

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/00690/FPA
FULL APPLICATION DESCRIPTION:	Raising of roof height and installation of dormer windows to create a two-storey dormer bungalow and garage, two storey extension to front and single storey orangery extension to rear.
NAME OF APPLICANT:	Mr Alan Jones
ADDRESS:	55 Lintzford Road, Hamsterley Mill
ELECTORAL DIVISION:	Leadgate and Medomsley Tracey Outhwaite
CASE OFFICER:	Assistant Planning Officer Telephone: 03000 264879 tracey.outhwaite@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a detached brick-built bungalow located within a residential estate in Hamsterley Mill. The site falls within an Area of High Landscape Value and forms part of a group Tree Preservation Order covering the majority of the properties within the estate. The existing dwelling is a single storey property with garage to the front. It is located to the north western edge of the Hamsterley Mill Estate. The property faces southwards towards an area of woodland that sits between it and the Galley Burn. Structures have been built to the southern boundary of the site between the building and western boundary and is characterised by the large Beech hedgerow that lines the boundary in this location. To the main road (northern boundary) the domestic curtilage is well screened by mature hedgerow, however the western boundary is open overlooking the woodland which is owned by the applicant. This woodland is open to the main road and so the rear elevation of the dwelling is visible from the A694.

The Proposal

2. The proposed works include raising the roof height of the bungalow to create a two storey dormer bungalow, there is to be three dormer windows within the new roof to the rear of the property and a further two dormer windows within the new roof to the front of the property, a pitched roof is also proposed to the existing flat roofed garage. A single storey orangery extension is also proposed to the rear.
3. This application is reported to Committee upon the request of Councillor Stelling who is the ward Councillor for the Ebchester and Medomsley Division stating that the proposals are not suitable for this location and the surrounding houses.

PLANNING HISTORY

4. 1/0000/8207/25222 Detached bungalow and garage Approved 1st January 1992
1/0001/2518/27620 Garage Approved 1st January 1992
1/2003/0910/17634 Felling of one oak tree (tpo 66) Approved 28th October 2003
1/2005/0879/22714 Felling of twelve trees (tpo 66) Approved 21st July 2006
1/2006/0173/24199 Application for a certificate of lawfulness for extension to garden curtilage Refused 28th September 2006
1/2007/0257/60116 Change of use of land from woodland to garden and retention of domestic dog kennel (retrospective) Refused 20th July 2007 Appeal In Progress
1/2007/0832/62637 Felling of three sycamore trees, pruning of three conifer trees, lopping of one stem of a silver birch and one stem of an english holly (tpo 66) Approved 7th December 2007
1/2008/0319/64834 Provision of field gate vehicular access to woodland area Refused 17th July 2008 Appeal Dismissed 20th March 2009
1/2013/0180/86320 Demolition of timber kennel block and erection of replacement garden shed Approved 25th September 2013
1/2013/0192/86352 Felling of one willow tree (tpo 66) Historic withdrawn
1/2013/0460/87130 Felling of one willow tree and planting of replacement (tpo 66) Historic withdrawn
1/2013/0481/87239 Crown reduction of 30% to 1 no rowan tree (tpo 66) Historic withdrawn
1/2013/0482/87240 Felling of one sycamore tree (tpo 66) Historic withdrawn

PLANNING POLICY

NATIONAL POLICY

5. 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 dependant.
6. The NPPF requires local planning authorities to guide development towards sustainable solutions whilst taking local circumstances into account, to reflect the character, needs and opportunities of each area.
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 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.

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 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:

12. Paragraph 47 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is the County Durham Plan (CDP). The following CDP policies would be deemed relevant to the determination of the application:
13. *Policy 21 - Delivering Sustainable Transport* - requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
14. *Policy 29 - Sustainable Design* – All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, 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.

15. *Policy 31 – Amenity and Pollution* – 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. 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.
16. *Policy 40 – Trees, Woodlands and Hedges* – Proposals for development will not be permitted that would result in the loss or damage to trees of high landscape, amenity or biodiversity value, unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development.
17. *Residential Amenity Standards SPD (2020)* – Provides guidance on the space/amenity standards that would normally be expected where new dwellings and extensions are proposed.

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 <https://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *Highways Authority – Raise no objections.*

INTERNAL CONSULTEE RESPONSES:

19. *Arboricultural* – The proposed should not require arboricultural information however, it would be prudent that the proposed should comply with NHBC Guidelines chapter 4.2 building near trees with regard to foundation depths.

PUBLIC RESPONSES:

20. The application has been publicised by way of letters to 9 neighbouring residents. 7 letters of objection and concerns have been received. The letters of objection are in relation to:
 - Access and construction being made from the existing driveway.
 - The proposed materials being out of character within the estate.
 - The protection of trees during the construction period.
 - The proportions and detailing being inappropriate to the area.
 - Significant adverse impacts on the area.
 - Increase in height in unacceptable to the established pattern of development at the site within the locality and impacts on neighbour's amenity.

- The extension does not have an acceptable relationship to the host property in design terms, it is considered to be top heavy and does not reflect current layout densities.
- The development is too high, too cumbersome and too big.
- The proposed development is inappropriate as it will unacceptably adversely affect the character, appearance and amenity of the host property and the locality; would lead to unacceptable over-looking, is over-development; and would not result in any net benefit to the County as there are no outweighing material planning considerations in its favour. Furthermore, the development would not be in accord with national guidance within the NPPF and is contrary to extant local planning policies including Policy 29 and Policy 31 of the adopted County Durham Plan 2020.
- Loss of view over wooded area and valley.
- Concerns regarding what precedent may be set by allowing this development.
- Loss of privacy and amenity to neighbouring properties.
- Excessive scale and bulk of the development.
- Not in keeping with properties locally.
- Disruption during the construction period.
- Access onto the estate by large commercial vehicles.
- Restricting working hours of the build and timescale of the build.
- Hamsterley Mill estate is a wooded housing estate with properties sympathetically located on sizeable plots amongst trees. This proposal in its current form is not consistent with the aesthetic and ethos of the estate since the proposed property would dominate the plot and its setting due to its design, height and scale. The planned redevelopment of this property is not in keeping with the character of the estate. To permit this development in its current form would also set an unhealthy and adverse precedent to the Hamsterley Mill estate residents for the inappropriate and over development of existing property footprints.
- Not in keeping with the nature and ethos of Hamsterley Mill estate. The original houses were all of stone or old brick and were absorbed into the countryside. This proposal would make the existing property much too large and tall for the site and be very invasive for neighbouring properties.

APPLICANTS STATEMENT:

21. The applicant has made the following comments in support of the proposal: -

- Access for builders will be via our usual entrance from a private lane off Tollgate Road. There is more than ample parking within the property, so neighbours will not incur any disruption. Most materials will arrive with the relevant tradesmen so delivery vehicles will be minimal, limited to one or two per week at most and certainly no more than four or five throughout the project.

- The existing stone base is being retained, however the existing part of the gable comprised of part stone slip/part artificial stone is being replaced to improve aesthetics. This area is largely obscured from public view by a large mature beech hedge in any case. There are more than a few properties on Hamsterley Mill estate that are devoid of stonework, being either brick, render or a combination of both. To suggest our improvements would be out of character is a fallacy.
- The existing building referred to as a "dog kennel" does not require planning permission as it has already attained it. I am not sure how the objector is unaware of this, as they objected to that planning application too.
- The location plan does not include trees because none are affected by this application.

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=Q8ICQSGDGV100>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

22. 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 impact upon the character and the appearance of the surrounding area, residential amenity and privacy, trees and Highway safety.

Impact on the character and appearance of the area:

23. Part 12 of the NPPF and Policy 29 of the County Durham Plan seek to ensure good design in new developments which contribute positively to an areas character. The Residential Amenity Standards SPD gives design advice on residential extensions which are designed to safeguard amenity and to respect the character and appearance of the dwelling and locality. The host property benefits from having a large plot and is relatively well screened from neighbours and the surrounding area due to the mature trees and planting within the curtilage of the host property and within the surrounding area.
24. The host property benefits from having a large plot and is relatively well screened from neighbours and the surrounding area due to the mature trees and planting within the curtilage of the host property and within the surrounding area.
25. Comments have been raised from objectors stating that the proposals are not in keeping with properties within the estate, that the development is not consistent with the aesthetics of the estate, is overly dominant in its setting, is inappropriate and adversely affects the character and appearance of the area. Hamsterley Mill Estate is characterised by a wide mix of housing types, styles and materials throughout the estate, each house is unique, no two properties are the same within the estate. Each

property is seen in their own specific context and therefore no precedent has been set regarding design or materials.

26. The development increases the size of the host property to a 4 bedroomed property, it includes raising the roof height from 4.8 metres to 7.25 metres, however it proposed to be a large dormer style bungalow and not a two-storey property. The dormer windows are well proportioned and designed with pitched roofs. The gutter heights remain the same height as they are currently and although it incorporates a relatively steep pitched roof, it is not considered to adversely affect the host property or the surrounding area and is therefore in accordance with Policy 29 of the County Durham Plan.
27. The property is currently a dated bungalow incorporating flat roofs to the garage and link extension, the proposals would introduce pitched roofs to these areas and are considered to be an enhancement to the current property, would be of a reasonable scale and form in relation to the host property and its curtilage and would not appear incongruous within the wider street scene, where many of the properties have been altered and extended.
28. The alterations to the garage include a pitched roof with a total height of 5.24 metres, the garage is currently 2.7 metres high and attached by a link extension to the host property. The link extension will be demolished as part of the scheme with the garage will then become detached from the main property. Amendments were received during the process of the planning application to reduce the height of the garage and remove a dormer window which was proposed which overlooked a neighbouring property. The alterations to the garage are considered to not detract from the character or appearance of the area due to the mixture of development within the Hamsterley Mill Estate.
29. The orangery extension to the rear of the property is considered an acceptable addition, it incorporates a flat roof with roof lantern and is a common addition to domestic properties.
30. Overall, there is no objection to the scheme with the proposals considered to satisfy the provisions of Parts 2, 4 and 12 of the NPPF, Policy 29 of the County Durham Plan. The proposed extensions and alterations would be of a reasonable scale and form in relation to the property and its curtilage and would not appear incongruous within the wider street scene, where many of the properties of Hamsterley Mill have both been altered and extended.

Privacy / Amenity

31. Policy 31 of the County Durham Plan seeks to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. The Council's Residential Amenity Standards SPD offers advice in relation to the minimum privacy distances required to ensure that the privacy and amenity to neighbours is respected.
32. Concerns have been raised from neighbours regarding over-looking and the loss of privacy. The SPD states that 21 metres is the minimum privacy distance required between two storey dwellings which contain windows serving habitable rooms, the proposed development is in excess of 21 metres from the nearest neighbouring properties. It is therefore considered to be fully compliant regarding the required privacy distances to neighbours and it is considered that the scheme would not have an adverse impact upon the amenity or privacy of the neighbours. The proposed development is considered to satisfy the provisions of Policy 31 of the County Durham

Plan and the Residential Amenity Standards SPD in respect to residential amenity considerations.

Arboricultural impact

33. Policy 40 of the County Durham Plan seeks to prevent development that would result in the loss of or damage to trees of high landscape, amenity or biodiversity value. Furthermore, proposals for new development are expected to retain existing trees where they make a positive contribution to the locality or to the development.
34. The trees within Hamsterley Mill Estate are protected under Tree Preservation Order DER-066. There are no tree works proposed as part of the proposals, however, concerns were raised from neighbours regarding the protection of the trees during the construction period. The Council's Tree Officer has commented stating that the application does not require arboricultural information, however, it would be prudent that the proposed development should comply with NHBC Guidelines chapter 4.2 building near trees with regard to foundation depths, an appropriate condition has been imposed.

Highways

35. Policy 21 of the County Durham Plan requires development to have safe and secure access to the adopted highway network in keeping with the proposed use of the development in question.
36. The Council's Highway Authority have been consulted on the proposal and have raised no objections to the proposed development.
37. Neighbour concerns have been raised regarding the access during the construction period by large commercial vehicles. Although the road within the estate and the access road to the host property is narrow, there have been several recent development schemes/extensions within this estate in recent years and one large new build property within the estate, it is considered that the delivering of materials may have been problematic, however clearly possible, therefore no concerns are raised.

Other matters:

38. Objectors have stated that there will be a loss of a view over a wooded area and valley, however, the right to a view is not a material planning consideration when assessing the acceptability of development and the development is not considered to result in an overbearing impact on neighbouring properties.

CONCLUSION

39. The proposals concern the raising of the roof height and the installation of dormer windows to create a two-storey property and detached garage, a two-storey extension to the front is proposed and a single storey orangery extension to the rear. Consideration has been given to the scale and design of the proposed development, it is considered that the proposed development would not appear over dominant or incongruous in this residential setting, where there are a large variety of large properties within this housing estate.
40. Taking all relevant planning matters into account it is considered that the proposals are acceptable given that they accord with both national and local policy.

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 29 of the County Durham Plan.

3. The proposed development should comply with NHBC Guidelines chapter 4.2 building near trees with regard to foundation depths.

Reason - To comply with the Town and Country Planning (Tree Preservation) (England) Regulations 2012, Policy 40 and the Tree Management Policy Document of the County Durham Plan.

4. The detached garage shall be used for purposes incidental to the enjoyment of the dwelling house only and shall not be used for any trade or business purposes or for the repair or maintenance of any vehicles used for commercial purposes.

Reason - In the interests of residential amenity and to comply with Policy 29 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

41. 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

The National Planning Policy Framework (2019)
National Planning Practice Guidance Notes
Durham County Plan 2020
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

DM/21/00690/FPA

Raising of roof height and installation of dormer windows to create a two-storey dormer bungalow and garage, two-storey extension to front and single storey orangery extension to rear.

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Comments

Date 15th June 2021

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