

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/11/00930/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Resubmission of planning application 11/00072/FPA, for the erection of a detached garage and store to rear of property.
<b>NAME OF APPLICANT:</b>	Mr D Carter
<b>ADDRESS:</b>	Gordon Mount, 19 Crossgate Peth, Durham, DH1 4PZ
<b>ELECTORAL DIVISION:</b>	Neville's Cross Steven Pilkington Planning Officer
<b>CASE OFFICER:</b>	0191 3018712 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consist of a large semi detached dwelling situated on Crossgate Peth, within the Durham City Conservation Area, the site is also subject to an article 4(2) Direction. The property itself is two storey, constructed from brick with a slate roof and dates from the early 20<sup>th</sup> Century.
2. To the rear of the dwelling a large garden is present measuring some 30m in length, a level change of 2-3m is evident between the dwelling house and down to highway to the rear of the site, The Avenue. At present to the rear of the property, adjacent the highway, a hard standing area and a boundary/retaining wall measuring 0.9m - 1.8m in height is present. This replaced a detached garage and an approximately 1.4m high boundary wall.

#### The Proposal

3. Planning permission is sought for the erection of a detached workshop/store and store to the rear of the property, set back from the highway by 6.8m. The building will measure 6m in length by 4.20m in width and will be sited at an elevated level in the garden, 1.8m above the road height of The Avenue. Given this elevated height and the mono pitched roof, the total height of the building will measure a maximum of 4.7m. A storage area will be located between the void of the floor level and elevated ground level. It is proposed that the garage will be clad in timber boards with windows located in the south eastern elevation and an access door in the south western elevation.
4. In addition to the garage a 2m high brick boundary wall and wooden access gates are proposed, these will form the boundary treatments to The Avenue. The boundary and retaining wall along, with the hardstanding and the demolition of the previous boundary wall would have required planning permission and therefore these

elements form part of this planning application and should be considered retrospectively.

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## **PLANNING HISTORY**

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5. Members of the Planning Committee have refused an application for a similar development on site in April 2011. It was considered that the level of detail and quality of the submitted plans were insufficient to determine whether the proposed development would preserve or enhance the character and appearance of Durham (City Centre) Conservation Area.
6. Prior to the submission of this application a previous detached garage and boundary wall was demolished on site. A new boundary wall and retaining wall has subsequently been erected on site while forming enlarged hardstanding. In order to facilitate the increased hardstanding and retaining wall vegetation has been removed from the site, including at least one tree.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning System.
8. *Planning Policy Statement 5: (PPS5) Planning and the Historic Environment*. Sets out the Government's planning policies on the conservation of the historic environment with a key aim of conserving heritage assets in a manner appropriate to their significance.

### **REGIONAL PLANNING POLICY**

9. *Policy 1: North-east Renaissance* seeks to deliver sustainable and inclusive economic prosperity and growth, and sustainable communities, capitalising on the Region's diverse natural and built environments, heritage and culture.
10. *Policy 8: Protecting and Enhancing the Environment* seeks to promote measures such as high quality design in all development and promoting development that is sympathetic to its surroundings.
11. *Policy 32: Historic Environment*: Seeks to preserve and enhance the historic environment

### **LOCAL PLAN POLICY:**

12. *Saved Policy E6- Durham City Centre Conservation Area* - states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
13. *Saved Policy E14 – Trees and Hedgerows* – sets out that development proposals should retain important trees and hedgerows wherever possible.

14. *Saved policy E21 – Historic Environment* - requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site; and requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site
15. *Saved Policy E22 - Conservation Areas* - seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
16. *Saved Policy H13 – The Character of Residential Areas* – Sets out that planning permissions will not be granted for new developments which have an adverse affect on the character or appearance of residential areas.
17. *Saved Policy T1 - Traffic Generation – General* - states that planning permission will not be granted for development which would be detrimental to highway safety
18. *Saved Policy T10 - Parking – General Provision* - states that parking provided as part of a development should be limited in amount so as to promote sustainable transport choices.
19. *Saved Policy Q9 - Alterations and Extensions to Residential Property* - states that states that proposals for residential extensions should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.

*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:**

20. *The Highways Authority* – Offers no objections to the scheme providing that the wooden gates open inwards.

### **INTERNAL CONSULTEE RESPONSES:**

21. *Design and Conservation* – Consider that the garage remains subordinate to the main dwelling, and the setback from the street scene lessens its impact. However the design and detailing of the scheme are key to its success, conditions should be attached to any approval requiring further details of the materials and finishing of the timber boards and the materials and coping used in the boundary walls.

### **PUBLIC RESPONSES:**

22. Neighbouring residents have been notified by individual notification letters, site notice and press notice to date two objections have been received, along with one letter of representation as summarised below:-
  - Retrospective nature to some of the work
  - Reduction in the amount of green/garden space
  - Loss of trees
  - Inappropriate size of development, including height and footprint

- Site will be used for commercial operations
- In appropriate development in the Conservation Area
- Scale of boundary treatments
- Level of detail is not sufficient
- Development would not preserve or enhance the Conservation Area
- Application has been prejudged
- Loss of privacy for neighbouring properties
- Boundary treatments should be increased in height to screen the development

#### **APPLICANTS STATEMENT:**

23. The aim of this proposal is to provide parking and storage for the needs of my family and for the proposal to blend to the better elements of The Avenue. The combination of brick and timber is in keeping with the main theme of The Avenue. The garage will aim to add value to the local area and improve the rear of our house which was unsafe and of poor visual condition.

*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 <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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24. 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 following represent the principle material planning considerations raised.

#### Impact on Visual Amenity of Conservation Area

25. As identified above members have previously refused an application on this site, principally as it was considered that the submitted plans are insufficient to determine whether the proposed development would preserve or enhance the character and appearance of the Conservation Area. The applicant has sought to address this by redrawing the plans and amending the scheme. Although a Heritage Statement has not been submitted along side that application, it is considered that the sufficient information has now been submitted for the Authority to fully appreciate and consider the impact of the development, in line with the proportionate approach identified in the Councils Validation Checklist.
26. Planning Policy Statement 5: Planning for the Historic Environment requires that The Authority considers development proposals in relation to the significance of the Heritage Assets. In this instance the Heritage Assets are the Durham City Conservation Area and the street of Cross Gate Peth which is afforded further protection under an Article 4 direction removing certain permitted development rights.
27. Cross Gate Peth is principally defined by a number of large terraced, semi detached and detached properties fronting out onto the A690. The properties, although previously extended retain their original character and appearance and overall provide a positive element to the surrounding street and wider area. Given that the proposed garage will be located to the rear of the terrace where that due to the level changes and vegetation there is not a strong relationship with the principle elevations and character of Crossgate Peth. It is therefore considered that the

development will have no significant impact on the reasons for the Article 4 direction of Cross Gate Peth and the character of the main elevation.

28. The principle impact is therefore considered to be on the street scene of The Avenue and the resultant impact of the wider Durham Conservation Area. Saved policies E6, E21 and E22 of the Local Plan seeks to preserve the setting, appearance and character of conservation areas, particularly Durham City Centre. This is replicated at a Regional Level in policy 32 of the RSS identifying that developments should seek to preserve and enhance the historic environment. The character of the Durham City Conservation Area in the immediate area is defined by two storey terraced properties lining the Northern Side of The Avenue adjacent the site. Although these buildings have been altered through the provision of dormer windows, differing boundary treatments and more modern properties, this side of the street is considered to significantly contribute to the character of the area. The opposite side, including the application site, consists of the rear gardens of Cross Gate Peth, to which some are at an elevated level, with brick, stone walling and fencing form the boundary treatments of the site, extending up to approximately 2.4m in height. The visual impact of these boundaries are softened by mature trees and shrubs, a number of detached garages are located on this side of the street, all of which have minimal architectural quality.
29. In assessing the impact of the proposed development, including the retrospective works undertaken against the above planning policies and the Heritage Assets identified, while taking into account representations received, it is considered that the scheme would not detract from the character or appearance of the street scene or Conservation Area. This is because the proposed boundary treatments are considered commensurate in scale and appearance (subject controlling the materials to be used) to other boundary treatments on the south eastern side of the street of The Avenue. In addition to this given that the building will set back a minimum of 6.8m from these boundary treatments, where despite its raised height from street level it would not create a particularly prominent feature. Screening would also be afforded from adjacent gardens, walls and buildings which would again reduce its prominence within the street scene.
30. Amendments to the previous scheme include the reorientation of the building so that the elevation with the lower eave height faces out onto The Avenue this helps to further reduce the amount of development that would be visible from street level, particularly when viewed from a perspective. However as advised by the councils Design Officer, the success of the scheme rests on the quality and detailing of the finishing material of not only of the building but of the boundary fence and stone wall. Accordingly it is recommended that conditions be attached to any approval further detailing these to ensure the contemporary design of the building is achieved. The design officer recommends amendments to the windows proportions, however these would face towards the existing property and will have no impact on the street scene, the windows will also be screened by existing vegetation on site.
31. Objections have been received from local residents in relation to the proposed boundary treatments regarding both their excessive height and conversely the limited screening of the development they provide. In balancing these two issues it is considered the proposed boundary treatments offer a compromise in the prominence in the street scene while screening the workshop. Although higher boundary treatments are present within the street it is considered they form a slightly incongruous feature, namely at 15 Crossgate Peth. The impact of other boundary treatments are also mitigated through the erection of fencing on top of walls set back slightly into the garden. However this is not achievable in this instance given the land levels of the site.

32. Overall in considering the impact of the development on the street scene of The Avenue and the wider Conservation Area against the above planning policies and representations received, it is considered that due to the recess from the road frontage the development would have an acceptable impact. The scale and massing of the building is also considered commensurate with other outbuildings within the street and the existing dwelling. Subject to appropriate conditions regarding the materials to be used in the development and a mitigating landscape scheme the development is considered acceptable, preserving the character of the Conservation Area in line with policies E6, E21 and E22 of the Local Plan.

#### Impact on Amenity of Neighbouring Land Users

33. Objections have been raised regarding the potential to adversely impact on the amenity of neighbouring residents through a loss of privacy. Saved policy Q9 of the Local Plan requires development associated with residential properties to give consideration to the privacy and amenity of neighbouring residents.
34. In considering this issue, given that no windows will be located in the rear elevation of the building (facing the Avenue) a loss of privacy would not arise. Furthermore given the use of the building and the distance to other dwellings, no loss of privacy is considered to arise from the proposed windows looking back towards the Cross Gate Peth and towards the garden of no.20.
35. A separation distance of approximately 19m will be evident between the proposed building and the properties lining the Avenue, this is considered sufficient to prevent a loss of amenity arising.
36. Policy H13 of the Local Plan seeks to ensure that developments protect the character of residential areas. Concerns have been raised in relation to this issue particularly as the objector owns a large campervan and trailer which potentially be visible over the fencing and from the window of residents lining the Avenue. While it is appreciated that the parking of a larger vehicle may give the part impression of a commercial use, it is considered that it would be unreasonable to restrict the development on this matter, due to the wider issues above particularly given the residential use of the building and the site. Further planning approval would be required should a commercial operation be run from the site.

#### Trees

37. Saved Policy E14 of the Local Plan requires development proposals to protect adjacent vegetation, practically in relation to significant trees. It is alleged that the applicant removed a number of shrubs and trees to carry out the development to date. If these trees had a trunk over 75mm in diameter at a height of 1.5m at ground level they would have been protected automatically as they were located in a conservation area. After reviewing historic photographs of the site it is apparent that one notable tree has been removed. It is questionable whether this tree would have met the tests necessary to serve a Tree Preservation Order to secure its continued protection. However notwithstanding this it is considered that its loss could be compensated for through a scheme of landscaping, which would also further screen the development. This is recommended to be attached as a condition.

#### Impact on Highway Safety

38. Prior to its demolition, the existing dwelling was served by a single detached garage providing 1 in-curtilage parking space for the property. This scheme will retain this in-

curtilage space and therefore the Highways Authority offer no objections to the development providing the gates open inwards to the site. It is recommended to attach a condition to this effect.

## Other Issues

39. Objections have been raised in relation to the part retrospective nature of this application and the work that has been undertaken to date on site. However provision is made within the Planning System to apply retrospectively, although this is not advised or encouraged. In this instance officers were of the opinion that based on the work undertaken to date it would not be expedient to take formal enforcement action as the development had the potential to be regularised through the submission of a planning application.
40. Concerns have also been raised regarding the pre application discussions held with the applicant which may have pre judged the application. However member will appreciate that the pre application advice is an important facility within the planning service, helping developers, and members of the public frame their development proposals and move towards more suitable schemes. However this process is based on officers individual informal opinions and does not prejudice the council to the outcome of any subsequent planning application, as set out in the Councils Pre Application Protocol.

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## CONCLUSION

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41. The proposed development has been considered against the above policies and is considered to have an acceptable impact on the street scene of The Avenue while protecting the character, appearance and setting the wider Durham City Conservation Area, subject the conditions set out below. The scheme is also considered to protect the privacy and amenity of neighbouring residents and highways.
42. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval

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## RECOMMENDATION

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

### Approved Plans

1. The development hereby approved shall be carried out in strict accordance with the following approved plans:-
  - Site Location Plan, Received 8<sup>th</sup> November 2011
  - Proposed Site Layout, Received 22<sup>nd</sup> November 2011
  - Proposed Elevations, Received 22<sup>nd</sup> November 2011

Reason:- In order to define the consent and ensure that a satisfactory form of development is obtained to protect the character and setting Durham City Conservation Area, and to accord with policies, E6, E14, E21, E22, H13, Q9 , T1 and T10 of the Durham City Local Plan and Policies 1, 8 and 32 of the Regional Spatial Strategy for the North East of England.

### Materials

2. Notwithstanding any description of the materials in the application, no development of the boundary wall, gates or building hereby approved shall be commenced until samples or

precise details of the materials to be used in the construction of these elements of development have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Durham City Conservation Area and in accordance with the provisions polices E6, E14, E21, E22 and Q9 of the Durham City Local Plan and Policy 32 (Historic Environment) of the North East of England Regional Spatial Strategy.

#### Landscaping

3. No development of any hard standing shall commence and/or the building hereby approved shall not be brought into use development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include accurate plan based details of the following:

The provision of details of a soft landscaping including planting species, sizes, layout, densities, numbers to assist the screening of the development.

Details of the provision of trees to relocate those previously removed

Details of planting procedures or specification.

Full details of the materials and finishing to be used in any hardstanding

All planting, and hard surfacing in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Durham City Conservation Area and to mitigate the loss of existing trees on site in accordance with the provisions polices E6, E14, E21, E22 and Q9 of the Durham City Local Plan and Policy 32 (Historic Environment) of the North East of England Regional Spatial Strategy

#### Access Gates.

4. The access gates depicted on the submitted plans shall open inwards, only not onto the public highway.

Reason: In the interests of highway safety and in accordance with policy T1 of the Durham City local Plan.

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## **REASONS FOR THE RECOMMENDATION**

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The proposed development has been assessed against polices E6, E14, E21, E22, H13, Q9, T1 and T10 of the Durham City Local Plan and Polices 1, 8 and 32 of the Regional Spatial Strategy for the North East of England and is considered acceptable particularly in relation to the principle material considerations relation the impact of the development on the character appearance and setting of the Durham City Conservation Area, amenity of adjacent landusers and highway safety.

In relation to the objections received from neighbouring residents, in this instance these were not considered sufficient to justify approval of the application given the residential nature of eth development and its location and screening afforded from the street scene.



There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval. A copy of the officers Committee Report is available on request.

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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans

Design and Access Statement

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004

Planning Policy Statements 1 and 5

Response from Highway Authority

Response from Design and Historic Environment Section

Public Consultation Responses



19 Crossgate Peth



**Planning Services**

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**Comments**

**Date** 20<sup>th</sup> December 2011

**Scale** 1:1250