

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/03374/FPA
FULL APPLICATION DESCRIPTION:	Two storey side extension with loft conversion to include a dormer window (Re-submission of DM/21/01379/FPA)
NAME OF APPLICANT:	Mr D Kumar
ADDRESS:	21 Rickleton Avenue, Chester-le-Street, DH3 4AW
ELECTORAL DIVISION:	North Lodge
CASE OFFICER:	Gemma Heron Planning Officer Telephone: 03000 263944 gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a semi-detached property set prominently at the entrance to a residential estate in Chester-le-Street. The property is located on the corner of Rickleton Avenue and Camperdown Avenue when entering the estate from Blind Lane. The front of the site has a spacious garden enclosed by a low-level wall to the front and side to have an open frontage. To the rear of the site is an existing driveway area that takes up a significant part of the rear garden.

The Proposal

2. This application seeks full planning permission for a two-storey side extension with a loft conversion to include a dormer window which is the re-submission of recently approved application DM/21/01379/FPA. The proposal will be constructed from materials to match the main house.
3. The material planning differences between the recently approved DM/21/01379/FPA application and this current application, is that the originally approved hipped roof arrangement has been replaced with a gable style roof and a first-floor bay window to the front elevation is proposed with a window design to match the existing property. All other aspects of the proposal have planning approval under application DM/21/01379/FPA.
4. This application is being considered by committee at the request of a Local County Councillor.

PLANNING HISTORY

5. DM/17/02489/FPA. Two storey extension to side. Approved 18th September 2017.
6. DM/20/02945/FPA. Loft conversion to create an additional bedroom above the approved extension DM/17/02489/FPA change of roof style to accommodate additional bedroom. Refused. 13th January 2021.
7. DM/21/01379/FPA. Two storey side extension with loft conversion to include a dormer window (Re-submission of DM/20/02945/FPA). Approved. 25th June 2021.

PLANNING POLICY

NATIONAL POLICY

8. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
9. *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.
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 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.
12. *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.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

13. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

14. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
15. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
16. *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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *Highways*: No objections.

PUBLIC RESPONSES:

18. A total of seven representations have been received in response to the consultation exercise involving individual letters and a site notice. Of these, all seven are letter of objection.
19. The main reasons for objection are summarised below:
 - The exterior of the property remains unfinished and not as the plan.
 - The roof colour does not match that of the adjoining semi which looks at odds with it and is a glaring contrast. The development has made the existing host property roof match the extension, rather than the extension match the existing roof which was included as planning conditions on previous consents.
 - The application indicates that both the existing and proposed tiles are red and this is misleading as the existing tiles are only red as 2017 planning condition was ignored and the original tiles were taken off.
 - The roof is not built as the plan proposed.
 - The new roof on No.21 stops to the side of the shared chimney.

- There is fear that the proposal will result in a House of Multiple Occupation (HMO) in the future and would like to see a planning condition used to prevent this.
- The layout of the proposal results in overlooking and loss of privacy leading to a loss of value.
- 2017 planning approval did not contain any proposal for a gable end roof; it proposed a hipped roof and a gable end roof has been built on the property which is at odds with the surrounding roof styles.
- The ongoing unauthorised works on the site and disregard for planning controls.
- The level of No.21 roof is now higher than the existing roof of No.19 and the difference has been filled by a black material. This has resulted in the guttering of the two properties being out of line.
- None of the four planning applications relating to the property included the removal of the bay windows from the host property and they had been removed from the site resulting in a flat front to the host property and ugly contrast to adjoining neighbour. However, it appears the applicant has been told to re-instate these, but they have remained incomplete for months and result in an unbalanced property.
- The extension currently has a small second-floor window in the unauthorised gable wall.
- The application approved in June 2021 contained a condition that the work needs to be started within three years of the date of the approval and this condition is not needed as works had already started. This approval included a condition requiring all external building works should be completed within 12 months. These two conditions appear to contradict each other.
- If the applicant is not able to accept the Local Planning Authority's refusal, is it not time they submitted an appeal?
- The Highways Authority commented that if the development increases the bedrooms to five, the number of parking provisions would need to be addressed.
- The reason for refusal of DM/20/02845/FPA still applies to this proposal.

APPLICANT'S STATEMENT:

20. There is no denying that the proposal before Members of the Planning Committee is for a large extension however the room layout and the bulk of the extension has already been approved under planning application DM/21/01379/FPA. The differences between the approved scheme and the proposal before you are:
 - the inclusion of a bay window on the front elevation at first floor which has been included to harmonise with the first-floor bay window of main house and the adjoining semi-detached property No. 19 Rickleton Avenue; and
 - the change from a hipped roof to a gable roof.
21. The change in roof is the contentious detail. It is understood that the case officer has concerns with regard to the visual appearance of the proposed development. However, the adjoining property No. 19 has a large double width extension to accommodate a double garage and large first floor extension which is substantially wider than the proposal before you. Whilst the roof is of a different style to that proposed it should be noted that for many years the pair of semi-detached properties were unsymmetrical due to the existence of such a dominance extension when the application site had none – yet this was not considered to unbalance the pair of semi-detached properties.
22. It is also noted that there are a multitude of house types within the area, with different roof designs of properties and their extensions.
23. It is respectfully requested that the Committee supports the proposal and approves the planning application.

PLANNING CONSIDERATIONS AND ASSESSMENT

24. 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 advice within 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 principle of the development, highway safety and access, layout and design, and residential amenity.

The Development Plan

25. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

Site Background

26. Firstly, there have been several planning applications on the site in recent years and it is important to outline the key aspects of this for Members.
27. In 2017, a planning application (DM/17/02489/FPA) was submitted and approved for a two-storey side extension to the property which included a hipped roof. This included a planning condition to secure the materials to be used for the development to match the existing host property. No alterations to the roof space were proposed under this approval.
28. Consequently, in 2020 a further application was submitted (DM/20/02945/FPA) for a loft conversion to create an additional bedroom above the approved extension DM/17/0289/FPA change of roof style to accommodate the additional bedroom. This application proposed an additional floor to the property, a gable roof feature, a first floor and second floor window in the side elevation. However, this application was refused on 15th January 2021 for the following reason:
29. *'The application and current building works involving a further roof extension in the form of a plain gable, along with other built detail changes, have resulted in an overly dominant, unbalanced and visually intrusive addition to the existing dwelling and approved extension to the properties which occupies a prominent location. The proposal is contrary to the aims of Policy 29 and 31 of the County Durham Plan; County Durham's Residential Amenity Standards Supplementary Planning Document and Part 12 of the National Planning Policy Framework.'*

The proposal, as is constructed on site today, has been built to these plans and is unauthorised in nature.

30. Following the refusal of the above application, the applicant re-submitted the proposal under planning application DM/21/01379/FPA for a two-storey side extension with loft conversion to include a dormer window. This application included a loft conversion

through a hipped-roof style, one first-floor side elevation window, and one rear dormer window. During the application, the unauthorised works as proposed under DM/20/02945/FPA had been carried out on the site and the entire roof of the original property had been re-tiled. The change in the roof tiles had been undertaken and was considered under DM/21/01379/FPA and it was deemed to be acceptable as there are other examples in the street scene where the roof tiles have been replaced. This application included the following planning condition:

31. *'Within 12 months from the date of this approval, all of the external building works shall be fully completed in accordance with 'Proposed Elevations' Drawing Number: 21002-03A received by the Local Planning Authority on 23rd June 2021.'*
32. This secures that all of the unauthorised external building work will need to be rectified to be in accordance with the approved plans of the most recent approval by 25th June 2022 in order to address the unauthorised development on the site.
33. Finally, the current application before Members seeks planning permission for a two-storey side extension and a loft conversion to include a dormer window. However, the main difference between the current application (DM/21/03374/FPA) and the previously approved (DM/01379/FPA) is the gable roof and the inclusion of a first-floor bay window to the front elevation. All other aspects of the proposal have planning approval under application DM/21/01379/FPA.

Principle of the Development

34. The application site is an existing residential property within a residential area. The proposal relates to alterations to the existing dwelling house and therefore, the principle of the development is established on the site and does not need to be considered further.

Highways Safety and Access

35. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
36. The Council's Highways Officer has been consulted as part of the application and has no objections to the proposal. Therefore, the application is considered to accord with Policy 21 of the County Durham Plan in relation to highway safety.

Layout and Design

37. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In addition, it advises that proposals for alterations and extensions to residential properties should ensure development is sympathetic to the existing building(s) and the character and appearance of the area in terms of design, scale, layout, roof design and materials. Policy 31 of the CDP states that proposal that result in visual dominance will not be permitted.

38. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) states under Paragraph 2.12 that the roof pitch and design should reflect that of the host dwelling. It continues to explain under Paragraph 2.15 that dormer windows should not be so larger that they dominate the roof and should be of a scale that is in keeping with the property. It states extensions into the roof space should respect the original roof and should be appropriately proportioned and positioned in respect of the eaves and the ridge so as not to detract from the original form of the building. Extensions into the roof space should be designed to incorporate the design features and materials of the original dwelling.
39. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
40. The application site is located within a prominent position at the entrance of the housing estate, being on a corner plot of Rickleton Avenue and Camperdown Avenue when entering from Blind Lane. The area is characterised by semi-detached properties with a mix of hipped and gable feature roofs. This includes extensions at No.15 and No.19 Rickleton Avenue where it can be noted that the hipped roof design of the original dwelling has been replicated within their extension to create well-designed extension respecting the character of the area. It is acknowledged that there is a property with a vertical gable to its front elevation within the vicinity of the site, but most houses in the vicinity have a hipped style roof as an original feature. This leads to the character of the area being dominated by hipped roofs.
41. The application proposes a gable roof as opposed to the previously approved hipped roof, (DM/17/02489/FPA and DM/21/01379/FPA) which is the one of the two material planning changes proposed under the current application compared to DM/21/01379/FPA. All other aspects of the development match schemes which have planning approval. It is considered that the introduction of the gable feature roof in this corner plot position results in an overly dominant, unbalanced and visually intrusive addition to the existing dwelling in a prominent position causing harm to the character and appearance of the area. The gable roof feature does not respect the original roof design and detracts from the original built form of the building. It therefore does not comply with Policy 29 and 31 of the County Durham Plan, the Council's Residential Amenity Standards SPD nor Part 12 of the NPPF.
42. Concerns have been raised by local residents in relation to the roof tiles which have been used for the development on the site as it is the original roof tiles of the property have been entirely replaced to match the existing extension. Planning approval DM/17/02489/FPA did include Condition 3 which read: *'Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size'*. The change in the roof tiles was considered under DM/21/01379/FPA and it was deemed to be acceptable as there are other examples in the street scene where the roof tiles have been replaced.
43. The proposal also includes a first-floor bay window to the front elevation of the two-storey side extension which is a welcomed amendment to the scheme compared to the previously approved. The first-floor bay window would be in-keeping with the current design of the proposal. However, this amendment is not considered to outweigh the harm the gabled roof design causes to the overall design of the property in the planning balance.
44. Overall, the changes to the development compared to the approved DM/21/01379/FPA result in a roof-style which is overly dominant, unbalanced and is a visually intrusive addition to the existing dwelling. It causes harm to the character and appearance of the

area and does not respect the original roof design. The proposal therefore does not accord with Policy 29 and 31 of the County Durham Plan, the Council's Residential Amenity Standards SPD nor Part 12 of the NPPF.

Residential Amenity

45. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Policy 32 seeks to ensure that historic mining legacy and general ground conditions are suitably addressed by new development. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
46. The site is surrounded by residential properties; to the east the property adjoins 19 Rickleton Avenue, to the west is several properties along Camperdown Avenue and to the immediate south is 16 Camperdown Avenue.
47. The proposal is not considered to have any significant impact upon the amenity of 19 Rickleton Avenue as the works are located to the western section of the dwelling, away from the shared boundary.
48. In relation to 16 Camperdown Avenue, there is an existing separation distance between the two properties of approximately 10 metres from the two-storey extension of the application site and the single storey garage in place at No.16. This existing separation distance between the properties will remain and the rear dormer window will have an outlook over the application site's immediate parking area and the driveway of No.16 due to the orientation of the two properties. Therefore, the proposal is not considered to cause harm to the residential amenity of 16 Camperdown Avenue.
49. Overall, the proposal would not result in significant adverse effects on the amenity of the surrounding occupiers and is considered to comply with Policy 31 of the County Durham Plan.

Other Matters

50. Letters of objection have raised concerns with the possibility of the site being used as House of Multiple Occupation (HMO) which falls under the C4 Use Class. However, the application does not propose the change of use of the dwelling (C3) to an HMO and therefore, this does not form part of a material planning consideration in the determination of the application. The Local Planning Authority cannot impose planning conditions onto development which are not considered to be reasonable, necessary, enforceable, relevant to planning and precise. In this case, imposing a condition preventing the site becoming an HMO is unreasonable and unnecessary as such a change of use would require planning permission in its own right.
51. The Council notes with concern that the work included in this application commenced prior to permission being granted, while this practice is most inadvisable, it is at the owner's risk to undertake any such works before a decision has been made. The most recent planning approval (DM/21/01379/FPA) includes the following condition: "*Within 12 months from the date of this approval, all of the external building works shall be fully completed in accordance with 'Proposed Elevations' Drawing Number: 21002-03A received by the Local Planning Authority on 23rd June 2021.*" This secures that all of the unauthorised

external building work will need to be rectified to be in accordance with the approved plans of the most recent approval by 25th June 2022 in order to address the unauthorised development on the site. This condition would remain in place to be adhered to.

CONCLUSION

52. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
53. In summary, the application site is located in a visually prominent residential location and the resultant gable roof is an overly dominant, unbalanced and visually intrusive addition to the host dwelling. It is considered to cause harm to the character and appearance of the area and is not sympathetic to the existing building. Therefore, the proposal fails to accord with Policy 29 and 31 of the County Durham Plan; the Council's Residential Amenity Standards Supplementary Document and Part 12 of the National Planning Policy Framework. The application is accordingly recommended for refusal.

RECOMMENDATION

That the application be **REFUSED** for the following reasons

1. The proposal, including the gable roof, results in an overly dominant, unbalanced and visually intrusive addition to the existing dwelling in a prominent residential area. The proposal causes harm to the character and appearance of the area and is not sympathetic to the existing building. The proposal is contrary to Policy 29 and 31 of the County Durham Plan; the Council's Residential Amenity Standards Supplementary Document and Part 12 of the National Planning Policy Framework.

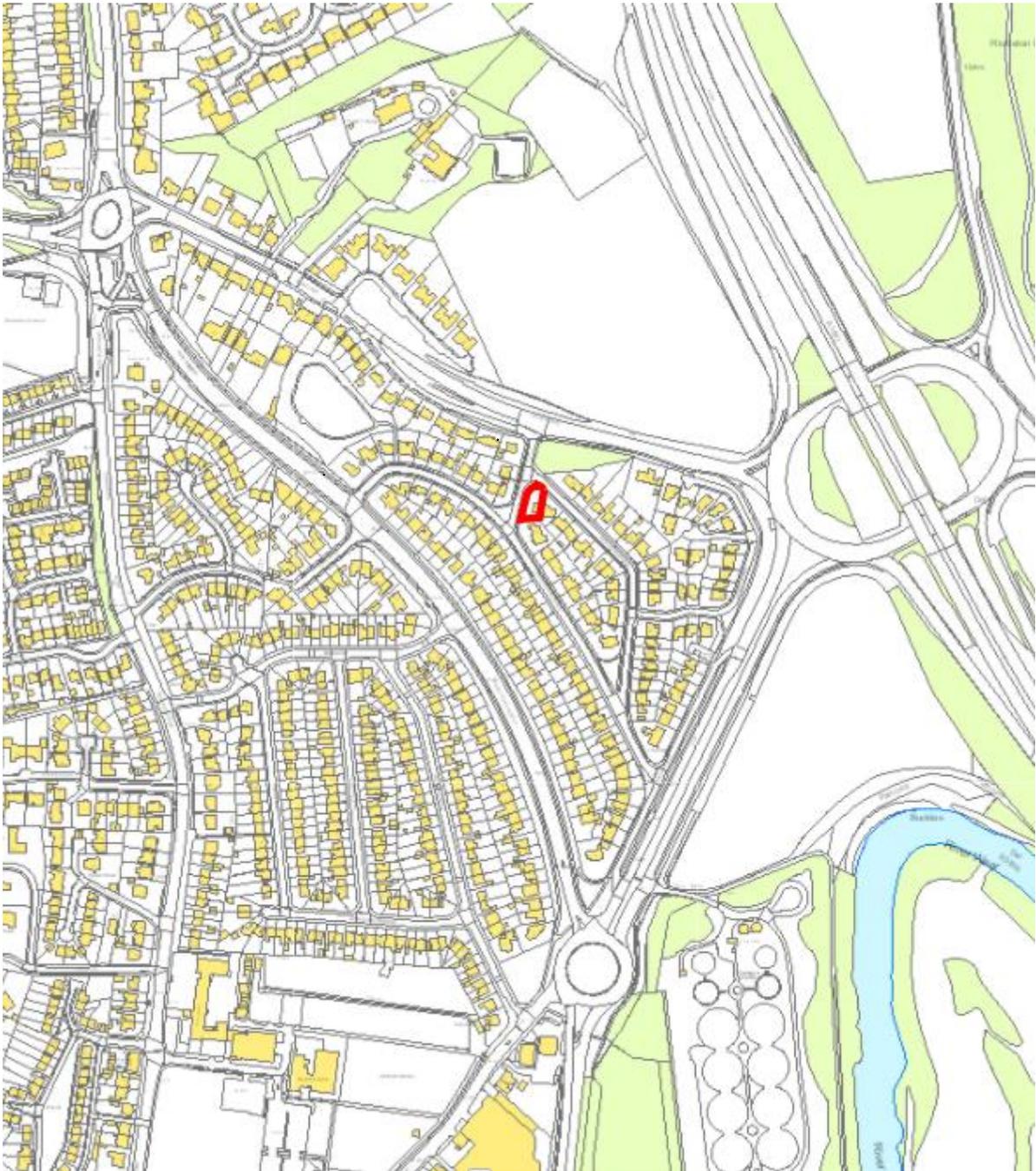
STATEMENT OF PROACTIVE ENGAGEMENT

54. 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:

Statutory, internal and public consultation responses
The National Planning Policy Framework
National Planning Practice Guidance Notes
County Durham Plan
Residential Amenity Standards Supplementary Planning Document



Planning Services

DM/21/03374/FPA

Two storey side extension with loft conversion to include a dormer window (Re-submission of DM/21/01379/FPA)

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202
 2005

Comments

Date 25th November 2021

Scale 1:1250