

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/01810/FPA
FULL APPLICATION DESCRIPTION:	Part two storey rear extension and part single storey rear extension, raising of ridge height and loft conversion, increasing from 4 to 6 bedrooms.
NAME OF APPLICANT:	Mr Geoffrey Thompson
ADDRESS:	22 Blaidwood Drive Durham
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Jennifer Jennings Planning Officer Telephone: 03000 261057 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Blaidwood Drive forms part of an established residential estate located some 2.5 kilometres south of Durham City. The estate is made up of a mix of single and two storey properties, with the southern end of Blaidwood Drive consisting of large two storey detached properties of varying designs. The application site is situated at this part of the estate at the end of the cul de sac, with properties located to its north, east and south, and the A167 to its west.
2. The site consists of a large brick and tile dwelling house, previously benefiting from a large extension over the attached double garage. The property has garden area to the side of the property along with a large rear garden measuring just under 23 metres in length. A large block paved drive exists to the front, with access to it directly from the adopted highway.

Proposal

3. The proposal seeks full planning permission to raise the ridge and eaves height of part of the main roof of the house, along with two storey and single storey extensions to the rear. The proposal would increase the number of bedrooms from 4 to 6, with conversion of the loft providing for the additional two large bedrooms with ensuite. The existing conservatory to the rear would be demolished

4. The rear extensions would extend from the existing rear elevation by 3 metres, just short of being the full width of the main house. The two storey extension would be located to the east of the southern elevation and would hip into the new raised main roof, with the insertion of two dormers for each of the new loft rooms. The single storey extension to the west of the rear elevation would have two gable ends facing the garden area. To the front three new velux windows would be inserted. All materials would match existing.
5. The application is referred to Committee at the request of the local member Councillor Liz Brown who requested it on the grounds that the extent of the works and the general layout appear to show the property is being converted to two dwellings, contrary to policy H10, and the amount of building works proposed contrary to policy H13 of the Local Plan.

PLANNING HISTORY

6. 4/95/00485/FPA Two storey pitched roof extension to side of dwelling Approved 22nd September 1995

PLANNING POLICY

NATIONAL POLICY

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. 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.
9. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
10. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

11. 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 City of Durham Local Plan (2004) (CDLP)

12. *Policy H13 – Residential Areas – Impact upon Character and Amenity* – protects residential areas from development that would have a significant adverse effect on their character or appearance, or the amenities of residents within them.
13. *Policy T1 – Traffic Generation – General* – states that development proposals which would result in a level of traffic generation detrimental to highway safety should not be granted planning permission.
14. *Policy T5 – Public Transport* – The council will encourage improvements to assist public transport services including the provision of suitable facilities and ensuring new development can be conveniently and efficiently served by public transport.
15. *Policy T10 – Parking* – States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
16. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility* – states that the layout and design of all new development should take into account the requirements of all users.
17. *Policy Q9 – Alterations and Extensions to Residential Property* - The design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area. Wherever possible the alteration or extension incorporates a pitched roof, the alteration or extension respects the privacy of adjoining occupiers of the property and the alteration or extension will not create a level of multiple occupation.

RELEVANT EMERGING POLICY:

18. 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>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. Northumbrian Water have no comments to make.
20. Highways Authority raise no objections.

21. City of Durham Parish Council – objects on the basis that the proposals already benefit from a large extension and the further works proposed would mean the property would be out of scale with surrounding residences. There are further concerns that the property could be turned into a HMO, given the absence of an Article 4 direction in the area. In addition the Parish Council noted the lack of connection between the main house and the annex, making it very easy for the property to be converted to two residences. The Parish Council requested that the two conditions required by the Local Councillor be included relating to construction plan and prevention of conversion to two properties.

PUBLIC RESPONSES:

22. The application has been advertised by means of notifying neighbouring residents by letter. Five objections have been received raising the following points:
- The house has been extensively extended in the past and the current proposals are too large and too high and would create a property out of proportion to the surrounding houses.
 - Proposals would make house stand out and be significantly larger than those houses surrounding to detriment of appearance and amenity of the area.
 - Proposals are over development of plot.
 - Concerns that a second dwelling is proposed on the site
 - Concerns that the intention is to turn it into a HMO.
 - Concerns that the size of the new build would result in a different use which would be out of character of the area
 - The increase in number of bedrooms would result in more vehicles, pressure on parking, more activity in shared community space which would reduce public amenity
 - Excessive size for usual family accommodation

APPLICANT'S STATEMENT:

23. This is designed to be our “forever house” and the plans to extend reflect this. Both my wife and I are Directors of companies and we are not property developers. We have no desire to use this house to let out to students or have multiple occupancy which seems to be the real concern . It is our intention to upgrade the house to modern standards and then move in. The house has been in a state of disrepair for many years.
24. The objection and personal opinion from number 11 states the extra elevation would obstruct their view. It's worth stating that the extra elevation is 500mm. The rear of number 11 already has considerable obstructed views of our house due to the mature trees in gardens and the distance from our house would mean the 500mm extra would be barely noticeable. Given the layout of the estate where the houses are located at different angles and different elevations the extra 500mm would not be noticed by anyone.
25. The plot is one of the largest, yet most secluded on the estate and all of the work we are proposing is to the rear of the building which is not overlooked by anyone; with woodland to the side, not visible from the A167 whilst driving by at speeds of 30-40mph on the dual carriageway and will not change the front appearance of the house at all or increase the front elevation. The pleasant outward appearance of the house, the street, and the estate would be maintained and unchanged.

26. To see any of the rear elevation of the property a person would have to stand on or very close to our property. As there is no footpath to the front of the house this would be highly unusual. There is no access to the rear of the property at all as it is completely private. The mature shrubs and trees in the garden and at the side of the house also restrict visibility. We have always lived in houses with decent sized, family accommodation. Our current house is 5 bedrooms over three stories with four bathrooms. We don't consider the size excessive and there are many other similar-sized properties in the immediate vicinity, for example, Mount Oswald.

27. The annex will be used as a TV and hang out area for our children or for occasional friends visits.

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>

PLANNING CONSIDERATIONS AND ASSESSMENT

28. 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, impact on the character of the surrounding area, residential amenity, and highway safety.

Principle of Development

29. 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 City of Durham 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 2004 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.

30. In consideration of the above, saved policy Q9 relating to alterations and extensions to residential property and policy H13 relating to the character of residential areas are directly relevant to this householder development proposal. Policy Q9 requires that extensions will be permitted where the design, scale and materials are sympathetic to the main dwelling and character and appearance of the area; the extensions incorporate a pitched roof; the extension respects the privacy of adjoining occupiers and does not create a level of multiple occupation contrary to policy H9. Within the 'Justification' text relating to policy Q9 it states that extensions should remain subordinate to the main dwelling. H13 requires that new development should not have a significant adverse effect on the character or appearance of residential areas or the amenities of residents within them. Although referred to by the Local Councillor, policy H10 is not relevant in this instance as it relates to backland and tandem sites whereas the proposal relates solely to a householder extension.

31. These policies are broadly compliant with Part 12 of the NPPF relating to 'Achieving well-designed places', in particular paragraph 127b), c) and f), which requires development to be visually attractive as a result of good architecture and sympathetic to local character including the surrounding built environment, whilst not preventing appropriate innovation or change. Part 127f) states that development should create places that promote health and well-being with a high standard of amenity for existing and future users. Although it is noted the requirement for pitched roofs and subordinate design within the policy and Justification text of Q9, this is deemed over-prescriptive, as the NPPF allows for innovation and change where appropriate. In this regard less weight can be afforded to these elements of the policy, but the remainder of policy Q9 along with H13 can be afforded sufficient weight to allow an informed decision that remains compliant with the NPPF. Paragraph 11 of the NPPF is therefore not engaged.

32. In consideration of the above, the proposals are considered to accord with policy Q9 which is permissive in principle of extensions to properties. The policy does not set a limit on the extent of proposed extensions or limit the number of bedrooms created so long as the proposals are sympathetic to the host dwelling in terms of design and scale. In this regard, subject to further discussion regarding these aspects below, the principle of development is considered acceptable.

Impact on the character and appearance of the surrounding area

33. Policy requirements for new householder development, as detailed above, seek proposals to be sympathetic in design, scale and materials to the main dwelling and wider area. The main impacts from the proposed works when viewed from the street scene would relate to the heightening of the roof ridge and eaves by 0.5 metres.

34. The property is located at the furthest end of the estate within a corner site and although it would be visible when turning into the cul de sac area it is sufficiently distant from neighbouring residents for the increase in its height to not appear unacceptably out of scale or character with the area. Most of the properties at this part of the estate differ in appearance and design and have an irregular layout pattern in terms of how they relate to each other. There is therefore no uniformity of layout or design that defines a character that would be unduly interrupted by the proposals. As a further point, the change in the roof line at this part of the building would break up the existing long roof line, creating a slightly more balanced appearance to the house, as well as reinstating the primacy of the original part of the house, which has been diluted by the previous extension over the double garages .

35. The rear extension would not be readily visible from the main street, and although the extensions provide a large additional floor space, externally they are well related to the scale and design of the existing house, extending from the rear elevation by three metres which is less than half of its current width and not considered excessive in this regard. A condition can be applied requesting details of materials prior to commencement of works to ensure they appropriately match existing.

36. In consideration of the extent of the works, the 0.5 metres height increase and the rear extensions are considered to be of an appropriate and suitable scale and design, in keeping with the appearance and character of the host dwelling and wider areas. It is not considered that they would result in an overbearing impact adversely affecting the general amenities of the area. The proposals are deemed to accord with policies Q9 and H13 in this regard and Part 12 of the NPPF.

Impact on the amenities of neighbouring residents

37. Policy Q9 and H13 require developments to respect privacy of adjoining occupiers and to not have a significant adverse effect on the amenities of residents. The NPPF requires development to create places with a high standard of amenity for existing and future occupiers.
38. Nearest residents are located at no. 24 some 6.4 metres to the south east. The front elevation of their property is approximately level with the rear elevation of the application site. In this regard they would have some limited views from their front window of the proposed extension but this would be limited and it is not considered that there would be an unduly negative impact in this regard. The side elevation of this property is noted as having some obscure glazed windows and there are no concerns regarding loss of privacy and given the orientation of the properties, it is not expected that the new extensions would create loss of light to these windows in any case.
39. Whilst the majority of properties within the cul de sac have views of the house, the raising of the roof and eaves by half a metre is not considered to create negative impacts on the amenities of these residents, as it would not create issues of loss of privacy, and considering the distances from the application site, there would not be an overbearing impact on these surrounding residents. Property no. 17 to the east of the site would also have some views of the rear extensions and whilst this may fill a slight gap between nos. 22 and 24 as viewed from this property, it is not considered that this detrimentally impacts on their outlook or wider amenities at their home. It would not be possible to sustain a refusal on this basis.
40. Properties located to the rear at Roundhaven would have very limited views of the rear extensions given the distance from the application site and the intervening trees and hedges that provide good screening.
41. Overall the proposed development is considered acceptable in terms of impacts on residential amenity and accords with policy Q9 and H13 of the local plan in this regard.

Highway Safety and Access

42. Saved local plan policy T1 requires that the council should not grant planning permission for development that would generate traffic which would be detrimental to highway safety and have a significant effect on occupiers of neighbouring properties.
43. The dwelling is currently well served by off street parking including a double garage and sizeable driveway to the front. The site can therefore comfortably accommodate additional parking associated with the increase in bedrooms at the property. The proposals meet the requirements as set out in the Parking and Accessibility Standards 2018. Highways have raised no objections in this regard.
44. In terms of access to the site, some issues were raised with regards the impact of construction works on the block paving at the access road. It was requested that the applicants state in writing that they would be responsible for any damage to the road and a condition was requested for a construction management plan. Having assessed the details, the block paving is adopted highway. Any damage to this access road would mean the applicants were liable to the Council for repairs. In this regard it would not be appropriate to request an undertaking as part of the application, as they would be legally required to rectify the damage in any case and this would be a matter highways section would pursue.

The request for a construction management plan condition is also not considered fully warranted in this case as sufficient space is provided within the curtilage of the property to cater for construction traffic and storage of materials. An informative can however be applied requesting due consideration to neighbouring residents, including limiting hours of operation.

Other issues

45. Concern has been raised that the property could potentially be converted to HMO given the creation of additional bedrooms. It is noted that the Article 4 Direction removing permitted development rights for conversion of dwellings to small 6-bed HMOs that covers Durham City does not extend to this estate. However, the layout of the property continues to read as a large family home and although additional bed space is created, the large downstairs space would not be considered typical of student accommodation. The applicants have provided an explanation of the proposals in response to the concerns raised. Given the size of the house, it appears more likely that it would cater for a 7+bed HMO, potentially bringing it into Sui Generis use, meaning that permission would be required in this scenario. It is acknowledged that a change of use to C4 small HMO would not currently require planning permission, but the proposals have been submitted as a householder development and must be considered on their merits.
46. The Council is giving consideration to the introduction of a further Article 4 Direction in Durham City which could include this estate. The introduction of any Article 4 Direction would need to be evidence based, and work is presently being undertaken to consider the evidence in this regard. Once the evidence has been considered, and should this indeed support the making of a further Article 4 Direction, the appropriate approval and implementation process would need to be followed. At this point in time, it would not be considered reasonable or appropriate to attach a condition preventing a C4 HMO use of the application property, as other properties in the vicinity are not currently subject to such restrictions. Instead, this issue will be reviewed on a comprehensive basis.
47. A further concern was raised that the annex part of the house is not connected to the main house and could potentially function as a separate dwelling. It is noted from assessing the planning history that when planning permission was granted for the annex building no condition was applied requiring its use to be ancillary to the main dwelling.
48. From assessing the drawings it is clear that a linking door does exist internally within the utility room and this would not change as a result of the development. The link provides a clear connection between the main house and the annex, although there is no link at first floor level. Having considered the information in support of the application and assessed the internal layouts, the annex section is capable of being self-contained but is noted as being a relatively small one-bed granny flat. Given its size and relationship to the main house it is deemed that the annex section can function as ancillary to the main home as before. Whilst it would be preferable to apply a condition requiring it to remain ancillary to the main house, this would not be possible given that the current application does not relate to this element of the property.

49. The request to attach a condition preventing the annex from ever becoming a separate residence has also been considered. However such a condition would not be considered reasonable or necessary, particularly as the use of the annex as a separate residence would require the submission of a full planning application and this would have to be considered on its own merits.

CONCLUSION

50. In conclusion, the proposed development is considered to be of an appropriate scale and design and would not detrimentally impact on the amenities of the surrounding area or neighbouring residents. Subject to the imposition of conditions regarding materials, the proposals are deemed to accord with relevant local policy H13 and Q9 of the Local Plan and relevant sections of the NPPF. The concerns raised with regards alternative uses have been considered but could not justify a refusal of the current application which has been presented as a householder development.

51. The proposal has generated public interest, with letters of objection submitted from residents, the City of Durham Parish Council and Local Ward Members. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application.

RECOMMENDATION

That the application be **APPROVED**, subject to the conditions detailed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents received 5 June 2019:

Site location and block plans
Existing and proposed front views
Existing and proposed rear views
Existing and proposed side elevations
Existing and proposed ground floor layouts
Existing and proposed first floor layouts
Proposed loft layout

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

3. Notwithstanding any details of materials submitted with the application, no development shall commence until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details thereafter.

Reason: To ensure that a satisfactory form of development is obtained in the interests of visual amenity of the area in accordance with the provisions of policies Q9 and H13 of the Durham City Local Plan and Part 12 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

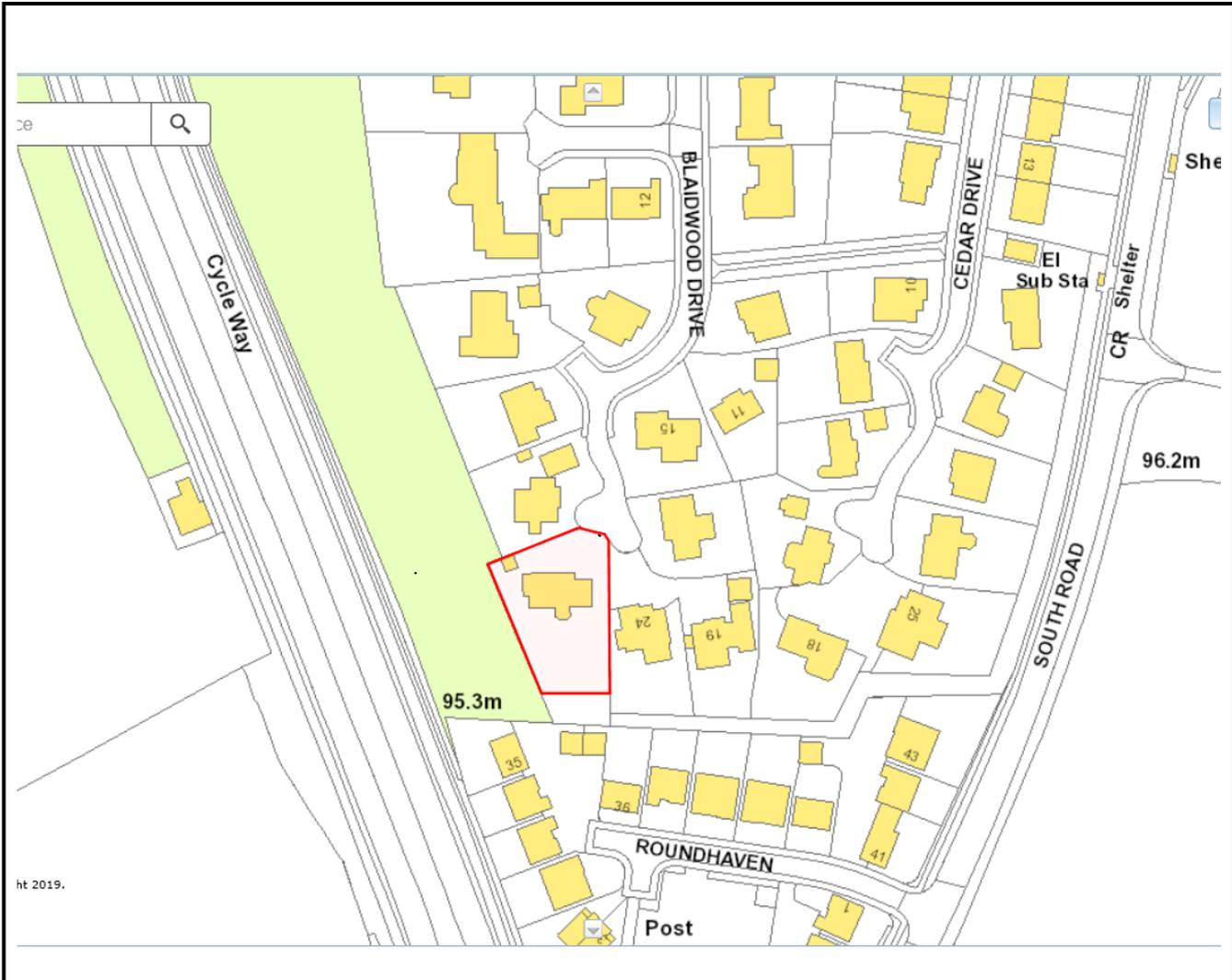
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham Local Plan

Statutory, internal and public consultation responses



ht 2019.

<p>Planning Services</p>	<p>Part two storey rear extension and part single storey rear extension, raising of ridge height and loft conversion, increasing from 4 to 6 bedrooms.</p> <p>Application Number DM/19/01810/FPA</p>	
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