

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** DM/19/01182/FPA  
**FULL APPLICATION DESCRIPTION:** First floor front extension and attached garage  
**NAME OF APPLICANT:** Mrs Joanne Hall  
**ADDRESS:** 3 Witton Garth  
Peterlee  
SR8 1NF  
Passfield  
**ELECTORAL DIVISION:**  
  
John Russell  
**CASE OFFICER:** john.russell@durham.gov.uk  
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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 at the end of the residential cul-de-sac at Witton Garth, Peterlee. The site slopes from the north to the south, with the property currently having 4 bedrooms based over the ground and first floor. In addition, there is a garden room to the rear and attached double garage on the front elevation with a balcony area at first floor level.

### PROPOSAL:

2. Full planning permission is sought for a first-floor extension above the existing double garage and creation of an attached garage on the front elevation towards the south of the site. The new room created in the first-floor extension is described on the floor plans as a disabled child's bedroom/bathroom. This new bedroom will have folding doors leading to a small rectangular area of the existing balcony. In addition to this, further internal works are detailed on the drawings and floorplans which include the existing garage being converted into a therapy room.
3. Internally the building is to be reconfigured to become a 5-bedroom property with therapy, play and games rooms, along with living, dining and garden rooms, kitchen, utility and bathrooms. The proposed attached garage will replace the current double garage and is required for the storage a vehicle due to a previous vehicle being stolen and the storage of mobility equipment.
4. The application is brought before members at the request of the local ward member (Cllr Hawley) for consideration of visual amenity.

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## **PLANNING HISTORY**

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5. PRE21/18/03048 – Pre-application advice request for conversion of garage, build on top of garage and construction of new garage to side (10<sup>th</sup> January 2019).
6. The final pre-application response was unresponsive for the first-floor extension due to the impact on amenity of the neighbouring property (4 Witton Garth, Peterlee) which is a bungalow and set down below the application site due to the land topography. The applicant was also advised that the proposal did not meet minimum distance standards and was perceived to be significantly overbearing upon the residential and visual amenity of the neighbouring property. However, it was acknowledged that a proposal at the rear of the property could garner support or the first-floor extension being reduced by half the proposed width.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

#### *National Planning Policy Framework*

7. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with 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.
9. 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.
10. NPPF Part 12 - Achieving well-designed places. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

*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:**

#### *District of Easington 2001*

11. Policy 1 (*General principles of new development*) whether the proposal would accord with the principles of sustainable development together with any benefits to the community and the local economy.

12. Policy 35 (*Design and layout of development*) proposals should embody the objectives of energy conservation, reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials, provide adequate open space, appropriate landscaping features and screening where required and have no serious adverse affect on the amenity of people living and working in the vicinity of the development site and existing use of adjacent land of buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
13. Policy 73 (Extensions and/or alterations to dwelling houses) extension or alterations to an existing dwelling, will be approved provided that there is no serious adverse effect on the amenities of residents of adjoining properties in terms of either overshadowing, loss of light, overlooking or visual intrusion. The proposal is in keeping with the scale and character of the building itself and the area generally in terms of site coverage, height, roof style, detailed design and materials and the proposal does not result in the loss of off-street car parking spaces or lead to conditions that are prejudicial to road safety.

#### **EMERGING POLICY:**

14. 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:**

15. Ward Councillors were consulted on the 29<sup>th</sup> April 2019 and Councillor Karen Hawley has requested that the application be brought before members for consideration of visual amenity.

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

16. Highways Section – The councils Highways Officer was consulted and has confirmed that whilst the loss of a potential garage parking space may be disappointing the property would still be able to accommodate at least 3 no. parked motor vehicles to the front of the proposed ground floor therapy room and the proposed attached single garage. This remains a good level of on-site car parking and complies with the minimum requirement of the County Durham Parking & Accessibility Standards 2019, based on this there would be no highway objections to these proposals.

17. Ecology – The councils Ecology Officer was consulted and has raised no objections, however, a request has been made to include a bat informative if approval is recommended.
18. Trees – The councils Tree Officer was consulted and has raised no objection, however, it is possible that the construction will impact a neighbouring hedge but this is not protected and the applicant should be advised to ensure this is not damaged during construction if approval is granted.

#### **PUBLIC RESPONSES:**

19. The application was advertised by means of site notice which was displayed adjacent to the property on the 30<sup>th</sup> April 2019 and by neighbour notification to 5 properties also on the 29<sup>th</sup> April 2019.
20. At the time of preparing this report no responses from neighbours have been received.

#### **APPLICANTS STATEMENT:**

21. The applicant has opted not to submit a statement.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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22. 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.
23. It is acknowledged that the proposal involves significant work for a disabled child. The personal circumstances of an applicant can be a material planning consideration, but are rarely a determinative factor. Therefore, only limited weight can be afforded to the personal circumstances of the applicant in the decision making process.
24. 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**

25. The application site is located within the settlement boundary of Peterlee and is a detached property located at the end of a cul-de-sac. Within the immediate area there are a mix of property types and sharing similar material including buff colour brick, concrete roof tiles and mainly brown coloured fenestration. The site is situated on an area of land that slopes downward from north to south.
26. Peterlee is a large town situated in the east of the county and benefits from facilities, services and transport options. As such a 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 policy 1 of the local plan.

27. The proposal needs to be determined in accordance with the LP unless material considerations dictated otherwise including the National Planning Policy Framework 2018 (NPPF) particularly paragraph 11 which establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations dictate otherwise);

– Approving development proposals that accord with the development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

Policy 73 of the Local Plan states that extensions to an existing dwelling will be approved as long as specific criteria are met. This policy is considered to be up to date and compliant with the aims of the NPPF. Therefore, the expansion of the property would be acceptable in principle, subject to detailed consideration of the impacts of the proposals on neighbouring properties and the locality.

Impact upon residential amenity

28. In respect of the design and layout of the development, during the pre-application process design changes were advised to make the proposal acceptable in policy terms. This included recommendations to either locate the extension to the rear of the property or to reduce the first-floor extension by half the width. These changes were to ensure the proposal was in accordance with policy requirements of the local plan as appendix 7 (paragraph 2.5) states a minimum distance of 13.5 metres between window elevations and opposing gable end walls should be maintained to reduce the impact on amenity of neighbouring property, in this case 4 Witton Garth, Peterlee. The submitted application has disregarded this advice and additionally the attached garage has now been relocated to the front elevation at the south of the site forming an even closer gable wall in relation to habitable windows of the neighbouring property. The proposed first-floor extension fails this policy requirement as the distance is approximately 11 metres from the proposed first-floor gable wall to the neighbouring property and the garage gable wall will be approximately 6.25 metres. As such the proposal is not in accordance with policies 35 or 73 of the District of Easington Local Plan. Policy 73 (Extensions and/or alterations to dwelling houses) states extension or alterations to an existing dwelling will be approved provided that there is no serious adverse effect on the amenities of residents of adjoining properties in terms of either overshadowing, loss of light, overlooking or visual intrusion. It is considered that the current proposal will have a significant adverse impact on the residential amenity of the neighbouring property due to the closeness of the proposed 2 new gable walls.

29. The pre-application submission from the applicants proposed an alternative way of extending the host property with a garage to the side, which would have less of an impact on this neighbouring property. However, the submitted scheme has been amended as described, with the side garage now omitted.

30. The materials to be used in the development have been confirmed to be light buff facing brick, brown concrete tiles and brown Upvc fenestration, all to match existing materials.
31. Therefore, in design terms it is considered that the proposed first-floor extension and attached garage are unacceptable as they are not in accordance with policies 35 and 73 and appendix 7 (paragraph 2.5) of the District of Easington Local Plan due to separation distances being less than 13.5 metres from the new gables to habitable room windows of the neighbouring property 4 Witton Garth, Peterlee. The situation is made worse by the difference in ground levels between the two properties, with the application site being higher and increasing the overbearing impacts of the development.
32. In respect of residential amenity, due to the location of the development site, orientation of the host dwelling and location of the proposed first-floor extension and attached garage it is considered that there would be significant adverse impact on the residential amenity of the neighbouring property to an extent that would justify refusal. As stated above Appendix 7 (paragraph 2.5) sets a distance of 13.5 metres from a gable to habitable room windows. For the avoidance of doubt Appendix 7 (paragraph 3.4) states habitable rooms shall include: living rooms, dining rooms, kitchens, bedrooms, studies, games rooms, nursery etc. non-habitable rooms include bathrooms, toilets, halls, landings, cloakrooms and utility rooms.
33. NPPF Part 12 (Achieving well-designed places) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to further state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127(f) highlights that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This latter point is of particular significance given the impacts on the neighbouring property, and the proposal is considered to be contrary to the NPPF in this respect.

### **Impact upon visual amenity**

34. Policy 35 (Design and layout of development) requires that proposals should reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. In addition, they should have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and existing use of adjacent land of buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. The proposal would generate an enlarged property at the southern side of the site and an increased density of development as a result, and as such there are some concerns about scale and design. However, the area is characterised by individual properties of varying scale and design, and the application site is located at the end of a cul-de-sac. On this basis, the development is not considered to have such significant adverse impacts on the host property or street scene to justify refusal as being out of character. Notwithstanding this, the proposal would create an over bearing impact on the neighbouring property for reasons mentioned previously and have significant adverse impacts on the residential amenity currently enjoyed.

### **Highways**

35. In respect of highways issues, the council's Highways Officer has confirmed that whilst they are disappointed to see the loss of the double garage, they have no objections to the scheme. The Highways Officer is satisfied that at least three vehicles could park within the curtilage of the property.

36. 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 1, 35 and 73 of the District of Easington Local Plan.

### **Trees**

37. In respect of trees on the site, the council's Tree Officer has confirmed that they have no objections, however, it is possible that the construction will impact a neighbouring hedge but this is not protected and the applicant should be advised to ensure this is not damaged during construction if approval is granted

### **Ecology**

38. The council's Ecology Officer was consulted and has raised no objections, however, a request has been made to include a bat informative if approval is recommended.

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## **CONCLUSION**

39. In conclusion it is considered that the proposed development due to its location, site topography and overall design would have significant adverse impact on the residential amenity of the neighbouring property at 4 Witton Garth, and does not meet the policy requirements of the local plan with regards to separation distances and is therefore contrary to policies 1, 35 and 73 of the District of Easington Local Plan. Although the proposals are intended to provide disabled facilities, this is not considered to outweigh the harm caused by the development.

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## **RECOMMENDATION**

Recommendation that the application is:

### **REFUSED**

1. The proposed extensions by reason of scale, design, location and a difference in ground levels are considered to have a significant adverse impact on the residential amenities of the neighbouring property, 4 Witton Garth, in terms of visual intrusion and overbearing impact, contrary to policies 1, 35 and 73 of the District of Easington Local Plan 2001 and Part 12 of the National Planning Policy Framework.

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## **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. Unfortunately, a positive outcome was not achieved on the application. (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**

- Submitted Application Forms and Plans.
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



**Planning Services**

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First floor front extension and attached garage at 3 Witton Garth, Peterlee, SR8 1NF

**Comments**

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

**Scale 1:1250**