

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION No: | DM/21/02963/FPA |
| FULL APPLICATION DESCRIPTION: | Detached domestic garage |
| NAME OF APPLICANT: | Mr and Mrs Hutchinson |
| ADDRESS: | 16 Delaware Avenue, Evenwood, Bishop Auckland, DL14 9RR |
| ELECTORAL DIVISION: | Evenwood |
| CASE OFFICER: | Chloe Robinson Planning Officer Telephone: 03000 264 960 chloe.robinson@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of land to rear of the 16 Delaware Avenue a, small residential terrace of 6 properties located in Evenwood, Bishop Auckland. The site lies beyond an access road to the rear of the terrace and is currently used for residential amenity purposes, including the parking of motor vehicles. The application site itself measures approximately 125sqm in area, and forms part of a wider piece of land owned by the applicant measuring 330sqm
2. A concrete hardstanding has been formed on the site, which is utilised for car parking including that of the applicant's motor home. The site is enclosed by a mixture of hedging and fencing and has a vehicular access directly to the west onto a rear lane behind Rochdale Street. Surrounding the site other parcels of land in similar uses surround the site and a number of detached garages and outbuildings are present on these.
3. The site does not lie within a conservation area, while there are no listed buildings within the proximity of the site.

The Proposal

4. This application seeks planning permission for the erection a detached domestic garage. The supporting information sets out that the garage would be used for parking the applicant's vehicles, including a large motor home, together with the storage of household/domestic items. The garage would be a steel framed construction, clad in box profile steel sheeting coloured grey with a dark grey roller shutter door. The garage would measure 4.7m in width, 4.25m in height and 18.1m in length.
5. The application is being called to committee by Councillor Potts to allow consideration of the impacts of the garage on residential and visual amenity.

PLANNING HISTORY

6. Planning Permission was granted in 2008 for a detached garage on the site, this has since been demolished.

PLANNING POLICY

NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
8. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 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.
11. *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:

12. 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; healthy and safe communities; land affected by contamination; natural

environment; neighbourhood planning; noise; 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 (CDP)

13. *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.
14. *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).
15. *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.
16. *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.
17. *Policy 41 (Biodiversity and geodiversity)* restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
18. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of

irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

19. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings, including domestic alterations are proposed.

<https://www.durham.gov.uk/cdp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. *Highways:* No objection, it is however recommended that as part of any consent a condition be attached restricting it's use to ancillary domestic.

PUBLIC RESPONSES:

21. The application has been publicised by way of individual neighbour notification letters. One letter of representation has been received as summarised below:-
 - The majority of the South West gable elevation amounting to approximately 15m would appear to be as close to the boundary as possible. This would require the construction of these walls to be firewalls. There are no details of this on the plans.
 - On the plans there are no locations of rainwater pipes, any associated underground drainage or details of any soakaways/drainage channels, concerns are raised regarding the impact of this
 - If any future remedial works need to take place on the guttering, I would not like to say whether any future owner would allow access.
 - The drawings show the construction of the building on a steel frame. This may be a building control matter, but the steel columns may need a block pad foundation. These should be on the land belonging to 16 Delaware Avenue.

APPLICANT'S STATEMENT:

22. The proposal is to construct a large domestic garage to the rear of my client's property which is currently used as a rear garden. As usual with terraced housing the property is separated from the garden by an access lane which runs behind the terrace of houses. My clients own a double width garden as they had purchased the neighbours garden many years ago.
23. Mr and Mrs Hutchinson both work, one in Darlington and the other in Durham. And they also have a son and daughter who also own a car. Like most folk living in rural villages the need for a car is essential for work or education and the issues of parking vehicles close to your home can become a nightmare. When these properties were built horse and carts were the only vehicles that would need to access the terraced streets.
24. Mr Hutchinson also has three classic cars, which he takes great pride in. The cars are taken to agricultural/county shows to exhibit the cars to the general public. These need to be stored inside, obviously and are treated with great care and attention with much washing and polishing and detailing both outside and inside and even under the bonnet.

25. So the proposed garage needed to be on the large size to accommodate these cars. He also owns a motorhome which is used through most of the year. The garden is a large area, well away from the surrounding dwellings, so seemed the perfect place to erect a domestic garage. This will help alleviate some of the parking issues in the street and also means the classic cars can be stored in the new building and reasonably close to his home. The garage on the next garden is just slightly shorter than the proposed garage, so it is not the only large building on the rear gardens of Delaware Avenue.
26. We will use the colours requested for the roof and vertical cladding.

The above 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/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

27. 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 the impact on the character and appearance of the area, residential amenity highway safety and other issues.

Impact on the character and appearance of the area:

28. 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.
29. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) states that domestic garage should follow the same guidelines as those for extensions. This requires a high quality of design especially where the location is prominent, while garages should be subordinate and unobtrusively sited in relation to existing houses and the streetscene. The SPD also states that garages should be designed to incorporate features of the original dwelling and should normally be constructed of similar materials.
30. 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.
31. The proposed garage would be located in a parcel of land located to the rear of the applicant's property. This forms part of a wider area where each householder traditionally had a similar sized parcel to be used for purposes ancillary to the main residential use of the site, this arrangement is typical with terraced properties across

the County. In this instance the applicant has a 'double' parcel of land measuring 330sqm in area, which is larger than that associated with other neighbouring plots which are generally half this size. The majority of plots have either a detached garage or similar structures of varying design and construction. These structures also vary in size, with the largest immediately to the south of the application site measuring 13.25m length that was approved in 2010.

32. The proposed detached garage would measure 18m in length by 4.7m in width and would have an overall height of 4.25m. The garage would have steel construction clad in box profile steel sheeting in the colour 'Merlin Grey'.
33. Officers originally raised concerns regarding the size of the garage in terms of its length and height and the construction materials. These were discussed with the applicant's agent to encourage a reduction in the size and scale of the garage and consideration of alternative materials such as timber. However, the applicant has advised that the scale of the garage is dictated by the need to park a large motorhome and classic cars within it while the materials have been chosen because of cost and security. It was therefore requested that the application be determined as it stands.
34. In assessing the proposal in the above planning policy context and taking into context the surroundings, it is noted that surrounding the site there are a number of outbuildings and garages of varying scale, design and use of materials. This is typical of similar areas to the rear of terraced properties throughout the County, which have evolved over time. Directly to the south of the proposed garage a large partially wooden clad outbuilding is located which measures 13.25m in length and marks the boundary with open land and the wider countryside. Although the proposed garage would be approximately 4.5m longer in length than this garage, it is considered to be in a less prominent location and is set back further from the front of the plot than other existing buildings. Most views of the garage would be from immediately surrounding residential properties and those from the adjacent back lanes would be largely of the gable elevations, rather than the side profile of the garage. This would help to reduce its perceived mass. Direct views of the side elevation of the garage would be achievable from the north at 1-12 Delaware Terrace, however there is at an approximate distance of 60m, with intervening views of other outbuildings. The site already has some visual impact locally arising from the owners' parked vehicles on the large open hardstanding.
35. The proposed materials are not considered untypical for use in a domestic garage; however it is considered that the proposed colouring at this scale does have an industrial feel. The use of a green walling with a black roof could help mitigate the impact of the proposal to some degree. A condition to this effect is recommended
36. Overall when taken in the round, although the garage is large and a reduced scale would be more preferable, it is considered that given the prevalence of other detached structures, including some at a comparable scale, the proposal would not have a significant impact on the visual amenity of the surrounding area that would result in policy conflict and justify refusal of the application. It is however considered necessary to control the colour of the proposed garage to help to assimilate into the surroundings and appear less industrial in nature. Subject to a condition to this effect, on balance the development is considered to comply with Policies 29 and 31 of the CDP and Part 12 of the NPPF in this respect.

Privacy/Amenity

37. Policy 31 of the County Durham Plan seeks to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. The

Council's Residential Amenity Standards SPD offers advice in relation to the minimum privacy distances required to ensure that the privacy and amenity to neighbours is respected.

38. In this respect the proposed development would be located approximately 17m from the nearest residential property, separated by a rear access lane. The garage would be sited along the shared boundary with surrounding plots, however these areas are used for uses ancillary such as storage and parking rather than for amenity areas. Given this distance, single storey nature of garage and the presence of intervening boundary treatments and other detached structures it is considered a loss of privacy/amenity would not arise by virtue of the scale/mass of the proposals.
39. However, given the size of the proposals, a condition requiring that the building be used only for ancillary residential purposes is considered appropriate. The Planning Authority would have enforcement powers to take action in the event that activities extend beyond this and are impacting on amenity. The Council's Environmental Health Service also have statutory powers in relation to statutory nuisance such as noise, similar to any domestic developments.
40. The proposed development is considered to satisfy the provisions of Policy 31 of the County Durham Plan and Residential Amenity Standards SPD in respect to residential amenity considerations.

Highways Safety and Access

41. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Similarly, Policy 29 advocates that convenient access is made for all users of the development. The NPPF sets out at Part 9 that a safe and suitable access should be achieved for all people and that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
42. In this respect the Highways Authority has been consulted as part of the application and has no objections to the proposal. However, it is recommended that as part of any consent a condition be attached restricting its use to ancillary domestic use.
43. The development would comply with Policies 21 and 29 of the CDP and Part 9 of the NPPF in this respect.

Other matters

44. Policies 35 of the County Durham Plan seeks to ensure that suitable arrangements are made for the disposal of surface water stating that surface water would be discharged to a soakaway. Concerns have been raised by a neighbouring resident in this respect. Limited details have been submitted in the application outlining how surface water would be disposed of, however it is considered that this matter could be satisfactorily dealt with by condition.
45. Concerns have been raised from a neighbouring resident regarding construction of the structure and fire ratings of the structure. However, this matter is considered beyond the scope of this application and would be a matter for the Building Regulations regime. Similarly, issues over access/maintenance are considered civil matters beyond the scope of this planning application.

46. Given the nature of the site and existing hardstanding it is considered that the development does not give rise to any ecological concerns. The development would therefore accord with Policy 41 of the CDP and Part 15 of the NPPF in this respect.

CONCLUSION

47. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
48. The proposal would provide for the erection of a detached garage for domestic use. Although the proposal is large, and a smaller development would be preferable visually it is concluded that the development would not appear over dominant or incongruous in this residential setting where there are a large variety of garages, sheds and outbuildings. The development would not impact on the amenity of neighbouring residents or highway safety. It is concluded that the development would comply with Policies 21, 29, 31, 35 of the County Durham Plan subject to conditions to control the development and agree finer details.
49. The development is considered to accord with the development plan as a whole, there are no material considerations which indicate otherwise and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** for the following reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans

| Plan | Drawing No. | Date Received |
|-------------------------------|-------------|---------------|
| Location plan | | 20/05/20 |
| Block plan | | 19/05/20 |
| Proposed garage | | 14/05/20 |
| Proposed plans and elevations | | 14/05/20 |

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 21, 29 and 31 of the County Durham Plan.

3. The garage hereby approved shall be used for purposes incidental to the enjoyment of the dwelling house known as 16 Delaware Avenue, Evenwood only and shall not

be used for any trade or business purposes or for the repair or maintenance of any vehicles used for commercial purposes.

Reason - In the interests of residential amenity and to comply with Policies 29 and 32 of the County Durham Plan and Parts 12 and 15 of the NPPF.

4. Notwithstanding the submitted information, the external walls of the building shall be coloured Jupiter Green with an Anthracite Black roof or similar, in accordance with details to be first submitted to and agreed in writing with the Local Planning Authority prior to the erection of any external wall/roof. The development thereafter shall be completed in accordance with the approved details.

Reason - In the interests of the visual amenity of the surrounding area and to comply with Policy 29 of the County Durham Plan and Part 12 of the NPPF.

5. No development other than ground clearance or remediation works shall commence until details of the surface water drainage from the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. Sustainable Drainage Systems (shall be utilised where feasible). The development thereafter shall be completed in accordance with the approved details.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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 SPD (2020)



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| <p>Planning Services</p> | <p>DM/21/02963/FPA Detached domestic garage</p> | |
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| | <p>Date</p> | <p>Scale 1:1250</p> |