

## **Delegated Decision**

**1 December 2022**

### **Adoption of the Revised Residential Amenity Standards Supplementary Planning Document**



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**Report of Regeneration, Economy and Growth**  
**Amy Harhoff, Corporate Director - Regeneration Economy and Growth**

**Councillor Elizabeth Scott, Cabinet Portfolio Holder for Economic Regeneration and Partnerships**

#### **Electoral division(s) affected:**

Countywide

#### **Purpose of the Report**

- 1 The purpose of this report is to confirm the adoption of the Revised Residential Amenity Standards Supplementary Planning Document. On 15 September 2021, Cabinet agreed to commence consultation on minor alterations to the existing Residential Amenity Supplementary Planning Document. Consultation on the revised document ran from 22 April to 3 June 2022.
- 2 Cabinet also agreed to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration and Partnerships the power to make minor modifications and adopt the document following consultation (if significant changes were required then the SPD would need to return to Cabinet for adoption). A copy of the SPD, as well as the Consultation Statement and Adoption Statement are appended.

#### **Executive summary**

- 3 The Residential Amenity Standards Supplementary Planning Document (SPD) was adopted in January 2020. This replaced a range of guidance that had been set down in former district local plans, setting down an updated and consistent set of standards for dealing with extensions, alterations, separation distances and gardens, amongst other things.

- 4 While the original SPD has proven to be a valuable document for development management, through applying the document it became apparent that there were one or two areas where minor amendments would improve clarity and consistency. Cabinet agreed to an update of the SPD to allow minor changes to the document. A Revised Residential Amenity Standards Supplementary Planning Document was subsequently prepared to address these issues and ensure a clearer set of standards and guidance for both officers and developers. The revised SPD was consulted upon between 22 April and 3 June 2022. A total of 14 responses were received during this consultation which led to a number of updates to the document, none of which are considered significant enough to warrant a further round of consultation.

### **Recommendation**

- 5 The Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration and Partnerships is recommended to agree the adoption of the Revised Residential Amenity Standards Supplementary Planning Document.

### **Background**

- 6 The Residential Amenity SPD was adopted in January 2020 to provide details on householder extensions and works, together with privacy distances and garden dimensions for new build dwellings. The document pulled together a range of guidance and standards that were linked to former district local plans, establishing a level of county-wide consistency for decision makers. The document needed to provide some flexibility and not be overly prescriptive, to cater for the differing contexts across the County. The SPD has proven to be a valuable document for development management, and it is utilised extensively by this service.
- 7 However, when applying the document one or two areas where minor amendments would improve clarity and consistency have been identified by officers. The SPD has therefore been updated to address these issues and ensure a clearer set of standards and guidance for both officers and developers. Amendments include:
- in relation to privacy distances, more clarity is required to ensure officers will apply more consistency in the interpretation of the standards;
  - more refined guidance for extensions relating to both single and two storey rear extensions;

- more detailed guidance on alterations to roofs which includes guidance on hip to gable extensions and roof openings and windows; and
  - additional guidance in relation to walls and fences, driveways (including length which is now consistent with the emerging Parking and Accessibility SPD), hardstandings and garage conversions to reflect an area of work which has grown significantly over the last 18 months.
- 8 The Revised SPD was consulted upon between 22 April and 3 June 2022. A total of 14 responses were received during this consultation. Key points from the consultation include:
- Separation distances, including increasing them for additional storey heights and level changes
  - Garden lengths
  - Clarity – householder and new development guidance
- 9 A range of changes have been made to the document following the consultation feedback and consideration by officers; these are detailed in the Adoption and Consultation Statements. In summary, these changes have included clarification around application of the document, and minor tweaks to confirm how separation distances and garden lengths should be calculated.
- 10 The SPD is linked to the Sustainable Design Policy in the County Durham Plan. The Revised SPD will replace the existing January 2020 SPD, forming part of the County Plan. The Revised SPD will be given significant weight when making decisions on householder planning applications and proposals involving new residential development.

## **Conclusion**

- 11 Adopting the Revised SPD ensures that consistent requirements apply to householder extensions and alterations, as well as to the distances between new dwellings, ensuring a more efficient development management process.

## **Background papers**

- Revised Residential Amenity Standards Supplementary Planning Document
- Consultation Statement
- Adoption Statement

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## **Appendix 1: Implications**

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### **Legal Implications**

The council's legal team have been consulted as appropriate in the preparation of the SPD.

### **Finance**

The SPD is not associated with a specific budget, and it does not identify any actions or projects. Resource requirements are limited to staff involvement in design review sessions and any follow discussions with developers.

### **Consultation**

The programme of consultation was agreed with the Council's Corporate Communications Team and the Council's Consultation Officers Group and undertaken in accordance with the Statement of Community Involvement and the 2012 Local Plan Regulations.

The day after adoption the SPD Regulations require publication of the SPD, the Consultation Statement and Adoption Statement for a period of 3 months at council offices and libraries, and, on the website.

### **Equality and Diversity / Public Sector Equality Duty**

The Council acknowledges that, in exercising its functions, it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation.

An Equalities Impact Assessment was undertaken for the existing document, as part of a broader assessment for the County Durham Plan. This did not raise any issues and it has therefore been considered a review of this assessment was not needed.

### **Human Rights**

The SPD is considered consistent with the council's Human Rights obligations.

### **Crime and Disorder**

None

### **Staffing**

Staff involvement in review sessions and any follow-up discussions with developers.

### **Accommodation**

None

### **Risk**

None

### **Procurement**

None

### **Climate Change**

Impacts are likely to be positive as the document aims to ensure good quality sustainable design. Climate change is a thread running through the County Durham Plan. The importance of tackling and adapting to climate change is recognised in the Plan's Vision, Objectives, Sustainable Development Statement, spatial strategy and a number of policies. As this SPD sits below and reflects the policies and strategies of the County Durham Plan, it similarly reflects this approach.



**STATUTORY NOTICE**

**ADOPTION STATEMENT (December 2022)  
FOR DURHAM COUNTY COUNCIL LOCAL DEVELOPMENT  
DOCUMENTS**

**REVISED COUNTY DURHAM RESIDENTIAL AMENITY STANDARDS  
SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

**Planning and Compulsory Purchase Act 2004 Town and Country Planning (Local Development)  
(England) Regulations 2012**

Regulation 14 – Adoption of Supplementary Planning Documents

This notice confirms the adoption of a revised version of the County Durham Residential Amenity Standards Supplementary Planning Document (SPD), which came into effect on 1 December 2022. This document was consulted upon from 22 April to 3 June 2022. It replaces the original version of the SPD which was adopted in January 2020. The SPD document provides guidance on residential extensions and other domestic developments. It also sets down guidance on external space/amenity standards for new buildings. While it does not introduce any new policies, it is a material consideration in the determination of planning applications.

The appendix to this statement sets out the modifications made to the original version of the SPD on account of representations received during consultation and other relevant matters.

Any person with sufficient interest in the decision to adopt the revised version of the SPD may apply to the High Court for permission to apply for judicial review of that decision. Such an application must be made promptly, and in any event, no later than 3 months after the date on which the SPD was adopted.

The SPD, Adoption Statement and Consultation Statement, summarising the main issues raised during the formal consultation periods (and how these have been addressed), can be viewed on the Council's website at: [www.durham.gov.uk/cdp](http://www.durham.gov.uk/cdp).

Copies will also be available for 3 months following adoption at:

- County Hall, Durham County Council

If you require any further information on the documents, please contact the Spatial Policy Team:

**Telephone:** 03000 260000

**Email:** [Spatialpolicy@durham.gov.uk](mailto:Spatialpolicy@durham.gov.uk)

**Post:** 'FREEPOST Spatial Policy' (please note no further information is required)

## Schedule of changes to the Revised Version of the County Durham Residential Amenity Standards Supplementary Planning Document

Page	Paragraph	Details	Reason for Change
2	1.1 – 1.2	Text updated to reflect scope of document and to reflect consultation feedback.	To improve clarity and confirm policy context for the SPD following adoption of the County Durham Plan.
3	1.3	Minor text amendment to improve flow of paragraph.	To improve clarity.
3	1.4 – 1.5	Minor amendments to clarify what is covered by the document. Reference added to the County Durham Design Code SPD which is under development and links with this document.	To improve precision of the document and reflect consultation feedback.
4	Householder Development – General Design Principles	Header amended to ‘General Amenity and Design Principles’, to clarify that the principles set down under this section can be taken into account for new development as well as extensions and alterations.	To improve clarity and reflect consultation feedback.
4	2.2	Text added to give examples of where permitted development rights may be removed. Footnote added to provide link to further information.	To reflect consultation feedback.
4	2.3	Minor text amendment to confirm that the general principles section applies to all development and not just extensions.	To improve clarity and reflect consultation feedback.
4 - 6	2.3	Bullet points changed to numbered criteria to aid orientation within the document.	To improve clarity and reflect consultation/officer feedback.
5	2.3 criteria ‘j’	Minor text amendment to confirm that the general principles section applies to all development.	To improve clarity and reflect consultation feedback.
5	2.3 criteria ‘k’	Minor text amendment to clarify whether habitable or secondary or non-habitable rooms are impacted.	To improve clarity and reflect consultation/officer feedback.
6	2.4	Minor text amendment to confirm that the general principles section applies to all development and not just extensions.	To improve clarity and reflect consultation feedback.

7	2.7	Minor text changes to first sentence to ensure more precise terminology when considering the 45-degree code.	To improve clarity and reflect officer feedback.
7	2.9	The words 'genuine and realistic' added to explain the fallback position in relation to permitted development rights, following caselaw in Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314	To improve clarity and reflect officer feedback.
7	2.10	Bullet points changed to numbered criteria to aid orientation within the document.	To improve clarity and reflect consultation/officer feedback.
7	2.10 criteria 'a'	Minor text amendment to remove mention of principal room window.	To improve clarity and reflect consultation/officer feedback.
8	2.10 criteria 'b'	Minor text amendment to remove mention of principal room window.	To improve clarity and reflect consultation/officer feedback.
8	2.11	Minor text amendments to clarify this text also applies to orangeries and where the room is intended to serve as a habitable room.	To improve clarity and reflect consultation/officer feedback.
8 - 9	2.12	Bullet points changed to numbered criteria to aid orientation within the document.	To improve clarity and reflect consultation/officer feedback.
8	2.12 criteria 'b'	Text added to confirm impacts upon bedroom windows would be taken into account.	To improve clarity and reflect officer feedback.
9	2.12 criteria 'e'	Text added to confirm 45 degree code considerations would also apply to windows at first floor level.	To improve clarity and reflect consultation feedback.
9	2.14	Bullet points changed to numbered criteria to aid orientation within the document.	To improve clarity and reflect consultation/officer feedback.
10	2.16	Bullet points changed to numbered criteria to aid orientation within the document.	To improve clarity and reflect consultation/officer feedback.
10 - 11	2.18	Bullet points changed to numbered criteria to aid orientation within the document.	To improve clarity and reflect consultation/officer feedback.
11	2.22	Bullet points changed to numbered criteria to aid orientation within the document.	To improve clarity and reflect consultation/officer feedback.
11	2.22 criteria 'b'	Text changed to refer to permitted development rights instead of regulations.	To improve clarity and reflect officer feedback.

12	2.23	Bullets changed to numbered criteria to aid orientation within the document.	To improve clarity and reflect consultation/officer feedback.
12	2.23 criteria 'a' and 2.24	Text added to confirm that materials should be matching or of similar appearance.	To align with approach set down in Permitted Development Rights and reflect officer feedback.
13	2.26	Bullet points changed to numbered criteria to aid orientation within the document.	To improve clarity and reflect consultation/officer feedback.
13	2.29	Paragraph moved down to 'Driveways and Hardstanding' section. Resultant changes to Intervening paragraph numbers.	To improve clarity.
13	2.31	Text added to confirm that materials should be matching or of similar appearance.	To align with approach set down in Permitted Development Rights and reflect officer feedback.
13	2.31 second bullet	Reference to car parking spaces removed to ensure consistency with the Parking and Accessibility Supplementary Planning Document.	To improve clarity and reflect consultation/officer feedback.
14	2.33	Text amended to refer to 'surface' as well as rainwater and 'flowing' rather than 'flooding', thereby removing any ambiguity.	To improve accuracy and reflect officer feedback.
15	2.39	Reference added to potential for mitigation from overlooking neighbouring property.	To improve accuracy and reflect officer feedback.
15 - 16	New Development and paragraph 3.2	Header and text amendments to clarify that the principles set down under this section can be taken into account for all new development.	To improve clarity and reflect consultation feedback.
16	3.2	Text changes to clarify application of minimum separation distances. Text added to confirm that the standards will be principally applied to dwellings however they will also include non-residential buildings.	To improve accuracy and reflect officer/consultation feedback.
17	3.4	Text amended to confirm that changes would apply to floor levels.	To improve accuracy and reflect consultation feedback.
18	3.9	Text amended to clarify how garden dimensions will be measured.	To improve accuracy and reflect consultation feedback.





**REVISED COUNTY DURHAM RESIDENTIAL AMENITY STANDARDS SUPPLEMENTARY  
PLANNING DOCUMENT (SPD)**

**CONSULTATION STATEMENT**

December 2022

## **Introduction**

This Consultation Statement sets out details of the consultation Durham County Council has undertaken in the preparation of the Revised County Durham Residential Amenity Standards Supplementary Planning Document (SPD).

## **Consultation Requirements**

This statement has been prepared in accordance with the requirements of the Town and Country Planning (Local Plan) (England) Regulations 2012. Regulation 12 requires the council to prepare a consultation statement setting out the persons consulted when preparing an SPD, a summary of the main issues raised by those persons, and, how these have been addressed in the SPD. Key council officers and members were consulted in the preparation of the SPD and as part of the public consultation process.

## **Consultation on the Revised SPD**

A round of consultation was undertaken from 22 April to 3 June 2022 where comments were invited on the document. Statutory consultees were consulted in accordance with regulation 35 of the Act. All general consultees on the council's database were also informed, via letter or email. The SPD was also published on the council's website.

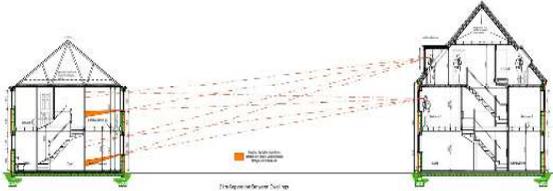
The SPD was adopted by the council on 1 December 2022.

## **Responses**

The consultation process yielded 2 comments in total which are set out in the Table below. This also sets down the council's response to the comments.

This Consultation Statement should be read alongside the Adoption Statement which summarises the amendments made to the document during its preparation.

Table: Comments received in response to public consultation on the Revised SPD

Respondent	Comment	DCC Response
<p>Persimmon Homes (Kenny Samuel)</p>	<p><b>Introduction</b>                      Persimmon Homes welcome the opportunity to comment upon the Draft Residential Amenity Standards SPD. We consider that the document is necessary and sets a good basis for the creation of logical patterns of development and good design. As a significant investor within the region and key stakeholder / delivery partner seeking to assist the Council in delivering the County Durham Plan objectives; we have a few of concerns to the proposed wording in the documents, which we have set out below.</p> <p><b>Residential Amenity Standards</b>                      It is Persimmon Homes' view that the document needs to define the difference between habitable and private habitable rooms, as both are mentioned throughout the document.</p> <p>Persimmon Homes are concerned that the document provides no evidence in paragraph 3.3 to establish why there should be an additional 3m gap between buildings for every additional storey height. Is this figure from design research or is it an arbitrary distance? As shown in figure 1.0 below, there is very little difference in overlooking from 2 to 3 storey, so Persimmon Homes would like clarity as to why this additional distance is required.</p> <p>Figure 1.0 – Overlooking from 2 and 3 story dwelling.</p>  <p>Paragraph 3.4 refers to “significant change in levels”, however significant is not determined in the document. We certainly do not consider a 1m change in level to be significant, as this document implies. The undulating nature of the County</p>	<p>General support noted.</p> <p>In relation to habitable rooms, there is no difference intended in the document between ‘primary habitable’ and ‘habitable’ rooms. However, the document has been amended to clarify that all such rooms are recognised as ‘primary habitable’ – explanation is already included under paragraph 2.3 as to what constitutes a ‘primary habitable’ room.</p> <p>In relation to separation distances, storey heights and site levels, the approach set down is intended to factor in potential impacts arising from specific site characteristics. The requirement to increase separation distances where there are measurable variations in site conditions is considered reasonable, given the related impacts these variations will have on aspects such as daylight penetration, privacy and ‘overbearing’. The figures set down in the SPD provide a straightforward, functional and consistent methodology. Nevertheless, the document allows for these requirements to be relaxed where the impacts on privacy can be reduced and to allow for variation on design grounds where sufficient, detailed information is provided to justify any relaxation. Each case would be judged on its merits in relation to these factors, however the starting point from the Councils point of view is ensuring that new development is well-designed and provides good amenity for existing and new residents.</p>

	<p>would mean that a requirement for an increased gap of 1m for every 1m change in height would lead to hugely constrained layouts and illogical patterns of development. This would not sit well with the design panel review and the high quality design we are trying to achieve as an industry.</p> <p>It is welcome to see the flexibility added in paragraphs 3.5 and 3.6, and it is hoped that this flexibility is taken forward into practice.</p> <p>Persimmon Homes would welcome any discussions in regards to further input into the development of the Amenity Standards SPD.</p>	
<p>The Church Commissioners for England (Michelle Robinson - agent)</p>	<p>The Residential Amenity SPD was previously adopted by the Council in January 2020. However, comments are being sought on proposed updates regarding householder extensions and work, privacy distances and garden dimensions for newly built properties. It is not clear from the document whether there will be a second round of consultation before this document is adopted.</p> <p>3.1 General Design Principles It is noted that there are significantly more general design principles that have been introduced than the adopted set of principles. Whilst the intention is for these principles to apply to householder / domestic developments, the general principle relating to amenity space appears to relate also to “new residential developments”. As a general point, it would be helpful if there was a reference to the aspects of this SPD which apply to all new build residential developments and householder extensions.</p> <p>3.2 Garages and Outbuildings There is an inconsistency between the Parking and Accessibility SPD and para 2.31 of this document with regard to the reference to the loss of a garage and the need to compensate for its loss. The CCfE believe that the statement set out in this Residential Amenity SPD is the correct approach and support the importance of garages in meeting parking standards. This should be retained and its recognition included in the Parking and Accessibility SPD.</p> <p>3.3 Gardens and ‘leftover’ spaces The CCfE agree that new residential housing developments should incorporate usable, attractively laid out and private garden space. Whilst paragraph 3.9 is generally accepted in that garden lengths will be dictated by separation / privacy distances, it is not always possible to achieve a garden depth of no less than 9m. This is especially so in arrangements where dwellings are not simply back to back. For example on corner plots or where both</p>	<p>Comments noted.</p> <p>The Council will adopt the revised document taking into account the comments made to the recent consultation. The existing 2020 version of the document has already been through two rounds of consultation before it was adopted. The updates and clarifications proposed are relatively minor in nature and it is considered that there has been sufficient opportunity to be involved in shaping the content of the revised SPD.</p> <p>Comment noted in relation to general design principles - commensurate amendments have been made to this part of the document to clarify matters.</p> <p>Paragraph 2.31 has been amended to correct a consistency issue with regards to the Parking and Accessibility SPD.</p> <p>In relation to garden lengths, the SPD sets down that they should normally be ‘no less than 9m’. This recognises the need for adequate amenity space and also factors in typical separation distances whilst also providing an opportunity to extend to the rear. The suggestion to measure from the longest point is refuted as, in theory, it could allow for gardens that are significantly smaller than where the existing guidance is applied, not to mention the potential for impractically-shaped garden spaces. It is considered that sufficient flexibility is provided in the wording of this requirement to strike a balance between a range of competing planning factors - including good</p>

	<p>buildings are single storey. Whilst the principle is generally supported, there needs to be some inherent flexibility built into this. In addition, it needs to be made clear that garden lengths should be measured at their longest point as not all gardens are rectangular.</p>	<p>standards of amenity and design - and a common-sense approach to decision making however some minor tweaks have been made to clarify the guidance.</p>
<p>Bellway Homes (Michelle Robinson – agent)</p>	<p>The Residential Amenity SPD was previously adopted by the Council in January 2020. However, comments are being sought on proposed updates regarding householder extensions and work, privacy distances and garden dimensions for newly built properties. It is not clear from the document whether there will be a second round of consultation before this document is adopted.</p> <p>4.1 General Design Principles It is noted that there are significantly more general design principles that have been introduced than the adopted set of principles. Whilst the intention is for these principles to apply to householder / domestic developments, the general principle relating to amenity space appears to relate also to “new residential developments”. As a general point, it would be helpful if there was a reference to the aspects of this SPD which apply to all new build residential developments and householder extensions.</p> <p>4.2 Garages and Outbuildings There is an inconsistency between the Parking and Accessibility SPD and para 2.31 of this document with regard to the reference to the loss of a garage and the need to compensate for its loss. Bellway Homes believe that the statement set out in this Residential Amenity SPD is the correct approach and support the importance of garages in meeting parking standards. This should be retained and its recognition included in the Parking and Accessibility SPD.</p>	<p>Comments noted.</p> <p>The Council will adopt the revised document taking into account the comments made to the recent consultation. The adopted 2020 version of the document has already been through two rounds of consultation and the updates/clarifications are relatively minor in nature, and it is considered that there has been sufficient opportunity to have a say on the content of the SPD.</p> <p>Comment noted in relation to general design principles and commensurate amendments have been made to this part of the document to clarify matters.</p> <p>Paragraph 2.31 has been amended to correct consistency issue with regards to the Parking and Accessibility SPD.</p>
<p>Theakston Land (Chris Smith – agent)</p>	<p>Minimum Separation/Privacy Distances</p> <p>At paragraph 3.5, the guidance makes clear that “it is not intended to apply the above separation/privacy distances rigidly” and that there “may be instances where these distances can be relaxed”. This pragmatism is welcomed as it allows more scope to discuss where a deviation could be considered acceptable.</p> <p>In addition to the examples referenced in paragraph 3.5 – which include the use of obscure glazing, boundary treatments, restricted openings and directional windows – the use of the landscaping strategy and the placement of trees can also be an effective way of reducing separation distances without any compromises to residential amenity.</p>	<p>Comments noted. With regards to separation distances and flexibility this is already factored into the SPD under paragraph 3.5 – 3.7 which sets down examples of where this may be possible. These examples are not exhaustive. However when considering the nature of any mitigation or strategy, for example through landscaping, there would need to be sufficient, detailed information to justify this relaxation. Each case would be judged on its merits in relation to these factors, however the starting point from the Councils point of view is ensuring that new development is well-designed and provides good amenity for existing and new residents.</p>

	<p>Notwithstanding the above, our client disagrees with the requirement stated in 3.3 that indicates that the separation/privacy distance should be increased by 3m for every additional storey height. This is a blanket approach but does not take into account the use of windows. For instance, we would suggest that the inclusion of Velux-style windows in a roof/upper floor space should not be subject to the same requirements as a dormer window.</p>	<p>In relation to increasing storey heights and separation distances, the Council maintain that the approach is reasonable, given the related impacts these variations will have on aspects such as privacy and ‘overbearing’ as well as daylight penetration where a full storey is proposed. The figures set down in the SPD provide a straightforward, functional and consistent methodology. Nevertheless, the document allows for these requirements may be relaxed where the impacts on privacy can be reduced and to allow for variation on design grounds where sufficient, detailed information is provided to justify any relaxation. Each case would be judged on its merits in relation to these factors, however the starting point from the Councils point of view is ensuring that new development is well-designed and provides good amenity for existing and new residents.</p>
<p>Taylor Wimpey (Emma Hepplewhite – agent)</p>	<p>Minimum Separation/Privacy Distances At paragraph 3.5, the guidance makes clear that “it is not intended to apply the above separation/privacy distances rigidly” and that there “may be instances where these distances can be relaxed”. This pragmatism is welcomed as it allows more scope to discuss where a deviation could be considered acceptable.</p> <p>In addition to the examples referenced in paragraph 3.5 – which include the use of obscure glazing, boundary treatments, restricted openings and directional windows – the use of the landscaping strategy and the placement of trees can also be an effective way of reducing separation distances without any compromises to residential amenity.</p> <p>Notwithstanding the above, our client disagrees with the requirement stated in 3.3 that indicates that the separation/privacy distance should be increased by 3m for every additional storey height. This is a blanket approach but does not take into account the use of windows. For instance, we would suggest that the inclusion of velux windows in a roof/upper floor space should not be subject to the same requirements as a dormer window.</p>	<p>Comments noted. With regards to separation distances and flexibility this is already factored into the SPD under paragraph 3.5 – 3.7 which sets down examples of where this may be possible. These examples are not exhaustive. However when considering the nature of any mitigation or strategy, for example through landscaping, there would need to be sufficient, detailed information to justify this relaxation. Each case would be judged on its merits in relation to these factors, however the starting point from the Councils point of view is ensuring that new development is well-designed and provides good amenity for existing and new residents.</p> <p>In relation to increasing storey heights and separation distances, the Council maintain that the approach is reasonable, given the related impacts these variations will have on aspects such as privacy and ‘overbearing’ as well as daylight penetration where a full storey is proposed. The figures set down in the SPD provide a straightforward, functional and consistent methodology. Nevertheless, the document allows for these requirements to be relaxed where the impacts on privacy can be reduced and to allow for variation on design grounds where sufficient, detailed information is provided to justify any relaxation. Each case would be judged on its merits in relation to these factors, however the starting point from the Councils point of view is ensuring that new development is well-designed and provides good amenity for existing and new residents.</p>

<p>Avant Homes (Richard Newsome)</p>	<p>Avant Homes North East ('AHNE') recognises the importance of high-quality design and amenity in residential development. It is essential that design guidance provides a balance to ensure high quality design and amenity but incorporates sufficient flexibility to enable developers to respond to sites and circumstances in an appropriate manner.</p> <p>Householder Development</p> <p>General Design Principles Paragraph 2.3 of the SPD refers to basic design principles that should be applied to all types of extensions. However, some of the bullet points appear to be worded to relate more to new build residential developments than extensions. This introduces ambiguity as to what principles apply to which types of residential development.</p> <p>The 9th bullet point in paragraph 2.3 states that corner plots occupying sensitive locations within street scenes will require careful attention to design and 'include a level of detailing to avoid blank and featureless facades'. Care needs to be applied to what is considered to be a sensitive location within a street scene as not all corner plots will be sensitive and need detailing given their location and orientation.</p> <p>Reference is made in the 12th bullet point in paragraph 2.3 to 'new residential developments shall be provided with sufficient amenity space commensurate to the size of the host dwelling and/or character of the area to allow adequate outdoor space for the enjoyment of future occupiers.' Given the subjectivity of what is sufficient and adequate the Council should retain flexibility in its application of this principle to ensure that such aspirations are balanced with the need for developments to be efficient and effective.</p> <p>New Development We note that the guidance seeks to ensure that the spacing between windows of buildings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts (paragraph 3.1). This is laudable; however, it is key that there is flexibility in the application of any minimum standards in appropriate circumstances rather than them being a blunt tool being rigidly enforced in all circumstances. We acknowledge that this is allowed for by</p>	<p>Comments noted. The Council appreciate the balance that needs to be achieved when planning new development, and consider the approach set down in the SPD to provide an appropriate level of prescription and guidance, whilst also allowing for flexibility in support of achieving better design outcomes.</p> <p>With regards to ambiguity within paragraph 2.3, the Council have made some changes to paragraphs 1.1, 1.2, 1.4, 1.5 and 2.3, which will add clarity around the purpose of the document and how it should be applied. In relation to the 9<sup>th</sup> bullet under paragraph 2.3, the Council consider that this requirement is clear enough for users to understand what is required and that it is reflective of good practice set down in national policy and guidance.</p> <p>Comment noted with regards to the 12<sup>th</sup> bullet point, however it is accepted that there is a balance that needs to be achieved between efficient land use and amenity, which the Council considers to be met through the guidance set down in the SPD and the policy requirements of the County Durham Plan (which includes reference to efficient use of land).</p> <p>Comment noted with regard to the 'New Development' section. The figures set down in the SPD provide a straightforward, functional and consistent methodology. Nevertheless, the document allows for these requirements to be relaxed where the impacts on privacy can be reduced and to allow for variation on design grounds where sufficient, detailed information is provided to justify any relaxation. Each case would be judged on its merits in relation to these factors, however the starting point from the Councils point of view is ensuring that new development is well-designed and provides good amenity for existing and new residents.</p> <p>In terms of the minimum separation / privacy distances set down in the SPD are considered to provide a suitable basis for considering new development proposals within the context of County Durham where most new development is in the form of large greenfield extensions,</p>
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reference to ‘...the following minimum distances will usually be required to protect the privacy, outlook and residential amenity of habitable rooms’ in the ‘Minimum Separation / Privacy Distances’ section (although we note that this section currently lacks paragraph numbers) and the provisions of paragraphs 3.5 to 3.7 of the SPD. It is important that these provisions are retained and applied appropriately in decision making so as to not detrimentally affect the efficient and effective use of land through appropriate density of development.

#### Minimum Separation / Privacy Distances

Notwithstanding the above, AHNE notes that both the minimum separation distances set out in the SPD; the 21m between habitable rooms with windows where both buildings are above a single storey, and 13m where habitable rooms with windows face a blank gable exceed the distances shown in the ‘National Model Design Code: Part 2 Guidance Notes’ (Ministry of Housing Communities and Local Government, 2021). Figure 76 on ‘Privacy Distances’ states that ‘Privacy distances are important but can have an impact on the density of development’ and identifies back-to-back separation distances between habitable rooms of between 15m and 20m, and rear habitable rooms to gables of 10m. The Council has not provided any evidence as to why it is proposing to adopt recommended separation distances above those set out in the ‘National Model Design Code: Part 2 Guidance Notes’.

In particular, AHNE considers the minimum separation distance of 13m between a main facing elevation containing a habitable room window and an adjacent gable wall which does not contain a primary habitable room where either building exceeds a single storey is excessive. Where habitable rooms with windows face each other the minimum separation requirement is 21m equating to notional 10.5m length gardens for dwellings. There is little evidence provided by the Council as to why a habitable room window facing a gable requires an additional 2.5m separation distance to be acceptable. There would be no impact on privacy from overlooking from windows given the nature of the relationship, and any effect on outlook and light would ultimately be dependent on the orientation and detailed layout of plots and considered on its merits rather than an arbitrary minimum separation distance.

Whilst we note that the SPD states that habitable rooms that face each other across a public highway may not be required to meet these standards and the flexibility that this provides, the ‘National Model Design Code: Part 2 Guidance

which are typically designed with suburban characteristics in mind (detached and semi-detached, private gardens, etc.) to allow for an integration between settlement and countryside. The figures quoted from the National Design Code are reference points for considering dense, urban grain proposals, which may allow for shorter spaces between buildings. In terms of the approach to facing units across a public highway it is considered that this is sufficiently flexible to provide workable guidance as it is currently presented.

The SPD is clear that it is not the Council’s intention to apply the Durham separation/privacy distances rigidly, and there may be instance where these distances can be relaxed; for example, where the impacts on privacy can be reduced, including to allow for a variation in layout where this will add interest and help create a sense of place and having regard to the character of an area - shorter distances could be considered in those urban areas typified by higher densities.

In relation to increasing storey heights and separation distances, the Council maintain that the approach is reasonable, given the related impacts these variations will have on aspects such as privacy and ‘overbearing’ as well as daylight penetration where a full storey is proposed. The figures set down in the SPD provide a straightforward, functional and consistent methodology. Nevertheless, the document allows for these requirements to be relaxed where the impacts on privacy can be reduced and to allow for variation on design grounds where sufficient, detailed information is provided to justify any relaxation. Each case would be judged on its merits in relation to these factors, however the starting point from the Councils point of view is ensuring that new development is well-designed and provides good amenity for existing and new residents.

In terms of ground levels, the Council consider that the guidance is sufficiently clear on the intended approach.

With regards to gardens, the Council do not wish to provide overly prescriptive guidance as individual site designs and characteristics. Instead, by providing a general requirement on length, it is

Notes' states at Figure 76 that 'There would not normally be a privacy distance at the front of a property.' Therefore, we would recommend that reference to the separation distances across public highway, which tend to be main elevations, is removed from the SPD. If the Council decides that the provision will be retained then it is important that the circumstances where the flexibility will be appropriate and applied are not unduly limited to the example provided in the SPD.

Factoring in changes in levels, storey heights and mitigating factors

We note that the Council has included specific reference at paragraph 3.3 to rooms within the roof space which contain windows constituting an additional storey and necessitating an increase in the minimum separation distances by 3m. However, AHNE considers that where rooms within the roof space are of a velux rather than dormer style that this would be onerous. Velux style windows do not result in overlooking and impacts on privacy due to their angle in the roof slope. In addition, where rooms are included in the roof space there is often limited additional overall height of the dwellings which would necessitate an increase in separation distances.

The requirement for increasing separation distances for dwellings with rooms in roof space also makes it harder and potentially inefficient to accommodate them in street scenes with adjacent traditional height dwellings. To maintain consistent front building lines their inclusion can artificially increase the depth of gardens within a row to that of the longest depth. For example, where 2.5- storey dwellings are plotted in back-to-back rows with 2-storey dwellings it could necessitate separation distances of up to 27m depending on how and where dwellings are plotted.

Paragraph 3.4 of the SPD currently lacks clarity as to which respective levels would necessitate increases in separation distances. It is unclear whether the reference points solely be finished floor levels at ground floor level and levels in gardens, or also relative upper floor levels as well. The latter would be onerous and complicated to assess on large development schemes.

AHNE welcomes the guidance at paragraph 3.5 that it does not intend to apply the separation distances rigidly and that there may be instances where these distances can be relaxed. However, these circumstances should not just be where impacts, or perceived impacts, can be reduced such as through obscure glazing, boundary

anticipated that a functional and attractive private garden space should be able to be provided, within the spirit of achieving good design as set down in national and local policies. The Council are keen to work with developers to achieve well-designed schemes and layouts, including through the design review service and dialogue with our development management teams. Nevertheless, this part of the document has been amended to clarify the intended approach.

treatments, restricted openings and directional windows. Paragraph 3.5 only makes reference to relaxing distances between public facing elevations to allow for a variation in layout where this will add interest and help create a sense of place. Whilst we consider that the SPD should not include separation distances between public facing elevations as recommended by the 'National Model Design Code: Part 2 Guidance Notes' if they are to be retained then this reference should not be limited to distances between public facing elevations. This is because in certain circumstances it may also be acceptable to reduce back-to-back and back to gable elevations to also allow variation in layouts and achieve acceptable densities.

The Council's acknowledgement at paragraph 3.6 that separation distances may also be relaxed having regard to the character of an area and taking into account that existing residents are not significantly impacted upon is supported. However, we are concerned about the reference to greater distances potentially being required in suburban and rural areas where the predominant character of the area exhibits greater separation distances. There will be a degree of subjectivity as to what the predominant character is within an area and the extent that the Council may consider separation distances need to be increased and to what extent. This needs to be balanced with the need to consider the efficient and effective use of land and ensure appropriate densities are achieved in developments.

#### Gardens and 'leftover' spaces

Reference is made in paragraph 3.8 to the need for gardens to be of an appropriate size, having regard to the size of the dwelling and character of the area. Whilst paragraph 3.9 advises that these will generally be dictated by separation distances and be no less than 9m and so this provides a degree of flexibility it provides little guidance on what would be appropriate in area or layout. Greater clarity on what would be expected by the Council would assist developers in creating development layouts.

In preparing its layouts for its developments AHNE seeks to avoid 'leftover' spaces as referred to in paragraphs 3.10 and 3.11 of the SPD. Care is taken to ensure that any spaces contribute to the overall design, sense of place or general public amenity of a development and are necessary for its effective and efficient delivery and management.

<p>Homes England (Marie Kidd)</p>	<p>Homes England recognises the importance of positive outcomes for nature, improving the process for developers, and creating better places for local communities.</p> <p>Homes England does not wish to comment in substantial detail but, following review of the consultation documents, the Council is encouraged to review the content of the proposed documents to ensure it is satisfied that they will provide an appropriate degree of flexibility in the application of the guidance through the development management process.</p> <p>Homes England is supportive of the outcomes that these guidance documents seek to achieve. In certain circumstances, however, it is recognised that it may be beneficial to the overall quality of a scheme, and/or wider development objectives, to accommodate sensible and justified deviations from rigid standards to suit the specific requirements of a site. Hence, the need for flexibility and balance, as appropriate.</p>	<p>Comments and general support noted. The Council is satisfied that the SPD provides an appropriate degree of flexibility in the application of the guidance through the development management process.</p>
<p>Historic England (Jim Hanrahan)</p>	<p>In terms of our area of interest, we do not have any comments to make on this Supplementary Planning Document.</p>	<p>Comments noted</p>
<p>Sunderland City Council (Jamie Simpson)</p>	<p>Sunderland City Council has no comments to make on the SPDs at this point in time. The Council also has no comments to make on the proposed change to the Highway Design Guide.</p>	<p>Comments noted</p>
<p>Natural England (Sharon Jenkins)</p>	<p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p>	<p>Comments noted</p>
<p>National Highways (Sunny Ali)</p>	<p>We do not have any comment on these updated documents.</p>	<p>Comments noted</p>
<p>City of Durham Parish Council (Adam Shanley – Clerk)</p>	<p>Thank you for the opportunity to comment on the proposed update to the Residential Amenity Standards Supplementary Planning Document (RASPD). The City of Durham Parish Council welcome the proposed update to the SPD to provide additional guidance, as well as reflecting changes in permitted development rights. The detail of the requirements within the draft RASPD are also supported.</p>	<p>General support and comments noted. Changes have been made to paragraphs 1.1, 1.2, 1.4, 1.5 and 2.3, to clarify the purpose of the document and how it should be applied and provide more flexibility. Nevertheless, further design guidance will be provided in separate documentation, so the Residential Amenity Standards SPD is intended to provide a concise and focused set of requirements with more of a focus on amenity. The County Durham Building for Life SPD, for</p>

	<p>However, it is submitted that the proposed structure of the RASPD is somewhat confusing and as a result, important matters could be lost because of a lack of clarity/ overlapping issues. For example, several of those areas identified in paragraph 1.4, such as the 45-degree code, driveways and hardstanding, fences and walls, decking and balconies, as well as materials would also be relevant when considering a new residential development. Similarly, the areas identified in paragraph 1.5 (privacy and amenity standards) would be applicable to the consideration of householder development. Likewise, many of the matters referred to in paragraph 2.3, which is identified as being relevant to householder development, would also be relevant to new residential development proposals.</p> <p>It is considered a more appropriate approach would be to identify design principles which would be applicable to all residential development (householder and new residential units), the starting point for which would be policy 29 of the County Durham Plan. All the design principles could be relevant to all residential development proposals. Then the RASPD could then provide guidance on the application of this policy to specific types of development.</p> <p>The Parish Council would request that an addition to the reference to permitted development rights in paragraph 2.1 the existence of Article 4 directions within conservation areas should be highlighted. Furthermore, that the RASPD should acknowledge that there are occasions where permitted development rights can be removed as part of a new housing development. It may also be helpful to provide a link to the Planning Portal website which provides guidance on permitted development rights.</p>	<p>example, provides further guidance to ensure that materials, character, boundary treatments, parking, etc. are appropriate. In addition, further detail will be provided within a bespoke Design SPD which will be aimed mainly at new development proposals.</p> <p>Comments noted and associated amendments made to paragraph 2.2 to highlight examples of where permitted development rights may be removed.</p>
<p>The Coal Authority (Melanie Lindsley)</p>	<p>It is noted that this consultation relates to a Residential Amenity Standards SPD and I can confirm that the Planning team at the Coal Authority have no specific comments to make on this document.</p>	<p>Comments noted.</p>
<p>John Lowe Chair, City of Durham Trust</p>	<p>The Trust supports the design standards in the SPD with some minor matters noted below. However, we consider that the division into part 2 Householder development and Part 3 New Development is unhelpful because so many of the design elements are common to both. For example, the 45 Degree Code (paragraphs 2.6 to 2.9) and Garages and Outbuildings (paragraphs 2.27 to 2.31) clearly should also apply to newly built property, and Minimum Separation / Privacy Distances (paragraphs 3.2 to 3.7) are equally applicable to householder extensions if they push the building too close to neighbouring property. These are</p>	<p>General support and comments noted. Changes have been made to the document - including to paragraphs 1.1, 1.2, 1.4, 1.5 and 2.3 - to clarify the purpose of the document and how it should be applied and provide more flexibility. Nevertheless, further design guidance will be provided in separate documentation, so the Residential Amenity Standards SPD is intended to provide a concise and focused set of requirements with more of a focus on amenity. The County Durham Building for Life SPD, for example, provides further guidance to ensure</p>

the most obvious examples of something that is true across many of the design elements.

The SPD would be better arranged with the main body being core elements applicable to all development, with separate sections having advice that is only relevant to householder planning applications or to new residential development. We have suggested below which sections should go where.

The aim of this SPD should be that the end result of development should meet the same standards, no matter if the starting point was an existing building or a cleared site. Newly built properties should not exhibit features that a householder would not be permitted to include as an extension, and vice versa.

The comments below follow the numbering of the proposed SPD (which is the proposed column in the comparison table).

1.1 and 1.2 are supported.

1.3 is supported too, though it might be improved by stating explicitly what is implicit, namely that these standards apply both to householder proposals and to new residential development.

1.4 If this bulleted list is to be retained then it should also include a reference to the minimum separation rules that provide amenity and privacy.

1.5 If this section is to be retained then it should also certainly include references to the 45 Degree Code, to garages and outbuildings and dormer windows. In addition, elements that might be viewed as extensions to an existing building (such as conservatories, sun rooms and orangeries) should be mentioned.

Core elements

We consider that the following paragraphs are applicable to both householder planning applications and new residential development.

2.3 We support the listed design principles. The point that Privacy is an important principle is very welcome. Most of these bullet points are also applicable to new residential development. This is particularly the case where the new development is on a vacant plot surrounded by existing housing.

that materials, character, boundary treatments, parking, etc. are appropriate. In addition, further detail will be provided within a bespoke Design SPD which will be aimed mainly at new development proposals.

Comments noted and associated amendments made to paragraph 2.2 to highlight examples of where permitted development rights may be removed.

In terms of Article 4 Directions, the document has been amended to provide further advice, however as there is no central website and as new ones are occasionally introduced it would be difficult to provide links or a definitive list. Instead, applicants are advised to contact the Council who will ensure accurate advice is given on this matter.

2.4 We would rewrite this as In summary, developments should not negatively affect neighbouring properties and extensions should complement the main house.

2.5 These guidelines also apply to new residential buildings, especially on vacant plots surrounded by existing housing.

2.6 to 2.9 The 45 Degree Code is supported and it belongs in the section with the core design elements.

2.10 The references to a conservatory, sun room or orangery should be moved to paragraph 2.11. This will allow paragraph 2.10 to be included in the section specifically for householder planning applications.

2.11 This paragraph, with the addition of the point about windows from paragraph 2.10, belongs in the section because new houses may include a conservatory etc.

2.26 We support this section on velux-style windows. However, it is equally applicable to new build.

2.27 to 2.31 This section on garages and outbuildings is equally applicable to new build. We note that many of the houses in the new Mount Oswald development have these features.

2.34 to 2.37 Design considerations for walls and fences are equally relevant to householder applications and to new development. We support these paragraphs.

2.38 to 2.41 Decking and, more commonly, balconies can be features of new houses as well as being added to existing ones. The reference to permitted development rights needs qualification (see below in our commentary on paragraphs 2.1 and 2.2).

2.42 and 2.43 The choice of materials is equally relevant to householder applications and to new development.

3.2 to 3.7 These minimum standards are welcome but (as the phrase in parenthesis makes clear) they also apply when householders are extending their

houses. It would be desirable to position these paragraphs adjacent to those about the 45 Degree Code. The clarification of the way minimum separation / privacy distances are to be calculated is welcome.

#### Householder Planning applications

We consider that the following paragraphs are relevant only to householder planning applications.

2.1 and 2.2 are useful additions to the SPD, but they need to mention that permitted development in a conservation area is more limited, and further controls apply where an Article 4 Direction is in force, as in parts of Durham City. If that change can be made these paragraphs would be supported. We have tried unsuccessfully to discover further details of Article 4 Directions in the County. If they are present on the Council website we recommend they be highlighted. If not, we recommend that either they be added to the website, or included as an appendix to this SPD. These measures would assist development control officers when determining applications.

2.10 These proposals for single storey extensions are supported. It should be noted that the '45 Degree Code' is discussed above, not below, this paragraph. In addition an extension should not approach a neighbouring building any closer than the minimum separation / privacy distances set out in paragraph 3.2. A reminder of this principle should be included here.

2.12 These proposals for two storey extensions are generally supported. The final bullet point does include a reference to minimum separation / privacy distances and this is welcomed. However there is no mention of the '45 Degree Code' and this should be rectified.

2.13 to 2.19 We support these proposals regarding forward and side extensions.  
2.20 to 2.23 We support these proposals regarding dormer windows. However, the reference to permitted development rights needs to be qualified to be consistent with the changes proposed in our commentary on paragraphs 2.1 and 2.2.

2.24 and 2.25 We support these proposals on Hip to Gable Extensions.

	<p>2.32 and 2.33 We support this section on driveways. New developments will have to have regard to the Parking and Accessibility SPD.</p> <p>New residential development We consider that the following paragraphs are only applicable to new residential development. 3.1 We consider that this paragraph should be enhanced by also requiring that new houses should not look out of place within the street, and should enhance, and not detract, from the character of the area. This is particularly true where the development is on a vacant plot in an established street, but will also apply on a new estate, where the houses should be in harmony with each other.</p> <p>3.8 to 3.11 This section on gardens and 'leftover' spaces is supported.</p>	
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