

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** DM/19/00601/FPA

**FULL APPLICATION DESCRIPTION:** Loft conversion with flat roof dormers and velux windows, installation of solar panels

**NAME OF APPLICANT:** Mrs Ingrid Rowe  
Petite Mer  
St Oswalds Square

**ADDRESS:** Pity Me  
Durham  
DH1 5ET  
Framwellgate Moor

**ELECTORAL DIVISION:**

**CASE OFFICER:** John Russell  
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03000 263428

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## DESCRIPTION OF THE SITE AND PROPOSALS

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**SITE:**

1. The application site relates to a detached property situated within its own enclosed plot within St Oswald Square and Acorn Place in Pity Me, Durham City. The property has benefited from the erection of a conservatory to the front elevation in 2007. The property has also had internal alterations which did not require planning consent but did require Building Control approval in 2017 to normalise an unauthorised loft conversion undertaken by the previous owner.

**PROPOSAL:**

2. Full planning permission is sought for a loft conversion and the installation of 2 separate box dormer windows on the eastern elevation, a large box dormer window on the northern elevation, 2 velux windows on the western elevation and 3 velux windows on the southern elevation. It is also proposed to install solar panels to the roof on the western and southern elevations of the property.
3. Internally the building is to be reconfigured to provide 3 additional bedrooms in the loft conversion, along with an en-suite, bathroom, wardrobe room and cupboard space. The loft space currently has a staircase and balustrade leading to a landing area with 3 separate storage areas with 2 velux windows installed.
4. The application is brought before members of the planning committee due to the spouse of the applicant being a local council member and the receipt of objections to the proposal.

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## **PLANNING HISTORY**

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5. No relevant planning history

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

#### *National Planning Policy Framework*

6. 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.
7. 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 this 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.
8. NPPF Part 6 - Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
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.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### **LOCAL PLAN POLICY:**

#### *City of Durham Local Plan 2004*

10. Policy Q1 & Q2 (*New development - General principles*) The layout and design of all new development should take into account requirements of uses.
11. Policy Q9 (*Alterations and extensions*) Proposals for alterations and extensions to residential property will be permitted provided that the design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area; and wherever possible the alteration or extension incorporates a pitched roof; and the alteration or extension respects the privacy of adjoining occupiers of property.
12. Policy Q10 (*Dormer Windows*) Proposals for dormer windows will be permitted provided that roof spaces have adequate headroom for a habitable room without further extension, window design bears a relationship to existing fenestration and materials match the existing property. It is in proportion with the existing building as a whole and the roof in particular and the design incorporates a gabled, hipped or 'catslide' roof and is positioned well below the ridgeline. It does not result in any loss of privacy for surrounding properties.

13. Policy H13 (*Residential Areas - Impact upon Character and Amenity*) Planning Permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
14. Policy T10 (*Parking – General Provision*) Vehicle parking off the public highway in new development or redevelopment should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
15. Policy U14 (*Energy Conservation – General*) The council will encourage the effective use of passive solar energy, along with the use of energy efficient materials and construction techniques.

#### **EMERGING POLICY:**

16. Paragraph 216 of the NPPF says 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. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3396/City-of-Durham-local-plan-saved-policies/pdf/CityOfDurhamLocalPlanSavedPolicies.pdf>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

17. Ward Councillors were consulted on the 28<sup>th</sup> February 2019 and no response to the application has been received to date.

#### **INTERNAL CONSULTEE RESPONSES:**

18. Highways Section – The councils Highways Officer was consulted on the 28<sup>th</sup> February 2019, the initial response requested further details regarding the parking arrangements. Following further information provided by the applicant the councils Highways Officer is satisfied that two vehicles could park within the curtilage and there is a parking layby within the street and therefore raises no objections.
19. Ecology – The councils Ecology Officer was consulted on the 28<sup>th</sup> February 2019 and has raised no objections as the area is a low risk for bats. However, they have requested that an informative advising on conditions relating to bats is attached to any consent if the application is approved.

#### **PUBLIC RESPONSES:**

20. The application was advertised by means of site notice and by neighbour notification to 6 properties.

21. At the time of preparing this report, 3 letters of objection have been received from 52, 53 and 54 Front Street, Pity Me, Durham, DH1 5DW (neighbouring properties). The neighbouring properties object on grounds relating to the loss of garden privacy due to direct overlooking from the installation of at least 1 of the dormer windows on the eastern elevation. There is also the concern that the proposed dormer window could present further privacy issues due to it being adjacent to rear bedroom windows of properties on Front Street, Pity Me, Durham. Further objections are also raised with regards to the materials and finishes to be used on the dormer roof windows and walls.

#### **APPLICANTS STATEMENT:**

22. This application was preceded by a full pre-application approach, conducted in September 2018, ref: PRE21/18/02251.

23. The final pre-application response was largely positive following significant development work with the applicant from their original pre-application proposal which sought to include a large box dormer window eastern elevation which was viewed as not being acceptable.

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### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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24. 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.

25. The main considerations in regard to this application are the principle of the development, residential amenity, visual amenity, highways/parking and ecology.

#### **Principle of Development**

26. The application site is located within the settlement boundary of Pity Me and is a detached property located within a self contained curtilage. Within the immediate area there are a mix of property types and materials used including various shades of red and buff coloured brick, render of various colours and stone.

27. Pity Me is a residential area located to the north of Framwellgate Moor and to the west of Newton Hall. There is a range of facilities close to the application site such as the Arnison Centre which is located to the north east of the site, and as such development of this nature would be considered to be within a sustainable location and would be supported in terms of national, regional and local planning policy, in particular NPPF section 12 and policies Q1, Q2, Q9, Q10 and H13 of the local plan, which are considered generally consistent with NPPF principles. Therefore, the expansion of the property would be acceptable in principle.

28. In respect of the design and layout of the development, during the pre-application process design changes were requested to dormer windows proposed on the eastern elevation. The changes requested were to reduce the prominence of having one large box dormer window on the eastern elevation and replace it with 2 smaller dormer windows with 'catslide' roofs. These changes were accepted by the applicant to ensure the dormer windows would be more in keeping with the host dwelling and wider streetscene. Policy Q9 of the City of Durham Local Plan states that extensions to residential dwellings are to be subordinate to the host dwelling, whilst Policy Q10 states that dormer windows should be in proportion with the existing building and the roof in particular, along with incorporating a gabled, hipped or 'catslide' roof.

29. The materials to be used in the development have been confirmed as brown concrete double-roman tiles and brown half-round ridge tiles, white PVCu glazed fenestration, brown facing brick and horizontal red cedar cladding to the dormers. It is considered that the materials will be complimentary to the host dwelling which currently benefits from mostly similar materials, however, the cladding will be a new introduction. Following site visits, it is clear to see that there is no standard approach to materials within the immediate area, with the use of various types and colours of brickwork, rendering and stone prevalent. Whilst the introduction of cladding to the dormers will be another different material, it is not viewed as causing significant harm to the wider character of the area or the streetscene.
30. The proposal also seeks permission for the installation of solar panels to the roof on the western and southern elevations of the property. Following site visits it was noted that a neighbouring property on Front Street, Pity Me has solar panels installed on the roof. Therefore, it is not considered to be out of character with the area and any potential harm can be mitigated from the wider benefits of low carbon energy production and the contribution towards tackling climate change.
31. Therefore, in design terms it is considered that the proposed dormer windows would not detract from the appearance of the property or the wider streetscape and seek to reflect policy requirements. As such the proposal is considered to be in line with Policies Q9, Q10, H13 and U14 of the City of Durham local plan.

### **Impact upon residential amenity**

32. In respect of residential amenity, due to the location of the development site, orientation of the host dwelling and location of the proposed dormer windows it is considered that there would be limited impact. Paragraph 12.32 of the City of Durham local plan is concerned with layout and design of new properties to ensure privacy and prevent overlooking. It states that main habitable rooms of houses should be capable of a good degree of privacy without resort to temporary curtains, blinds or screens. The required distance standards between buildings are window to window 21 metres, window to blank two storey gable 13 metres and window to blank single storey gable 6 metres. The proposed development would comfortably meet the separation distances for window to window with 52 Front Street (approximately 35 metres), and 53 and 54 Front Street (approximately 38 metres).
33. Objections have also been raised regarding privacy of the garden areas and overlooking, and policies Q9 and Q10 both refer to extensions, including dormer windows, having to respect the privacy of neighbours. Following an officer site visit to 54 Front Street, Pity Me, it is noted that currently there is a level of overlooking in to the garden from both the applicants dwelling, but also neighbouring dwellings, primarily along Front Street, Pity Me. In addition, the City of Durham local plan does not provide any guidance on separation distances for garden space. The current separation distance from the applicants dwelling to the garden boundary of 52 Front Street is approximately 13m and 54 Front Street is approximately 16 metres. Therefore, whilst it is accepted that there is a potential for increased overlooking from one of the proposed dormers, the situation will not be made significantly worse through this proposal and in policy terms there is no specific separation distance protection afforded to garden space. As such it is not considered that the proposal would create significant adverse impacts upon loss of privacy and overlooking that would justify a refusal of planning permission. The proposal is therefore in accordance with policies Q9, Q10 & H13.

## Impact upon visual amenity

34. Policy Q9 of the City of Durham Local Plan states that extensions are to appear subordinate to the host dwelling and Policy Q10 states that dormer windows should be in proportion with the existing building and the roof in particular, along with incorporating a gabled, hipped or 'catslide' roof. The proposal would generate an enlarged property but the increased density of development would not appear overly dominant or be out of character with the host dwelling, surrounding properties, streetscene or wider area, and is considered acceptable.
35. The proposed development would effectively see a bungalow being transformed in to a two-storey property and in nature it would still appear subservient to the host property. The proposal incorporates 'catslide' style roofs in its design and materials proposed are appropriate to the existing house, with brick, roof tiles and PVCu fenestration to match the existing property. The addition of red cedar horizontal cladding to the dormer windows will see the introduction of a new material, but this is not viewed as causing significant harm to the wider character of the area or the streetscene, due to current mix of materials, finishes and colours used on neighbouring properties. Against this background, it would be considered unreasonable to refuse planning permission on design grounds and the proposal is considered compliant with policies Q9 and Q10.

## Highways

36. In respect of highways issues, the councils Highways Officer has confirmed that they have no objections to the scheme. The Highways Officer is satisfied that two vehicles could park within the curtilage of the property and has also indicated that there is a parking layby opposite to the application site in Acorn Place.
37. In this respect no concerns are raised in relation to highway matters at the site, and therefore it is considered that the proposals comply with saved policies Q9, H13 and T10 of the City of Durham Local Plan.

## Ecology

38. The council Ecology Officer was consulted and has raised no objections as the area is a low risk for bats. However, they have requested that an informative advising on conditions relating to bats is attached to any consent if the application is approved.

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## CONCLUSION

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39. In conclusion it is considered that the proposed development would be acceptable in principle and due to its location and overall built form would have a limited impact upon the current levels of visual amenity enjoyed at the site. In relation to impact upon the current levels of residential amenity enjoyed by neighbours, it is considered that the proposed development would not have any significant adverse impacts to warrant refusal. Therefore, as a result it is considered that the proposed development would be in accordance with Policies H13, Q1, Q2, Q9, Q10, U14 and T10 of the City of Durham local plan.

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## **RECOMMENDATION**

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Recommendation that the application is:

### **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 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 Policies H9, H13, Q1 and Q9 of the City of Durham Local Plan.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with policy Q9 of the City of Durham Local Plan

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Durham City Local Plan 2004
- National Planning Policy Framework
- Consultation Responses



**Planning Services**

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Loft conversion with flat roof dormers and velux windows, installation of solar panels T Petite Mer, St Oswalds Square, Pity Me, Durham, DH1 5ET

**Comments**

**Date. 28<sup>th</sup> March 2019**

**Scale 1:1250**