

# COMMITTEE REPORT

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## APPLICATION DETAILS

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| <b>APPLICATION No:</b>               | DM/21/03477/RM   |
| <b>FULL APPLICATION DESCRIPTION:</b> | Reserved matters for Plot 3: appearance, landscaping, layout, materials, and scale of the residential development                |
| <b>NAME OF APPLICANT:</b>            | Mr Barry Endean, THF Homes Ltd<br>Plot 3 The Pastures  |
| <b>ADDRESS:</b>                      | Lanchester<br>Durham<br>DH7 0BT  |
| <b>ELECTORAL DIVISION:</b>           | Lanchester<br>Steve France   |
| <b>CASE OFFICER:</b>                 | Senior Planning Officer<br>Telephone: 03000 264871<br><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 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-east 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, no.3, sits to the north of the site, lower than the site entrance, between two plots not currently benefitting from approvals or valid applications, and immediately south of an existing bungalow at 5 The Paddock. The application site boundary is also shared with 6 The Paddock, to the north-west and an undeveloped area of land of unclear ownership to the north-east that appears treed, and without significant structures.
6. The levelled site falls away to the north boundary, where a low retaining wall, with a 6ft (1.8m) close boarded wooden fence above indicates that the garden of 5 The Paddock is slightly raised.
7. The pines of the Tree Preservation Order are a significant feature of the rear gardens of dwellings in The Paddock, and are at present protected by a Root Protection Zone fence required by the Outline planning approval.

## The Proposal

8. The planning application seeks approval of 'reserved matters' for the appearance, landscaping, layout, materials, and scale of a single 5-bed detached dwelling. The proposal is simple in form, being a single block, topped by an apex roof with plain gables. The front elevation has two plain gables with decorative finials, vertically proportioned windows with brick lintels, and a flat roofed portico supported by doric columns. Two floors of accommodation are proposed. The dwelling has a ffl of 131.3m, is 10m in height to the apex of the ridge and 5.3m to the underside of the eaves, the main roof having a pitch of 40 degrees. The dwelling is shown as brick built using red/brown multis and a plain grey roof tile to be agreed with the LPA.
9. An attached double garage, with in attic accommodation sits at a level, 0.9m lower than the house, the accommodation lit by a lead flashed flat-roofed dormer window to the front and three roof-lights to the rear.
10. The house has a separation of 10.8m to 9.6m to the irregular rear boundary line, sits 2.2m, from the higher west boundary with plot 2 and 3.5m from the lower boundary with plot 4. The front garden is 9m in length, with a drive for four cars measuring over 11m in length. Landscaping is restricted to the side boundaries and a small planting bed to the front elevation.
11. 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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12. 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.
13. DM/18/03847/RM - Reserved matters for outline planning permission DM/16/00871/OUT. Approved.
14. DM/19/00118/VOC - Variation of condition 1 pursuant to DM/16/00871/OUT and propose an additional condition. Approved
15. DM/19/00779/AD - Erection of free standing, single sided temporary non-illuminated sign (1525mm x 1220mm x 4mm) on wooden frame. Approved.
16. DM/19/01005/RM – Plot 10, 3 Bedroom detached bungalow with integrated garage and off-street parking. Approved.
17. DM/20/00044/RM – Plot 9, Reserved matters of appearance, landscaping, layout and scale for erection of single residential dwelling. Approved.
18. DM/20/00110/RM – Plot 11, Reserved Matters consisting Appearance, Scale, Landscaping and Layout for one two storey detached dwelling. Approved.
19. DM/20/01106/RM – Plot 8, Reserved matters application pursuant to DM/16/00871/OUT for erection of one detached dwelling. Approved.
20. DM/20/01973/RM – Plot 7, Application for Reserved Matters consisting: appearance, landscaping, layout and scale. Approved.
21. DM/21/00251/RM – Plot 1, Approval of access, appearance, layout and scale for proposed new dwelling and landscaping. Withdrawn under threat of refusal.
22. DM/21/02516/RM – Plot 14, Approval of reserved matters (appearance, landscaping, layout and scale) relating to planning permission DM/16/00871/OUT. Refused, North Planning Committee, 28 September 2021.
23. DM/21/02574/RM – Plot 12, Application for reserved matters consisting appearance, landscaping, layout and scale from approval DM/19/00118/VOC. Approved, North Planning Committee, 28 September 2021.
24. 1/1978/0038 - 5 The Paddock, Lanchester: Bedroom, living room. Approved.
25. 1/1984/0058 – 5 The Paddock, Lanchester: Bedroom extension. Approved.
26. 1/1988/0252 – 5 The Paddock, Lanchester. Study. Approved.
27. DM/18/03814/FPA – 5 The Paddock, Lanchester. – Single storey rear extension. Approved.

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## PLANNING POLICY

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### NATIONAL POLICY

28. 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.
29. 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.
30. The following elements of the NPPF are considered relevant to this proposal;
31. *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.
32. *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.
33. *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.
34. *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.
35. *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.

36. *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.
37. *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...'
38. *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:**

39. 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.
40. 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:**

41. The following policies in the Durham County Plan (adopted October 2020) are relevant to the consideration of this application:
42. *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.
43. *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.
44. *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.

45. *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.
46. Relevant to policies 29 and 31 are 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.
47. *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.
48. *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.
49. *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:**

50. 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.

51. 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.
52. *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:**

53. Highways have raised no objection to the proposals.

### **INTERNAL CONSULTEE RESPONSES:**

54. The County Tree Officer has submitted a standard response noting the lack of detailed tree surveys and protection plans with the application.

### **PUBLIC RESPONSES:**

55. Three letters of consultation were sent out. 6 responses have been received from three dwellings, Lanchester Parish Council and the 'Campaign for Rural Lanchester'. All object.
56. Neighbours feel the proposal is too large for the plot and will overlook adjacent gardens and dwellings. It is suggested it is moved southwards on the plot to create a precedent for later applications. Noting the presence of the protected trees, the dwelling is considered likely to 'severely diminish' light available to the existing dwellings. With the protected trees having high canopies there will be clear views and overlooking between the respective dwellings. Bungalows are suggested as more in keeping with existing properties. Reduced ceiling heights are also suggested, as are conditions to ensure bathroom windows are obscure glazed in perpetuity.

57. One correspondent considers the formerly edge of settlement tree belt at The Paddock to have 'visual amenity value' to the community' which will be lost if obscured by a large new dwelling.
58. A discrepancy between submitted plans is claimed in the position of 5 The Paddock.
59. Part summarised, Lanchester Parish Council comment that the dwellings in The Paddock are all single storey and understand that this was a requirement when the dwellings were built to ensure that the properties were sympathetic to the settlement. The Parish Council is extremely concerned about the planning applications for this 14-plot site which has to date seen several planning applications coming forward for dwellings of an enormous and inappropriate scale for the size of the plot and its setting. Within the existing Humberhill estate, development in the adjacent roads are predominately bungalows.
60. The Parish Council wish to raise the very strongest objection to this application due to its scale and impact on existing dwellings and residents. There will be a detrimental impact due to: loss of light, overlooking, visual amenity, landscaping and impact on trees, all of which are material planning considerations.
61. This large imposing development would cause an unacceptable loss of privacy and harm to the amenity of existing residents. The proposed construction is 10m in height and almost fills the site from one side to the other. In addition, this development would have an unacceptable effect on privacy and loss of amenity to new neighbours on plots 2 and 4. The proposed dwelling has a number of first floor bedroom windows which will look directly into neighbours properties and gardens.
62. The development application does not achieve the SPD's stated objectives. The development will significantly impact on privacy, amenity value and light of existing dwellings. The Paddock comprises completely single storey bungalows with significant space between dwellings. The proposed development does not provide the space required to reflect the semi-rural character of the dwellings in The Paddock. The existing built plots are very varied with no consistency or co-ordination in design.
63. The Campaign for Rural Lanchester 'object to the proposed planning application above because of its scale and its totally inappropriate intrusion on the privacy of those bungalows in The Paddock particularly numbers 5 and 6', asking for all remaining plots on the north boundary to be single storey to match The Paddock.

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

64. The proposed site is Plot 03 of The Pastures development in Lanchester. The Plot lies towards the bottom of the development facing South and is opposite Plot 06 which is not yet built. The Plot is 723sq.m in size, however when taking into consideration the tree protection area along the Northern boundary, the buildable area is reduced to 609sq.m. The site borders the gardens of No 5 & No 6 The Paddock, and the rear portion of "Greystones" garden on Ford Road. All gardens are separated by a band of TPO trees between the properties. The applicants have developed the design with the oversight of the planning officer to secure his support.



65. The Plot 03 house design has been carefully considered in terms of its massing and scale to respect the fall across the site as a whole so as not to overbear Plot 4 which sits approximately 2 metres below Plot 3. The existing trees subject to TPO that provide separation from the neighbours to the north; by virtue of their location, height, and foliage density, provide privacy but also reduce light into the existing properties. This design took care not to impact further on the light levels of 5 & 6 The Paddock by exceeding minimum separation distances to 34m to 6 The Paddock and around 30m to 6 The Paddock. Privacy is further increased as the new Plot 03 property will also be angled away from the existing bungalows in the Paddock development.
66. The topography of Plot 03 has a difference of approximately 1.8m from the western boundary falling to the eastern boundary where it adjoins Plot 04. The proposal has been designed to reflect the site contours by stepping down the floor and the roof line across the width of the plot. Similarly, the 2.5 storey approach adopted for the houses within the Pastures on the Southern portion of the development has not been copied with this design instead restricted to 2 stories in the main with a lower 1.5 storey portion closest to lower neighbouring plot.
67. It should be noted that this application seeks only to address Reserved Matters for Plot 03 and as such we believe the proposed design in line with the original vision and existing planning approval for The Pastures.
68. The design is sympathetic to the immediate surroundings and seeks to meet the applicant's requirement for a traditional family home with ambulant access to the village amenities and the growing vibrant community that Lanchester is well known for.

*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=R0JM3ZGDIOM00>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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### The Principle of the Development

69. 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, noting the principle of development has been accepted by the Outline consent, it is considered that the main planning issues in this instance relate to the detailed implications of scale, character, appearance and effects on privacy and amenity.

### The Development Plan

70. 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.

71. It is noted that the policy context against which the original application and subsequent agreement of site details and individual plots had gradually changed since that original consent in 2017. The outline approval by the Planning Inspectorate 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 County Plan is now in full force and Neighbourhood Plan is also now relevant and forms part of the Development Plan.

#### Scale, Character and Appearance

72. 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'.
73. The application proposes a modern 5-bedroom dwelling in the form of a simple rectangular block with an attached side garage at a lower level which includes a bedroom in its roof structure. The main block is two storeys high, with no rooflights proposed. The side garage has a flat-roofed dormer window to the front and three rooflights to the rear, one of which serves an en-suite wc/shower.
74. The proposal is for a large two storey dwelling. Noting the Parish Council complains at a lack of consistency and coordination in the design approach to the site, Officers have on this site taken the approach that 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 conditioned design code. This reflects Government advice as outlined above.
75. Officers have been of the opinion that as the overall development will be seen in the public domain in mainly longer views, it is the materials palette, and the roofs in particular which is where consistency has been sought, that will help visually bring the overall development of the different plots together. It is worth noting that public and long-distance views of this part of the overall development site are highly restricted by the extended gardens of West Park, to the south, and the large, detached two storey dwellings fronting Ford Road to the east.
76. To this end a range of elevational treatments, scales and massing is, within reason considered acceptable. The predominant materials in this part of the existing settlement are buff bricks, brown concrete roof tiles on shallow pitched roofs, and render and plain hung tile panels, giving a strong 1960s/70s appearance. The few vernacular buildings are stone with slate roofs. The proposal is for a traditionally referenced appearance, using a multi coloured brick with a cast stone features. The roof will be dark grey. Fenestration is proposed cream in colour. Openings will be vertically proportioned, roofs are steeply pitched and detailing such as gable finials is proposed. Traditionally referenced in appearance, the elevational and materials approach are concluded acceptable.
77. The Parish Council write that, 'the proposed development does not provide the space required to reflect the semi-rural character of the dwellings in The Paddock', whilst Policy LNP2 of the Neighbourhood Plan advises for the Scale and Character of new development, requiring 'it is of a scale and density that reflect the rural character and setting of the development'. Officers opine that The Paddock is a very low-density but urban development characteristic of its time and

point out for the specific wording of the Policy that the site is landlocked and does not share a boundary with a rural environment. The Paddock is significantly lower in density to the contemporary estates to the north, and to the development to date in The Pastures. Such a low-density development would not be considered appropriate for a modern housing scheme.

78. The dwellings in The Paddock no longer form the settlement boundary. The Paddock has always shared a boundary with the large, detached dwellings in Ford Road, to the east and two storey dwellings in Middlewood Road, Humberhill. 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 general approach, an overall two storey character is appropriate.
79. In addition to privacy implications, which will be discussed below, the separation distances set out in the Residential Amenity Standards SPD also seek to ensure that the relationships between dwellings will not be overbearing nor result in significant loss of outlook or light. With the proposal appearing level with 5 The Paddock and clearly lower than the floor level of 6 The Paddock, the proposed distances between existing and proposed structures, and with separation between the two-storey element of the proposed dwelling and its side boundaries are such that reasonable expectations of light and outlook to a level required by the Policy are met.
80. To this end the scale, character and appearance of the development is not considered contrary to the requirements of the Neighbourhood Plan Policy, Policy 29 of the County Durham Plan and part 12 of the Framework.

#### Residential Privacy and Amenity

81. The aforementioned Residential Amenity Guide SPD is also the appropriate tool for assessing Residential Privacy issues. The required separation distances are 21m between dwellings that involve an element of two storey design, as in this case. There is advice for differences in levels, but there is none for angled relationships. Reasonable separations are also set by the requirement for a 9m garden length.
82. The proposed dwelling has a rear garden length varying from 9.6m to 10.8m in length. It is noted that the SPD requirement is for a 9m length. Whilst the application site has been levelled and falls towards the rear boundary, the rear garden of 5 The Paddock displays a tall wooden fence on top of a small retaining wall. The heights of 5 the Paddock and the development site look broadly comparable. Having reviewed and compared the applicant's plans, those of the application to extend 5 The Paddock in 2018 referred to in the History section of this report, and the Council's GIS mapping system, there appears to be a proposed separation distance of around 30m between the proposed dwelling and 5 The Paddock. Notwithstanding the differences in scale between the large 2 storey dwelling proposed and the facing existing bungalow, this distance is considered to exceed the require 21m separation by such a significant margin as to allay all reasonable fears for privacy.
83. There is a similar, and angled, relationship to the rear of 6 The Paddock, which, with the floor level of that dwelling raised above the slope of the land, sits at a level above that of the proposal.

84. Expectations for privacy within garden areas are set in large degree by the 9m garden length requirement in the SPD. There will be an effect on the privacy the existing bungalows have enjoyed to date, but in terms of reasonable expectations of residential amenity in outdoor areas, the proposals are Policy compliant.
85. Whilst the proposed dwelling is tall, at 10m the garden length proposed gives the separation required to confirm loss of light to the facing dwellings will not be an issue. The distance between the proposed two storey element of the proposal to the two side boundaries is sufficient to 'futureproof' the relationship to adjacent plots, and to give a visual break between adjacent plots' development to allow for separation ensuring that the existing dwellings will not be presented an unbroken line of new development.
86. Given that the detailed relationships between the existing and proposed dwellings is critical, it is proposed to remove permitted development rights for extensions and garden structures, as on other plots, to give the Council control over potential alterations.

#### Highway Safety

87. 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, with Highways Officers asking for submission of a plan to show this. On this basis the proposals are considered compliant with the requirements of part 9 of the Framework and Policy 21 of the County Plan.

#### Trees

88. Whilst the County Tree Officer notes a lack of tree surveys and protection plans, this reflects the fact that the trees on the north boundary have already been surveyed and protected by the consents on the outline consent. With the length of the rear garden proposed and the resultant separation to the trees will ensure no direct relationship. The existing conditions remain during the course of each development with the existing British Standard root protection zone fencing required in place during construction works.
89. Objectors complain at a loss of amenity value within the village from the changed relationship of built development to the trees. This is in large part implicit from the grant of the outline consent, with the scale of buildings adjacent or set within the trees including existing two storey dwellings in both Ford Road and the Humberhill Estate on the east and west boundaries of The Paddock.
90. In term of the requirements of Policy 40 of the County Plan – Trees, Woodland and Hedges – the proposal is considered acceptable.

#### Other Issues

91. 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.

92. An alleged discrepancy on the plans is as a result of the location and site plans being of a different scale and nature.
93. Officers have also assessed the proposals to ensure that there are no aspects for Human Rights or of diversity or equality that would influence the decision in addition to the above assessments, concluding in this instance the proposals are acceptable.

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## **CONCLUSION**

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94. 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.
95. 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, where effectively trying to impose additional restrictions on development not intended by the Planning Inspector, and now, inconsistent with other approvals on the same site, and are not considered sustainable for the suggested refusal.
96. The separation between the existing and proposed dwellings as proposed exceeds the Policy requirement and meets reasonable expectations for privacy between dwellings backing onto each other. Said separation also addresses potential for loss of light.
97. The dwelling is large but sits within a plot layout with proportionate front and rear gardens for scale.
98. It is concluded that for these principal issues, and the detailed issues assessed above, the proposals are acceptable and can be argued to be Policy compliant.

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## **RECOMMENDATION**

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99. 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. External building materials used must be wholly in accordance with those specified in the submitted Design and Access Statement.

*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. Means of enclosure and retaining structures must be constructed in wholly accordance with the details shown on plan CID-2021-009-A099 Rev.B.

*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. The vehicular hard-surfacing areas hereby approved must be built of a permeable construction and retained in permeable construction in perpetuity.

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

6. The existing Root Protection Zone fencing, as constructed to BS 5837 2012 must remain in situ throughout the build and only removed when all construction activity has finished.

*Reason:* To ensure protection and longevity trees adjacent the site protected by Preservation Order, as required by Policy 40 of the Durham County Plan and part 15 of the Framework and is therefore required pre-commencement.

7. 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 County Durham Plan.

8. The rear elevation en-suite wc window must be installed and retained in perpetuity as obscured glazing to a minimum of level 3 on the Pilkington Obsuration scale.

*Reason:* In the interests of the residential amenity of 8 The Paddock in accordance with Policy 31 of the County Durham Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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100. 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

European Convention on Human Rights, Articles 8

Equality Act 2010

Statutory, internal and public consultation responses

Submitted forms, plans and supporting documents



**Planning Services**

DM/21/03477/RM

Reserved matters for Plot 3: appearance, landscaping, layout, materials, and scale of the residential development

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**Comments**

**Date** November 2021

**Scale** NTS