

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 7/2011/0440/DM

FULL APPLICATION DESCRIPTION: Erection of 1no. 2.5 storey dwelling

NAME OF APPLICANT: Mr S Towler

ADDRESS: Land adjacent to 50 Station Road, Sedgefield, Co Durham

ELECTORAL DIVISION: Sedgefield

CASE OFFICER: Mark O'Sullivan, Planning Officer
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DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises undeveloped garden land serving no.50 Station Road, Sedgefield, located above an abandoned water main. Located within the settlement limits for Sedgefield Village as defined on the adopted Local Plan Proposals Map and outside of the Sedgefield Village Conservation Area, this is a north facing plot which fronts onto Station Road and the Sedgefield Cricket Club beyond. To the east, south and west lie neighbouring residential properties, with vehicular access taken from the north.
2. Planning permission is sought to erect a three bedroom detached, 2.5 storey dwelling on this infill plot, with associated vehicular access onto Station Road. 1no. tree is to be removed to the front of no.50 Station Road in order to facilitate a separate drive access for the adjacent dwelling, independent from the proposed dwelling access.
3. This new dwelling would occupy a footprint measuring approximately 10.5m x 10.5m and 8.5m in ridge height (5m to eaves level). It would be of painted render and brickwork appearance with clay pantiles and white upvc window frames.
4. The application has been referred to committee at the request of an Electoral Ward Councillor and Sedgefield Town Council.

PLANNING HISTORY

5. There is no planning history for the application site.

PLANNING POLICY

NATIONAL POLICY

6. *Planning Policy Statement 1 (Delivering Sustainable Development)* sets out the Governments overarching planning policies on the delivery of sustainable development through the planning system.
7. *Planning Policy Statement 3 (Housing)* underpins the delivery of the Government's strategic housing policy objectives.
8. *Planning Policy Statement 9 (Biodiversity and geological conservation)* sets out planning policies on protection of biodiversity and geological conservation through the planning system.

REGIONAL PLANNING POLICY

9. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
10. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant:
 11. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
 12. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
 13. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
 14. *Policy 24 (Delivering sustainable communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.

LOCAL PLAN POLICY:

15. *E15 (Safeguarding of Woodlands, Trees and Hedgerows)* expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
16. *H8 (Housing development in villages)* promotes new housing development within Sedgefield Village provided there is no conflict with the provisions of the plans environmental, open space or design policies.
17. *H17 (Backland and infill housing development)* sets criteria for new backland and infill housing development.
18. *H18 (Acceptable uses within housing areas)* establishes acceptable uses within housing areas.
19. *D1 (General principles for the layout and design of new developments)* requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
20. *D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
21. *D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
22. *SPG Note 3 (The layout of new housing)* sets amenity/privacy standards for new residential development.

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://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *The Highway Authority* raises no objections to this proposal in highway terms.
24. *Northumbrian Water Ltd* has no objections to this proposal. An abandoned water main runs directly through the proposed site.
25. *Sedgefield Town Council* object to the proposal, raising concerns over the scale and design of the development, the perceived negative impact on the character of the surrounding area, over development of the site and the proposed roof height which would be out of keeping with surrounding street scene. In light of the concerns raised, it is requested that this matter be presented to the Planning Committee for consideration.

INTERNAL CONSULTEE RESPONSES:

26. *Planning Policy Section* have no policy objections in principle to the development of this site for a single dwelling subject to the case officer being satisfied with the finer points of contextual fit within the streetscape, scale and design, including ensuring satisfactory amenity for existing residents and future occupiers.

27. *The Design and Historic Environment Section* advises that the proposed two storey dwelling would be sited on a current gap in the street scene and is of a scale that mimics adjacent properties. The amended scheme has simplified the design of the front elevation and improved the references to the established architectural style on Station Road. Only the front elevation will be visible from the adjacent conservation area. As such, they raise no objection to the proposal, subject to a condition requiring the prior approval of all building materials.
28. *The Ecology Section* raises no objections to the proposal subject to the imposition of an informative relating to impact on breeding birds.
29. *The Arboriculture Officer* has no objections to the proposal.

PUBLIC RESPONSES:

30. The application has been advertised by means of site notice and by neighbour notification letters. Five letters of objection have been received from local residents, all raising concerns regarding the privacy and amenity of adjacent occupiers, the scale and form of the proposed development and its resulting impact on the character of the area, housing density, biodiversity and perceived conflict with Planning Policy Statement 3 regarding Greenfield development and adopted Local Plan Policy H17.
31. In addition, a petition has been received containing the signatures of twenty three nearby residents, objecting to the proposed development for the aforementioned reasons.
32. A further consultation exercise has been undertaken following the submission of amended plans, however, at the time of writing there have been no additional responses received.

APPLICANTS STATEMENT:

33. The application site on Station Road has not previously been developed due to the now obsolete land drain crossing the site. This drain was originally used to service the land behind Station Road prior to being developed for housing.
34. The plot proportions along Station Road reflect a linear development which has grown over previous years. No50 Station Road site proportions are equivalent of two plots, due to the land drain, which has left a gap in the street scene.
35. The design of the dwelling has been carefully considered to reflect the local character of surrounding dwellings in terms of size, massing and selection of proposed materials. Therefore we would state that the scale of the development and size of site is in keeping with the adjacent dwellings and reflects the urban grain of Station Road.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file.

PLANNING CONSIDERATIONS AND ASSESSMENT

36. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the key issues are the principle of the development, impact on character of the area, impact on residential amenity, highway safety and ecology.

The principle of development

37. Planning Policy Statement 3: Housing (PPS3) sets governments overarching objectives for the delivery of sustainable housing development in suitable locations which are well designed and built to a high standard, taking into account housing need in an area, and proximity to local services, community facilities, jobs, key services and infrastructure. On 9th June 2010, the Government amended PPS3 to exclude private residential gardens from the definition of previously developed land in order to prevent overdevelopment of neighbourhoods and 'garden grabbing'.

38. In terms of 'garden grabbing', PPS3 explains how it is for Local Authorities and communities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas. The amendment therefore does not prevent housing development in garden curtilage but places the emphasis on the Local Planning Authority and community to decide whether the contextual fit, scale and design are appropriate for the location.

39. PPS3 makes clear that whilst it is considered to be important that sufficient housing is delivered, it should not be at the expense of quality. Garden developments can lead to efficient use of resources and enable good integration. It can help to meet the key objectives for housing as set out in PPS3, provided that it is of good design and does not compromise the character of a neighbourhood, lead to a significant loss of biodiversity or contribute to flood risk.

40. Whilst PPS1 has no specific reference to garden development, it states that Local Planning Authorities should seek to place developments where they minimise the need for travel by car, promote the best use of existing infrastructure and promote social cohesion whilst supporting the needs for biodiversity.

41. RSS Policies 2 and 4 also set out sustainable housing objectives, paying regard to a sequential approach to site selection in the delivery of new housing across the region, biodiversity, geodiversity and sustainable construction techniques.

42. Policies H17, H18 and D5 of the Sedgefield Borough Local Plan support new residential development in existing residential areas where they can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwelling and existing adjacent dwellings and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site. Furthermore such development must not significantly harm the living conditions for nearby residents.

43. In assessing this application, it is noted that this development would be constructed onto undeveloped, 'Greenfield' garden land within the curtilage of an existing dwelling house. However, the application site is located within an established residential settlement, in close proximity to the commercial centre of Sedgefield Village and the range of goods and service available there, whilst also offering excellent transport linkages to nearby settlements. It is therefore considered that the

proposed development would be located in a sustainable location with regard to PPS3 and RSS Policies 2, 4 and 24, which establish sustainable housing objectives and a sequential approach to site selection in achieving sustainable communities. Furthermore, the sustainable nature of this centralised site within an established settlement would satisfy RSS Policy 7 in relation to connectivity and accessibility in new development. In summary, the principle of an additional, infill dwelling within this established residential settlement and in an entirely sustainable location is considered acceptable.

Impact on the character of the area

44. The proposed dwelling is considered to be of a scale and design commensurate with surrounding residential properties in this location. It is noted that there is no uniform house type in this area, with a range of building designs and forms evident. The proposed dwelling is considered to respect existing forward and rear building lines, whilst being only 300mm taller than immediately neighbouring property. This difference is considered marginal and would not significantly detract from the character of this street scene enough to justify any refusal.
45. A number of objections have been received concerning the design of the scheme as submitted. Many of the concerns raised have been addressed through the submission of amended plans, with the exception of the detached nature of the property, the 2.5 storey height and the inclusion of an integral double garage. However, with regard to these individual elements, the planning merits of this scheme are, on balance, considered acceptable.
46. Significant consideration has been put into delivering a scheme which although does not exactly replicate existing development in this area, does borrow specific elements which integrate well with their surroundings without significantly detracting from the local setting of the site. The amended scheme incorporates building features from the surrounding street scene such as bay windows and chimneys, whilst the dormers windows originally proposed to the front elevation have been removed, with rear facing dormers amended to incorporate a more acceptable 'cat slide' roof design rather than a flat roof appearance. The pitched roof appearance of the main dwelling respects existing property to the immediate east, with large front and rear garden spaces sympathetic to the remainder of properties on this street scene.
47. A number of objectors have also raised concern over the density of this development which is argued to represent a cramped form of infill development. However, given the scale of the site and the proposed side separation distances to be maintained from immediately adjacent dwellings, it is considered that this development would fit well into the wider streetscape, with the 12.8m wide plot width comparable to the plot widths of adjacent dwellings without resulting in any cramped infill development. It is further noted that such gaps within the linear form of this street scene represent an anomaly in this area, with the proposed development to satisfactorily infill this gap, thereby retaining the character and form of this street scene without detrimentally affecting housing density.
48. As explained, this proposal would also involve the removal of a tree to the front of 50 Station Road in order to create an independent access. No objections have been raised by the Arboriculture Officer over the loss of this tree which is not considered to have any significant resulting impact on the character of this area, and the proposals do not therefore conflict with Policy E15 of the Local Plan.

Impact on residential amenity

49. The design of the proposed dwelling has been carefully considered, with the majority of windows to be front and rear facing only. Whilst noting the objections from adjacent residents regarding overlooking and privacy loss, it is considered that sufficient separation distances are maintained from opposing dwellings in both directions, which are well in excess of the 21m stipulated within SPG3 and in accordance with Policy D5 of the Local Plan.
50. Only one side facing window is to be installed into east facing gable elevation. This would serve a bathroom and any approval would be carefully conditioned to ensure this is obscured in design and controlled in terms of how it can be opened. This is to ensure maximum privacy to the adjacent property.
51. As this dwelling house would respect existing building lines, there would be no staggered layout which could otherwise result in loss of privacy or overbearing effects for neighbouring residents.
52. During an initial site visit it was noted that a rear conservatory projection at no. 48 Station Road to the east does contain side facing windows overlooking this site. Although no specific concerns have been raised over the perceived impact on this conservatory resulting from building closer to these windows, the applicant has confirmed the erection of 1.8m high vertically boarded timber fencing surrounding the entire rear garden space, with 1.2m high timber fencing to the front. Such means of enclosure are considered sympathetic to the surrounding street scene whilst also protecting the amenity of neighbouring properties.
53. Any argument that the development of this infill site would overshadow neighbouring property is poorly grounded given the footprint occupied by neighbouring property and the fact that rear projections at neighbouring property to the east benefit from unaffected rear facing windows.
54. In view of the foregoing, this proposal satisfactorily achieves sufficient private amenity space to the front, rear and sides, and without resulting in any substandard separation distances between dwellings. In this respect, this application is considered to accord with SPG3 and Policy D5 of the Local Plan regarding the layout of new dwellings.

Highway Safety

55. The Highway Authority has raised no objection to this proposal, with both the proposed dwelling and the existing adjacent dwelling to benefit from satisfactory in-curtilage vehicle turning facilities within the front garden areas allowing safe access and egress onto Station Road. This application is considered to satisfy Local Plan Policy D3 in this regard.

Ecology

56. The Ecology Section has raised no objections to this proposal, subject to an informative relating to impact on breeding birds. Although objectors have raised concerns regarding the impact on biodiversity, it is considered that subject to adherence to the suggested informative, the proposals would not have significant affects on biodiversity and the application would be considered to satisfy the provisions of PPS9.

CONCLUSION

57. The principle of infill residential development within an established residential settlement is considered acceptable given its sustainable location, offering good access to amenities and public transport. The proposed scale and design of the development is considered sympathetic to surrounding development without detracting significantly from the local street scene or character of the area. Furthermore, with no perceived impact upon highway safety, ecology or neighbouring privacy/amenity, this proposal is considered acceptable.
58. The proposed development is therefore considered to accord with relevant national, regional and local plan policies, and subject to the imposition of conditions, approval of the application is recommended.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

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 permitted shall be carried out in accordance with the following approved plans:
1118-11-001 rev C (Existing and proposed block plans)
1118-11-002 rev A (Proposed floor plans, option 1)
1118-11-003 rev A (Proposed elevations, option 1)
1118-11-007 (Site location plan)
1118-11-008 rev A (Proposed street elevations)
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority, together with details of render colour and texture, and further details of all windows, doors, roof lights dormer windows and balcony (at scale 1:20). The development shall be constructed in accordance with the approved details. Reason: In the interests of the appearance of the area and to comply with Policy D1 the Sedgefield Borough Local Plan.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the first floor side facing bathroom window adjacent to number 48 Station Road shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the Local planning authority. Reason: In the interests of the privacy of the neighbouring occupier and to comply with Policy H17 of the Sedgefield Borough Local Plan.
5. Notwithstanding any details submitted with the application, the proposed first floor side facing bathroom window adjacent to number 48 Station Road shall be fixed with only a top hung panel openable. Reason: In the interests of the privacy of the neighbouring occupier and to comply with Policy H17 of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable infill housing development in terms of its location within the settlement framework, and in terms of its impact upon the character of the area, access, parking, and the privacy and amenity of surrounding residents.
2. The decision to grant planning permission has been taken having regard to Policies 2, 4, 7, and 24 of the RSS for the North East and Policies H8, H17, D1, D3 and D5 of the Sedgefield Borough Local Plan, and to all relevant material considerations, including Supplementary Planning Guidance Note 3.
3. In arriving at this recommendation, all objections and other views expressed have been considered, however, on balance, they are considered to not be overriding in this case.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Amended Plans

Planning Policy Statements 1, 3 and 9

Regional Spatial Strategy

Sedgefield Borough Local Plan 1996

Consultation responses from Highway Authority, Sedgefield Town Council and Northumbrian Water Limited

Internal responses from Planning Policy, Design and Historic Environment, Ecology and Arboricultural Sections

Public responses from neighbouring residents



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Planning Services

Erection of 1no. 2.5 storey dwelling at land adjacent to 50 Station Road, Sedgefield, Co Durham

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Comments

Date 6 December 2011

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