



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/00586/VOC
Full Application Description:	Variation of condition 10 pursuant to permission DM/20/01107/FPA for the erection of a house in multiple occupation, to allow the first floor en suite window within the north side elevation to be fitted with external opening restrictor (description amended)
Name of Applicant:	Mr Frank Stephenson
Address:	Saffron House, Newcastle Road, Crossgate Moor, DH1 4HZ
Electoral Division:	Nevilles Cross
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises a dormer bungalow, known as Saffron House, on land that forms the rear garden of the White House, Crossgate Moor, to the west of Durham City centre. Saffron House is a new build five bedroom dwelling with a C4 HMO use, granted planning permission in September 2020 under application DM/20/01107/FPA. Due to the sloping land levels the dwelling appears as single storey when viewed from the east and two storey when viewed towards the west.
2. The site is located behind Abbey Vets and the White House and is accessed from the A167 by a narrow unlit road along the northern side of the White House. The White House itself is a detached dormer bungalow that was granted planning permission in 2019 for a change of use to a C4 HMO.

3. The area is an established residential area with mainly large detached houses to the south, and detached bungalows and a Sainsbury's Local supermarket to the north. To the west lies open countryside. The land level slopes down from the east towards the west.

The Proposal

4. The application seeks approval to vary condition 10 pursuant to planning permission DM/20/01107/FPA for the erection of what is now known as Saffron House. Condition 10 stated:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor en suite windows within the north and south side elevations of the dwelling shall be non-opening and obscured to level 3 or higher of the Pilkington scale of privacy or equivalent. The windows shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance of Policy H10, H13, and Q8 of the City of Durham Local Plan and Part 12 of the National Planning Policy Framework.

5. The dwelling has now been completed and is occupied. The en suite windows have been installed featuring the relevant obscure glazing but are top hung allowing them to be opened outwards. The applicant initially proposed to fit an internal opening restrictor to the north facing window however upon visiting the site it was apparent that the restrictor could be removed from the inside, thereby allowing the window to open as normal. Following this, a metal restraining bar has been fitted horizontally outside of the window, physically attached to the masonry to each side of the recess in which the window sits. The application has therefore been amended to reflect this restraining bar arrangement to the north facing window and the unrestricted opening of the south facing window, with the altered wording of condition 10 to read as below:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor en suite windows within the north and south side elevations of the dwelling shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent. The windows, and the external restraining bar outside the north facing en suite window, shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

6. The purpose of the application is therefore to permit the north facing window to be partially opened to up to 10mm subject to the restrictor bar, and to allow the

south facing window to be fully opened with no such restriction. In all other respects the previous planning permission would remain unaltered.

7. The application is being reported to the Central and East Area Planning Committee at the request of the City of Durham Parish Council who have concerns relating to a loss of privacy.

RELEVANT PLANNING HISTORY

8. Enforcement cases EN/24/00187 and EN/23/01037 concerned non-compliance with conditions 1 (Approved Plans) and 8 (the removal of permitted development rights for hardstanding). Upon investigating, it was identified that the timber gate to the north side elevation had been omitted, along with part of the external paving to allow the provision of a greater amount of lawn space. It was concluded that there was no breach of planning control as these works could be achieved under permitted development rights and so the case was closed.
9. EN/23/00350 concerned non-compliance with condition 1 (Approved Plans) as two solar panels had been installed to the east facing roof slope of the dwelling. Following the occupation of the property, it was concluded that there was no breach of planning control as the property benefitted from permitted development rights allowing the installation of solar panels.
10. EN/23/00120 concerned non-compliance with condition 10 (Obscure Glazing) to which this application relates. The enforcement case is currently pending consideration whilst this application is ongoing.
11. EN/22/00769 and EN/22/00996 concerned non-compliance with conditions 5 (Tree Protection Measures) and 14 (Construction Management Plan). It was concluded that no trees or hedgerow identified on the approved Tree Protection Plan to be retained were found to have been removed. There was no evidence that the final levels across the site materially differed from those shown on the approved plans and elevations. Despite visiting the site on several occasions there was no evidence of any works taking place outside the agreed working hours or construction vehicles parked outside of the site. Nevertheless, the applicant was reminded of their responsibilities to comply with the conditions of the planning permission.
12. EN/21/00128 concerned non-compliance with condition 5 (Tree Protection Measures) as an Ash tree on the western boundary of the site had been removed. The Council's Arborist visited the site to view the cut timber branches of the tree and confirmed there were signs of Ash Die back and that the tree had not shown signs of good growth in the last 12 months. Replacement tree planting was secured under condition 6 (Submission of Landscaping Scheme), approved under application DM/23/01147/DRC on the 15th of May 2023 following consultation with the Council's Arborist.

13. An application to vary condition 10 (Obscure Glazing) pursuant to DM/20/01107/FPA to remove the word 'non-opening' for purge ventilation purposes was refused on the 22nd of November 2023.
14. The erection of Saffron House was approved under application DM/20/01107/FPA on the 9th of September 2020.
15. Application DM/20/00387/FPA for the erection of two Houses in Multiple Occupation (Use Class C4) was refused on the 23rd of April 2020.
16. The White House was granted consent to be converted to a 5 bedroom HMO (Use Class C4) under application on the 19th of March 2019.
17. An application (DM/16/02170/FPA) to demolish the White House and erect one detached dwelling was refused on the 29th of September 2016. An appeal was subsequently dismissed on the 22nd of March 2017.

PLANNING POLICY

National Policy

18. A revised National Planning Policy Framework (NPPF) was published in December 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
19. *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.
20. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
21. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are

addressed and that land with permission is developed without unnecessary delay.

22. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
23. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
24. *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.
25. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

26. 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; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Local Plan Policy:

The County Durham Plan (CDP)

27. *Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation)* seeks to provide a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
28. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
29. *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.
30. *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.
31. Residential Amenity Standards SPD (2023 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

Neighbourhood Plan:

32. The application site is located within the Durham City Neighbourhood Plan area.
33. *Policy S1 (Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions)*

sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to Conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.

34. *Policy H3 (Our Neighbourhood Outside the Conservation Areas)* requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.
35. *Policy D4 (Building Housing to the Highest Standards)* states all new housing, extensions and other alterations to existing housing should be of 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 improvement of energy efficiency and the reduction of carbon dioxide emissions.
36. *Policy T1 (Sustainable Transport Accessibility and Design)* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design.
37. *Policy T2 (Residential Car Parking)* supports developments with or impacting on car parking provided car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off-street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character. The policy supports the use of car clubs. Should the parking demand require parking controls these will need to be funded through developer contributions.
38. *Policy T3 (Residential Storage for Cycles and Mobility Aids)* requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

39. *City of Durham Parish Council* – Object to the application on the grounds of loss of privacy. They consider that the external restraining bar could be

unscrewed or knocked out of place, that having the window open gives the perception of overlooking, and that there are alternative means of achieving the necessary ventilation without opening the window. Also state that the window is within 3m of the rear garden associated with Langdale.

Public Responses:

40. The application has been advertised by way of individual notification letters sent to neighbouring properties. Three letters of objection, including one from the City of Durham Trust, have been received raising the following concerns:
- Allowing the north facing window to be openable would result in a loss of privacy for the residents of Langdale due to the proximity and orientation of the gable end containing the window, which is approximately 3m away from its rear garden,
 - Seeing the window ajar results in a perception of overlooking,
 - The restrictor could be removed which would allow the window to be fully opened,
 - Adequate ventilation should have been factored into the development with the windows being non-openable,
 - The applicant has breached planning controls in the past and has had adequate time to comply with the original wording of condition 10,
 - A similar application (DM/23/00607/VOC) was refused in November 2023,
 - Bins are not promptly returned to the bin store,
 - The presence of an unmaintained hedge restricts light into the property known as Braeside to the east.

Applicants Statement:

41. It is a pity that something which to a reasonable man would be deemed so petty, is being brought to a council committee with all the taxpayer expense this must incur. Even more especially when this application is recommended for approval by the DCC Planning team.
42. The window in question is in a small shower room, with privacy glass which has been fitted with restraining bars so that tenants cannot open the window more than a few millimetres. Consequently, even if they wanted to, (which the tenants find ludicrous), it is impossible to look into the garden of Langdale through this window. Although, if they desired, tenants could see into the garden from other windows or vantage points, just as a huge amount of residents will be able to do throughout the UK with windows giving views across adjoining and adjacent properties.
43. We would ask you to support this application. In the event that it is not supported, we will appeal and seek costs.
44. We have been accused of felling a large ash tree. The tree was cut down by the owner of the field to the rear of the site owing to signs of Ash dieback and the Council were made aware.

45. We have been accused of felling a Laburnum tree. The tree is still in place and the Council's enforcement officers have evidence of this. With regard to hedges, we had to dig the Utilities trench for Gas, Electricity and water. This however was on the same run as the existing trench and has done no damage to the hedges which have been inspected by a leading hedge layer in the County - Stafford Smith. We are very environmentally conscious and in addition to the hundreds of trees which we have planted in recent years, Stafford has planted over 7,000 hedge plants for us in the last two years alone.
46. Other complaints, a reasonable person may consider trivial, which have been raised to the Council include things like:
- The car park is too small - 2 Council Enforcement officers were sent to site to investigate.
 - The car park is too big! (Again an investigation).
 - That we have installed a dormer window and extra room in Saffron House which we have not. Again investigated and upheld by the Council at Taxpayers' expense.
 - That we installed an energy saving solar panel slightly earlier than we should have.
47. These and the long list of other petty-minded complaints which the Council will have received and will have acted upon, all cost local taxpayers.

PLANNING CONSIDERATION AND ASSESSMENT

48. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
49. In considering such an application, the Development Plan and any other material considerations under section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
50. The principle of the development is acceptable having been established through a previous planning permission at the site and the property has now been constructed. Therefore, the key consideration in the determination of the

application is the impact of the proposed variation of condition 10 upon the amenity of adjacent residents.

51. Specifically, this application relates to amendment to Condition 10 of Planning Permission DM/20/01107/FPA to permit the window in the Southern gable to be fully opening and the Northern gable window to be partially opened (subject to the restrictor bar). The remainder of the permission remains unaltered and as such consideration of the application will focus solely upon the proposed amendments as described above.

Impact upon Residential Amenity

52. In granting planning permission for the change of use of the property to a small HMO in September 2020 the Planning Committee (at the advice of the planning officer) granted permission subject to Condition 10 which required the first-floor windows in the side elevations facing adjacent properties to be obscure glazed and non-opening. This was following a letter of objection from the residents of Langdale to the north which, amongst other issues, raised concerns regarding overlooking from the north facing gable window. In recognition of the orientation of the properties, the proximity of these windows to the site boundary and the separation distances involved, the committee considered the windows would allow overlooking in the event that they were not non-opening.
53. It was therefore considered necessary to include a condition to prevent these windows from being capable of being opened to protect residential amenity in accordance with policies H10, H13, and Q8 of the City of Durham Local Plan, (which represented the adopted Local Plan at the time of determination) and Part 12 of the NPPF.
54. Whilst the City of Durham Local Plan has since been replaced by the County Durham Plan (adopted in September 2020) Policy 31 of this plan seeks to protect residential amenity. Specifically, it states that proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
55. Policy H10 of the now superseded Durham City Local Plan stated that backland development would not be permitted unless a safe and satisfactory access is provided, the amenities of existing and prospective occupiers are not adversely affected and finally, that the development would be in keeping with surrounding development. Policy H13 stated that planning permission would not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them and policy Q8 set out the Council's standards for the layout of new residential development. Amongst other things, this stated that new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

56. Whilst Policies H10, H13 and Q8 of the County Durham Plan (against which the previous planning application was considered) have since been replaced by Policies 29 and 31 of the County Durham Plan, the need for new development to protect residential amenity remains a requirement of relevant local plan policies. Accordingly, whilst the Development Plan has changed since the previous grant of planning permission, the thrust of the policy requirement remains the same.
57. The applicant has since installed a horizontal metal restraining bar to the outside of the north facing window. Each end of the bar sits within an end socket which is physically secured to the masonry to each side of the recess in which the window sits by three screws. As such, the window cannot be opened by more than 10mm and the restraining bar would not be knocked out of place by attempts to open the window. Consequently, views from the en-suite into the rear garden of Langdale are not possible. The only way the bar could be removed is if a person climbed a ladder and physically unscrewed it from the wall. It is considered highly unlikely that any of the student occupants of the property would do this, and should they do so it would constitute a breach of the new wording to condition 10 proposed here. That the window could be 'opened' by a minimal distance of 10mm would not have any impact on the occupants of Langdale, including any perception of overlooking, who would be unable to tell if the window was 'open' or not. Therefore, the proposed alteration to condition 10 would not result in the occupants of Langdale suffering any loss of privacy, or any perception of overlooking, achieving the same outcome as the original wording of condition 10.
58. The imposition of condition 10 was considered to be an acceptable way of preventing overlooking into the rear garden of Langdale, however this does not mean that the wording of this condition was the only way of achieving this result. Ultimately, it is possible for there to be more than one acceptable solution and in this instance the restraining bar is considered to achieve the same end result as the window having been purposely installed as non-opening – in both situations the window is obscure glazed and cannot be opened from the inside further than 10mm thereby preventing any overlooking or loss of privacy occurring.
59. In terms of the south facing en suite window, whilst the original wording of condition 10 also required this window to be non-opening, having visited the site following the completion of Saffron House it is clear that given its position beyond the end of the rear garden serving Fairway, its distance of approximately 18m away from the southern boundary and that the window is obscure glazed, the occupants of Fairway would not suffer from overlooking or loss of privacy from the position or opening of this window. It should be noted that the residents of Fairway to the south objected to the original application for the erection of Saffron House but did not specifically raise overlooking from the south facing gable window as a concern. They have been notified of this application and have not submitted a letter of objection. It is considered appropriate to continue to require this window to be obscure glazed to prevent

views into the en-suite from users of the garden area associated with the White House and Saffron House.

60. Overall, the proposed alteration to condition 10, to include the retention of the restraining bar to the outside of the north facing en suite window, is considered sufficient to prevent overlooking or a loss of privacy for the occupants of Langdale, in accordance with CDP Policies 29 and 31, as well as Part 12 of the NPPF.

Other Matters

61. Adjacent residents, the Parish Council and the City of Durham Trust have all raised objection in respect of previous alleged breaches of planning control at the site. Whilst these are noted they cannot be afforded weight in the determination of this planning application. Those cases were reported and investigated by the Local Planning Authority and appropriate action taken where considered appropriate.
62. One resident raised a concern over an unmaintained hedge within the application site restricting light into the property known as Braeside to the east of the site. However, this is not a material consideration in the determination of this application.

Conditions of Planning Permission DM/20/01107/FPA

63. Condition 1 (Approved Plans) - Alter to refer to Proposed Plans and Elevations drawing Rev B which includes an annotation regarding the opening restrictor.
64. Condition 2 (Time Limit) – Remove as the development has been completed and is now occupied.
65. Condition 3 (Materials) – Remove as the development has been constructed in accordance with the specified materials.
66. Condition 4 (Bin Store) – Remove as the bin store is in situ.
67. Condition 5 (Tree Protection) – Remove as the details have already been approved under application DRC/22/00096 and the development has been completed.
68. Condition 6 (Landscaping) – Remove as the details have already been approved under application DM/23/01147/DRC and planting has taken place.
69. Condition 7 (Fencing to East) – Alter as fencing has been erected but its retention still needs to be secured.
70. Condition 8 (Hardstanding Permitted Development Rights Removed) – Repeat.
71. Condition 9 (C4 to C3 Permitted Development Rights Removed) – Repeat.

72. Condition 10 (Obscure Glazing) – Alter to replace reference to ‘non-opening’ with the retention of the external restraining bar to the north facing window.
73. Condition 11 (Fencing to North) – Remove as the fencing has been erected.
74. Condition 12 (Archaeology – Written Scheme of Investigation) – Remove as has already been approved under application reference DRC/22/00096.
75. Condition 13 (Archaeology – Reporting and Archiving) – Remove as the development has already been occupied.
76. Condition 14 (Construction Management Plan) – Remove as the construction phase has been completed.
77. Condition 15 (Parking) – Repeat.

CONCLUSION

78. In the determination of a variation of condition application (Section 73), the LPA should decide whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted (or that it should be granted unconditionally). If the variation sought is considered unacceptable then the application should be refused and the wording of the condition on the previous planning permission would continue to subsist/apply to the development. The key considerations in this case are ensuring that the form of development secures protection of residential amenity.
79. It is concluded that the installation of a metal restraining horizontally across the outside of the obscure glazed north facing en suite window would prevent any loss of privacy, or perception of overlooking, for the adjacent neighbouring dwelling to this side (Langdale). The obscure glazed south facing en suite window is openable, however following the completion of the development it is clear that due to the position of Saffron House relative to that of the rear garden of the adjacent neighbouring property to the south (Fairway), the occupants of this neighbouring property would not suffer from overlooking or loss of privacy from the position of this window.
80. Therefore, it is concluded that the proposed alteration to the wording of Condition 10 of Planning Permission DM/20/01107/FPA to remove the reference to ‘non-opening’ of the first floor windows within the gable elevations would not have a detrimental impact upon residential amenity from overlooking and loss of privacy, according with Policies 29 and 31 of the County Durham Plan and Part 12 of the NPPF. However, it is considered necessary and appropriate to require the retention of the restraining bar to the north facing en suite window in perpetuity. Overall, the proposed alteration to the wording of condition 10 would achieve the same outcome as its original wording.

81. The proposal is considered to accord with relevant policies of the County Durham Plan, with no material considerations to indicate otherwise, and therefore the application is recommended for approval.

Public Sector Equality Duty

82. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
83. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

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

1. The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan 001
Site/Roof Plan and Site Section Existing and Proposed 200 Rev H
Proposed Plans and Elevations 201_B

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 16, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 12 and 15 of the National Planning Policy Framework.

2. The 0.5 metre high fence shown on the Proposed Site Plan 18/95_200_H received 07.07.2020 shall be retained for the lifetime of the development.

Reason: To limit the amount of car parking spaces that would serve the development to prevent an increase in the number of vehicular trips to the site in the interest of highway safety and in accordance with Policies 6 and 10 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revocation and re-enactment of that order), no provision for a hard surface at the site, other than those expressly authorised by this permission, shall be permitted without the grant of further specific permission from the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with *Policies 6 and 10 of the County Durham Plan and Part 9 of the National Planning Policy Framework*.

4. Notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revocation and re-enactment of that order) none of the development described therein shall be carried out on the site without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

Reason: To achieve a satisfactory standard of development in accordance with Policies 6 and 10 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor en suite windows within the north and south side elevations of the dwelling shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent. Thereafter, the en suite windows, and any subsequent replacements, shall remain obscure glazed to level 3 or higher on the Pilkington scale of privacy in perpetuity and the north facing ensuite window shall be limited in perpetuity by a restraining bar which restricts any opening to not more than 10mm at any point.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

6. No vehicles shall be parked within the curtilage of the dwelling hereby approved at any time.

Reason: To minimise the number of vehicular trips in the interests of highway safety and in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

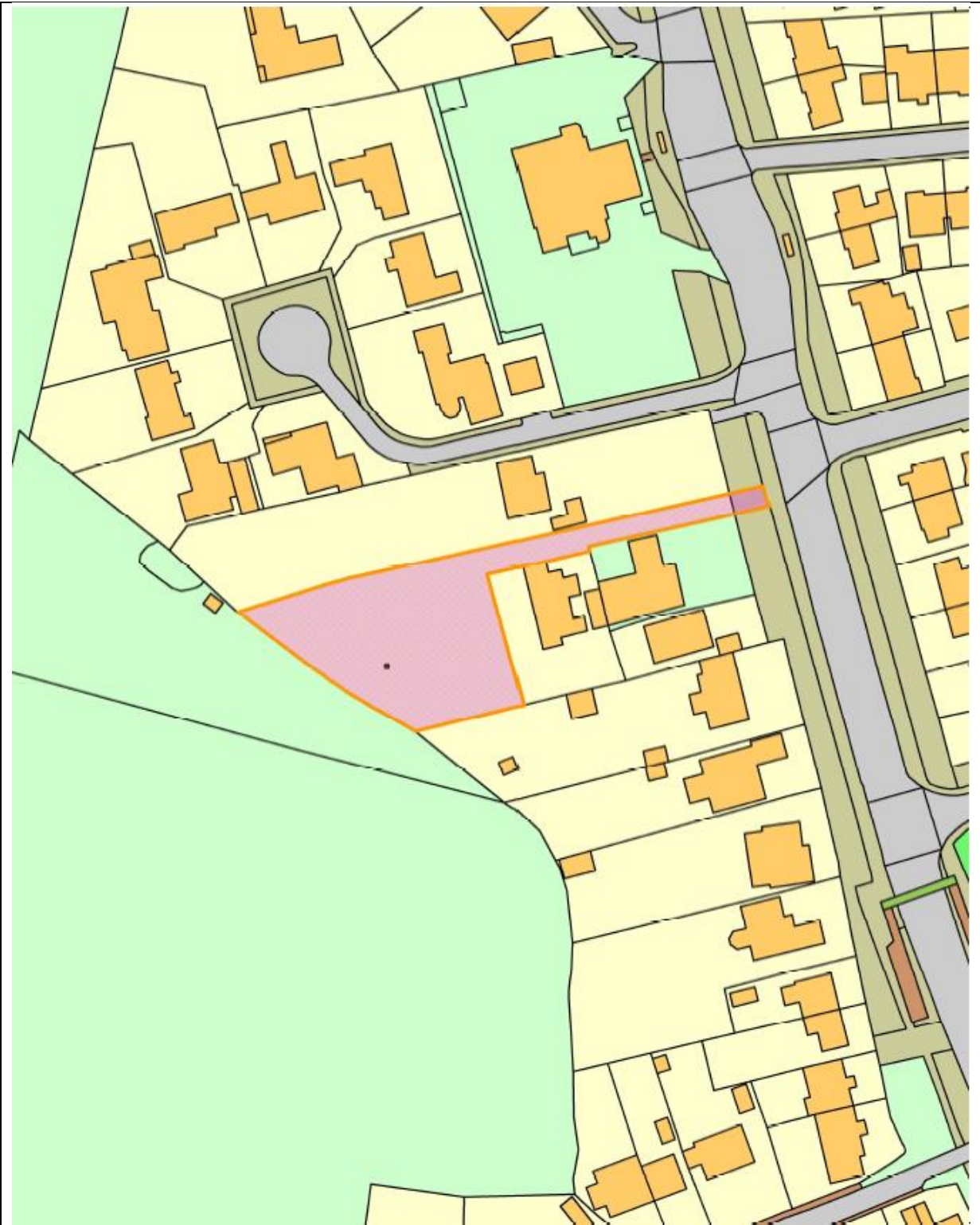
Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

The County Durham Plan (CDP)

Residential Amenity Standards Supplementary Planning Document 2023

Statutory consultation responses



<p>Planning Services</p>	<p>Variation of condition 10 pursuant to permission DM/20/01107/FPA for the erection of a house in multiple occupation, to allow the first floor en suite window within the north side elevation to be fitted with external opening restrictor (description amended)</p>	
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	<p>Date: 17th May 2024</p>	