approval should be conditioned to ensure the applicant submits a tree protection plan and method statement in relation to nearby protected trees.

### **PUBLIC RESPONSES:**

30. The application has been publicised by way of site notice and letters to neighbouring residents. 4no. letters of objection have been received from neighbouring residents raising concerns over the scale of the extensions and resulting impact on neighbouring privacy from overlooking windows and overshadowing. Noise and dust pollution resulting from the siting of a garage close to the neighbouring garden is also cited and poor design which would be out of keeping with neighbouring properties. Finally, concerns are raised over the stability of the existing retaining wall in-between the site and no.12 Pine Ridge Avenue to the north in view of the likely ground works required which may cause its de-stabilisation and impact on trees. Further issues relating to loss of views and reduction in property values are not material planning considerations relevant to the determination of the application.

## **APPLICANTS STATEMENT:**

31. This is a revised application informed by concerns raised by statutory consultees during an initial submission which was withdrawn. The revised proposals result in a scheme that is subservient and respects the character of the host dwelling, a sentiment that now appears to be shared by the consultees. The amenity of adjacent residents was a consideration of the redesign and the scale of the proposals has been kept to a minimum. We are aware of concerns relating to the removal of some trees adjacent the entrance. We confirm that these trees were removed for safety reasons following the receipt of specialist arboricultural advice. All other trees within the site are safe and we welcome the intention that these are protected with preservation orders. We don't believe there are any outstanding material planning considerations that should prevent this application from being approved and we hope the Councillors can following the opinion of the Planning Team and support this application.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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32. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to Scale/Design, Privacy/Amenity, Highways, Arboricultural and Ecological impact.

### Scale/Design:

33. Part 7 of the NPPF and saved policy D1 of the Sedgefield Borough Local Plan seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site. Saved policy H15 in respect to residential extensions seeks to ensure that new developments are of a scale and design compatible with the property with no adverse impact on the general character of the area. The RESPD gives design advice on residential extensions including those to the side of dwellings which need to be designed to safeguard amenity and respect the character and appearance of the dwelling and locality.
34. Policy G1a of the emerging Sedgefield Neighbourhood Plan seeks to support new development including residential extensions where located within the defined Built Up Area Boundary where it accords with local and national policy. Neighbourhood Plan policy H2 further requires that development proposals demonstrate good design principles that respond to local character and distinctiveness and utilise appropriate materials.
35. The application site contains an interwar detached property set within spacious private curtilage. The property which largely retains its original character and design is located to the north of Sedgefield Conservation Area but outside of its boundary. Hardwick Conservation Area is located some 200m to the west beyond the housing developments across Durham Road. The property is set back from the main road some 40m to the west and is fairly well concealed from view by mature vegetation to the west although it is visible intermittently through this vegetation given its raised position above the road. A number of other substantial dwellings are similarly set within their own grounds along this stretch of Durham Road and set well back from the main road.

36. The proposed works would involve the creation of single and two storey extensions projecting from the north of the dwelling over an area currently occupied by a small timber garage structure and adjacent hardstand/grassland. Whilst the scale of the new work is fairly substantial and would occupy a considerable footprint, the massing of the additions is to be broken up into smaller sections through the use of a staggered roofline and forward elevation. This stepping down of the overall height and setting back of the extension from the front elevation of the original property would result in the original dwelling retaining a level of primacy. References have also been taken from the original dwelling in the proposed extensions in relation to the design and materials of the extensions.
37. It is noted that this application is submitted alongside a separate application to subdivide the curtilage of no.6 Durham Road and construct a 3 bed bungalow within the front garden space. However, plans sufficiently demonstrate that both the existing dwelling and proposed bungalow would benefit from sufficient private amenity space and would not result in a detrimental impact in terms of the amenities of future occupants of both sites in the event of planning approval.
38. There is therefore no objection to the scheme from a design and conservation perspective with the proposals considered to satisfy the provisions of part 12 of the NPPF and saved policies H15 and D1 of the SBLP. Proposals would also satisfy the requirements of the emerging Sedgefield Neighbourhood Plan policies G1a and H2. The proposed extensions would be of reasonable scale and form in relation to the property and its curtilage and would not appear incongruous to their wider residential setting.

#### Privacy / Amenity:

39. Saved policies H15 and D1 of the Sedgefield Borough Local Plan seek to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. The proposed extensions would project from the north and east of the existing dwelling. However, most of the new work would be of single storey height and extend to 2 storey scale only where it abuts the main dwelling. Window openings would be limited to the front (west) facing elevation overlooking the front of the property apart for 1no. first floor en-suite window to the rear (east) which would be obscured (as detailed on submitted plans). A separation of approximately 13m would be retained between the proposed 2 storey element and the existing rear garden boundary fence with no resulting overlooking windows facing towards the rear of Conifer Avenue beyond.
40. The remainder of the extensions would be of single storey height and in response to neighbour concerns the applicant has reduced the pitch and therefore height of the northernmost single storey garage element. Notwithstanding this detail, the submitted plans show that a reasonable separation of 17m would be maintained between this single storey element and the nearest rear elevations of Conifer Avenue to the east and 14m between the northern garage elevation and rear elevations on Pine Ridge Avenue to the north.
41. Neighbour concerns have been raised over the relationship between this elevated site and properties to the north and east with the proposed extensions considered to overdominate and overshadow these neighbouring dwellings. However, given the single storey height proposed, the separation distances detailed, with staggered ridge and building lines, such concerns are not supported. Furthermore, given the presence of existing landscape and enclosures along the northern and eastern site boundaries (to be retained), it is considered that the proposed single storey element closest to

these boundaries would not unacceptably overshadow or over dominate neighbouring two storey properties.

42. Neighbour concerns have also been raised over the potential for noise and air pollution arising from the erection of a double garage space towards the northern site boundary given the proximity of nearby properties. However, the site is already occupied by a timber garage structure and a lengthy uncovered drive space and currently accommodates parked vehicles in association with the use of no.6 in close proximity to the site boundaries. It is not considered that the construction of a new garage attached to the dwelling in the position shown would give rise to any significant increase in noise and air pollution from idling vehicles over and above what can occur from existing arrangements and currently unregulated.
43. With regards to the demolition and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. However, such detail can be appropriately controlled by condition, controlling site operations and operational hours so as to minimize disturbance and inconveniency from the site during more sensitive hours.
44. Subject to the above, the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5 and SPGNote3 in respect to residential amenity considerations.

#### Highways:

45. Saved policies D1 and D3 of the Sedgefield Borough Local Plan seek to ensure that new developments achieve satisfactory means of access, maneuvering, turning and parking space for the number and type of vehicles using the development. Policy H15 seeks to ensure that residential extensions have no resulting adverse impact on highway safety. NPPF Part 9 seeks to ensure that development only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
46. The proposed extensions would attach to the north of the existing dwelling, remaining set back into the site towards its northern and eastern boundaries. The site would remain accessible via the existing private drive which links with Durham Road some 40m to the west. The loss of the existing timber garage structure would be offset by the creation of a new double garage space attached to the north of the proposed extensions, maintaining satisfactory off street parking provision to serve the extended dwelling.
47. No highway objections are raised with the proposed works to retain sufficient off street parking provision which would serve a dwelling of this scale without being considered to significantly and detrimentally impact the main road junction to the west. In arriving at this recommendation, it is noted that the existing access to the property lies adjacent to existing traffic calming measures that are in place on Durham Road that give priority to vehicles travelling north and can result in vehicles giving way to oncoming traffic being temporarily stationary on the carriageway outside of the application site. These arrangements have been in place for a number of years and it is not expected that any increase in traffic movements to and from the site would give rise to any severe residual cumulative impact or highway safety concerns from vehicles entering or leaving the site.

#### Arboricultural impact:

48. Saved policy E15 of the Sedgefield Borough Local Plan seeks to ensure that development proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost.
49. During the course of the application it became apparent that 4no. mature trees growing along the northern boundary of the site had been removed. None of these trees were protected or located within a Conservation Area and the applicant has since confirmed that they were removed in response to the findings of a recent arboricultural survey. This concluded these specimens to be structurally poor, of low quality, offering very limited merit and containing root damage. Following the advice of J. Johnson Tree services and in light of risk of substantial risk of movement posing a threat to the public and local structures these trees were removed. These works were not undertaken in association with the current planning submission, but applicants have confirmed that they would be happy to suitably replant this area as part of any landscape condition. Such replanting would offset any negative impact on visual amenity which has arisen from the removal of the 4no. trees and would be welcomed. Arboriculture officers raise no objections to the proposals confirming that the trees removed would have been unlikely to have justified protection. Furthermore, the proposed extensions should have minimal impact on other trees on the site.
50. Given the presence of a nearby significant beech tree in the neighbouring garden (T7), it is recommended that this tree is protected under a TPO and the application is conditioned to provide a tree protection plan and method statement (to BS5837 2012) to restrict any construction related work in this area. Separately, arboriculture officers have also confirmed that they intend to TPO 4no. existing trees unaffected by the development to the front of the site adjacent to Durham Road. The applicant has been made aware of this detail and raises no objections, remaining happy to work with the Local Planning Authority in ensuring their future protection. The proposed development is unlikely to have a major impact on significant trees, with approval recommended subject to conditions as detailed above. No objections are raised with the proposed development to satisfy the provisions of saved policy E15 of the Sedgefield Borough Local Plan.

#### Ecology:

51. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The application has been submitted alongside a Bat Risk Assessment and Survey (Naturally Wild, November 2018) concluding the site to offer low value for bats overall. Whilst the report states that the proposals are unlikely to impact on the existing bat roost discovered on site (during activity surveys) as the extensions would take place on the other side of the building from the identified roost, further surveys are required, and further exploratory assessments needed. It is therefore recommended that a detailed working method statement be produced, including a watching brief by a licensed bat worker when undertaking works to higher risk parts of the building. This can be the subject of a condition to be agreed with the local planning authority prior to any works commencing on site with the ecology section confirming that a license from Natural England would not be required on this occasion. Subject to the above, no ecological objections are raised with regards impact on protected species, consistent with the principles of Part 15 of the NPPF.



Other matters:

52. Neighbour concerns relating to the impact of works on the stability of a retaining wall around 3m to the north of the site are not a direct planning consideration and can be addressed through building regulations should any destabilization issues arise.

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## CONCLUSIONS

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53. The proposals concern the erection of single and two storey residential extensions to the north of no.6 Durham Road, Sedgefield. The site is set back from the adjacent carriageway to the west and benefits from large areas of private amenity space which although proposed to be subdivided as part of a separate application for 1no. bungalow in the front garden space, would retain sufficient privacy space. Consideration has been given to the scale and design of the proposed extensions which although sizeable, would not appear overdominant or incongruous in this residential setting, remaining well screened by existing mature vegetation. Regard has also been given to the perceived impact on neighbouring amenities and privacy, highways implications, ecological and arboricultural impact and the proposals are considered acceptable in these respects. The views of neighbouring objectors are accounted for where relevant. The application is considered to satisfy the provisions of Parts 9, 12 and 15 of the NPPF and saved policies D1, D3, E15, H15 of the SBLP and the RESPD and is recommended for approval.

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## RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:  
*L018057-003 RevC (Proposed front and rear elevations), received 11 January 2019*  
*L018057-004 RevC (Proposed side elevations and roof layout), received 11 January 2019*  
*L018057-005 RevB (Proposed ground floor plan), received 05 December 2018*  
*L018057-006 RevB (Proposed first floor plan), received 05 December 2018*  
*L018057-006 (Topo survey with proposed roof plan), received 05 December 2018*  
*L018057-009 (Site location plan and block plan), received 05 December 2018*  
*L018057-010 (Proximity distances), received 10 January 2019*  
*Reason: For the avoidance of doubt and in the interests of proper planning.*
3. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of all hard and soft landscaping areas including details of planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as 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. In particular the landscape scheme shall focus upon the

landscaped border to the north of the existing site access where a number of trees have recently been felled. The applicant shall comply with the approved details in full.

*Reason: In the interests of the visual amenity of the area and to comply with policies D1 and E15 of the Sedgefield Borough Local Plan.*

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

*Reason: In the interests of the visual amenity of the area and to comply with policies D1 and E15 of the Sedgefield Borough Local Plan.*

5. No development shall commence, nor shall any materials or machinery be brought on the site until details showing the exact position of protective fencing around trees and hedges, within and adjacent to the site to be retained have been submitted to and approved in writing by the Local Planning Authority. Approved details shall be installed in full onto site prior to commencement of development and retained thereafter for the period of development. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to adversely affect any tree.

*Reason: In order to ensure protection to existing trees on site in accordance with saved policy E15 of the Sedgefield Borough Local Plan.*

6. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policy D1 of the Sedgefield Borough Local Plan.*

7. No development shall take place unless in full accordance with the Mitigation measures detailed within section 5 of the submitted ecological appraisal (Naturally Wild, November 2018) including but not restricted to the submission of a detailed working method statement, including a watching brief by a licensed bat worker when undertaking works.

*Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended determination period which accounts for the planning committee schedule and all pre-commencement conditions have been agreed with the applicant beforehand.

## BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents  
 National Planning Policy Framework  
 Sedgfield Borough Local Plan  
 Statutory response from the Highway Authority  
 Internal responses from Environmental Health and Contaminated Land, Ecology,  
 Conservation and Design and Arboriculture.



### Planning Services

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Two storey and single storey side extensions and alterations to existing detached dwelling

### Comments

Date 24 January 2019