

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/21/02516/RM
<b>FULL APPLICATION DESCRIPTION:</b>	Approval of reserved matters (appearance, landscaping, layout and scale) relating to planning permission DM/16/00871/OUT
<b>NAME OF APPLICANT:</b>	Mr David Hall 15 The Pastures (Plot 14)
<b>ADDRESS:</b>	Lanchester Durham DH7 0BT
<b>ELECTORAL DIVISION:</b>	Lanchester Steve France
<b>CASE OFFICER:</b>	Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. This is an application for 'Reserved Matters', these being details of Appearance, Landscaping and Layout, on an individual plot following the grant of 'Outline' permission for a development of up to 14 dwellings on land to the south of The Paddock in June 2017.
2. The development site within which this plot sits was granted Outline consent on appeal in 2017 for up to 14 dwellings with all matters reserved except access which was agreed at that time. Subsequent reserved matters and s.73 applications agreed the subdivision of the site and the extent of the individual plots and their levels, along with details of common elements of the scheme, including drainage, highways and landscaping, setting up the development to be built as plot-build self-build on serviced plots through the submission of applications on individual plots.
3. Parts of built development required to service the plots was undertaken before application for, and development of, the individual plots commenced. This included the road layout, levelling of individual plots and parts of the required drainage system. The root protection zone of the trees adjacent The Paddock was protective fenced to the relevant British Standard. The access road and pavement from The Paddock has therefore been built up to all but its final surface. Two extensions of this highway approved as shared private driveway serving dwellings at the top and the bottom of the site are at present part finished in base layer aggregate, during the development process. Large drainage attenuation tanks

have been installed at the lower part of the site to the rear of existing dwellings in Ford Road to control surface water drainage. These will be complimented by additional tanks on each plot.

4. Five of the plots have been approved to date and are in various states of development, with two essentially complete and occupied. These are all sited on the south boundary of the site on the village edge facing agricultural land (one overlapping the rear garden of a dwelling to the south-east). All these dwellings have grey roofs, but otherwise display a range of styles and scale, from a bungalow, to larger two-storey houses and dwellings that present a two-storey appearance into The Pastures but use roof accommodation to have three storeys of windows on the rear.
5. The individual plot subject to this application, no.14, albeit given the address 15, the Pastures in deference to sale people's reluctance to use the number 13, sits to the right of the main access road into the development on the north side of the site. The plot sits adjacent plot 13, subject to a current application, but not one so advanced as to appear on this agenda, and 8 The Paddock, an extended bungalow in a low-density single storey older development, set within a Tree Preservation Order, to the north. 7 The Paddock was demolished to provide access to the site granted consent by the Planning Inspector. The application plot is surrounded by development and does not form part of the settlement boundary.

#### The Proposal

6. The planning application seeks approval for a single detached dwelling. Formed of a single main two-story block with two feature gables on the front, south facing elevation, a subservient wing on the side provides a double garage with a full storey of accommodation above. A single storey extension to the rear extends the full width of the main block, two thirds of this in the form of an open canopy, with a garden room extension in the remainder.
7. The single storey garden room is the closest element of the proposal to the existing bungalow at 8 The Paddock, with this relationship, at an angle of 20 degrees, shown as 27.7m on the submitted plans. The ground floor of the proposal is 2m below that of the bungalow. The facing windows on the closest element of the first floor of the proposals, the bedroom in the side off-shot is 30.5m from the bungalow. The distance between the closest first floor bedroom window and the nearest part of the existing bungalow at 6 The Paddock is 47.9m at an angle of 50 degrees.
8. The footprint of the proposed dwelling has been set 2.45m away from the boundary with plot 13 to the west, to give a clear visual separation to eventual development on that site, which sits 2.25m higher.
9. Plot 14 is unusual in shape, extending part way alongside the site access road, but leaving a clear length of over 15m at the estate entrance for the communal landscaping scheme beyond the garden. The proposed rear garden fence alongside the estate entrance – there is no footway on this side of the road – is to be inset by 1m to allow for planting adjacent the public highway. Two off-street parking spaces are shown accessing the overlap between the adoptable highway and the private drive element of the approved estate roads.
10. This application is reported to Committee upon the request of Councillor Douglas Oliver to consider the impact of this development in terms of: overlooking; loss of light; visual amenity; landscaping and impact on trees in a public forum.

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## **PLANNING HISTORY**

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11. DM/16/00871/OUT - Outline planning permission for residential development (C3) of up to 14 dwellings with all matters reserved except access, including demolition of no. 7 The Paddock. Application Refused, Appeal Allowed.
12. DM/18/03847/RM - Reserved matters for outline planning permission DM/16/00871/OUT. Approved.
13. DM/19/00118/VOC - Variation of condition 1 pursuant to DM/16/00871/OUT and propose an additional condition. Approved
14. DM/19/00779/AD - Erection of free standing, single sided temporary non-illuminated sign (1525mm x 1220mm x 4mm) on wooden frame. Approved.
15. DM/19/01005/RM – Plot 10, 3 Bedroom detached bungalow with integrated garage and off-street parking. Approved.
16. DM/20/00044/RM – Plot 9, Reserved matters of appearance, landscaping, layout and scale for erection of single residential dwelling. Approved.
17. DM/20/00110/RM – Plot 11, Reserved Matters consisting Appearance, Scale, Landscaping and Layout for one two storey detached dwelling. Approved.
18. DM/20/01106/RM – Plot 8, Reserved matters application pursuant to DM/16/00871/OUT for erection of one detached dwelling. Approved.
19. DM/20/01973/RM – Plot 7, Application for Reserved Matters consisting: appearance, landscaping, layout and scale. Approved.
20. DM/21/00251/RM – Plot 1, Approval of access, appearance, layout and scale for proposed new dwelling and landscaping. Withdrawn under threat of refusal.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

21. 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.
22. 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.
23. The following elements of the NPPF are considered relevant to this proposal;

24. *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.
25. *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.
26. *NPPF 5 – Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
27. *NPPF Part 8 – Promoting healthy and safe communities.* Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
28. *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.
29. *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.
30. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change* advises, 'New development should be planned for in ways that: avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures...'
31. *NPPF Part 15 - Conserving and enhancing the natural environment.* Recognises the wider benefits from natural capital and ecosystem services – including the economic and other benefits of trees and woodland.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

32. National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and

procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up-to-date advice of Ministers and Government.

33. Of particular relevance to the consideration of this application is guidance for 'Self-build and custom housebuilding', last updated in February 2021. It advises: 'self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design and layout of their home and can be innovative in both its design and construction'.

#### **LOCAL PLAN POLICY:**

34. The following policies in the Durham County Plan (adopted October 2020) are relevant to the consideration of this application:
35. *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.
36. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
37. *Policy 31 (Amenity and Pollution)* sets out 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 they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
38. Relevant to policies 29 and 31 is the adopted *Residential Amenity Standards 2020*, which sets out requirements to ensure amenity and privacy through the use of separation distances and garden lengths amongst other tools.
39. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.

40. *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.
41. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting.

#### **LANCHESTER NEIGHBOURHOOD PLAN:**

42. There has been a change in National Planning legislation which now states that local people may wish to influence development in their area through the preparation of a Neighbourhood Plan (Localism Act 2012). The Lanchester Neighbourhood Plan provides the local community with a powerful tool to guide the long-term future of Lanchester Parish for the period 2019 to 2034. The Plan contains a vision for the future and sets out clear planning policies to realise this vision. The Vision and Objectives for the Lanchester Neighbourhood Plan were developed following community consultation in 2015 and subsequently endorsed in a second Parish wide consultation in 2016.
43. The Neighbourhood Plan sets out a Vision and Objectives, with topics including Design of New Development, Historic Environment and Green Space and the Rural Environment.
44. *Policy LNP2 - Design of New Development* requires that proposals for built development should demonstrate that the following criteria have been taken into account: that Design, Layout and Appearance. Positively responds to the local vernacular, materials and landscape features including green spaces and trees; It is of a scale and density that reflect the rural character and setting of the development; it integrates into the Built Setting, delivering accessible and well-connected environments that meet the needs of users; it provides a mix of housing types to provide flexibility for diverse family structures and styles of living and an ageing population, in accordance with the policies in the County Durham Plan; and demonstrates how they have had regard to a specified list of local design guidance, including the 'Guide to Significant Aspects of Local Character' within the Plan document.

*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/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

45. Highways note that the proposed driveway as shown on the submitted plans does not provide the required length for the required three car parking spaces.

#### **INTERNAL CONSULTEE RESPONSES:**

46. The County Tree Officer writes, trees to the rear of No 8 The Paddock are protected by the tree preservation order which covers all pine trees within The Paddock. The proposed plans has not shown these trees on plans and light / shade general tree debris may be problematic for the proposed development as it is shown to be reasonably close and possibly within the root protection areas of said trees.

#### **PUBLIC RESPONSES:**

47. Consultation letters were sent to the two immediate neighbours. Twelve objections have been received to the application, from 7 neighbouring addresses plus Cllr. Douglas Oliver local Ward Member, Lanchester Parish Council, and Campaign for Rural Lanchester.
48. The Objections relate to the scale and impact of the proposal on residents of The Paddock, specifically the impact of this development in terms of: overlooking; loss of light; visual amenity; landscaping and impact on trees. Each of these is contended a material planning of sufficient impact as to require the application to be rejected.
49. Objectors state the proposed dwelling is oversized in filling the plot, and with the inclusion of rooflights is a 3-storey dwelling.
50. Concerned at loss of privacy, they write, the height of the proposed properties and the design will mean the residents will overlook and look down into all the rooms at the rear of the bungalow at No 8 and No 6 The Paddock, causing a loss of privacy as well as a loss of light. There is a request for all upper floor windows on the rear elevation to be subject to a condition requiring frosted glass in perpetuity. If approved, the development will set a precedent for the rest of the plots that back onto bungalows at The Paddock which will all be dominated, with a loss of privacy those residents who would be looking out onto brick walls. It is contended all buildings on the north side of the pastures should be bungalows to avoid these issues. It is stated there is a condition on the Outline consent restricting each new dwelling to a 25% footprint on the plot. It is requested this be reimposed.
51. The near proximity of a huge house would very significantly impinge on the rights of the residents at 8, The Paddock to receive natural light, massively shading their property.
52. Neighbours refer to restrictions on the enlargement of their own homes and that the trees at The Paddock are an amenity for the village of Lanchester, hence the difficulty in obtaining permission at times regarding their maintenance. The amenity value of these trees will be greatly diminished if houses of 2 storey or more are allowed to be built on the plots at that side of the development, including plot 15 (sic). Trees have been lost when No 7 The Paddock was used as the access to The Pastures, including a mature Oak tree which has already increased exposure and storm damage threat to No 6 The Paddock, the ground surrounding the trees will inevitably be weakened with a development being allowed so close,

that will cause potential future damage that could cause damage to properties on The Paddock.

53. For flood risk, the development looks to have block paving that along with the proposed building will increase the serious flood risk for the area, this land has many natural springs within its boundaries, attenuation tanks and grassed areas should be insisted on. There is a request for a mandatory drainage condition for the implementation of attenuation tanks for each new property. There is a request for Mandatory Condition concerning flooding and a need for attenuation tanks and drainage for each individual property in The Pastures.
54. Concerns are also raised regarding about traffic generation on this narrow piece of road, designed and occupied as a cul-de-sac, for the period of the property's development, as residents have complained of noise pollution and dust from the contractors involved on existing developments. There are concerns raised for the management of conditions relating to working hours and road cleaning and likewise landscaping – it requested that all landscaping works at the estate entrance be completed before works on plot 12 commence, and that new conditions for landscaping, road cleaning and working hours be applied.
55. The Parish Council reflect Residents' concerns, adding an addition at the effect on the amenity of plot 14, considering the proposals contrary to the requirements of the County Council's Residential Amenity SPD and Policy LNP1 of the Neighbourhood Plan. They ask for a Committee Site Visit to better appreciate the issues involved. Again, the Parish Council and Campaign for Rural Lanchester ask that the dwellings on plots 12,14,15,1,2,3 and 4 are single storey in height. The Parish Council is concerned that the current application will set a precedent for the other plots on the inner edge of The Pastures.
56. Residents claim that 'If this massive house is allowed in such close proximity to the smaller bungalows in The Paddock, it is likely that Article 8 will be breached. Failure to impose suitable conditions may also be evidence of a breach of the Act', referring to The Human Rights Act 1988 and the European Convention on Human Rights (ECHR), including Article 8.

#### **APPLICANT'S STATEMENT**

57. *When setting out to design our house (No 15 'The Pastures' (Plot 14) we considered the following aspects of the build.*
  - *The neighbours*
  - *The location of the house (rural village location).*
  - *The proportions and distance from the neighbours and roads etc*
  - *The plot size**We were supported by our planner (Paul Armin) who was very knowledgeable and helpful in ensuring that our proposed build meets the requirements of local planning and the highways department whilst also considering the neighbours (in particular the residents of 'The Paddock').*
58. *Our initial intention was to build a house that had the following features:*
  - *3 stories high for extra bedrooms with rear facing Velux windows.*
  - *A rear balcony (facing the Paddock)*
  - *A rear Juliet balcony from the bedroom.*
  - *Large expanses of glass through the middle of the design to give views from both front and back aspect of the house.*



- Flat driveway
- Increased ceiling heights on both the ground and 1st floors

However, after many consultations with our planner we realised that the proposed plan would reduce the privacy of the neighbouring houses and not be in character with the location. As a result, we have redesigned the house so it:

- Met / exceeded the requirements of spacing between the boundaries of all neighbouring properties
- Representative of a traditional build style in keeping with the location.
- Removed the balconies at the rear
- Removed the expanses of glass so giving up the views
- Reduced the ceiling heights to a standard height to ensure the house was a standard roof height
- Lowered the house into the ground to again reduce the overall height in relation to other houses
- Accepted a sloping drive (down towards the house).
- Of the 5 windows to the first-floor rear elevation:
  - 2 are frosted windows for bathrooms
  - 1 is a walk-in wardrobe
  - 1 is a spare bedroom (rarely used)
  - 1 will be used as a bedroom
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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=QW67FLGDH6M00>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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### The Principle of the Development

59. 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 noted the principle of development has been accepted by the Outline consent.
60. It is considered that the main planning issues in this instance relate to the detailed implications of the proposals in terms of scale, character, appearance and effects on privacy and amenity.

### The Development Plan

61. The County Durham Plan 2020 was adopted in October that year, with the policies therein fully up to date in terms of the required consistency with the NPPF. The NPPF and NPPG guidance is a material consideration in its own right. The Lanchester Neighbourhood Plan 2019 – 2034, was 'made' (adopted) in June 2021 and now has material weight in the decision-making process.
62. It is noted that the policy context against which the original application and subsequent agreement of site details and individual plots has changed since the original consent in 2017. That approval was assessed against the requirements of

the Derwentside District Local Plan 1997, with subsequent applications assessed against emerging weight being given to the County Plan. The Neighbourhood Plan is also now relevant.

### Scale, Character and Appearance

63. In allowing the appeal for the overall development the Planning Inspector imposed conditions and restrictions on the extent of the approval granted. If strict design codes or restrictions in scale were considered required, these could have been imposed at that time. Instead, the Inspector noted, 'these would all be appropriately addressed as part of any future reserved matters application rather than at this stage'.
64. The application proposes a modern dwelling that has been subject to some pre-submission discussion and revision. The elevations have a traditionally referenced modern character, with a brick finish proposed. The scale of the building has been reduced with a lowered side extension and the single storey rear extension and canopy roof
65. The dwelling has a clear separation buffer to the adjacent plot to allow it to sit clearly detached from any structure on that plot, and to ensure that a solid 'wall' of development is not presented to the existing bungalow in The Paddock.
66. The scale of the building can be judged both in terms of existing approved development on the site, and in relation to dwellings in The Paddock. In terms of the development site, proposals for the immediately adjacent plot 13 are being revised. Elsewhere on the development there is a single bungalow and a range of large two storey dwellings each reflecting the design choices of the individual developer, but each clearly separate from its neighbour. Where these dwellings shared a boundary with the countryside, and are only visible in long views, an additional storey of in-roof accommodation has been allowed – conditional on the front elevation where visible from within the settlement being of 2 storey appearance. The proposal is two storey – rooflights lighting a landing on the front elevation roof slope do not constitute a third storey as claimed by one objector.
67. The development in The Paddock is of a particularly low density – even compared to contemporary development in the immediate area - and would be unlikely to be acceptable against modern planning policies – unless required to respect existing features, such as trees – this may have also been a historic design driver.
68. Objectors opine that the development should follow the scale of dwellings in The Paddock, an opinion previously offered in objection to those plots already approved. In terms of the existing development setting the scale of the new, it is relevant that of the 23 dwellings on the settlement boundary between Cadger Bank and Ford road before this site was approved in outline, only the 4 in The Paddock are single storey, and those were heavily screened. The dwellings in The Paddock no longer form the settlement boundary. Officers are of the opinion that a hierarchy of development is appropriate across the site, with single storey appropriate if desired – as approved at plot 10 – but in a general approach, an overall two storey character is appropriate.
69. Further, whilst the dwellings in The Paddock were designed and approved as single storey and are apparently still restricted to such by a covenant, it is relevant that any covenant is a legal restriction and not a planning restriction, and current

permitted development rights would allow any of the existing bungalows to add an additional storey without the need for planning permission.

70. The scale of the dwellings proposed will have potential implications for overshadowing of neighbouring plots. It is noted above the proposal has a separation of almost 2.5m from the adjacent plot so as not to present a 'wall' of development to the bungalow to the north.
71. For the specific relationship with 8 The Paddock, the proposed dwelling has been set back from the shared site boundary in avoiding the root protection zone of the protected pine trees. The single storey element of the proposed unit sits 6.75m from the site boundary – the main two storey element 9.5m. The ground floor of the proposal sits 2m below that of the bungalow. Sited south-east of the bungalow with a slightly indirect relationship (20 degrees) between the face of elevations there is no potential for overshadowing of existing windows, even before the presence of the tree belt is taken into account.
72. In terms of scale, the nature of the site is such that almost every plot has different implications for adjacent relationships. It is considered there is no basis to enforce a moratorium in principle on two storey development adjacent the existing bungalows where policy compliant separation distances can be achieved.
73. Whilst what represents an acceptable scale of development is a matter of judgement, this is a judgement led in the first instance by the separation standards set out in the Residential Amenity SPD. The relationship to both 8 The Paddock and plot 13 is critical. Privacy relationships will be considered below. The standards do also however inform the implications for the effect of massing on overshadowing potential. With an angled relationship of 30.5m where 21m is required between the bungalow and the facing first floor of the proposals, the relationship between the buildings is considered acceptable.
74. The proposals have the potential by degree to overshadow the southern garden area of the bungalow. This garden is already set below a tree belt, and it is considered relevant that the two-storey element of the proposal sits over 9m from the shared boundary – the currently required length of a garden on any new development. The relationship is considered acceptable.
75. Rights to light refer to expectations of such within dwellings through windows. With the distance between the existing and proposed dwellings, the angled separation between them, the potential for the massing of the proposal to unreasonably affect the residential amenity of the bungalow and their right to light has been considered in the design, with the effect concluded compliant with the requirements of Policy 31 of the County Durham Plan.
76. The application site is within a plot-build development where self-builders would expect and be expected to express individual design choices, particularly in the absence of a design code. Officers have been of the opinion that as the overall development will be seen in the public domain in longer views, it is the materials palette, and the roofs in particular, that will help visually bring the overall development of the different plots together. To this end a range of elevational treatments, scales and massing is, within reason considered acceptable, led by the Government advice on self-build and custom building. The predominant materials in this part of the existing settlement are buff bricks, brown concrete roof tiles under shallow pitched roofs, and render and plain hung tile panels. The few vernacular buildings are stone with slate roofs. Strict adherence to this now somewhat dated and restricted range of materials exhibited by adjacent

development is considered contrary to Part 12 of the Framework's and Policy 29's intent to raise design standards. The elevational and materials approach is therefore concluded acceptable, subject to confirmation in detail via imposition of an appropriate condition ensuring detailed compliance with the requirements of Policies 29 and LNP2.

### Residential Privacy

77. The aforementioned Residential Amenity Guide SPD is also the appropriate tool for assessing Residential Privacy issues. The required separation distances are 21m for facing habitable room windows, but whilst a tolerance is given for differences in levels, there is no advice for angled relationships. Reasonable separations are also set by the aforementioned requirement for a 9m garden length. The separation distances set out above are more than is expected to ensure residential privacy for both existing and new residents. The existing bungalow effectively overlooks the proposed two storey dwelling.
78. The distance to 6 The Paddock, a further objection, is well over double the requirement at an extreme angle.
79. The impacts on the privacy of the existing neighbours are concluded acceptable and policy compliant.

### Highway Safety

80. Highway safety issues have largely been dealt with through the Outline consent and subsequent Variation of Condition and Discharge of Condition applications. The development as submitted does not provide sufficient off-street parking to meet County Highways Standards. This is being pursued and appears capable of resolution by either the use of recessed garage doors or a wider drive. A precautionary condition is proposed to ensure this is resolved. On this basis the proposals are considered compliant with the requirements of Part 9 of the Framework and Policy 21 of the County Plan.
81. Where there have been shortcomings with ensuring compliance with the road-cleaning conditions imposed on the main consent, the issue lies with monitoring and enforcement, and should not count against new developers. A mechanism to cope with the sporadic need to meet this requirement is being discussed with the main developer. National planning advice argues strongly against duplicating conditions.

### Other Issues

82. The scheme will provide for a landscaping strip between the rear garden fence and the estate entrance which in association with the estate entrance landscaping scheme will visually soften the approach to the development.
83. Complaints regarding landscaping appear to relate to the overall site. The upper site boundary is part of the area under review for an amended landscaping scheme that has been discussed over a period of months that should be submitted as this application is determined. The scheme will cover amended proposals for the site entrance and site boundaries. It has been discussed between the

applicant's landscape advisors and County Landscape Officers and has been amended to meet the requirements of the latter.

84. The required separation from the trees in The Paddock was set by the Outline consent, reflected on the site by the Heras fencing. Changes to site levels to form the individual plots has likewise already been set. With the development outside the root protection zone and using the agreed levels, the required assessment of the relationship to trees arrives at residential amenity. The trees are to the north of the new dwelling, ensuring light is not an issue. There will be maintenance implications to their presence, but that dwellings can coexist with the trees is indicated by the homes in The Paddock.
85. A change in the context within which the trees within the Tree Preservation Order would be viewed from within and outside the village was implicit within the grant of outline consent – the trees no longer forming the boundary of the built development of the village. This objection to the application is considered untenable.
86. A number of objectors claim the original consent granted by the Planning Inspector includes a restriction of 25% of the plot for built development – with a detailed analysis of all plots approved to date, and the current application site set out. Appeal Decision APP/X1355/W/16/3160472 sets out 14 conditions but does not impose such a restriction.
87. Breaches of the Human Rights Act 1988 and the European Convention on Human Rights are claimed for the proposed relationship between existing and the proposed dwelling. This was an aspect of the Outline consent considered by the Inspector, who found that there was no issue in principle with the grant of outline consent, as achievement of an acceptable relationship was possible. The above planning assessment concludes that it is Officer's judgement that the proposed relationship is acceptable in terms of the requirements of national and local planning policy, and this could reasonably lead to a similar conclusion in terms of assessment of impingement to the right to a private family life under Article 8.
88. Conditions applied to the Outline consent apply to each of the individual plots. Therefore, the requested drainage condition is already in place led by conditions 5 and 6 of approval DM/16/00871/OUT. Each developer must carry out their part of the agreed scheme. Requirements of the existing Sustainability Condition require additional attention by the applicants. 'Informatives' attached to an approval can be applied to remind the individual developers of their responsibilities to the remaining and overarching conditions applied to previous consents that they are bound by.
89. Consistent with the approval of other plots, it is considered appropriate to remove residential permitted development rights to give the Council as Local Planning Authority control over any future extensions and alterations that may be imposed. The new dwelling would not benefit from permitted development rights allowing additional storeys.

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## **CONCLUSION**

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87. With Outline consent in place, the detailed assessments required by the Development Plan Framework: i.e. The Durham County Plan and the Lanchester Village Neighbourhood Plan of matters of scale, character, appearance and

effects on residential amenity and privacy, informed by the National Planning Policy Framework and Planning Policy Guidance are set out above.

88. The policy Framework has evolved significantly from the granting of Outline consent, and Officers have sought to give this appropriate regard in terms of consistency whilst meeting legal requirements. The opinions expressed against the proposal have been considered and given due regard, but ultimately, in effectively trying to impose additional restrictions on development contrary to that intended by the Planning Inspector, are not considered sustainable for the suggested refusal.
89. The proposal has been assessed in detail and is considered to meet the constraints of the site and be acceptable in relationship to existing dwellings on and adjacent the site. It is recommended that the application be approved subject to appropriate conditions.

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## RECOMMENDATION

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90. That the application be **APPROVED** subject to the following conditions:
1. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.  
*Reason:* Required to be imposed pursuant to Section 92 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 Policies 21, 29, 31, 35, 36, and 40 of the Durham County Plan, 2020, Policy LNP2 of the Lanchester Neighbourhood Plan 2021 and parts 2, 4, 5, 8, 9, 12, 14 and 15 of the National Planning Policy Framework.
  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. The condition is required pre-commencement to ensure that the visual impacts from the development are controlled from the outset, maintaining the character of the area.
  4. Prior to the first occupation the development hereby approved, details of all means of enclosure and retaining structures of the site shall be submitted to and approved in writing by the Local Planning Authority. These shall be constructed in accordance with the approved details thereafter.  
*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.
  5. Before the dwelling hereby approved is occupied, a plan to show the provision of three external parking spaces must be submitted to, agreed in writing by the Local Planning Authority and implemented in full.

*Reason:* In the interests of highway safety as required by Policy 21 of the Durham County Plan 2020 and part 9 of the National Planning Policy Framework.

6. The vehicular hard-surfacing areas hereby approved must be built of a permeable construction.

*Reason:* To assist in the Sustainable Drainage of the site, as required by part 14 of the NPPF.

7. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include accurate plan-based details of the following:

- Details of landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The detailed landscaping scheme must include a schedule for the implementation of the works tied to the erection of the approved dwelling. The Local Planning Authority shall be notified in advance of the start on-site date and the completion date of all external works. The approved landscaping scheme must be implemented in full, within the agreed timeframe. Trees, hedges and shrubs planted as part of an approved scheme shall not be removed without agreement within five years of their planting, with any specimens that fail within the first five years replaced to the agreed specification within the first available planting season.

*Reason:* In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework. The condition is required pre-commencement to ensure that the visual impacts from the development are controlled from the outset, maintaining the character of the area.

8. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, E, F, Part 2, and Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling hereby approved and any buildings, and boundary markers within and around the curtilage of the dwelling house(s) shall be submitted to and approved by the Local Planning Authority.

*Reason:* In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policy 31 of the Durham County Plan 2020

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.

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## **BACKGROUND PAPERS**

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The National Planning Policy Framework (2021)  
National Planning Practice Guidance Notes  
Durham County Plan 2020  
Lanchester Village Neighbourhood Plan June 2021  
Statutory, internal and public consultation responses  
Submitted forms, plans and supporting documents





**Planning Services**

DM/21/02516/RM

Approval of reserved matters (appearance, landscaping, layout and scale) relating to planning permission DM/16/00871/OUT

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**Comments**

**Date** 28 September 2021

**Scale** NTS