

Planning Services

COMMITTEE REPORT

APPEAL UPDATE (DURHAM CITY AREA OFFICE)

APPEALS RECEIVED:

Appeal by Mr S A Baz

Site at Queens Head Public House, 3 North View, Ludworth, Durham, DH6 1NF

An appeal has been lodged by Mr S A Baz against the Council's refusal to grant planning permission for subdivision of vacant public house to form 1 no. A1 retail unit and 1 no. A5 hot-food takeaway, with elevational changes to front of building, and erection of extraction flue to rear at Queens Head Public House, 3 North View, Ludworth, Durham, DH6 1NF. **This was originally reported to Committee on 11 January 2011.**

The appeal is now to be dealt with by way of an informal hearing as decided by the Planning Inspectorate and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

Appeal by Mr Rathbone

Site at Barnsett Grange, Sunderland Bridge, Durham, DH6 5BX

An appeal has been lodged by Mr Rathbone against the Council's refusal to grant planning permission for the erection of a conservatory to rear at 4 Barnsett Grange, Sunderland Bridge, Durham, DH6 5BX.

The appeal is to be dealt with using the Householder Appeals Service and by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

APPEAL DECISIONS:

Appeal by Mr P Johnson

Site at 15 Brockwell Court, Brandon, Durham DH7 8QX

An appeal was lodged by Mr Johnson against the Council's decision to refuse planning permission for the erection of decking to the rear of the dwelling.

The Inspector dismissed the appeal, and in reaching his decision considered the main issue to be the effect of the development on the living conditions of occupiers of adjoining dwellings in terms of any overlooking.

The timber decking has been erected in the rear garden of 15 Brockwell Court, a mid terraced property, part of high density housing built on sloping ground. The decking has been built into the slope, on the boundary with no. 14 and stands well above the ground floor level of the houses.

The Inspector considered the scale and elevated position of the decking affords views of the gardens and main habitable rooms on the back of the adjoining houses. In the case of no. 16 the intervening path reduces the degree of direct overlooking. However, with regard to no. 14 the Inspector considered the intensity of the overlooking to be oppressive, leaving little by way of private space. This, he did not consider, was ameliorated by the low screening that is incorporated into the decking.

As a result, the Inspector considered the enjoyment the occupiers might reasonably expect from these parts of their dwelling has been diminished. Accordingly, the development has brought about a harmful change in the living conditions of the occupiers of this dwelling, contrary to Policy Q9 of the City of Durham Local Plan 2004.

He also took into account the views of interested parties in reaching his decision, including the appellant's arguments, the fact the neighbour who complained has since moved and a similar development nearby, but these considerations did not persuade him to allow a development that he considered harmful to the living conditions of the occupiers of an adjoining dwelling.

Recommendation:

That the decision be noted.