

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/19/00397/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Domestic Garage
<b>NAME OF APPLICANT:</b>	Mr David Taylor
<b>ADDRESS:</b>	Land south of West Wynd Stockton Road Seaham SR7 0PB
<b>ELECTORAL DIVISION:</b>	Seaham
<b>CASE OFFICER:</b>	Jennifer Jennings Planning Officer Telephone: 03000 261057 <a href="mailto:jennifer.jennings@durham.gov.uk">jennifer.jennings@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is located to the north of Seaham, and forms part of a small group of dwelling houses located to the east of the B1285. The property and curtilage is the southernmost property of this grouping, beyond which lies intervening agricultural fields before reaching properties associated with the main settlement area of Seaham, some 330 metres away to the south. Directly west of the B1285 and opposite the application site lies Seaham Grange Industrial Estate and this extends south towards the main settlement area of Seaham. The Industrial Estate covers a large area but is hidden from view along the length of the B1285 by extensive and mature hedgerow. To the north of, and directly adjacent to, the Industrial Estate lies former agricultural buildings associated with East Cherry Knowle Farm which have been converted to dwellings.
2. The application site consists of a large double fronted detached dwelling, located to the north of the site with an attached double garage on the north gable end of the property. The dwelling has a brick and red tile finish with a large area of curtilage to its west (front), south (side) and east (rear). A tarmac drive exists to the front, whilst the land to the south of the dwelling consists of loose gravel, allowing for further parking. To the south east and east (rear) of the property are lawned areas, along with a patio area directly adjacent to the rear elevation. Boundary treatments consist of a low lying brick wall with high pillars to the frontage and open post and rail fencing along the south and east boundary up to one metre in height.

3. The application site is located within the Tyne and Wear Green Belt. From this point the Green Belt extends eastwards to the coast, southwards towards Lord Byrons Walk and northwards towards the boundary with Sunderland, taking in the other dwellings adjacent to the application site and the barn conversions of East Cherry Knowle Farm. Seaham Grange Industrial Estate is not within the Green Belt but the designation continues west from the west boundary of the Industrial Estate.

## Proposal

4. The proposal seeks full planning permission for the erection of a detached triple garage located within the curtilage to the south of the dwelling. The garage would measure 12 metres by 7 metres with the long frontage facing towards the B1285. Four dormer windows would be located in the roof, two to the front and two to the rear, serving an upstairs room within the garage. The proposed building would be finished in matching brick and roof tile.
5. The application is referred to Committee at the request of the Local Ward Councillor who wishes the Planning Committee to consider whether or not a refusal of the proposals for a garage within the curtilage of a dwelling is reasonable, despite its Green belt location.

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## **PLANNING HISTORY**

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6. In 2003, an outline application was submitted for a new dwelling but was withdrawn. A further outline application for a new dwelling was submitted in the same year and approved in 2004. The red line boundary was significantly smaller, covering not much more than the foot print of the house and front driveway area.
7. In 2007, planning permission was granted for the erection of a house and garage. The application also sought permission for change of use of land to the south of the site for domestic use.
8. In 2012, planning permission was granted for a front porch.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
10. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
11. 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.

12. NPPF Part 13 Protecting Green Belt Land - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

13. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **LOCAL PLAN POLICY:**

##### *The Easington District Local Plan (2001) (LP)*

14. *Policy 1 – General Principles of Development* – Due regard will be given to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
15. *Policy 3 – Protection of the Countryside* – Development limits are defined on the proposal and inset maps. Development outside ‘settlement limits’ will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
16. *Policy 4 – Green Belt Extension in County Durham* – this policy defines the extent of the Tyne and Wear Green Belt that lies within County Durham.
17. *Policy 35 – Design and Layout of development* – Development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
18. *Policy 36 – Design for access and the means of travel* – To ensure good access and to encourage alternative means of travel to the private car, development should provide safe and convenient footpath and cycleway links, facilities to enable public transport, safe and adequate access capable of serving the amount and nature of traffic to be generated, physical measures to exclude or reduce impacts of motor traffic. states that existing footpaths and public rights of way should be protected.
19. *Policy 37 – Design for Parking* – new development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

20. Policy 73 – Extensions and / or alterations to dwelling houses – where such development requires planning permission, approval will be granted where there are no serious adverse effects on neighbouring residents, the proposal is in keeping with the scale and character of the building and the proposal does not prejudice road safety or result in the loss of off street parking.

#### **RELEVANT EMERGING POLICY:**

21. Paragraph 48 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>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

22. Highways Authority comment that there would be no highways objection subject to imposition of a planning condition restricting the use of the on-site garages to C3 residential use to prevent any unauthorised uses the garages could be associated with in the future.

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

23. Environment, Health and Consumer Protection (Contaminated Land) – have no concerns with regards the application and no requirement for a planning condition relating to land contamination.

Landscape Section – comment that there would be some adverse landscape and visual effects. The principal receptor is the Stockton Road and views of the garage would be seen from most viewpoints against the greater mass of the adjacent house's gable end. The effect of the proposals in terms of incursion into the Green Belt would be marginally reduced if the structure was rotated to face south rather than west.

#### **PUBLIC RESPONSES:**

24. The application has been advertised by means of site notice on site and by notifying neighbouring residents by letter. No comments have been received.

#### **APPLICANT'S STATEMENT:**

25. We have worked with planners and agents of Durham County Council and sought advice to establish a positive solution to provide a suitable garage to accommodate private cars on land at South Wynd Seaham.

26. The application site is within the enclosed boundary our property which was granted planning permission ref 5PLAN/2007/0554 for a detached dwelling which we now occupy.
27. Planners and Officers of DCC. Have verbally agreed that a detached garage located on the land could be supported, subject to the structure being positioned against the exposed gable end of South Wynd.
28. We have considered the proposal but consider the suggested location of the garage does not represent a practical solution to meet our requirements. We have therefore suggested the garage be repositioned to a position parallel to the existing property.
29. We also note The Highways Authority have confirmed no objections will be raised to access for the proposed development.

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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30. 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 the principle of the development within the Green Belt, impact of the development on the openness of the Green Belt and on the character of the surrounding area, residential amenity and highway safety.

### Principle of Development within the Green Belt

31. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the Local Plan was adopted in 2001 and was intended to cover the period to 2006 and, whilst the NPPF advises at Paragraph 213 that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF, it is considered nonetheless that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. In such circumstances the weight to be afforded to existing Local Plan policies should depend upon their degree of consistency with policies of the NPPF.
32. In consideration of the above, saved policy 4 relating to the Green Belt designation to the north of Seaham is directly relevant to the proposal and identifies that the application site is located within the Green Belt. Policy 5, which provides advice on the control of development within Green Belts, is however not a 'saved' policy following 2004 planning reform and is considered expired. On this basis paragraph 11 of the NPPF would be engaged, as there are no relevant development plan policies or policies which are most important for determining the application are out of date. However, paragraph 11 states that permission should be granted unless:

- i. The application of policies in the NPPF 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 the NPPF taken as a whole.
33. Accordingly, it is necessary to consider whether paragraph 11(d) i) above applies which in turn depends upon an assessment against section 13 of the NPPF relating to protecting of Green Belt land.
34. Within this section paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that when considering any planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
35. Paragraph 146 clearly states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
  - a. Buildings for agriculture and forestry;
  - b. The provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments
  - c. The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
  - d. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
  - e. Limited infilling in villages
  - f. Limited affordable housing for local community needs
  - g. Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
36. Paragraph 147 provides other exceptions, including mineral extraction and engineering operations etc which are not of relevance to this application.
37. In the determination of this application, consideration needs to be given as to whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the NPPF. The exceptions within paragraph 146 do not specifically refer to garages or outbuildings within the garden curtilage of dwelling houses. However, as outlined at an appeal case in 2004 (DCS ref. 037-661-665) it was agreed that domestic outbuildings could be defined as extensions for the purposes of defining appropriateness, in which case the application can be determined against part c of the paragraph 146 exceptions.
38. The site currently comprises a large detached two storey dwelling house with attached double garage. The dwelling house has a footprint of approximately 205 square metres with the existing double garage adding a further 56 square metres. The proposed triple garage would measure 84 square metres in footprint, which would equate to a 32 per cent increase in the developed area of the site. Whilst an increase of one third may not, in general, be considered excessive, this needs to be considered in the context of the site and how it relates to existing development.

39. At present development on the site is located at its northern most end adjacent to the existing built up area. The frontage of the dwelling house measures 14 metres across, with the attached garage measuring 6.4 metres across. This presents a relatively long frontage, particularly by comparison to neighbouring semi detached and detached properties further north along the street, which for the most part measure no more than 10 metres along their frontage. The proposed triple garage would measure 12 metres across its frontage and would add a 60 per cent increase in developed frontage of this site. This aspect in itself is considered a disproportionately large addition, particularly as the proposed garage is to be located on an undeveloped part of the site at the edge of the built up area at this part of Seaham. As a disproportionate extension, the proposal would represent inappropriate development in the Green Belt.

#### Impact of the development on the openness of the Green Belt and landscape character

40. Being designated Green Belt land, the LPA is duty bound to protect the openness of such land and ensure any excepted development does not undermine the reasons for including land within this designation. Paragraph 134 sets out the five key purposes of the Green Belt, three of which have direct relevance in this case, namely to check unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment. The introductory three paragraphs to this report provide detail on the application site and the context of its surroundings. From this assessment it is clear that the south gable end of the existing dwelling marks the end of the developed area of this part of Seaham on this side of the B1285, beyond which the openness of the countryside area is evident. This area is characterised by the expanse of agricultural land with the benefit of long distance views to the coast and sea beyond being readily gained. It is without doubt that the addition of a triple garage beyond the developed area will impede on this openness.

41. Although the land proposed for development is contained within garden curtilage, an assessment of the history of the site reveals that this curtilage area was extended significantly during the course of planning applications between 2004 and 2007 for the erection of the house that has now been built. Initially the site was triangular in shape with the frontage not dissimilar to what currently exists along the main road, but with the boundary cutting back diagonally across the land towards the existing built up area. Historic maps show that this field boundary had existed since before 1850. However the later 2007 planning application for the house and garage included a site location plan that had effectively squared off the land, seeking permission to change the use of existing farm land into domestic curtilage. Whilst this was approved (although objections were noted at the time), restrictions were applied to the permission to seek to control incursion of development beyond the approved built area, by removal of permitted development rights for extensions and separate outbuildings. This has been effective to date, and although classed as domestic curtilage, the land forms a part of, and contributes to, the openness of the Green Belt. This is helped by the boundary treatments at the site, with low lying wall to the front and open post and rail fencing to the side and rear elevation.

42. The views of the Council's Landscape section were sought in terms of the likely impact on the character of area. They commented that there would be some adverse landscape and visual effects and that the garage would be seen from most viewpoints. They further comment that even if the garage were rotated to face south rather than west, the extent of its incursion in the Green Belt would be only marginally reduced, meaning there would continue to be an impact on openness.

It should be noted that Green Belt designations are planning tools to protect from encroachment into countryside areas and are not used as a means to define the quality of landscape character. So whilst the area does not benefit from a designation of high landscape value, its Green Belt status is nonetheless sufficiently important, with the NPPF identifying one of its key attributes as its openness. With no development or domestic structures to the south of the dwelling house, the site remains uncluttered and merges seamlessly with the surrounding open countryside. In this way it is clear that the addition of a large triple garage would therefore erode this open character, encroaching into the countryside, harming one of the key purposes of designating the land as Green Belt.

It is therefore necessary to apply the test in paragraph 144 of the NPPF namely that if a proposal would be inappropriate development, consideration should be given as to whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations which would amount to very special circumstances necessary to justify the development. The proposal is by definition harmful and in addition to that, there would be an adverse impact on openness and the landscape character. The site already benefits from a double garage alongside a good sized dwelling, with accommodation over three floors, and no justification for the proposed garage has been put forward. Accordingly, there are no considerations which clearly outweigh the identified harm and very special circumstances do not exist.

#### Impact on residential amenity

43. Given its location away from the main area of development to the north, the proposals would not create any negative impacts in terms of loss of privacy or overbearing impact on surrounding properties. There is no conflict with policy 35 of the local plan in this regard.

#### Highway Safety and Access

44. Saved local plan policy 36 requires that the council should require that the design and layout of development provide safe and adequate access capable of serving the amount and nature of traffic to be generated as well as encourage alternative means of travel. The proposed garage would accord with these requirements insofar as suitable access can be gained onto the road with good levels of visibility available. Highways have therefore raised no objections, however suggested a condition be applied to ensure that the garage would be used in association with the dwelling house and not for a business or trade.

#### Other matters

45. Some queries were raised during the course of the application in terms of the reasoning behind including a Green Belt in this location, particularly given the location of the Industrial Estate nearby. From assessing the preamble associated with Policy 4 of the Easington Local Plan 2001, it is clear that significant concern was raised with regards the potential for the settlement to merge with Ryhope to the south of Sunderland as well as noted pressure for development on the agricultural land to the north of Lord Byrons Walk, which was impacting on the regeneration of sites within the Seaham town centre area. In this regard the Green Belt was deemed an important and necessary addition to the 2001 Local Plan for Easington and is to be carried forward within the emerging County Durham Plan.



46. Further comments were made with regards the erection of a triple garage to the north of the East Cherry Knowle Farm area, north of the Seaham Grange Industrial Estate. This site consisted of a series of derelict farm buildings that were subsequently converted to homes. The latest permission was granted in 2011 and as part of the conversion scheme, a triple detached garage with dormers in the roof space was also approved. It is noted that the site is also located within the Green Belt area. However the merits of this case differ substantially to the current proposal, not least due to its location adjacent to the Industrial Site to the west of the B1285, but also due to the existing established hedgerow forming a natural field boundary at the site. In addition the garage in this location is not deemed to impact on any open views within the area due to the existing hedgerow providing significant screening.
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## **CONCLUSION**

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47. In conclusion, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this case, the proposed triple garage with dormers is considered disproportionately large and in a very prominent location therefore amounting to inappropriate development and impacting on the openness of the Green Belt. Added to this harm is the adverse impact on the landscape character of the area. Very special circumstances do not exist to outweigh this harm. The proposals are therefore deemed to conflict with the aims of the NPPF and the reasons behind the designation of the Green Belt as outlined in Policy 4 of the Local Plan. Paragraph 11(d)(ii) of the NPPF is applicable and the proposal does not benefit from the presumption in favour of sustainable development.
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## **RECOMMENDATION**

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That the application be **REFUSED**, for the following reason:

1. The proposed triple garage with dormers is considered disproportionately large and prominently located therefore amounting to inappropriate development in the greenbelt. In addition to harm by reason of inappropriateness, there is an adverse, impact on the openness of the Green Belt and the landscape character of the area. Very special circumstances do not exist which would clearly and demonstrably outweigh this identified harm. The proposals are therefore deemed to conflict with the aims of Green Belt policy as detailed within Part 13 of the National Planning Policy Framework, as well as undermining the reasons behind the designation of the Green Belt as outlined in Policy 4 of the Easington District Local Plan 2001.
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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in balance of all considerations, the issues of concern could not result in a positive outcome being achieved. (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 form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham Local Plan

Statutory, internal and public consultation responses

