

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/20/03213/FPA
FULL APPLICATION DESCRIPTION:	Proposed new residential property
NAME OF APPLICANT:	Mr Clyde Ryder
ADDRESS:	15 The Avenue Coxhoe Durham DH6 4AD
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Jennifer Jennings Planning Officer Telephone: 03000 261057 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a garden space located off the back lane to the rear of terraced properties along The Avenue within the settlement of Coxhoe. The lane separates the rear yards of the terraced properties from their garden plots. The site serves property no. 15 The Avenue and consists of a small wooden shed and hardstanding parking area abutting the back lane. A 1 metre high timber fence boundary separates this parking area from the lawned garden beyond. The garden is surrounded by 2 metres high evergreen hedgerow.
2. Neighbouring garden plots along this back lane largely consist of hardstanding and single storey timber sheds abutting the lane, with grassed garden areas beyond. The application site is surrounded on its west, north and east sides by rear gardens associated with 5 separate properties, two of which relate to The Avenue, and the remaining three relating to property nos. 69, 76 and 78 Petterson Dale. The rear gardens and properties associated with Petterson Dale are noted as being on a lower ground level from the application site by some 2 metres.
3. Access to the site is taken from a side lane between properties 15 The Avenue and 1 Leslie Villas that leads to the back lane, all of which is adopted highway.

The Proposal

4. The application seeks planning permission to erect a 3-bed residential property within the garden area. Originally submitted as a dormer bungalow with three dormer windows on the rear roof, the current amended scheme has removed all dormer windows, but replaced these with roof lights to serve the accommodation in the roof

space. The dwelling would be set back from the back lane and would have an L-shaped formation with a large double garage attached and forward of the front elevation. A large block paved courtyard measuring 10.5 metres by 6.2 metres would be located to the front of the property bounded by the garage and its access door on the west side, the front elevation of the proposed dwelling to its north and the shed associated with the neighbouring property on the east. The courtyard would provide car parking as well as access to the garage. Adjacent to the gable end of the garage, it is proposed to include two additional parking spaces for use by no. 15 The Avenue. A 100 square metres garden would exist to the rear of the property.

5. This application is being considered by Committee at the request of a Local County Councillor who raised concerns that the development would set a precedent for development along this back lane, impact on parking and congestion on The Avenue and impact on residential amenity.

PLANNING HISTORY

6. Outline permission refused in 2005 for the erection of a single dwelling on the same site. The application included details of siting and access, but no details were provided in terms of scale or design.

PLANNING POLICY

NATIONAL POLICY

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. 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. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *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.
11. *NPPF Part 8 – Promoting healthy and safe 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.

12. *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.
13. *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.
14. *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.
15. *NPPF Part 14– Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
16. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

17. 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; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

18. *Policy 6 Development on Unallocated Sites* states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
19. *Policy 19 Type and Mix of Housing*. Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
20. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
21. *Policy 29 Sustainable Design* details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
22. *Policy 31 Amenity and Pollution* states that new development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities.
23. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
24. *Policy 36 Water Infrastructure*. Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. *Coxhoe Parish Council* objects to the application. They raise concerns over traffic and highway safety. They also comment that they would not want to see development of land at the back of houses in the area and that it would be overdevelopment.

26. The original comments received from the Parish Council raised concerns that the original proposed dormer bungalow would lead to overlooking, but this ground for objection was not re-stated in their latest response in respect of the amendments.

27. *The Highway Authority* raise no objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

28. *Environment, Health and Consumer Protection (Contaminated Land)* considered the Phase 1 report submitted with the application and consider it satisfactory. However because the development constitutes a change of use to a sensitive receptor a pre commencement condition is required for Phase 2 and 3 reports and a Phase 4 verification report prior to occupation of the development.

PUBLIC RESPONSES:

29. One letter of objection was received from the local ward member raising concerns over precedence of developing land to rear of the properties, parking and highway safety and overlooking to neighbouring residents.

30. Two further letters of objection were received from neighbouring properties. One letter was received relating to the original proposals stating the dormers would impact on privacy. Further concern is raised over increase in traffic along this road and impact on highway safety due to the dangerous junction leading out onto The Avenue. Concern is also raised regarding setting a precedent for building on the gardens, with reference made to numerous other residential developments in the village and whether there is really a need to 'squeeze' another house on a long established garden plot.

31. The other letter of objection, relating to both the original and amended scheme, raises significant concerns over impact on privacy and overlooking into their home and garden, which is considered to be made all the more problematic given the level differences. Concern is raised that the proposed dwelling would be one metre from the boundary of their rear garden and would tower over them by some 9 metres. Objection is raised that use of the upstairs would also allow direct overlooking into the ground floor of the home and garden.

32. Further concern raised that the proposal will impact on light into their property. Issues raised over the dwelling being totally out of character with the area which is mostly garden land and green space. Approval would set a precedent. Garden areas noted as being a wildlife haven with bats noted as flying in the vicinity. Query raised over lack of survey provided.

33. Objector further agrees with other comments put forward by neighbour and the Parish Council, that sufficient housing already available, highway safety would be impacted.

APPLICANT'S STATEMENT:

34. *The proposal is for a modest dormer style bungalow which is intended for the applicant to live in. The applicant is a local resident of Coxhoe and is looking to downsize so the intention is not to have this as a money making scheme.*

The proposed property has been specifically designed to have the least amount of impact on the surrounding area but most importantly the neighbouring properties.

Following objections from some of the nearby neighbours, the applicant was keen to amend the plans to try and ensure that the neighbours amenity would not be adversely compromised. Amended plans have been submitted which shows a property reduced in size with windows repositioned. The proposed property would not overlook any of the neighbouring gardens and would not be overly large that would create any overshadowing. The proposal would not have an adverse impact on neighbouring occupiers.

The applicant is also keen to stress that they are planning on making the bungalow a sustainable development with low carbon solutions to help reduce the impact on the environment. The property would be constructed from sustainable materials being NUDURA ICF insulated concrete formwork which is made from 75% recycled materials. The use of solar panels or solar roof tiles will likely be installed as well as under floor heating running off air source heat pumping systems. Energy saving glass will also be installed in the windows.

Overall, the proposed development is in accordance with both local and national planning policies. The proposal is supported by the Council Planning Officers and is recommended for approval.

The applicant respectfully requests that the Planning Committee accepts the Officers recommendation and approves planning permission.

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

35. 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. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, impact on the appearance and character of the area, impact on amenity of neighbouring residents and highway safety.

Principle of the Development

36. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP.

37. The NPPF is a material planning consideration. Paragraph 11 of the NPPF 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.

38. The application site is located within the settlement of Coxhoe. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Development of housing on unallocated sites within the built-up area should be assessed and determined against Policy 6. This policy sets out the following criteria:

The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:

- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
- b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
- e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
- g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, it reflects priorities for urban regeneration.

39. The proposal is within the built up area and therefore is acceptable in principle, subject to assessment against the various criteria in a) – j) above, which will be detailed in the following relevant sections.

40. In relation to criteria a) and b), a proposed residential dwelling in this location is considered compatible with adjoining residential uses. There is no concern that it would result in inappropriate ribbon development, nor that it would be considered inappropriate backland development, as the site has ready independent highway access and can meet distance standards, which will be discussed further in the section below. In line with criteria f), the site is noted as being highly sustainable, being located within walking distance to a range of facilities and with ready access to sustainable modes of transport.

41. However, the objections raised consider the development of this land would create a precedence for further development along the back lane. It is acknowledged that once a development has occurred then that development must be taken into consideration as being part of the character of an area when other proposals are put forward. However, each individual planning application is assessed on its own merits and one development gaining planning permission does not necessitate that other sites will

gain planning permission for similar developments if there are valid objections applicable to those developments on material planning grounds.

42. A further objection received commented that sufficient house building is already taking place in Coxhoe and there is no requirement to further develop small garden sites. It is acknowledged that the Council meets its requirements for sufficient housing land supply, having in excess of five years land supply in this regard, as required by NPPF, however, this does not preclude the LPA from considering windfall sites as submitted as part of the planning process. Indeed paragraph 68d) of the NPPF states that LPAs should support the development of windfall sites through their decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.
43. The previous refusal for a similar scheme on this site is noted, but dating from 2005 and assessed against a different planning policy framework and local plan, the refusal reasons of sixteen years past cannot be presumed still relevant. The current policy approach with NPPF presumption in favour of sustainable development along with the newly adopted County Durham Plan requires a fresh assessment of the proposals. In this context, the development of this land to erect a single residential dwelling in a highly sustainable location would be deemed acceptable in principle, subject to other considerations below.

Impact on the character and appearance of the area

44. Policy 6c) of the CDP states that development should not be approved where it would result in the loss of open land that has recreational, ecological or heritage value or contributes to the character of the locality which cannot be adequately mitigated or compensated for. It also states under criteria d) that development should be appropriate in terms of scale, design, layout and location to the character, function, form and setting of, the settlement.
45. Policy 29 relating to sustainable design states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
46. The back lane reads as a relatively haphazard array of buildings, with rear extensions on the back of the terrace of various heights, lengths and finishes, coupled with a broad mix of timber sheds and garages on the opposite side of the lane. The area appears heavily built up, with limited views of the garden spaces beyond the sheds. There is very limited cohesiveness in the built form, however, the character is predominantly domestic in design and scale and functional in appearance.
47. Beyond the built up frontage of each of the garden plots, the character clearly reads as domestic garden space, with each of the gardens mostly laid to grass with hedgerow boundaries. As a private garden space the proposed development of the site for a single dwelling would not be considered to result in the loss of open land that has recreational, ecological or heritage value. Although reference has been made within objection letters to the wildlife value of the wider connected green garden spaces, whilst the construction works may interrupt this to a degree, the resultant residential use with garden space would allow wildlife to re-establish. In any case, private garden land is not considered to have high ecological value, due to being regularly disturbed through use and maintenance and the requirement for a bat survey

would not be applicable to this undeveloped site. The development of the land would therefore not conflict with policy 6c).

48. The application site currently measures 386 square metres. The development would see the introduction of a 54 square metres double garage, set back from the back lane, by 5.5 metres to make room for two parking spaces. A single storey blank gable end of the garage building would face the back lane, measuring a maximum of 4.8 metres high to the ridge. The proposed dwelling would adjoin the garage, set back some 12 metres from the lane and create a further 90 square metres footprint of built development. The dwelling would be set down in level from the garage measuring 5.3 metres to ridge height when viewed from the lane, 6 metres when viewed from the rear garden space. The plot width measures 13.7 metres and the dwelling would occupy 11.2 metres of this width, positioned centrally within it. The remaining 100 square metres of land to the rear of the plot would be retained as garden amenity space.
49. The footprint and height of the development on the plot are acknowledged as being significantly larger than any other development on this side of the back lane, with surrounding structures no higher than approximately 3.5 metres. The extent to which the development would be deemed to be visually intrusive and at odds with the wider area is somewhat diminished however, given that the proposed dwelling would be set within an area with a large mix and variation in the built form and against the backdrop of two storey terraced properties of The Avenue when looking south, and detached properties of Petterson Dale when looking north. The proposed design of the dwelling is not particularly remarkable and clearly designed to suit its function, but with the garage dominating the front of the site, the proposal would have similarities with neighbouring sites, albeit at a larger scale. It is further noted that the footprint of the proposed dwelling would intrude into the grassed garden area, pushing the building line of development further north into the site than exists at any other garden plot, however beyond this, a garden area would be retained and continue to connect with the wider garden belt area.
50. The site and use of the back lane would continue to function primarily for domestic purposes and would not change the level or extent of activity on site to the point where the character of the area would be detrimentally harmed.
51. In consideration of these various points, there is some identified conflict with policy 6d) and 29, as there would be localised impact resulting from the development in terms of its scale and layout on site relative to garages/sheds and the surrounding garden plots, but that said, within the context of the wider vicinity including the two storey houses north and south of the site, the design, scale and use of the site would not be wholly inappropriate to the character and function of the area in this regard, providing some adherence to policy 6d).
52. In terms of the wider form and function of the settlement, The Avenue is noted as consisting exclusively of properties fronting the main road, with large gardens to the rear, with the terraced properties at the western end of The Avenue, having a rear laneway separating the garden area from the dwelling. Other terraced properties along Cooperative Terrace located further west, Front Street to the north west and Blackgate West to the southwest of the application site also have a similar formation of a rear laneway separating the dwelling from the garden area.
53. The vast majority of these properties have retained the rear garden plots as such, but it is noted that these plots are generally very narrow and accommodating residential development would likely prove problematic as a result. The application site, on the other hand, is noted as being wider than most of these plots, and therefore in a better

position to meet with policy requirements. Nonetheless, it is clear, development of this plot would interrupt the established pattern of development in the immediate area.

54. Notwithstanding this, Hallside, Front Street, 130 metres north west of the application site, was approved on appeal in 2005 for the erection of a single dwelling within the rear garden plot. Having assessed the details of this case, and the building now in situ, it is not considered that the character, form and function of the settlement has been harmed as a result of the development and the dwelling helps to reinforce and be a part of a sustainable community. In the case of the current application site, it would be difficult to argue that the proposed dwelling could not result in the same outcomes, which in the context of the present policy framework would be seen as acceptable and broadly in line with policy 29.
55. In summary there are clear and noted points of conflict with policy in terms of the impacts of the proposals on the character of the immediate area, but it would be difficult to conclude in the context of the wider area that the proposals are not appropriate to the character, function and form of the settlement. Any approval, however, would need to apply conditions for details of proposed materials of the wall and roof of the dwelling and garage, as well as hardstanding areas and boundary treatments.

Impact on amenities of neighbouring residents

56. Policy 29 requires that all development achieves well designed buildings and places having regard to supplementary planning documents and: e) provide high standards of amenity and privacy and minimises the impact of development upon the occupants or existing adjacent and nearby properties.
57. Policy 30 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance, or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and / or community facilities do not have any unreasonable restrictions placed upon them as a result.
58. Properties no. 14 and 15 The Avenue are located southeast of the application site. Both properties have windows on the rear original elevation of the dwellings, but these are located over 14 metres from the blank gable end of the proposed garage building and over 21 metres from nearest habitable window in the proposed dwelling in line with SPD guidance. Both properties have two storey rear extensions with most of the windows located on the side of the extension overlooking their rear yards. A single first floor level window exists on the rear elevation of the extension at no. 15 and overlooks the application site. This is at a distance of 15.9 metres from the nearest habitable window of the proposed dwelling, which would be at ground floor level, under the low roof canopy. Based on the height difference in the windows, it is not considered that there would be issues with mutual loss of privacy between both properties. Amenity standards are considered met in relation to nearest properties to the southeast.
59. Property nos. 76 and 78 Petterson Dale to the north west would be located directly opposite the rear elevation of the proposed dwelling at a distance of 21 and 23.5 metres respectively. Due to the level differences, when viewed from the application site, the upper floor windows of these properties are approximately level with the

ground floor of the proposed dwelling. However existing hedgerow largely screens views of these properties from the application site with limited views of the upper windows and roof line.

60. Property no. 69 Petterson Dale is located to the north east, diagonally across from the proposed dwelling, at a distance of 13.4 metres measured from nearest habitable window of each property. However, because these properties are off set from each other there would be no direct overlooking. Although there is some level difference between this property and the application site, it is not as pronounced as exists with nos. 76 and 78. In this regard there is view of the upper floor windows of property no. 69, but given the location of the proposed dwelling within the site, overlooking is expected to be limited given the oblique angle of view and the fact that ground floor windows of both properties would be largely shielded by existing thick hedgerow.
61. In terms of upper floor rooflight windows on the proposed dwelling that would serve two bedrooms and a study room, the rooflights are set high in the roof with the section drawing depicting the bottom level of the windows at 1.8 metres from the floor level, meaning that they would not provide opportunity for outlook as could be attained from normal windows or dormers. As such they would mostly serve to provide natural light into these rooms as opposed to provide any outlook or view. In this way, any concerns regarding excessive overlooking emanating from the upper floor rooms from the roof lights is not considered to be warranted in this case.
62. Other issues raised have commented on the impact of the height of the proposed dwelling, particularly given the level differences with dwellings on Petterson Dale. The proposed dwelling at its nearest point to these dwellings would have an eaves height of 3 metres. Given the distance from property nos. 76 and 78 at over 21 metres, it is not considered this height would appear as overbearing to these residents, even with level differences. The distance between these properties would increase to over 25 metres at the highest point of the proposed dwelling. In this regard it is not considered that the proposed dwelling would cause visual intrusion or dominance that would detrimentally impact on amenities of these residents.
63. Similarly no. 69 located at an offset position from the proposed dwelling would, at the nearest point of 13.4 metres, have view of the dwelling at 3 metres in height. The maximum 6 metres roof height of the proposed dwelling would be 17 metres from this property. Again whilst there is a level difference between the two properties, this is not so significant that the proposed dwelling would appear visually dominant or intrusive. In particular it is noted that no. 69 is located northeast on its own plot, with direct views out of the property in a south east direction as opposed to the oblique southwest views towards the proposed development site. It is further noted that a similar relationship exists between no. 69 and 78 Petterson Dale, where both two-storey properties have oblique views towards each other at a noted lesser distance in this case.
64. In terms of concerns over loss of light, given the proposed height of the building and the distance from nearest properties, it is not considered that significant overshadowing would be experienced by these nearest properties to any degree that would warrant a refusal. The proposed dwelling would be south/ south west of no. 69, the nearest property likely to experience any overshadowing, but this would be limited to a small section of the corner of the garden for a limited period of time in the afternoon. It is not anticipated that this would detrimentally impact on the amenities of this garden space.
65. A condition would however need to be included with any permission granted requiring removal of all permitted development rights for works to the property, as outlined

within Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

66. In summary, the proposals have been assessed against SPD guidance and are considered to meet amenity distance standards. Mutual privacy is considered to be suitably protected and overlooking has been minimised through use of high level roof lights for the upper floor accommodation. The proposed design and scale of the property and its location and relationship to nearest properties is considered appropriate to ensure that the proposal would not be visually dominant or intrusive on nearest residents. Subject to a condition removing permitted development rights, the proposals are considered to accord with policy 29 and 31 of the County Durham Plan and the SPD in this regard.

Highway Safety and Access

67. Policy 6 requires that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 21 states that development should: c) ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. In relation to parking the policy states that car parking at residential development should ensure that a sufficient level is provided for both occupants and visitors, to minimise potential harm to amenity from footway parking.

68. A large hardstanding area is proposed to the front of the dwelling, alongside a large double garage. This space would comfortably provide sufficient parking space for the proposed dwelling. Two additional car parking spaces are noted on the site plan abutting the blank gable end of the garage. These are demarcated to provide parking for the residents of no. 15 The Avenue. As such, the inclusion of a condition is therefore deemed necessary to any approval granted ensuring that these spaces remain available to these residents in perpetuity.

69. Highways assessed the proposals and consider that parking would be sufficient to cover parking requirements for no. 15 and the proposed dwelling. No issues are raised with regards access to the site, particularly as the site is in close proximity to the side lane that accesses the main road, thus limiting vehicle manoeuvring along the back lane. Although there was some concern raised regarding highway safety issues, particularly when cars are parked along the side road leading to the back lane causing some localised congestion when two cars meet, this would not be considered a significant concern warranting refusal on highway grounds. The proposed development has demonstrated sufficient parking on site and would ensure no overspill onto the public highway. The addition of a dwelling in this location may result in some additional car movements but this would not be considered to result in excessive additional use of the back lane over and above the existing situation.

70. The proposals are therefore considered compliant with the relevant parts of policy 6 and 21 of the County Durham Plan.

Contaminated Land

71. Contaminated land section assessed the phase 1 report submitted with the application and agreed with the findings. They request the imposition of a pre commencement condition for further surveys and inspections of the site in line with NPPF part 15 and CDP policy 32.

Objections received and the planning balance

72. As noted, a number of objections and concerns have been received and all have been taken into account and addressed throughout the report. Amendments to the proposals were made to address a number of these concerns. However, it is acknowledged that these amendments do not overcome the concerns over the principle of the development of the site. Officers have given careful consideration to these issues. Assessed against the CDP, there is some identified policy conflict, however, on balance the provision of a new home within a highly sustainable location is considered to have significant merit, and in this instance, a recommendation of approval is deemed reasonable.

CONCLUSION

73. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

74. In summary, policy 6 of the CDP sets out a number of criteria for development of unallocated sites within the CDP. In this instance, whilst there is some conflict with the policy, in the wider planning balance, the proposals are considered to be broadly in accordance for the reasons set out in this report. Paragraph 11 of the NPPF states that development proposals that accord with an up to date development plan should be approved without delay.

RECOMMENDATION

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

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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6 and 29 of the County Durham Plan and Parts 12 of the National Planning Policy Framework.

Plan	Drawing No.	Date Received
SITE LOCATION PLAN		03/11/20
PROPOSED ELEVATIONS	Rev C	17/02/21
PROPOSED PLANS	Rev E	17/02/21

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local

Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

5. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

7. No development shall be occupied until details of the surface treatment and construction of all hardsurfaced areas has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to first occupation.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

8. The two car parking spaces located adjacent to the gable end of the garage building hereby approved, shall be retained for use by residents of 15 The Avenue, and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under any Class of Part 1 of the GDPO shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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
Statutory, internal and public consultation responses
The National Planning Policy Framework (2019)
National Planning Practice Guidance Notes
County Durham Plan
Residential Amenity Standards SPD (2020)



Planning Services

DM/20/03213/FPA

Proposed new residential property at 15 The Avenue, Coxhoe, Durham, DH6 4AD.

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Date 13 April 2021

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