

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/02324/RM
FULL APPLICATION DESCRIPTION:	Application for Reserved Matters consisting: appearance, landscaping, layout and scale from approval DM/19/00118/VOC (14 The Pastures, formerly plot 13)
NAME OF APPLICANT:	Mr & Mrs D Goss 14 The Pastures
ADDRESS:	Lanchester Durham DH7 0BT
ELECTORAL DIVISION:	Lanchester Steve France
CASE OFFICER:	Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

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 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. Six of the plots have been approved to date and are in various states of development, with three essentially complete and occupied. These are sited on the south and north-west boundaries 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, plot 13 (number 14), sits at the north west of the site, in between plot 12, granted consent at the Planning Committee of 17 September 2021, and plot 14, which was refused at the same meeting. Plot 13 faces 8 The Paddock, a much-extended bungalow in a low-density single storey older development to the north, set within a Tree Preservation Order. It fronts onto the private drive extension of the highway area proposed adopted within the plot-build development and faces a competed bungalow at plot 10.

The Proposal

6. The planning application seeks approval for a single detached dwelling. The proposals have been amended during the course of the application as the applicants have sought to respond to and address concerns raised, and informed by this Committee's discussions on the adjacent plots at the September Committee meeting.
7. The application presents a dwelling with two storeys of accommodation, part in-roof, represented as half-dormers on the rear elevation and above the attached forward projecting garage, and a second floor of windows in the gable on the front elevation. A single storey flat-roofed extension is proposed to the rear, with a lantern window within a low parapet wall, with an in-gable window above it. Brick main elevations, with a grey roof, vertically proportioned windows give references to a traditional building vernacular. The rear garden is 13.2m long. Four parking places are shown, perpendicular to the garage.
8. 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.

PLANNING HISTORY

9. 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.
10. DM/18/03847/RM - Reserved matters for outline planning permission DM/16/00871/OUT. Approved.
11. DM/19/00118/VOC - Variation of condition 1 pursuant to DM/16/00871/OUT and propose an additional condition. Approved

12. DM/19/00779/AD - Erection of free standing, single sided temporary non-illuminated sign (1525mm x 1220mm x 4mm) on wooden frame. Approved.
13. DM/19/01005/RM – Plot 10, 3 Bedroom detached bungalow with integrated garage and off-street parking. Approved.
14. DM/20/00044/RM – Plot 9, Reserved matters of appearance, landscaping, layout and scale for erection of single residential dwelling. Approved.
15. DM/20/00110/RM – Plot 11, Reserved Matters consisting Appearance, Scale, Landscaping and Layout for one two storey detached dwelling. Approved.
16. DM/20/01106/RM – Plot 8, Reserved matters application pursuant to DM/16/00871/OUT for erection of one detached dwelling. Approved.
17. DM/20/01973/RM – Plot 7, Application for Reserved Matters consisting: appearance, landscaping, layout and scale. Approved.
18. DM/21/00251/RM – Plot 1, Approval of access, appearance, layout and scale for proposed new dwelling and landscaping. Withdrawn under threat of refusal.
19. DM/21/02516/RM - Approval of reserved matters (appearance, landscaping, layout and scale) relating to planning permission DM/16/00871/OUT for Plot 14. Refused.
20. DM/21/02574/RM - Application for reserved matters consisting appearance, landscaping, layout and scale from approval DM/19/00118/VOC. Approved.

PLANNING POLICY

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 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
36. *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.
37. *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.
38. *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.
39. Relevant to policies 29 and 31 is the adopted *Residential Amenity Standards Supplementary Planning Document (SPD) 2020*, which sets out requirements to ensure amenity and privacy through the use of separation distances and garden lengths amongst other tools.
40. *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.

41. *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.
42. *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:

43. 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.
44. 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.
45. *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>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

46. *Highways* have raised no objection to the proposals.

INTERNAL CONSULTEE RESPONSES:

47. The County *Tree Officer* writes, 'the proposed must take into consideration nearby tree cover, these are protected by tree preservation order DER-005. Light to the rear of the property will be prohibited to a point and may increase pressure to remove. Foundations for the proposed must comply with NHBC guidelines chapter 4.2 building near trees'.

PUBLIC RESPONSES:

48. Consultation letters were sent to the two immediate neighbours. Fifteen objections have been received to the application, from 9 addresses in the village, plus Cllr. Douglas Oliver local Divisional Member, Lanchester Parish Council, and Campaign for Rural Lanchester.
49. A reconsultation exercise to all correspondents was undertaken following the receipt of amended plans. One further representation was received. All others must be taken to stand.
50. Correspondents object to the fact that the proposed property is two storeys (plus pitched roof) in height, contending a bungalow would be much more in keeping with the form of the bungalows in The Paddock. If approved it will set a precedent for the rest of the plots that back onto bungalows at The Paddock (Pastures 12,14,15,1,2,3,4) which will all be dominated by the development and a loss of privacy and light to those residents. Potential for a terracing effect is claimed. All buildings on that side of the pastures should be bungalows to avoid these issues.
51. The upper storey windows on the north elevation of the proposed property will overlook the gardens of No.8 The Paddock and also look directly into rooms of this property. The distances required by the Residential Amenity Standards SPD is quoted. Resulting in an unacceptable loss of privacy that contravenes the Planning Inspector's view that the site could be developed without loss of privacy to existing residents. The SPD is quoted where amenity distances should be increase for areas rural and suburban character.
52. It is claimed that there were restrictions on the percentage each plot could be developed.
53. There is a claimed loss of amenity value of the trees for the community by virtue of the proposed size of the new dwellings now screening them in some views.
54. There are comments referring to conditions affecting the overall development site from the Outline consent relating to ecology, landscaping, drainage, hours of construction and road-cleaning.
55. The proposals are contended to breach Article 8 of the European Convention on Human Rights (ECHR): 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.

56. Councillor Douglas Oliver shares resident fears about the impact of this development in terms of: overlooking; loss of light; visual amenity; landscaping and impact on trees. Each of these is a material planning consideration and in his view, each has a sufficient impact as to require the application to be rejected on these grounds.
57. The Parish Council reflect Residents' concerns, considering the proposals contrary to the requirements of the Residential Amenity SPD and policy LNP2 of the Neighbourhood Plan, asking 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.

APPLICANT'S STATEMENT

58. The reserved matters application for a two-storey dwelling on Plot 13 was submitted on 29th June 2021 following positive pre-application discussions with the case officer, Steve France. Subsequently, applications for adjacent plots (Plots 12 and 14) were submitted 2-3 weeks later by other agents and this enabled the case officer to assess the cumulative impact of all three designs. During the consultation period of the applications, concerns from residents, the parish council and local councillors were acknowledged, and we were notified that the application had been called to the local planning committee for determination of members. Following this, we were contacted by the case officer on 27th August raising concern with two aspects of the design which were the separation distances to the rear of the dwelling in terms of privacy and light and the overall width of the dwelling. Following this advice, design options were carefully considered to attempt to make the committee meeting in September, however we chose to accept that this date would not be met as we considered a more cohesive revision to the design.
59. Detailed discussions with our clients, the applicants, were undertaken considering advice from the case officer and reflecting on concerns from the consultation period. This process resulted in a new design with a significant amount of scale and mass removed from the property, including a reduction in footprint and width, along with increased separation to the northern boundary. A preliminary proposal was sent to the case officer on 22nd September for comments with a response pending the outcome of the committee meeting being held on 28th September where both Plot's 12 and 14 were being considered, both with a recommendation for approval. The outcome of course being the approval of Plot 12 and the refusal of Plot 14 due to an inappropriate scale and density, and unacceptable impact on the amenity and privacy of 8 The Paddock.
60. The proposal now submitted consists of a dormer bungalow, with a reduced footprint, mass and scale compared to the previously submitted two storey dwelling. The proposal has a much lower eaves and ridge height which aides in any potential significant loss of light. The massing has been improved with more mixture of the material finishes which includes brickwork and stone walling. The proposed finished floor level of the property was also revisited and lowered by 300mm resulting in a floor level at the same height of 8 The Paddock, again helping to reduce the mass.

61. In terms of separation distances, guidance was taken from Durham County Councils Residential Amenity Standards SPD which depicts and states minimum distances between new and existing development. The proposed dormer bungalow and 8 The Paddock do not directly correspond in terms of orientation. The angled relationship between the buildings provides clear difference in orientation which measures 19 degrees, this is certainly not a slight angle. The SPD document does not consider angled relationships between habitable windows. Direct line of separation was taken from the proposed first floor rear windows of the dormer bungalow as per the SPD. The dressing room to the master bedroom and the window to bedroom two both display dimensions over 24m (3m more than the minimum 21m required between two stories both containing habitable windows). The bathroom window to the rear has a direct measurement of 18m however it should be fully understood that this is a non-habitable room which will be fitted with obscured glazing in perpetuity. The SPD states that 13m must be achieved between habitable and non-habitable windows/blank gables. It should be noted too that this relationship is to an extended element of 8 The Paddock attached to the rear of the garage which was granted planning permission in 2016 as a fitness room accessed from the garage and is prescribed as this in recent marketing information from 2020. A bathroom has always been depicted in this area of the plot, and through the amended design we have been able to move this further away from 8 The Paddock. The number of first floor windows to the rear elevation at first floor level have been significantly reduced by 50% from the original design and the position of them are carefully positioned considering separation requirements. In terms of the outlook from the fitness room at 8 The Paddock, which is closest to the proposed development, there are two forms of barriers between the new development. Firstly, the existing boundary treatments sit at the same level as its direct outlook. Secondly, any outlook is restricted by the presence of the mature and protected trees on the boundary. For all of the reasons above, the proposed development would demonstrate that reasonable privacy is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens.
62. When listening to the discussions of the committee meeting held on 28th September, and in particular discussions over Plot 14 which was subsequently refused against the case officers' recommendations. Members had concern to the size of the property, stating it is simply too big, too dominant, visually intrusive and would lead to loss of light. These discussions have had implications on how the proposal for plot thirteen has been put forward. Comparing the refused application with the proposed dormer bungalow there are significant differences. One of the noticeable differences is that the garden length from the northern boundary to the dormer bungalow which is 13.3m, over and above the minimum set out in the SPD document which requires a minimum of 9m. This creates a much larger gap between the boundary and the start of the proposal which can be seen on the site plan drawing. Most importantly, what is now presented is a dormer bungalow which is a lot less in mass than a two-storey dwelling. Concerns over loss of light have been addressed too, a drawing providing daylight and sunlight assessments presented in accordance with 'BRE Site layout planning for daylight and sunlight: a guide to good practice (BR 209)' was submitted. With the Durham County Council Residential Amenity Standards not providing detailed calculation methods to assess the impact of sunlight and daylight from new development on existing development, the guidelines within the BRE document provide a very suitable means of assessing this. The assessment show compliances with the 25-degree test and using average shadow plotting, no overshadowing would spill onto 8 The Paddock from the new development. This would demonstrate that reasonable light

is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens.

63. The applicants have chosen Lanchester to become their family home for the foreseeable future and eagerly look to become a part of the community with their purchase of this self-build plot. The applicants have listened carefully on how their self-build plot should integrate into the area along with responding to the SPD requirements. It is hoped that the dormer bungalow is viewed as an appropriate design for the plot, and we would ask for the committees support for the granting of the planning permission.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVGA3CGDGV900>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

64. 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.
65. 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

66. 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.
67. 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 Durham Plan. The Neighbourhood Plan is also now relevant.

Scale, Character and Appearance

68. 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’.

69. The application proposes a modern dwelling with strong vernacular appearance, materials and detailing. The proposal has been significantly revised during the course of the application to try and address concerns raised through the consultation exercise and apparent in responses to other proposals on the site.
70. The application was initially presented as a full-height, two storey dwelling, with an attached side extension for a garage, with in-attic accommodation above it. The full height of the building was 8.5m, with 5.6m to the eaves. A single storey flat roofed ‘extension’ with parapet wall and roof lantern projected from the rear. The rear garden of the proposal varied from 12.7m to 13.9m from the boundary shared with the existing bungalow to the north at 8 The Paddock. The property extended the full width of the plot, excepting a narrow pedestrian width passage on the west side.
71. The revised proposal seeks to reduce the scale and massing of the building and reduce the potential for overlooking. It has been reduced in width, giving a separation of 2.4m to the west boundary and 1.7m to the east. The rear garden now measures 13.4m along a simplified rear building line. Reducing the main ridge height to 8m, the eaves of the revised dwelling now sits half way through the level of the first floor windows. Both front and rear elevations feature a full height gable detail with full height first floor windows – on the rear, set behind the retained flat-roofed extension with roof lantern. The rear elevation also features two half-dormers, one serving a bedroom (central window), the other a bathroom. Rooflights on the front elevation serve a void over the hall/stairwell. Some floorspace is regained through the use of a projecting garage with a bedroom above, this room lit by another half-dormer that faces east, along the front of the house. Two small windows on the side elevation of this face south, serving an ensuite and a wardrobe.
72. Officers acknowledge that significant efforts have been made to reduce the scale of the proposal, which now sits comfortably on its plot. The proposed garden exceeds the 9m required by the Residential Amenity SPD and separates the built dwelling from the existing protected trees. Reduced in width, the dwelling has the potential for clear separation of massing from developments on neighbouring plots (one approved, one subject to an emerging appeal). This ensures that the existing dwelling to the north would not be subjected to a terrace effect of new development.
73. Officers have considered whether the new forward projection proposed would ‘cramp’ the forecourt of the dwelling approved on plot 12. With the submitted plans showing the difference in levels between the two plots and taking into account the increased separation to the boundary proposed in addition to the 2.9m separation of the nearest part of that development – with 11.7m to that dwelling’s main block from the site boundary, the relationship is considered acceptable.
74. The scale of the building has a number of implications – including likely effects on overshadowing and light for the living room windows of the adjacent dwelling. To this end, the applicant has submitted a series of Daylight and Sunlight Assessment drawings with a methodology sourced from the BR208 Good Practice Guide that shows the likely effect on the dwelling to the north at 8 The Paddock. Said drawings also show the directly comparable finished floor levels of 139.20m and 139.221m for the existing and proposed properties. The main window affected on 8 The Paddock will be one converted to a living/music room/office, with the

main windows set further back. It is noted that the existing dwelling, like many other in The Paddock is already compromised in this respect by the presence of the trees. The likely effects on daylight from the revised scheme are considered acceptable in terms of the requirements of Policy 31.

75. The Policy context against which the development must be assessed is not wholly consistent. Government advice in the NPPF advises decision makers allow 'Self-build and custom housebuilders choose the design and layout of their home'. Policy 29 of the County Plan requires high levels of design quality reflecting national initiatives bringing this issue high up the planning agenda. Policy LNP2 in the Neighbourhood Plan requires, 'a scale and density that reflect the rural character and setting of the development'. For the latter it is noted that the development is landlocked and the adjacent development in The Paddock, whilst low-density is of a strong 1960s urban character rather than 'rural'. The proposed dwelling is an attractive building, which in the context of a development where design flexibility has been exercised in line with Government guidance – with continuity across the development ensured through the use of locally appropriate materials and grey roofs on all dwellings for longer views – the proposed appearance being concluded acceptable in terms of this aspect of scale and character, and the requirements of Policy 29 of the Plan and LNP2 so far as it is relevant.
76. The implications of the scale and massing of the proposal in terms of the relationship to 8 The Paddock overlap into aspects of privacy – the suggested separation distances outlined in the residential amenity SPD having implications for both. That the proposal struggles with these separation distances as a result of first the extensions on the existing bungalow, and latterly the change in use of these to present rear living room windows to the rear elevation is immaterial.

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 between a bungalow and a two-storey dwelling, there is no advice for angled relationships. Reasonable separations are also set by the requirement for a 9m garden length.
78. The revised proposals have sought to bring the scale of the proposed dwelling closer to that of a bungalow. Notwithstanding this, and acknowledging that one serves a bathroom, the proposal presents three first floor windows on the rear building line to the existing bungalow to the north. The distance between the half-dormer serving the bedroom window to the living room window in the southernmost extension of 8 The Paddock is 18.3m. From the window in the gable to the same is 19.2m. The distances from these proposed openings to other rear living room windows on the existing bungalow exceed the requirement – at over 24m, as shown on the submitted plans and daylight assessments. The angled nature of the relationship is not such that any tolerance is considered acceptable in this instance for the relationship between windows. This aspect of the proposals fails Policy 31's requirements, backed by the Residential Amenity SPD, that development proposals have an acceptable effect on the living conditions of both existing and proposed residents.
79. Privacy in terms of the use of respective garden areas is set to a large extent by the requirement for a minimum 9m garden length in the SPD. As detailed above, the proposal far exceeds this, and noting that the relationship to the main

functional garden area of 8 The Paddock is at an angle of approximately 45 degrees, whilst at a lower level, would be screened in part by the proposed single storey extension on the rear of the new dwelling. This relationship, examined in detail, is considered acceptable.

80. Once again, objectors to developments on this site refer to Article 8 of the European convention for Human Rights. The applicants are seeking planning permission to develop their own land in accordance with a lawful process. The planning application will be determined in a proportionate, reasonable and lawful manner and regard will be had to all relevant material planning considerations and the Development Plan. The requirements of the policies within the Plan require assessment of the reasonable expectations for rights to privacy and enjoyment of property. It is therefore not considered that there will be any unlawful interference with any person's human rights through the determination of the application.

Highway Safety

81. Highway safety issues have largely been dealt with through the Outline consent and subsequent Variation of Condition and Discharge of Condition applications. The development provides sufficient space to meet County Highways Standard off-street parking to meet County Highways Standards. On this basis the proposals are considered compliant with the requirements of part 9 of the Framework and policy 21 of the County Plan.
82. Where there have been shortcomings with ensuring compliance with the road-cleaning conditions imposed on the main consent, the issue lies with monitoring end 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.

Other Issues

83. Complaints regarding landscaping relate to the overall site and are not relevant to this application.
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 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.
86. A change in the context and character 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.

87. 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.
88. Were approval recommended, 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. A new dwelling would not benefit from permitted development rights allowing additional storeys.
89. To respond to a common theme of the objectors, each application at The Pastures is assessed on its own merits, as each has different implications to neighbouring property, whether existing or proposed, urban or rural. No approval or refusal will set a precedent for another. Each will be assessed against the detailed Policies in both components of the Development Plan, and against the weight given to advice set out by the Government as set out above.
90. Officers have also assessed the proposals to ensure that there are no aspects of diversity or equality that would influence the decision in addition to the above assessments, concluding in this instance the proposals are acceptable.

CONCLUSION

91. With Outline consent in place, the detailed assessments required by the Development Plan Framework: i.e. The County Durham 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.
92. 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 not intended by the Planning Inspector, are not considered sustainable for the suggested refusal.
93. The proposal has been assessed in detail and has addressed many areas of concern in terms of its scale and massing. However, a single issue does remain in terms of the privacy relationships of the windows on the rear elevation to those on the rear extension at 8 The Paddock closest to the boundary. Contrary to the requirements for residential privacy set out in the SPD this issue leads Officers to the conclusion that the proposals fail Policy 31 on this issue.

RECOMMENDATION

94. That the application be **REFUSED** for the following reason:

1. The proposed dwelling does not meet the required separation distances set out in the County Durham Plan Residential Amenity Standards Supplementary Planning Document 2020 in so far as they are required to ensure reasonable expectations of privacy as required by Policy 31 of the Durham County Plan 2020.

STATEMENT OF PROACTIVE ENGAGEMENT

95. Notwithstanding the recommendation for refusal, 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 (2021)
National Planning Practice Guidance Notes
Durham County Plan 2020
Lanchester Village Neighbourhood Plan June 2021
European Convention on Human Rights, Articles 8
Equality Act 2010
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

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DM/21/02324/RM

14 The Pastures, Lanchester, Durham, DH7 0BT

Comments

Date November 2021

Scale NTS