

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/00042/FPA
FULL APPLICATION DESCRIPTION:	Construction of roof balcony and first floor bay window to front and installation of first floor balcony and French doors to rear (resubmission of DM/21/01877/FPA)
NAME OF APPLICANT:	Mr Barry Grimes
ADDRESS:	48 Highgate Durham DH1 4GA
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Michelle Penman Planning Officer Michelle.penman@durham.gov.uk 03000 263963

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a mid-terrace residential town house, located within the relatively recent, high-quality, modern development of Highgate, which is of traditional styling and modelled on Durham vernacular examples. The site is located within Durham City Conservation Area (CA) and also contributes to the inner townscape setting of Durham Cathedral and Castle World Heritage Site (WHS).
2. The existing dwelling is a three-storey property finished in brick with a slate roof and includes white sash windows with stone cills to the front and rear and is situated in an elevated, visually prominent position presenting a principal elevation to Framewellgate Peth.

The Proposal

3. Planning permission is sought for the construction of a roof terrace and first floor bay window to the front of the dwelling along with the installation of a first-floor balcony and French doors to the rear. The current application is a resubmission of planning application DM/21/01877/FPA which was withdrawn in August 2021 due to concerns raised by the LPA in relation to the impact of the proposal upon the CA and WHS. It is noted that the design of the proposed bay window element has been amended from that previously proposed but that in all other respects the proposal remains unaltered.
4. The application is referred to Planning Committee at the request of Cllr R Ormerod on the grounds that other houses in the area have bay windows, the proposed rear

balcony does not impact on any other houses' views of the WHS, the roof balcony is similar to the roof terrace in the building opposite and at Riverwalk, and it is not visible from the road.

PLANNING HISTORY

5. DM/21/01877/FPA - Construction of 2 no. balconies including a roof balcony, installation of box window and loft conversion. Withdrawn 27.08.2021.
6. 4/12/00038/FPA - Satellite dish low to front east facing elevation. Approved 07.03.2012.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

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 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.
10. 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.
11. NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<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; historic environment; design process and tools; determining a planning application; natural environment; neighbourhood planning; noise; and use of planning conditions.

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

LOCAL PLAN POLICY:

The County Durham Plan

13. 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
14. 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.
15. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
16. Policy 45 (Durham Castle and Cathedral World Heritage Site) seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.

Neighbourhood Plan

17. The following policies of the Durham City Neighbourhood Plan are considered relevant to the determination of this application.
18. Policy S1 (Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions) seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet.

19. Policy D4 (Building Housing to the Highest Standards) seeks to ensure that all new housing, extensions and other alterations to existing housing must be of a high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and the improvement of energy efficiency and the reduction of carbon dioxide emissions.
20. Policy H1 (Protection and Enhancement of the World Heritage Site) requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces.
21. Policy H2 (The Conservation Areas) expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. Durham City Parish Council have not responded.

INTERNAL CONSULTEE RESPONSES:

23. Design and Conservation – the proposed development would fail to preserve or enhance the character, appearance, and significance of the CA. The proposal would therefore be contrary to NPPF Section 16, Policy 44 of the County Durham Local Plan and Policy H2 of the Neighbourhood Plan. By virtue of the harm identified to the CA, as this informs the inner townscape setting of the WHS, there would be a minor effect on the quality and significance of the inner setting of the WHS in conflict with CDP Policy 45 and Policy H1 of the Neighbourhood Plan.

PUBLIC RESPONSES:

24. The application has been advertised by means of site notice and by notifying neighbouring residents by letter.
25. A representation has been received from the City of Durham Trust who object to the application on the grounds that the roof terrace and bay window have a negative impact on the Framwellgate Peth frontage. The concerns raised are summarised as follows:
 - The proposed roof terrace would be prominent and does not fit with the building or conform to a traditional styling.

- The roof terrace would strip out a large section of traditional-style roof thereby affecting the otherwise positive contribution the Highgate roofscape makes to the Conservation Area.
- Although the bay window follows the pertaining style it does not follow the local design code.
- Together the bay and terrace will create a negative impact on the house frontage and thus will have a negative impact on the Conservation Area.
- The Highgate development otherwise makes a positive contribution to the inner setting of the World Heritage Site (WHS).
- The proposals are considered to fail against Policies 44 and 45 of the CDP and DCNP Policies D4, H1, H2 and S1.
- The Trust sees no issues with the rear window and balcony alterations that work well in a 'mews' setting.

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/simpleSearchResults.do?action=firstPage>

APPLICANT'S STATEMENT:

26. The proposed alteration is to enhance the home and the look of the property in line with other houses in the street. The bay window has been carefully designed to incorporate the street scape of other properties and the random style of windows. The window is the same design as other properties within the street in a 2 over 2 formation. There are examples across the estate where windows do not align and also reflect the building across the road at Milburngate.

The incorporation of the balcony to the roof space is to provide a family home with sufficient bedrooms in line with current guidance. The home is currently 3 bedrooms and was converted to a family home from a HMO. The balcony in the roof space will not be visible from the road and has been designed without invasion on neighbouring properties.

The balcony to the rear of the property considers the privacy of neighbours and is reflected in the receipt of no comments from neighbours. This balcony is in keeping with balconies across the city and reflect their design and impact. Durham City Trust comment that the balcony to the rear of the property will enhance the mews style of the houses and enhance the street appearance.

Throughout the last 8 years we have lived within a circle of development from the park to Riverside Walk development, the conversion of the County Hospital, Milburngate demolition and the subsequent construction and most recently the bus station living with all the associated dust, noise etc. During this time, we have through actions of officers within the county council had our car parking permits removed which has resulted in having to park on the drive. This drive even though it is at a substantial angle provided some outside sitting space. These actions have eradicated this sitting space, resulting in a total lack of outside space and the associated impact on our mental health.

All the alterations are designed to provide a family home whilst enhancing the property considering street appearance, locality and impact on the World Heritage Site.

PLANNING CONSIDERATIONS AND ASSESSMENT

27. 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. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the impact on the character and setting of the Durham City Conservation Area (CA) and World Heritage Site (WHS), and residential amenity.
28. The NPPF is a material planning consideration in this regard and advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF. Paragraph 11 requires development which accords with an up-to-date Local Plan to be granted planning permission without delay.
29. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up-to-date local plan for the area along with the Durham City Neighbourhood Plan which is also now adopted, both are the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP and NP.

Impact on the conservation (CA) area and world heritage site (WHS)

30. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in discharging their planning responsibilities an LPA must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
31. Policy 44 (Historic Environment) of the County Durham Plan (CDP) seeks to ensure that developments contribute positively to the built and historic environment and Policy 45 (Durham Castle and Cathedral World Heritage Site) seeks to ensure that developments within the setting of the world heritage site sustain and enhance the significance of the designated asset. Whereas Policy 29 (Sustainable Design) relates to sustainable design and states that all proposals will be required to achieve well designed buildings and places.
32. Policies H1 (Protection and Enhancement of the World Heritage Site) and H2 (The Conservation Areas) of the Durham City Neighbourhood Plan (DCNP) seeks to ensure that proposals within the setting of the Durham Cathedral and Castle World Heritage Site and Durham City Conservation area sustain, conserve, and enhance its Outstanding Universal Value and the significance of the Conservation Area respectively. In addition, Policy D4 (Building Housing to the Highest Standard) seeks to ensure that all new housing, extensions and other alterations to existing housing must be of a high-quality design.
33. The application property is located within the Highgate development and is described in the Durham City Conservation Area Character Appraisal (Character Area 2: Framwellgate) as a modern housing development designed in the late Georgian/Victorian townhouse pastiche style. It is a dense urban development of two to three storey tall townhouses/apartments and mews apartments where the buildings are grouped around courtyards and squares, with one central access point from Framwellgate Peth. The development occupies an elevated position above street level which enhances its visual prominence. The buildings have strong building lines within the development and strong continuous frontages.

34. The City of Durham Trust has raised objection to the application citing that it would have an adverse impact upon the Durham City Centre Conservation Area and WHS.
35. The Council's Design and Conservation officer was also consulted on the proposals and, concurs with this view, confirming that the wider development of Highgate is of a high-quality design as a pastiche of the Durham vernacular, its significance relating to its architectural and aesthetic values. The officer notes that it makes strong references to the historic streets within the city centre and the Georgian/Victorian properties they feature, with a good attention to detail. By default, it therefore makes a positive contribution to the townscape and conservation area that informs the inner townscape setting of Durham Cathedral and Castle World Heritage Site (WHS).
36. In terms of the proposed roof terrace balcony, this is proposed to be constructed in the eastern roof slope of the dwelling facing Framwellgate Peth. The Conservation officer advised that this element would be an intrusive intervention that adversely modifies the original and most noticeable roof plane, and thus its form and its traditional appearance. It is inherently modern as a long horizontal open-cutting into the roof that is clearly at odds with the Durham vernacular style and character of building, and it has a very uncomfortable relationship with the traditional half-dormers. It would therefore be considered an incongruous feature in the visually prominent roofscape at Highgate, which itself is void of any roof interventions or alterations since its original construction. It should be borne in mind that the Highgate development displays an important staggered roofscape in the context of the CA that should be preserved in its current quality and unaltered traditional form.
37. The current proposals include a bay window to the front eastern elevation, replacing the box style window that was previously proposed. The Conservation officer acknowledges that in-principle the replacement of the existing window with a bay arrangement could be accommodated. However, the bay window as proposed is not considered to be of a sympathetic design and does not reflect other bay windows in Highgate as it is out of scale and inappropriately designed. For example, the existing bays in Highgate are consistent in terms of including only one window opening in the front of the bay, either in a Victorian or slightly wider Georgian style, whereas the proposal is for a bay with two window openings in the front part separated by a central mullion. As a result, it appears too wide and out of proportion in the elevation and positionally, it unbalances the original fenestration that is vertically aligned reflective of the Durham vernacular. Furthermore, the 2-over-2 window style within the bay does not match the other windows in the elevation that are 3-over-3. It would therefore not be a sympathetic modification to the existing front elevation.
38. The Conservation officer suggested that the concerns raised in relation to the bay window could be addressed by amending the design to more accurately reflect the theme of traditional bays within Highgate. On that basis, the applicant was given the opportunity to alter the proposals, however, no amendments were forthcoming.
39. Turning to the rear elevation it is proposed to install a balcony at first floor level with French doors providing access. The Conservation officer considers that the proposed balcony will disrupt the characteristics of the rear elevation, which was designed to reflect the Durham Vernacular, by elongating the right-hand-side opening, installing double doors along with a balcony across the width of the elevation. This will serve to weaken the elevations original architectural design and rear streetscape consistency, adding a new projecting feature not found elsewhere in Highgate. While it is acknowledged that this relates to the rear elevation, it is considered that Highgate's layout was designed to be permeable in terms of pedestrian connectivity providing good quality access routes. As such, during the development of Highgate, due

consideration was given to the design of the property's rear elevations which are visible from the public realm within the development.

40. For the above reasons, the proposals would be considered to have a detrimental impact upon the high-quality architectural design of Highgate, the success of which was dependant heavily on the authenticity of form, proportion, balance, and authenticity of detail that has remained conserved across the development since it was constructed. It is also noted that permitted development rights were removed via the original planning permission, which emphasises the desire to conserve the architectural quality of Highgate in perpetuity.
41. Policy H2 of the Durham City neighbourhood plan is clear that it requires proposals to enhance the conservation area and provides a set of criteria to consider in this regard. For the reasons discussed above, it is clear that the development would not accord with criteria 'a' or 'b' in that it fails to sustain or enhance the architectural qualities of the host dwelling or the existing prominent roofscape. In terms of criteria 'j' and 'k' it would not have detailing appropriate to the context and setting and nor would it use high quality design sympathetic to the character and context of the Highgate and the surrounding conservation area to which it contributes.
42. In addition, the Heritage Statement does not include any analysis of the contribution of the building and Highgate to the significance of the CA, and makes no reasoned case as to how the proposal would be appropriate in terms of conserving and enhancing the CA. The Heritage Statement places the emphasis on the fact that the significance of the CA lies in the preserved medieval/historic layout, period housing, listed buildings and their group value and suggests that as the proposal is located remote from these assets its significance is not adversely affected. However, the statement takes no account of the positive contribution made by various phases of later expansion and modern developments, including Highgate, within the wider city that add to the overall architectural diversity, aesthetic appeal, and character of the CA.
43. Taking the above into account, it is considered that the proposed development would fail to preserve or enhance the character, appearance, and significance of the conservation area and would result in significant harm to the CA and minor affect to the inner townscape setting of the WHS. Therefore, the development would be contrary to Sections 12 and 16 of the NPPF, Policies 29, 44 and 45 of the CDP, Policies H1 and H2 of the DCNP and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on residential amenity

44. Paragraph 126 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users.
45. Policy 31 of the CDP states 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. Proposals will also need to demonstrate that future occupiers of the development will have acceptable living conditions. In addition, criterion e) of Policy 29 states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
46. Policy 29 requires that all development proposals will have regard to supplementary planning documents, which includes the council's Residential Amenity Standards

Supplementary Planning Document (SPD) referred to in Paragraph 5.303 of the CDP. This sets down standards for alterations, extensions and distances between new dwellings.

47. The proposed roof balcony terrace to the front elevation will be set into the roof and would overlook the highway to the front and new development opposite. It is not therefore considered to have any adverse impact on neighbouring amenity. The bay window would replace an existing window and would not therefore result in any additional impacts on residential amenity. In terms of the rear balcony by reason of its scale and siting, together with the privacy screens proposed to either end of the balcony, it is not considered that the development would permit any views into the rear windows of the neighbouring properties. That being said, the balcony would potentially permit some additional overlooking into the rear external amenity space of the neighbouring dwelling but not to a degree which would warrant refusal.
48. In summary, it is not considered that the proposals would be unacceptably harmful in terms of the amenity of neighbouring occupants and mutual privacy is considered to be suitably protected. The proposals are therefore considered to accord with policies 29 and 31 of the County Durham Plan and the SPD in this regard.

CONCLUSION

49. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
50. In summary, the development would have an adverse impact upon the Durham City Centre Conservation Area and as such would fail to preserve or enhance the character, appearance, and significance of the CA. In addition, the development would also have a minor adverse impact on the quality and significance of the inner setting of the World Heritage Site. As such the development would be contrary to Parts 12 and 16 of the NPPF, Policies 29, 44 and 45 of the County Durham Plan.
51. In addition, it is considered that the development would fail to sustain, preserve and enhance the Durham City Centre Conservation Area and World Heritage Site contrary to Policies H1 and H2 of the Durham City Neighbourhood Plan.
52. In light of the above, the application is reported to the Committee with a recommendation to refuse the application.

RECOMMENDATION

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

1. The development would fail to preserve or enhance the character, appearance, and significance of the Durham City Conservation Area and would result in a minor impact on the quality and significance of the inner setting of the World Heritage Site. As such, the development would be contrary to Parts 12 and 16 of the National Planning Policy Framework, Policies 29, 44 and 45 of the County Durham Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The development would fail to sustain, preserve and enhance the significance of the CA and WHS contrary to Policies H1 and H2 of the Durham City Neighbourhood Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application 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. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

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

Statutory, internal and public consultation responses

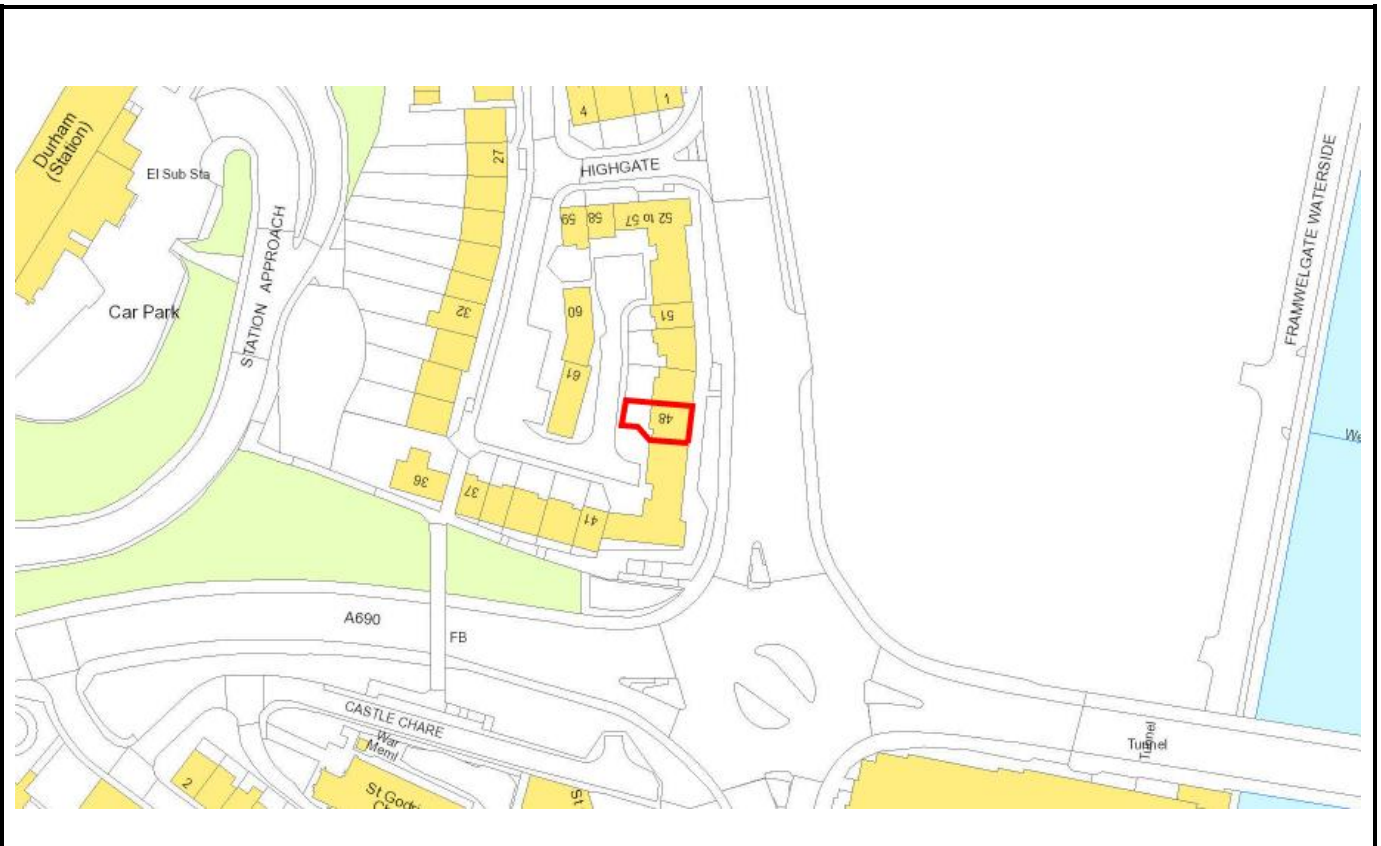
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Residential Amenity Standards SPD (2020)

Durham City Neighbourhood Plan (2021)



<p>Planning Services</p>	<p>48 Highgate Durham DH1 4GA</p>	
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	<p>Date July 2022</p>	<p>Scale NTS</p>