



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/01145/FPA
Full Application Description:	Two storey side extension, single storey rear extension and widening of driveway
Name of Applicant:	Ms Gabrielle Moore
Address:	9 Cedar Drive, Durham, DH1 3TF
Electoral Division:	Neville's Cross
Case Officer:	George Spurgeon (Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises the residential dwelling 9 Cedar Drive, Durham. The dwelling is a semi-detached property finished in a cream coloured render, with bay windows at ground and first floor level, a garage to the side and a hipped roof finished in dark grey concrete tiles. The property benefits from a single driveway to the front and a garden area to the rear; bordered by a combination of fencing and hedging.
2. Cedar Drive is a cul-de-sac consisting of 22 residential dwellings accessed from St. Oswald's Drive. The street contains a combination of detached and semi-detached dwellings. The ten properties closest to the entrance on the eastern side are all semi-detached and commonly feature the use of different coloured renders, with all but the host property having extended out to the side at first floor level. 11 Cedar Drive was granted planning permission for identical extensions last year. The land level slopes from the north up towards the south.

The Proposal

3. The application seeks planning permission to demolish the existing garage and replace it with a two-storey side extension that would be flush with the rear elevation of the dwelling and project forward of the front elevation by 600 millimetres, similar to the front elevations of number 3, 11 and 15 Cedar Drive. A single storey rear extension with a projection of 2.3 metres is also proposed, which would extend beyond the side elevation of the dwelling and join the side extension. The existing bedroom 3, as shown on the floor plans, would be replaced by a shower room, with the existing lounge being converted to a bedroom and the garage being replaced by a lounge. The extensions would provide space to allow the creation of three additional bedrooms, taking the total to six.
4. The side extension is proposed to feature a hipped roof matching the angle of the roof of the main house, with the rear extension featuring a lean-to style sloping roof. The extensions would be finished in materials matching the existing house.
5. Planning permission is not sought to change the use of the property from a C3 dwellinghouse to a C4 House in Multiple Occupation (HMO), as this can be achieved at present under permitted development and so therefore does not require planning permission. An Article 4 direction came into effect on 17 September 2016 withdrawing permitted development rights from C3 (dwellinghouse) to C4 (HMO) from a large part of Durham City, however the application site falls outside of this Article 4 direction area. The Council is proposing an Article 4 Direction for Belmont, Carrville and the Mount Oswald Area. The proposals were subject to consultation between 15th January and the 26th February. The Council are still in the process of reviewing and preparing responses to comments made as part of the consultation. Therefore, at this stage, no decision has been taken in respect of the proposed Article 4 Direction. Should the proposed direction be confirmed, it would come into force on 14 January 2022. Therefore, for the purposes of this planning application, there is no Article 4 direction in place and so planning permission would not be required to convert the property into a C4 HMO.
6. The application is reported to the Planning Committee at the request of the City of Durham Parish Council who consider that the application should be considered by planning committee due to concerns over the impact on the character of the area and parking.

PLANNING HISTORY

7. None.

PLANNING POLICY

National Policy

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
10. *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.
11. *NPPF Part 12 Achieving Well Designed Places*: The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

Local Plan Policy:

12. The following policies of the County Durham Plan are considered relevant to the determination of this application.
13. *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.
14. *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.
15. Residential Amenity Standards Supplementary Planning Document 2020 (Adopted Version) seeks to provide guidance on how best to design residential extensions.

Neighbourhood Plan:

The following policies of the Durham City Neighbourhood Plan are considered relevant to the determination of this application;

16. *Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites* Including all New Building, Renovations and Extensions seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet.
17. *Policy H3 Our Neighbourhood Outside the Conservation Areas* states that development proposals should demonstrate an understanding of the area of the and its relationship to Our Neighbourhood as a whole.
18. *Policy D4 Building Housing to the Highest Standards* seeks to ensure that all new housing, extensions and other alterations to existing housing must be of a high quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and the improvement of energy efficiency and the reduction of carbon dioxide emissions.
19. *Policy T1 Sustainable Transport Accessibility and Design* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
20. *Policy T2 Residential Car Parking* seeks to ensure that proposed development would be served by sufficient car parking spaces.

CONSULTATION AND PUBLICITY RESPONSES

Internal Consultee Responses:

21. Highway Authority raises no objections to the application.
22. The City of Durham Parish Council object to the application on the grounds that it would have a negative impact on the character and appearance of the area, the driveway is of an insufficient length, there is no provision for an EV charging point, the Controlled Parking Zone will need to be extended to cover the site, and that no details of facilities for recycling or central heating have been provided.

Public Responses:

23. The application has been publicised by way of notification letters sent to neighbouring properties. 18 objections have been received, including from Councillor Liz Brown and the City of Durham Trust, raising the following concerns:

- Converting the property into a HMO will change the character of the street through the loss of a family home, to the detriment of the range and variety of local housing stock, resulting in a disproportionate number of HMO's within the area;
- Student properties often remain empty for long periods,
- Students cause additional noise and disturbance, often leave bins overflowing,
- Additional six students would generate additional traffic and parking problems,
- There is no need for further student houses,
- No information has been submitted to demonstrate that the security of the building and neighbouring properties has been addressed,
- Widening of drive would result in the loss of some of the front garden,
- The extension approved last year at 11 Cedar Drive showed a garage on the floor plans, but this has not been implemented,
- Disruption during construction works in the form of the road being dirtied and vans parking on the pavement,
- The Article 4 direction needs to be introduced as soon as possible,
- Not all of the residents of Cedar Drive received a neighbour notification letter,
- The application should be dealt with by a different planning officer.

Applicants Statement:

24. The plans for 9 Cedar Drive were drawn very carefully to reflect the extensions done elsewhere in the street, hence I am very surprised that this has been called to a committee meeting. There is nothing extra requested, no extra dimensions or extra rooms compared with other approved extensions. The driveway will be altered slightly to allow parking for 2 cars which is more than most houses on Cedar Drive

PLANNING CONSIDERATION AND ASSESSMENT

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, residential amenity, the impact on the character and appearance of the area and highway safety.

Principle of Development

26. As previously stated, the applicant intends to utilise permitted development rights to change the use of the property from a C3 dwellinghouse to a C4 HMO and so this application does not seek planning permission for the change of use. Therefore, Policy 16 of the County Durham Plan (CDP) is not applicable in this instance and if this application were to be refused, the applicant could still convert the property into a HMO, provided that the property would be occupied by between three and 6 unrelated individuals prior to the introduction of an Article 4 direction. The application seeks planning permission solely for the extensions, which would increase the number of bedrooms from three to six, and the application has been considered on this basis.

Residential Amenity

27. Paragraph 127 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. In line with this, CDP Policy 31 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living 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. In addition, criterion e) of Policy 29 states that all development proposals will be required to provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties. The Council's adopted Residential Amenity Standards SPD also provides guidance on extensions to household dwellings.

28. The SPD advises that rear extensions are usually highly visible from neighbouring properties and that sunlight and daylight are important factors in securing a good quality living environment. The rear extension is proposed to project out from the rear elevation of the property by 2.3 metres with a ridge height of 3.2 metres and a width extending up to the boundary with 11 Cedar Drive, which is located on a slightly higher land level and had an identical rear extension approved last year. The closest window within the rear extension of 11 Cedar Drive to the boundary with the host property serves a kitchen/dining room. The host property is located to the north of number 11 and so the proposed extension would not restrict the amount of light that can currently enter the rear windows of this neighbouring property. Furthermore, as the rear of the proposed extension would match the projection of the extension approved at number 11, along with a relatively low eaves height of 2.5 metres, the proposed extension would not adversely affect the occupants of number 11 in terms of visual dominance or having an overbearing impact. It should be noted that a ground floor rear extension of this height with a projection of under 3 metres would usually fall under permitted development, although in this instance as the extension is proposed to extend beyond the side elevation of the original dwelling and join the side extension planning permission would be required.

29. No windows are proposed to be installed within either side elevation and so the extension would not result in a loss of privacy for the neighbouring residents. Given the siting of the other adjacent neighbouring property 7 Cedar Drive to the north, which already sits approximately 1.5 metres further back at first floor level, the rear extension would not result in a loss of light or overshadowing, nor would it have an overbearing impact given its limited projection and single storey height.
30. The two-storey side extension would not extend beyond the rear elevation of the host property and so would not overshadow or have an overbearing impact on the windows within the rear elevation of number 7. The slight forward projection at first floor level would extend the property to be slightly further forward than the front elevation of number 7, but due to the minimal projection the front first-floor window above the garage would not be adversely affected in terms of overshadowing or loss of outlook. There are no habitable room windows within the south facing side elevation of number 7 that would be affected by this extension.
31. The Parish Council raise concerns over the increase in the number of bedrooms within the property to six, however the bedrooms are all of a size that meet nationally described space standards, with the smallest bedroom (labelled as number 3) having a floor space of over 9m², above the minimum standard of 7.5m².
32. One objection to this application has been raised regarding disruption during the construction phase citing similar issues with No. 11. Consequently, a condition (number 4) relating to details of a construction management plan (CMP) has been included to protect the amenity of neighbouring residents throughout the construction phase. The details have been taken from the approved CMP for the extensions to 11 Cedar Drive and whilst some disruption during construction is inevitable, the mitigation measures listed in the condition would sufficiently minimise any disruption in this regard, which itself would be temporary.
33. The proposed extensions are not considered to harm the amenity of neighbouring residents through loss of light, overshadowing, visual intrusion, or having an overbearing impact, and would therefore accord with CDP Policy 29 and 31 and paragraph 180 of the NPPF.

Impact upon the Character and Appearance of the Area

34. Paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work. Policy 29 of the CDP requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

35. Furthermore, Policy S1 of the Durham City Neighbourhood Plan (DCNP) require development to harmonise with its context, in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping. DCNP Policy H3 also requires development to sustain and make a positive contribution to the character and distinctiveness of the area, use high quality design which contributes to the quality and character of the area, have a scale, density, massing, form, and layout, appropriate to the context and setting of the area; and use materials and finishes appropriate to the context and setting of the area. In addition, DCNP Policy D4 requires extensions and other alterations to existing housing to be of high quality design relating to: the character and appearance of the local area; b) aesthetic qualities; c) external and internal form and layout; d) functionality; e) adaptability and f) resilience; and g) the improvement of energy efficiency and the reduction of carbon dioxide emissions.
36. With regards to two storey side extensions, the Council's SPD advises that the key principles are to ensure the extension is subordinate to the main dwelling and that it would not result in the creation of a terraced effect. The proposed side extension would have a width of 3.4 metres, compared to the existing garage having a width of 3.1 metres, and would project forward of the front elevation of the dwelling by 600 millimetres. The extension would feature a hipped roof matching the height and shape of the roof of the main house.
37. Although the extension would not be set back from the front of the property or feature a lower ridge as advised by the SPD, in this instance, a small gap would be left between the side wall of the extension and the boundary with number 7 to allow external access to the rear garden. In addition, number 7 already benefits from a two-storey side extension with a front facing gable end and the hipped roof shape proposed in this application, along with the gap between the boundary, would help to avoid the creation of a terraced effect. Furthermore, the extension is similar to the two storey side extension to 3 and 15 Cedar Drive, which also match the height of the host property and project slightly beyond the front elevation, and identical to the extension approved at 11 Cedar Drive last year. Given the above, a setback and lower ridge height are not considered necessary in this instance. Therefore, when viewed in context with the other similar extensions within the street, the two-storey side extension is considered to be proportionate to the main house. The extensions are proposed to be finished in materials to match the existing house so would appear as sympathetic additions to the dwelling.
38. The SPD advises that two storey front extensions will be assessed on their merits taking into consideration the scale and character of the existing property and the surrounding area. There are examples of similar two-storey side extensions to properties on the east side of Cedar Drive, some of which also project forward of the front elevation, and the extension has been designed to reflect these. Therefore, the extension is considered to harmonise with its surroundings and positively contribute to the character and appearance of the area.
39. Although the widening of the driveway would result in the loss of some of the front garden, a large portion of the garden area would remain, and in any event an extended driveway could be achieved under permitted development. A condition (number 5) has been recommended to ensure the extended driveway is constructed from permeable paving or alternatively that a channel drain is installed to prevent surface water from discharging onto the highway.

40. Criterion e) of DCNP Policy D4 requires extensions to existing dwellings to be adaptable and it is considered that the internal layout of the extensions proposed could be altered in future, as there is scope to convert the ground floor bedrooms into main living areas in the future without requiring any further consent.
41. The design, scale and materials of the proposed extensions are considered to be sympathetic to the main dwelling and the character and appearance of the area and are therefore considered to accord with CDP Policy 29 and DCNP Policy S1, H3 and D4.

Highway Safety

42. DCNP Policy T1 seeks to avoid development that would result in adverse transport related impacts where practicable and where necessary to provide mitigation in the form of contributions to access to sustainable means of transport. DCNP Policy T2 states that where electric vehicle charging provision is required by the County Durham Parking and Accessibility Standards 2019, the facilities must not hinder the movement of pedestrians or disabled people, and should respect the character of the area; and that where a proposed development will generate a significant increase in demand for on street parking that requires new or amended parking controls these can be funded through developer contributions.
43. The Councils adopted Parking and Accessibility Standards requires a double width driveway to be 5.5 metres long and 4.7 metres wide. The document states that a proportion of the total parking provision in new developments (residential and non-residential) will be allocated to EV charging points but does not require extensions to existing residential properties to provide electric vehicle charging points. The application proposes to widen the existing driveway to a width of 4.9 metres and a length of 5.4 metres. Although the driveway is 100 millimetres short of the above standard length of 5.5 metres, in this instance this is not considered to result in an adverse impact on highway safety. With the extended driveway, the property is considered to have sufficient in-curtilage space to park two cars, which is sufficient to serve a property of this size. A condition (number 6) has been recommended to require the extended driveway to be in place prior to the first occupation of the proposed extensions. Therefore, the proposals are not considered to generate a significant increase in demand for on street parking and so no developer contributions are considered to be necessary to make the development acceptable.
44. Highways Officers have been consulted and raised no objections to the proposals, considering the amount of in-curtilage car parking spaces to be sufficient. It is also noted that the property is located within 2 miles of the City Centre, with bus links nearby providing a public transport option for access to the range of local amenities available here. The proposal is therefore considered to accord with DCNP Policy T1 and T2.

45. Objections have been received raising concerns over the lack of suitable in-curtilage parking for a property in use as a C4 HMO leading to an increase in on-street parking, which, due to the narrow width of the road, could lead to difficulties in manoeuvring and driveways being blocked. However, as discussed above officers consider that the property benefits from a sufficient amount of in-curtilage car parking space and it must be reiterated that planning permission is not required to change the use of the property to a C4 HMO, which allows up to six occupants, so this cannot be controlled by the Council or attached weight in determination of this planning application.

In Response to Objectors Concerns

46. The Parish Council consider the application to be contrary to CDP Policy 29 (c) as they consider that the additional numbers of residents will require an upgrade to the heating system, of which no details have been provided, to achieve reductions in carbon emissions. However, this part of the policy relates to larger proposals whereas this application seeks planning permission for extensions to an existing dwelling. Therefore, due to the nature of the proposals it is not considered necessary for the application to be supported by information regarding the efficiency of the existing heating system.

47. The Parish Council also consider the application to be contrary to CDP Policy 29 (d) as they consider that further details are required in relation to the provision of appropriate storage space and segregation facilities for recyclable and non-recyclable waste, given that the proposed floor plans show there to be six bedrooms. However, the floor plans show there to be a large kitchen/dining room which is considered to provide a sufficient amount of space to be able to store recyclable and non-recyclable waste.

48. The Local Planning Authority is required to notify all adjoining landowners and, in this instance, a wider range of notification was carried out to include additional properties within close proximity to the application site. It is noted that objections have been received from residents who were not sent a notification letter and their comments have been taken into account and are considered in this report.

CONCLUSION

49. The proposed extensions are considered to be of a reasonable scale that would not adversely affect the amenity of neighbouring residents, in terms of loss of light, overshadowing, visual intrusion, or having an overbearing impact. The proposed extensions are also considered to be of a good design that is sympathetic to the host property and given the similar extensions already on the street would have a positive impact upon the character and appearance of the surrounding area.

50. The property contains two in-curtilage car parking spaces which is considered to be sufficient to meet appropriate requirements and it is noted that the property is served by nearby public transport links to the city centre. Highways officers have raised no objections to the proposal as a consequence and it is not considered to adversely affect highway safety.

51. Planning permission is not required to change the use of the property from a C3 dwellinghouse to a C4 HMO, therefore the Council has no control over this. Any potential impacts specifically as a result of the change of use cannot be considered or afforded weight in determination of this planning application.

52. The proposal is considered to be in accordance with Policies 29 and 31 of the County Durham Plan, Policy S1, H3, D4, T1 and T2 of the Durham City Neighbourhood Plan, Parts 4 and 12 of the National Planning Policy Framework and the SPD and as such is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** for the following reason(s)

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) 29 and 31 of the County Durham Plan, Policy S1, H3, D4, T1 and T2 of the Durham City Neighbourhood Plan and Parts 4 and 12 of the National Planning Policy Framework.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

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

4. The following mitigation measures shall be employed at all times and retained for the duration of the construction works.

- o No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 8000 to 1800 on Monday to Friday and 8000 to 1400 on Saturday.
- o No internal works audible outside the site boundary shall take place on the site other than between the hours of 8000 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

- o No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.
- o Deliveries which need to be unloaded onto the ground will be unloaded onto the front driveway and garden. Heavy materials, such as bricks, will be unloaded onto the front lawn and lighter materials, such as timber, will be unloaded onto the driveway where they will be transported to and stored in the rear garden.
- o No equipment shall be placed on the adopted highway.
- o Upon completion of the development any damage to existing services shall be repaired.

General Controls & Monitoring

- o The site manager shall train all workers on site regarding traffic management and for Health and Safety.
- o A copy of the deliveries plan and emergency contact details for the site manager, contractor and site owner shall be displayed on site at all times.
- o The road shall be cleaned at the end of each working day.
- o Site operatives shall park on the driveway where available and on the road outside of the site when the driveway is occupied. Any cars belonging to site operatives or visitors parked on the road outside the site shall be parked so as not to block any other road users from passing and to not block the driveway of any neighbouring properties. Vehicles shall be moved to allow other road users to pass if required.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. The driveway shall be constructed entirely out of permeable paving or if an impermeable material is to be used a channel drain shall be installed along the full width of the entrance to the driveway adjacent to the public footpath and retained thereafter.

Reason: To prevent surface water discharging onto the highway.

6. The double width driveway shown on proposed site plan 2177/05 must be in place prior to the first occupation of the proposed extensions and retained thereafter.

Reason: To ensure the property is served by a sufficient amount of in-curtilage car parking in accordance with the Council's Parking and Accessibility Standards 2019 and Policy T1 and T2 of the Durham City Neighbourhood Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

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

County Durham Plan (2020)

Residential Amenity Standards Supplementary Planning Document 2020 (Adopted Version)

County Durham Parking and Accessibility Standards (2019)

City of Durham Neighbourhood Plan 2021 (referendum version)

Statutory, internal and public consultation responses



 Durham County Council	Location	Two storey side extension, single storey rear extension and widening of driveway Not Set	
	Comments	Not Set	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council, Licence No. 100048058 (2016)</small>	Date	11 May 2021	Scale
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