

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/03671/FPA
FULL APPLICATION DESCRIPTION:	2 Storey Extension to existing dwelling to create a total of 2 No. Dwellinghouses
NAME OF APPLICANT:	Ms G Moore
ADDRESS:	The Cottage, 22A Allergate, Durham DH1 4ET
ELECTORAL DIVISION:	City of Durham
CASE OFFICER:	Paul Hopper (Senior Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises an existing two storey building positioned to the rear of a Grade 2 Listed Building at No. 22 Allergate, Durham. It lies within Durham City Centre Conservation Area and to the west of the ONESCO World Heritage Site at Durham Cathedral. It is framed by residential dwellings to the south, east and west and by Durham Bus Station to the north as land falls steeply down to North Road.
2. Given its backland position the structure has no active frontage onto Allergate itself but is served by a timber doorway onto the main road which serves a narrow vennel that opens onto an area of rear amenity space currently used by both No 22A and 22 Allergate.

The Proposal

3. Planning permission is sought for the erection of double storey extensions to No.22A Allergate, Durham DH1 4ET in order to create 2 No. self-contained dwellings.
4. The proposed extensions would be positioned to the northern elevation of the existing building and above the existing single storey kitchen. It would provide two additional bedrooms, kitchen, utility and bathroom, facilitating the subdivision of the building to create 2 No. one bedroom flats each comprising a lounge, bedroom, kitchen utility and bathroom. It would be positioned to the northern elevation of the existing building and be 3.5 metres wide by 4.3 metres deep with an overall height to the ridge of a dual pitched roof of 6.6 metres (5.3 metres to the eaves). Above the single storey kitchen the extension would measure 3.2 metres wide by 7 metres long with an overall height of 6.9 metres to the ridge of a dual hipped roof (6 metres to the eaves).
5. External materials would be finished in facing brick to the walls and the applicant has confirmed that natural slate would be used to the roof with brown UPVC windows and doors.

6. At present, No. 22 Allergate does not benefit from any in curtilage car parking and this would remain unchanged by the proposals as would the means of pedestrian access which would remain via the single width gate onto Allergate itself.
7. The application is being reported to planning committee at the request of the City of Durham Parish Council who consider that the proposal would have significant impact upon Durham City Centre Conservation Area, adjacent Listed Building and the amenity of adjacent residents.

PLANNING HISTORY

8. The Local Planning Authority is currently considering a planning application with associated listed building application relating to the partial demolition, replacement and subdivision of No. 22 Allergate in order to create 2 No. self-contained apartments.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 5 Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority’s to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
12. *NPPF Part 6 Building a Strong, Competitive Economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
13. *NPPF Part 7 Ensuring the Vitality of Town Centres:* Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
14. *NPPF Part 8 Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted

15. *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.
16. *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.
17. *NPPF Part 15 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
18. *NPPF Part 16 Conserving and Enhancing the Historic Environment*: Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

19. The following policies of the City of Durham Local Plan are considered relevant to the determination of this application.
20. Policy E3 (World Heritage Site – Protection) Durham Cathedral and Castle World Heritage Site and its setting will be protected by restricting development to safeguard local and long distance views to and from the cathedral and castle and Peninsula in accordance with policies E1, E5, E6, E10, E23 and E24 and applying policies E1, E5, E6, E10, E21, E22, E23 AND E24 relating to green belt, landscape setting, conservation areas, listed buildings, and archaeological remains; and seeking the conservation and management of buildings, Archaeological remains, woodland and open spaces which make up the world heritage site and its setting.
21. Policy E6 (Durham City Centre Conservation Area) The special character, appearance and setting of the Durham (city centre) conservation area will be preserved or enhanced.
22. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
23. Policy E16 (Protection and Promotion of Nature Conservation) states that the Council will the council will protect and enhance the nature conservation assets of the district.
24. Policy E21 (Historic Environment) The council will preserve and enhance the historic environment of the district by requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site; and encouraging the retention, repair and re-use of buildings and structures which are not listed, but are of visual or local interest.

25. Policy E22 (Conservation Areas) The council will seek to preserve or enhance the character or appearance of the conservation areas within the City of Durham by not permitting development proposals which would detract from the character or appearance of the conservation area or its setting. All development proposals should be sensitive in terms of siting, scale, design and materials, reflecting, where appropriate, existing architectural details; not permitting the demolition of buildings which contribute to the area's character. Permission for the demolition of any significant building will not be granted until a detailed scheme for appropriate redevelopment of the site has been approved; protecting trees, hedgerows, landscape features, views and undeveloped areas which contribute to the character or appearance of the area and its setting; requiring a sufficient level of detail to accompany applications for development to enable an assessment to be made of its impact on the conservation area. In addition the council will also implement schemes for the enhancement of conservation areas where appropriate and as resources permit.
26. Policy H2 (New Housing in Durham City) New housing development comprising windfall development on previously developed land: and conversions will be permitted, within settlement the settlement boundary of Durham City. Provided either the site is included in policy H11 or that the proposal does not contravene policies E3, E5 and E6, and the site is not allocated or safeguarded for an alternative use; and the development accords with policies Q8, R2, T10 and U8A.
27. Policy H7 (City Centre Housing) the Council will encourage new housing development and conversions to residential use on sites within or conveniently close to the city centre provided; there is no conflict with any other policy or proposal of this plan, particularly those relating to the conservation area or world heritage site, and it is in scale and character with its surroundings.
28. Policy H13 (Residential Areas - Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
29. Policy T1 (Traffic - General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
30. Policy T10 (Parking - General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
31. Policy Q1 and Q2 (General Principles Designing for People and Accessibility) The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
32. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
33. Policy Q8 (Layout and Design - Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

34. Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
35. Policy U11 (Development on Contaminated Land) Development on sites which are known to be, or suspected of being contaminated will only be permitted provided that: the nature and extent of contamination is first established; the development will not add to the level of contamination; proposals for development include remedial measures which address the actual or potential hazard of contamination identified; there is no detrimental affect on the environment as a result of the disturbance of contaminates during and after development.

Durham City Neighbourhood Plan (DCNP):

36. The DCNP is at an early stage of preparation and has not yet reached a stage where weight can be afforded to it.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

39. Paragraph 213 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. The Highway Authority raises no objection to the application noting that the site lies within close proximity to the town centre and bus and rail stations and is therefore a sustainable location. It is also noted that the site is within the city's controlled parking zone and that no permits would be issued to residents of the new dwelling to allow them to park on street.
38. Drainage and Coastal Protection offer no objection to the application.

INTERNAL CONSULTEE RESPONSES:

39. Design and Conservation Section raises no objection to the application noting that the proposal would not have any unacceptable impact upon the character and appearance of Durham City Centre Conservation Area or the Grade II Listed Building at 22 Allergate. However, conditions are nevertheless advised requiring the submission and agreement of sample materials for external surfaces.

40. Landscape Section raises no objection to the application.
41. Environmental Health Section (Noise Action Team) has no objection to the application subject to the inclusion of planning conditions to control the environmental impact of the development during the construction phase (to include the submission and agreement of a construction management plan to demonstrate how noise, vibration and dust in particular would be controlled).
42. Contaminated Land Section has no objection to the application.
43. Ecology Section raises no objection to the application subject to the inclusion of a planning informative reminding the applicant of their responsibilities in relating to bats.

NON STATUTORY RESPONSES:

44. City of Durham Parish Council raises objection to the application and considers that the development would have a detrimental impact upon the character and appearance of the City of Durham Conservation Area, the setting of an adjacent Grade II Listed Building and the UNESCO World Heritage Site at Durham Cathedral. In addition, they also consider that the proposal would have a significant and detrimental impact upon residential amenity from overbearing, overshadowing, loss of privacy, an increase in disturbance and also parking and access.
45. City of Durham Trust raises objection to the application considering it to be inappropriate given its detrimental impact upon an adjacent Grade II Listed Building and also citing a lack of in curtilage car parking. In addition, objection is also raised that the building as extended would have a detrimental impact upon the amenity of surrounding residents from overbearing and overshadowing in this context noting the elderly nature of the residents at Hanover Court.

PUBLIC RESPONSES:

46. The application has been publicised by way of site notice, neighbour letter and advert in the local press. 6 letters of objection from 5 properties have been received along with a further letter from the Hanover Housing Association which is responsible for the management of Hanover Court adjacent to the application site. The reasons for objection are summarised as;

Detrimental Impact upon Residential Amenity from overbearing, overshadowing and loss of light given the height of the proposed extension and the proximity to adjacent residential properties.

Disruption to residential amenity from student occupancy and noise and vibration during the construction phase should planning permission be granted.

Increase demand in car parking along Allergate which would lead to disturbance and an adverse impact in terms of highway safety.

Loss of outlook as the extension would obscure views of Durham Cathedral currently enjoyed by some properties at Hanover Court.

APPLICANTS STATEMENT:

There exists already a 2 storey red brick residential building built in the early 20th century, with an unruly roofline and set close to 22 Allergate. The extension requested will make the building more uniform and will be built in materials more appropriate to the area than the plain red brick already used. The description of materials was left somewhat vague in the application to enable close communication between the conservation planners and the applicant so as to achieve a building which is more appropriate and visually appealing than the one that sits on the site currently. The planners have recommended a mixture of brick and render and this will be discussed and decided together to make a building truly more visually appealing than the one which currently exists. The use of render will match the main listed building and will break up the blank walls of the existing building. The conservation department have stated that the application "would not harm the setting of the listed building".

The existing neighbours live in buildings which are large blocks of apartments built in previous burgage gardens and which are unsympathetic to the neighbourhood. These buildings were built hundreds of years later than the main house at 22 Allergate and much later than the annexe to which this application applies. There is currently a window which overlooks Hanover Court, Hanover Court was, in fact, built overlooking the annexe to 22 Allergate including the window to the upstairs of the annexe. To ease this lack of privacy, the window has actually been removed from the design and roof-lights have been used instead.

It is noted that there are no objections or concerns voiced by from environmental health or the flood risk and drainage departments of the council. An ecology report has already been completed and no concerns were raised by the expert bat and ecology specialist.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

47. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, the locational sustainability of the site, its impact upon residential amenity, the City of Durham Conservation Area and adjacent Listed Building, parking, access and highway safety, ecology and land contamination.

Principle of Development

48. The City of Durham Local Plan (CofDLP) was adopted in 2004 and was intended to cover the period to 2006. The NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

49. On this basis, given the age of the CofDP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, and the weight to be afforded to the policies reduced as a result. However, this does not make out of date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at Paragraph 213 of the NPPF.
50. Policy H2 of the CofDLP is relevant which relates to new housing within Durham City and seeks to direct new development to the most sustainable locations. It states that windfall housing development of previously developed land (PDL) and conversions will be permitted within settlement boundary of Durham City, subject to amongst other things, not contravening saved Policy E3 (World Heritage Site Protection), E5 (Open Spaces within Durham City) and E6 (Durham City Conservation Area) and the development accords with policies Q2 (General Principles – Designing For Accessibility), R2 (Recreational and Amenity Space in New Residential Developments), T10 (Parking) and U8A (Disposal of Foul Water).
51. As the evidence base which underpins the policy is out of date, it must be regarded as out of date and paragraph 11 of the NPPF is therefore engaged. Given the emphasis on PDL sites this policy is not fully consistent with the NPPF as there may be instances where a Greenfield site can be justified through NPPF. This policy should therefore not be used as a reason to refuse such sites on this basis and can therefore only be given some weight.
52. Policy H7 is also relevant and advises that the Council will encourage new housing developments and conversions to residential use on sites within or in close proximity to the city centre provided there is no conflict with any other plan policy or proposal and it is in scale and in character with its surroundings. This policy is consistent with the NPPF and it is up to date.
53. As the policies in the development plan which are most important for determining the application are out of date, then Paragraph 11 of the NPPF is engaged which 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; or
 - where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
54. As a result, the acceptability of the development largely rests on planning balance of whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits there being no policies in this Framework that protect areas or assets of particular importance and which provide a clear reason for refusing the application.

Five year Housing Land Supply

55. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old..
56. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
57. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was, therefore, impossible for the Council to have such an annual position statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals (3213596, 3215357 & 3215186), the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
58. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 6 years supply of deliverable housing can be demonstrated when measured against this.

Locational Sustainability of the Site

59. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. In this respect, it is noted that the site is located within Durham City Centre and as such has good access to a full and wide variety of shops, services and employment opportunities and is well served by public transport. As such the site is considered to represent a sustainable location.

Impact upon Residential Amenity

60. The application site is located within a predominantly residential area towards the centre of Durham City and is framed by residential dwellings to the south, east and west, and by Durham Bus Station at greater distance to the north.
61. Several local residents have raised objection to the application which they consider would have a significant detrimental impact upon the residential amenity of adjoining residents from overbearing, overshadowing and loss of privacy. It is noted that the majority of those respondents were from Hanover Court situated to the west of the application site and is understood to be predominantly occupied by elderly residents. In addition, the City of Durham Trust and City of Durham Parish Council also consider the impact upon residential amenity to be significant and adverse and as such object to the application as a consequence.

62. Policy H13 of the CofDLP relates to the character and appearance of residential areas and seeks to protect the amenities of residents within them. Similarly, policy Q8 of the plan requires new development to provide adequate amenity and privacy for each dwelling and minimise the impact of the proposal upon the occupants of existing nearby and adjacent properties.
63. In this respect it is noted that Hanover Court represents one of the nearest residential properties to the proposed development and is positioned approximately 13.5 metres to the west of the existing building. It is double storey and occupies a north/south orientation similar to the application building presenting windows to habitable rooms towards the application site. The site is framed to the east by a similar residential complex although it is noted that in this instance all windows to habitable rooms are situated in the rear elevation and do not offer any direct views of the application building or proposed extensions.
64. Text supporting policy Q8 provides minimum separation distances to ensure that adequate levels of privacy are achieved in new residential development. Supporting text advises that a minimum of 21 metres between windows to habitable rooms, 13 metres be achieved between windows to habitable rooms and blank double storey gables and that 6 metres is provided between windows to habitable rooms and single storey gables.
65. The proposed development has been amended to remove a first floor window to the western elevation of the proposed extension which did not meet the 21 metres required by policy Q8. With this window removed the required separation distance of 13 metres between windows to habitable rooms at Hanover Court is achieved. In all other respects the development would meet the required separation distances.
66. Whilst it is noted that part of the building as extended would be situated at the boundary with those residential properties to the east and have an overall height of 6.9 metres to the ridge of a dual pitched roof, it is noted that given the orientation of adjacent dwellings and position of existing windows it would not appear overbearing or have any significant adverse impact in terms of overshadowing or loss of privacy. An external window is proposed at first floor to the southern elevation and whilst this would not directly overlook the amenity space of any adjacent property it is nevertheless considered appropriate to ensure that this be obscure glazed through planning condition. There would be some overshadowing of land to the east however it is noted that this is presently hardstanding use as car parking and therefore this is not of a magnitude to justify refusal.
67. With regard to external amenity space the development proposes a shared area of amenity space to the rear of No. 22 Allergate which although unusual nevertheless includes sufficient space service both the proposed dwelling and two existing properties. Whilst there would be some overlooking of the rear amenity space of No. 22 Allergate as a result, this arrangement currently exists and would not significantly worsen as a result of the proposed development.
68. Several residents have also raised concerns regarding increased disruption during the construction phase of development should planning permission be granted and also questioned the suitability of access arrangements for the delivery of materials during this period, citing noise in particular as a concern. The Council's Environmental Health Section has been consulted and offers no objection to the application subject to the inclusion of planning conditions to control working hours and the emission of noise, dust, odour and vibration during the construction phase. Given the constrained nature of the site it is considered appropriate to include a construction management plan which would include the submission and agreement of working hours and precise means of noise, dust, odour and vibration suppression.

69. Subject to the inclusion of the planning conditions stated the development would accord with the aims of policies H13 and Q8 of the CofDLP and paragraph 180 of the NPPF.

Impact upon Designated Heritage Assets including the Character and Appearance of the City of Durham Conservation Area and setting of the Grade II Listed Building

70. The application site is situated within Durham City Conservation Area and the setting of a Grade II Listed Building at No 22 Allergate. It is also located to the west of the UNESCO World Heritage Site at Durham Cathedral.
71. As such policies E6 and E21 of the CofDLP are relevant and require new development to preserve or enhance the special character and appearance of the City of Durham Conservation Area. In addition policy E23 is also relevant which states that the Council will seek to safeguard listed buildings and their settings by not permitting development which detracts from the setting of a listed building. Both approaches display a broad level of accordance with the aims of Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of paragraph 193 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.
72. Several local residents, the City of Durham Parish Council and City of Durham Trust all raise objection to the application and consider that the development would have a significant and detrimental impact upon the special character of the surrounding conservation area and Grade II Listed building.
73. The building occupies a back land position between Allergate and North Road Bus Station where it is fully concealed in views from the surrounding public realm due to the intervening topography and existing dense built development. The extended building would be partially visible from the parking area adjacent to the east of the site, but this is a private space from within which no harmful visual impacts would occur. Consequently, the Council's Design and Conservation Section advises that the impact on the character and appearance of the surrounding conservation area as a result of the proposal would be neutral.
74. With regard to the adjacent Grade II Listed Building it is noted that the application building sits to the north of this and firmly within its setting. However, the assets setting has already been compromised by the presence of the building itself constructed within the original burgage plot and it possesses no historic, functional, or positive visual associations with the asset. Extending it as proposed would be considered to cause no further harm to the heritage assets setting than that which presently exists and again the Council's Design and Conservation Section raises no objection to the application in this regard.
75. In terms of design the first floor extension would have a hipped roof reflecting the roof of the existing two storey element, while the extension at the north end would form a simple continuation of the existing linear-narrow plan form terminating within a hip-end and including vertically proportioned windows that would be acceptable.

76. The elements of the proposed extensions in combination would increase the scale and mass of an already sizable building but taken together they would not be considered to represent an over development of the site and importantly what survives of the historic burgage plot would remain conserved and legible. Furthermore, observations on site revealed a number of large scale back land developments in the vicinity including a detached modern apartment block adjacent immediately to the west and large extensions to the neighbouring properties to the east; therefore the proposal would not be considered out of keeping with the scale of surrounding built development. A degree of articulation would be provided by the variation in the ridge height and by maintaining the set-back in the building line at the south end.
77. The development proposal would therefore cause no adverse harm to the special character and appearance of the surrounding conservation area or the setting of the listed building and would relate acceptably to the existing building in design terms. As such it is considered to accord with policies E6, E22, E23 and Q8 of CofDLP, and paragraphs 193 of the NPPF and Sections 66 and 73 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990.

Parking, Access and Highway Safety

78. At present the application property is served by a single width pedestrian access gate direct onto Allergate which serves a narrow vennel that leads to an area of shared external amenity space and the development proposes the retention of this arrangement. In terms of parking provision neither 22, nor 22A Allergate currently benefit from any in curtilage car parking and again this arrangement would be maintained post development.
79. Policy T1 of the City of Durham Local Plan states that planning permission will not be granted for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property and policy T10 requires new development to provide adequate car parking. This is considered to display a broad level of accordance with the requirements of paragraph 32 of the NPPF which requires new development to provide safe and secure access to the new development.
80. Several local residents and the City of Durham Parish Council raise concerns regarding the lack of off street car parking contained within the development and that increased congestion during the construction phase would compromise highway safety.
81. However, the Highway Authority offers no objection noting that the site lies within close proximity to the commercial city centre which includes bus and rail stations, and within the city's controlled parking zone. With regard to the latter they go onto confirm that no permits allowing future residents to park on street would be issued to should planning permission be granted. Notwithstanding this it is considered that the city centre location and the site access to public transport as a consequence to be such that the lack of any in curtilage parking is not sufficient to sustain refusal of the application, particularly noting that many of the residential properties along Allergate operate a similar arrangement.
82. With regards to construction traffic the precise detail of the management of deliveries could be controlled through the construction management plan which could be secured through planning condition as noted elsewhere in this report.

83. Subject to the inclusion of a planning condition requiring the submission, agreement and implementation of a Construction Management Plan the development is considered to accord with the aims of policies T1 and T10 of the CofDLP and paragraph 108 of the NPPF.

Contaminated Land

84. Paragraph 178 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
85. However, the Council's Contaminated Land Section has been consulted and raises no objection to the application advising that there is no requirement for any contaminated land condition. In this regard the development is considered to accord with the requirements of paragraph 178 of the NPPF.

Ecology

86. The proposal involves intrusive works within the roof void of an existing building and as such the Council's Ecologist has been consulted raising no objection to the application subject to the inclusion of a standard informative relating to bats which could be included should be planning permission be granted.
87. Subject the inclusion of an informative in this regard the proposal is considered to accord with the requirements of policy E14 and paragraph 175 of the NPPF in that it would not have any unacceptable impact in terms of biodiversity or protected species.

Planning Balance

88. As the relevant policies of the CofDLP are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged and in this regard a summary of the benefits and adverse impacts of the proposal are considered below;

Benefits

89. The development would provide some limited benefit in terms of a boost to housing supply, although it is noted that this could be considered severely limited at 1 additional dwelling, particularly in the context that the Council can demonstrate a 5 year supply of housing land. Less weight should therefore be afforded to the benefits of delivering new housing in this regard as such than would otherwise be the case if any shortfall in supply existed.
90. To a limited degree the development would provide direct and indirect economic benefits within the locality in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded some limited weight.

Adverse Impacts

91. The application demonstrates that there would not be any adverse impact to which weight could be attached in determination of this application that could not be adequately mitigated through inclusion of planning conditions.

CONCLUSION

92. When applying the planning balance contained in paragraph 11 of the NPPF it is considered that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits and as such planning permission should be granted.
93. The site occupies a sustainable location within the residential framework of Durham City Centre and is well served by a wide variety of shops, services, employment and education opportunities and as such is acceptable in principle. By reason of its size, scale, layout, design and use of materials sympathetic to the surrounding area the building as extended and the resultant additional dwelling would not have a detrimental impact upon the special character of the Durham City Conservation Area, the setting of the Grade II Listed building or WHS, the amenity of surrounding occupiers, highway safety, ecology, land contamination or drainage in accordance with the aims of policies E6, E16, E22, E23, H7, H13, Q8, U8A and U11 of the CofDLP and paragraphs 11, 127 and 180 of the NPPF.

RECOMMENDATION

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

1. The development should not be begun later than 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;

Drawing No.	Description	Date Received
2171/10-A	Location Plan	03 December 2018
2171/10-A	Proposed Elevations and Floor Plans	20 February 2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. No development shall commence until samples of all external walling and roofing material has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the surrounding locality and City of Durham Conservation Area in accordance with the aims of policies E6, E22 and E23 of the CofDLP as amended by Saved and Expired Policies September 2007 and paragraph 124 of the NPPF. This is required as a pre commencement condition in order to mitigate potential impact on the character and appearance of the surrounding area which needs to be considered before site works commence.

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority.

The agreed plan shall include as a minimum (but not necessarily be restricted to) the following:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 ‘Code of practice for noise and vibration control on construction sites’ 2014.
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council’s accepted hours for construction/demolition activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no noisy working on a Sunday or Bank Holiday.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Details of the management of the delivery of materials to the site.

The management plan shall have regard to BS 5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations. The approved Construction Management Plan(s) shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing residents from the development and to comply with policy H13 of the CofDLP and Part 15 of the NPPF. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

5. No development shall commence until such time as a scheme for the disposal of foul and surface water from the development be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To ensure the satisfactory disposal of surface water generated by the development in accordance with the requirements of policy U8A of the City of Durham District Local Plan as amended by Saved and Expired Policies September 2007. This is required as a pre commencement condition in order to mitigate potential impact on drainage and flooding which need to be considered before site works commence.

6. Prior to the first occupation of the dwellings hereby approved details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the appearance of the area and to comply with policies E6, H13 and Q8 of the City of Durham Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the windows to the first floor bathroom in the southern elevation shall be obscure to level 3 or higher of the Pilkington scale of privacy.

Reason: In the interests of the privacy of the neighbouring occupier and to comply with policy H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse 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. Regretfully, a positive recommendation has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

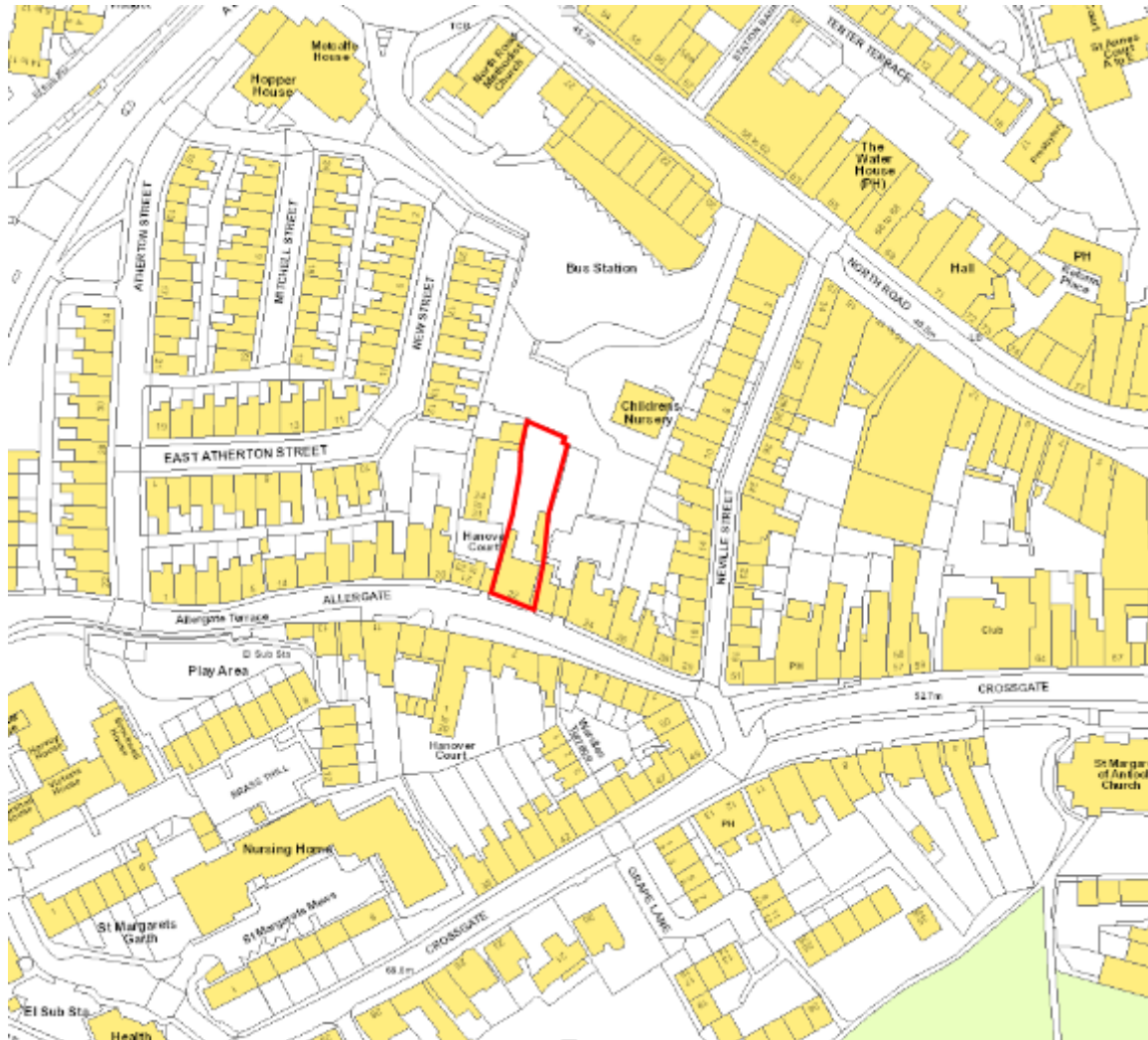
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Saved policies of the City of Durham Local Plan 2004

Statutory, internal and public consultation responses



Planning Services

2 Storey Extension to existing dwelling to create a total of 2 No. Dwellinghouses

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Comments

Date 9 April 2019