

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/21/03843/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of part two storey/part single-storey extension at rear of dwelling (amended application form).
<b>NAME OF APPLICANT:</b>	Mr Stephen Clarkson
<b>ADDRESS:</b>	7 Rowan Drive Brasside Durham DH1 5YE
<b>ELECTORAL DIVISION:</b>	Framwellgate and Newton Hall
<b>CASE OFFICER:</b>	Lisa Morina Planning Officer Telephone: 03000 264877 <a href="mailto:Lisa.morina@durham.gov.uk">Lisa.morina@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a two-storey mid terrace property located on a residential estate in Brasside. The site is open plan in nature to the front with fencing enclosing the rear garden. A garage site sits to the rear of the site.

#### Proposal:

2. Consent is sought for the erection of a part two-storey/ part single-storey extension to the rear of the site. The single-storey element, is proposed at full width with a projection of 3m and a lean to roof.
3. A first floor level a 3m projection is also proposed but located centrally with a width of 4.2m set just under 2m from each boundary with a hipped roof. The eaves height of the proposal is proposed to match the existing with the overall height of the proposal being 6.4m.
4. The application originally proposed a full width flat roofed two-storey extension however, this was considered to be unacceptable and amendments were requested. In addition a driveway proposed at the front of the site has also been removed from the plans. During the consultation process it was found that the incorrect ownership certificates had been signed and as such the clock was restarted on the application.

5. The application has been referred to committee at the request of Councillor Wilkes due to the impact on residential amenity and associated problems they believe the application will cause them.

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## **PLANNING HISTORY**

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6. There is no relevant planning history on this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
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.
12. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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

13. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

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

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

##### County Durham Plan

14. 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 to have regard to Parking and Accessibility Supplementary Planning Document.
15. Policy 29 - Sustainable Design requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.
16. Policy 31 - Amenity and Pollution sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that 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 locating of 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.

##### Neighbourhood Plan

17. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

*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 <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

18. Highways raise no objection

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

19. None

#### **PUBLIC RESPONSES:**

20. The application has been advertised by means of site notice and by notifying neighbouring residents by letter.
21. To date, five letters of objection (3 from one adjoining neighbour, two from the other neighbour) have been received with the following comments:
- There will be blocked natural day light and sunlight into my home.
  - The extension will create a lot of shadowing over my living room window and into my garden and severely reduce the sunlight.
  - Concern as to how building defects will be dealt with to my property as access to the gable end will be unattainable.
  - The extension will have an adverse effect on the valuation of the property.
  - The view from my property will be adversely affected.
  - The extension does not meet the 45 degree standard for rear extensions set by the council.
  - The approval of the double drive way raises concerns around the safety of the children playing in the street.
  - Parking Implications
  - Two parked cars in front of 7 Rowan Drives property will have a detrimental effect on the light to the front of my living room window.
  - The approval of the driveway will also create a T junction in the street that passing cars will not be expecting making it unsafe.
  - Reduction in the sun light into the garden will prevent growth which is already a problem and affect the use of the garden.
  - A numerous amount of wildlife visits in all seasons birds hedgehogs even deer have visited in this area and it would be a big miss for all concerned if the green space is reduced.

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

22. We would like to take this opportunity to explain our current circumstances and add some much needed context around the reasons why we have no choice but to apply for planning permission to extend our home. We are a blended family, with three dependent children. We are currently living in two separate households (one rented) and paying two separate costs of living.
23. In the current economic climate, it is financially impossible for us to afford a suitable family home that will accommodate a young, growing family. Therefore, our only option is to extend this house so that we can provide a stable environment for our children to grow up in.
24. Whilst we originally requested two separate bedrooms so that all three children would have their own, we were happy to compromise with one shared bedroom as we appreciated the impact this would have had on our neighbours.
25. We were also legally required by the council to originally apply for a double driveway as we were building a 4-bedroom home. We were relieved when we were told that this wouldn't be required as we understood the concern this would cause for our neighbours, and this was not something we would ever have asked for in the first place.
26. We are aware that we can build our ground floor extension without any planning permission through permitted development, and our request for one additional

second floor bedroom would not be visible from our neighbours north-facing viewpoints (45-degree rule).

27. Without this planning permission, we have no idea how we are going to be able to live together as a family unit, as we cannot continue to live in the circumstances we are currently faced with. Brasside is a safe and secure area with wonderful nature reserves and great links to schools and local amenities which is the ideal environment to raise young children in. I have really enjoyed living within the village for the last 4 years, and we hope we are given the opportunity to remain within the local community as a family, so that we can continue to contribute towards this fantastic area.

28. I hope this letter has provided a bit more context to all about our predicament, and we both look forward to discussing this with you at the Planning committee.

*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=P8X9C0GDL8J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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29. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

30. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in this regard. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

31. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.

32. In this context, it is considered that the main planning issues in this instance relate to the impact on the host property and the street scene and the impact of the development upon residential amenity.

### Impact on host property and streetscene

33. The National Planning Policy Framework (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities.

34. Paragraph 126 goes onto highlight that developments should have clear design guides and codes to create distinctive, consistent and high quality developments, but cautions that they should "allow a suitable degree of variety where this would be justified". In this instance development was subject to an approved design code agreed as part of the outline application.

35. Policy 29 (Sustainable Design) of the County Durham Plan 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.
36. The proposal is located to the rear of the property and would be of an appropriate scale and design which is considered to be in keeping with the host property and has a roof design which is similar to others within the street.
37. Other first floor extensions within the area are located to the side of properties however, are located on properties which are end terraced properties. In this respect given the property is a mid-terraced property, it is considered that an extension located towards the middle of the property is considered acceptable.
38. The scale and design of the proposal is also considered acceptable with suitable roof designs used and sufficient garden space remaining.
39. The proposal therefore, is considered of an appropriate scale and design in relation to the host property and the surrounding street in relation to policy 29 of the County Durham Plan and part 12 of the NPPF.

#### Impact on residential amenity

40. Policy 31 seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Section 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of section 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
41. The Council's Residential Amenity SPD also provides information in relation to extensions. In respect of rear extensions it states that rear extensions are usually the simplest and most acceptable way of extending the size and number of rooms in your home. It goes on to state that sunlight and daylight are important factors in securing a good quality living environment. To minimise the potential for overshadowing to neighbouring properties and to help determine whether a more detailed daylight and sunlight assessment is needed the Council operate what is known as a '45 degree code'.
42. The code is applied by drawing an imaginary line at 45-degrees from the mid-point of the nearest window to a habitable(ii) room on any adjoining owner's property. If this line cuts through any part of the development proposed then this is a clear indication the extension is potentially too large and should be reduced in scale. The extent of the impact will however depend upon a number of factors including the orientation of the property, existing features such as boundary walls, outbuildings and other solid

structures, ground levels and the type of window impacted upon (i.e. whether it is a primary or secondary window).

43. Objections have been raised that the proposal would result in blocked natural day light and sunlight to neighbouring properties as well as creating overshadowing into windows and also garden area of the neighbouring properties. A loss of view has also been raised as well as the proposal not meeting the Council's 45 degree rule.
44. Turning to the ground floor element of the proposal this projects by 3m and would break the 45 degree rule. The guidance within the SPD does go on to state however that in applying the 45 degree code due consideration will be given to the 'fall-back' position afforded by permitted development rights.
45. In this instance, there is considered to be a permitted development fall back position in that an extension of 3m at single-storey level would not require a formal application for planning permission and could be permitted. Therefore, whilst this would be considered to have an impact on the adjoining neighbour at no. 5 and potentially some of the garden area, it is not considered that a refusal reason could be sustained in this instance given the proposal could be constructed without the need for planning permission. In addition, a close board fence is also in existence which is considered to already impact on the light to neighbours ground floor windows.
46. In respect of the first floor element. All first floor windows in the rear elevation of the adjoining properties are non habitable room windows and as such the 45 degree code would not be applicable in this instance however, the ground floor windows also need to be considered. The first floor element would breach the 45 degree code however, the existing dwelling at first floor level currently also breaches the 45 degree code. Given this as well as the fact that the proposal has been set away from each boundary, it is considered that the impact (loss of light or overshadowing) that would result from the first floor element, over and above the existing impact would not be significant enough to warrant a refusal of the application.
47. Given this, the proposal is considered acceptable in respect of policy 29 and 31 of the County Durham Plan and parts 12 and 15 of the NPPF. A condition will be added to prevent windows being inserted to either side elevation to prevent any overlooking issues from occurring in the future.

#### Other Issues

48. The car parking area to the front was withdrawn from the scheme therefore, the comments made in relation to this are no longer relevant.
49. Devaluation of property is not a material planning consideration, nor are views from property.
50. Concern over maintenance issues is not a material planning consideration and it would be for the applicant to ensure any relevant issues are considered. An informative advising the applicant of their requirements under the party wall act will be added.

#### Public Sector Equality Duty

51. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and

persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

52. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## CONCLUSION

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53. It is considered that the proposal would have an acceptable impact on the host property and the streetscene as well as having an acceptable impact on neighbouring properties and as such is considered acceptable in respect of planning policies 29 and 31 of the County Durham Plan as well as the relevant parts of the NPPF.

54. Whilst the concerns raised by neighbours are noted, it is not considered that a refusal of the planning application could be sustained in this instance. The proposal is therefore recommended for approval.

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## RECOMMENDATION

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That the application be **APPROVED**, subject to the conditions detailed below:

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 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 Policy 29, and 31, of the County Durham Plan and policies 12 and 15 of the NPPF.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking and re-enacting that Order) no additional windows or other openings shall be formed in the side elevation of the proposed part two-storey/part single-storey rear extension facing east towards no. 5 Rowan Drive and west towards no. 9 Rowan Drive.

Reason: In the interests of the privacy of the neighbouring occupiers and to comply with policies 29 and 31 of the County Durham Plan and NPPF Part 12.



# 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

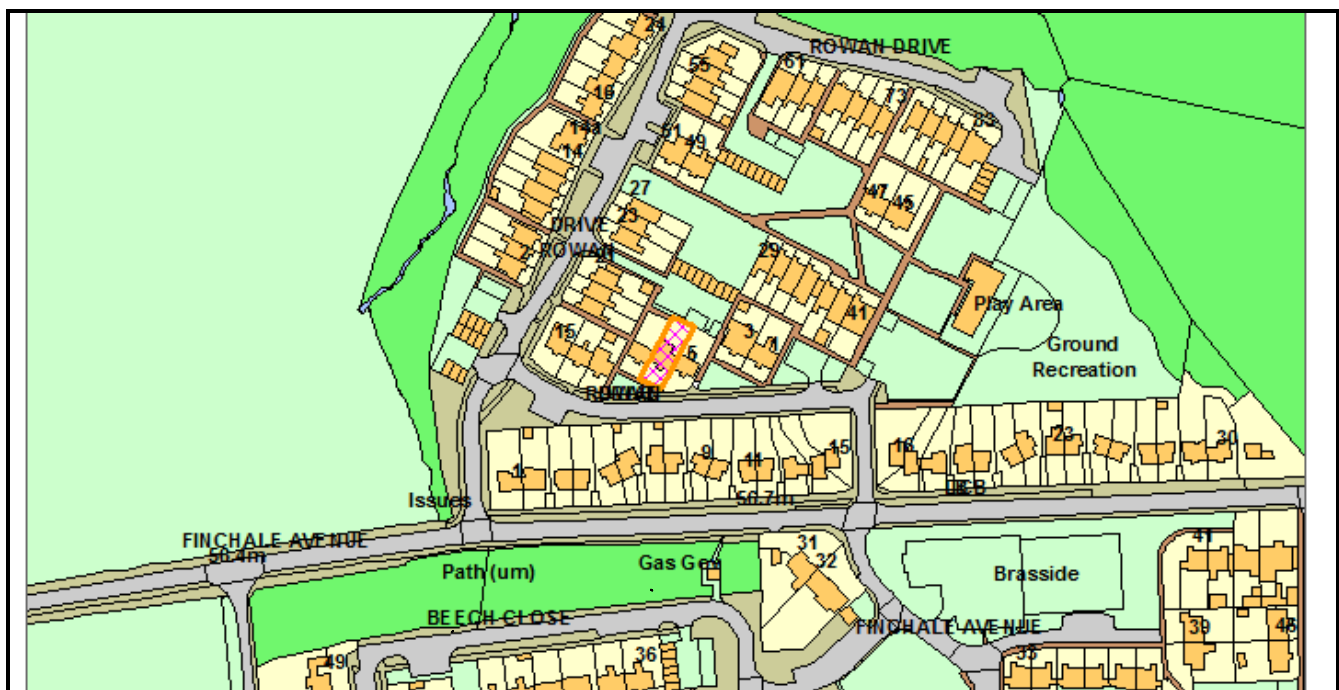
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



<p><b>Planning Services</b></p>	<p>Erection of part two storey/part single-storey extension at rear of dwelling (amended application form) at 7 Rowan Drive Brasside Durham DH1 5YE Application Reference: DM/21/03843/FPA</p>	
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