



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/24/02200/FPA

SITE LOCATION: 90 Gilesgate Durham DH1 1HY

FULL AND LISTED BUILDING APPLICATION DESCRIPTION: Convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Convert outbuilding to office space including alteration to the external walls and roof.

Name of Applicant: Justin Taylor

Electoral Division: Elvet and Gilesgate

Case Officer: Clare Walton Planning Officer 03000 261 060
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DESCRIPTION OF THE SITE AND PROPOSAL

Site

1. The application site is a prominent, white painted, 3 storey Georgian townhouse which is Grade II listed and fronts directly onto the north side of the green at Gilesgate Durham and is also set within the Durham City Centre Conservation area. Gilesgate is one of the City's principle historic streets and makes a positive contribution to the surrounding Conservation Area. The site includes a detached outbuilding which spans the boundary with the adjacent property.
2. The application site is framed predominantly by residential properties to the north east and west. To the west there is an attached unlisted 2 storey brick faced dwelling and to the east is a lane (West View) which gives access to dwellings to the north.

The Proposal:

3. Full Planning Permission is sought to convert existing attic space to a bedroom with en-suite, including a new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Conversion of an existing outbuilding to office space including alteration to the external walls and mono pitched roof is also proposed.

4. This application should be read in conjunction with Listed Building application Ref: DM/24/02161/LB.
5. The conversion of the existing outbuilding to office retains the footprint of the existing building into one main space with a small shower room and kitchenette. The space will be used to predominantly support home working as well as additional space connected to the garden. Alteration to the roof is proposed replacing the current flat roof arrangement with a mono dual pitch relacing the existing flat area.
6. The proposal also includes the conversion of the existing attic to create an additional bedroom with ensuite, a new staircase is required and to accommodate this the 2nd floor layout would be altered. The space occupied by the existing 2 bedrooms and small bathroom will be reconfigured to provide one bedroom with ensuite, a larger bathroom and the stairs to the attic floor.
7. This application is a re submission of a previous scheme that was refused by members of the committee on the 9th April 2024 due to concerns that the use of dark stained timber cladding to the external walls of the outbuilding and the alterations to the roof would dominate the host building and would fail to preserve the special architectural interest and historic fabric of the curtilage listed outbuilding and would also fail to preserve or enhance the character or appearance of the conservation area, The revisions reflected in the current application shows the inclusion of a mono pitched roof angled away from the outbuilding. The use of the black timber cladding still remains within this current application. The previous alterations to the main house are unchanged.
8. The revised application has been called to be determined by the planning committee at the request of Durham City Parish Council who considers the proposal to still be contrary to policy 44 of the County Durham Plan due to its inappropriate use of materials and cladding and roof design of the outbuilding which would lead to substantial harm to the designated heritage asset which would not be outweighed by public benefits contrary to the aims of policy 44 of the CDP and as well as DCNP Policies S1 and H2 and Part 16 of the NPPF.

PLANNING HISTORY

9. 4/95/00344/LB Installation of replacement window to utility room Approved 4th July 1995

4/95/00748/LB Alterations to provide new window to gable and new rear boundary wall Approved 27th March 1996

4/95/00751/LB Replacement of garage doors Approved 3rd January 1996

4/04/00486/LB External alterations involving replacement of existing modern windows with timber sash windows and restoration of plaster to gable elevation Approved 22nd June 2004

DM/23/00911/LB Loft conversion including a glass dormer window in centre of roof, with 3x conservation velux windows. Convert and extend the existing garage to a

1.5 storey garden room, with 2x dormer windows Refused through powers delegated to the Head of Planning on 14th June 2023

This planning application was refused on the grounds that the LPA considered the proposal to be excessive in scale and of inappropriate design, resulting in substantial harm to the existing fabric and setting of Grade II Listed Building and associated curtilage which was contrary to policy 44 of the CDP, H2 of the DCNP, Part 16 of the NPPF and Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Areas Act (1990)). The LPA also considered that significant detrimental impact upon the residential amenity of neighbouring properties would occur through loss of privacy, overbearing and overshadowing, contrary to Policies 29 and 31 of the County Durham Plan and the Council's Residential Design Guide SPD and Part 15 of the NPPF. Finally it was also considered by the LPA that insufficient information had been submitted in support of the application to demonstrate that the development would not be harmful to protected species (in this case bats) contrary to policy 43 of the CDP and Part 15 of the NPPF.

DM/23/00993/FPA Loft conversion including a glass dormer window in centre of roof, with 3x conservation velux windows. Convert and extend the existing garage to a 1.5 storey garden room, with 2x dormer windows Refused through powers delegated to the Head of Planning on 14th June 2023.

Specifically, the Listed Building Application was refused on the grounds that the LPA considered the development would fail to preserve the Grade II Listed Building contrary to the requirements of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and would lead to substantial harm to the designated heritage asset which would not be outweighed by public benefits contrary to the aims of policy 44 of the CDP and paragraphs 199 and 202 of the NPPF.

DM/23/02539/LB Convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Convert outbuilding to office space including alteration to the external walls and roof. Refused by the Central and East Area Planning Committee on 10th April 2024.

Specifically, the Listed Building Application was refused on the grounds that the Planning Committee considered the use of dark stained timber cladding to the external walls of the outbuilding and the alterations to its roof, would dominate the host building and fail to preserve the special architectural interest and the historic fabric of the Grade II Listed outbuilding and its setting, contrary to the requirements of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, Policy 44 of the County Durham Plan and Part 16 of the NPPF.

DM/23/02538/FPA Convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Convert outbuilding to office space including alteration to the external walls and roof, Refused by the Central and East Area Planning Committee on 10th April 2024.

Specifically, the Full Planning Application was refused on the grounds that the Planning Committee considered the use of dark stained timber cladding to the external walls of the outbuilding and the alterations to its roof, would fail to preserve the special architectural interest and the historic fabric of the Grade II Listed

outbuilding and its setting and would also fail to preserve or enhance the character or appearance of the Durham City Centre Conservation Area, contrary to the requirements of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policy 44 of the County Durham Plan, Part 16 of the NPPF and Policy H2 of the DCNP.

PLANNING POLICY

National Policy

10. 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. Decisionmakers at every level should seek to approve applications for sustainable development where possible.
11. 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.
12. 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.
13. NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

[National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61722/nppf_guidance.pdf)

County Durham Plan –

14. The following policies of the County Durham Plan are considered relevant to the determination of this application.
15. Policy 29 - Sustainable Design - requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

16. Policy 31- Amenity and Pollution - development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals 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.
17. Policy 41 - Biodiversity and Geodiversity - states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for
18. Policy 44 - Historic Environment - seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
19. The Council's Residential Amenity Standards Supplementary Planning Document January 2023 provides detailed guidance in relation to extensions and other works to dwellinghouses to ensure that these do not have an adverse impact upon the host dwelling, the character of the wider area and residential amenity.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=63742496933140000>

Neighbourhood Plan

20. Policy H2 of the City of Durham Neighbourhood Plan: Expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

21. Highway Authority raises no objections to the application based on the proposed 'home office' use of the outbuilding should be ancillary to occupancy of the associated dwelling.
22. Durham City Parish Council objects to application and raises concerns that the unique Victorian Washhouse is a significant and rare asset within Gilesgate area and indeed the whole of Durham, whilst its original use is not certain it is understood to have been part of a blacksmith forge or wash house. The Parish Council are particularly concerned with the proposed use of black timber cladding, they state that this would create a material and texture that are incongruous with the existing

brick and slate appearance of the outbuilding, and is starkly contrasting, rather than sympathetic to the Listed Building.

23. The black timber cladding is a new material to the property and does not match the existing building in terms of its style. Indeed, is hostile to the original, valued building and in stark contrast to anything else in the nearby environment. Parts of this proposed extension would be visible from other parts of the conservation area.
24. The roofscape of this outbuilding is visible from Gilesgate and West View, the addition of the extension with its opposing pitch roof line is aesthetically jarring from the original building.
25. They go on to add that they have concerns in regard to the use of building and its potential to become a self-contained flat, holiday accommodation or otherwise.

Internal Consultee Responses

26. Tree Officer raises no objections advising that the proposal would not remove any substantial trees within the property's curtilage and that those trees which are located within the rear do not warrant tree preservation orders. Any proposed extension with retained trees must adhere to NHBC guidelines Chapter 4.2 Building near Trees.
27. Ecology Section has assessed the bat report and confirm that it is considered to be sufficient to support the application agreeing with its conclusion that the building is deemed to be of negligible suitability and therefore no further survey is required.
28. Design and Conservation Section advises that the revised proposal would preserve the character, appearance, and significance of the surrounding Conservation Area and Listed Building in accordance with the requirements of NPPF Section 12 and 16, CDP Policy 29 and 44 and NP Policy H2.
29. They state that whilst the design is subjective and this proposal may not be to everyone's taste, the proposal would not be considered to materially harm the significance of the curtilage listed heritage asset and would stand as a legible element of new design, the existing walling material already comprise of vertically boarded timber cladding, so the proposed material matches in this regard. The back colour contrasts with the existing timber claddings light finish again emphasising the proposal as a legible contemporary element.
30. All other external alterations to the main house are considered acceptable and the DCO offers no objection to those elements of the scheme, the internal alterations are not subject to planning control and are relevant to the associated LB application only.

Public Responses

31. The application has been advertised by means of site notice and by notification letter sent to neighbouring residents.
32. 2 letters of objection have been received in response to both the Full Planning Application and Listed Building Application. These include comments from the City of Durham Trust and neighbouring resident who raise the following concerns:

- The wash house and brick flue are a significant heritage asset and the proposal would fail to preserve the special architectural interest and the historic fabric of the outbuilding.
- the use of Black Timber Cladding is unacceptable and not in keeping with the characteristic features of the original building and no sensitivity or consideration has been demonstrated in regard to the outbuilding.
- The pitched roof design of the extension is very intrusive and draws attention away from the essential character of the pyramid roof and vent of the outbuilding and has potential to block out views of the roof structure.
- The proposed roof design is incongruous and is out of keeping with adjacent roofscapes, and creates a distinct change between the original and altered.
- Installation of a shower and toilet will impinge on the internal wall and the remains of the brick flue on the shared southern face of the building. Sewage system will require major excavation of the floor which may lead to internal wall becoming unstable.
- The outbuilding could be used for additional accommodation/bedrooms/rental and open a route potential change of use.
- There is some concern that the purpose of the proposed rear conversion (and/or the attic conversion) is to facilitate use as a HMO.
- Notwithstanding later modifications, the City of Durham Trust considers the outbuilding to be both of interest and as a remnant of previous uses to the rear of Gilesgate. It should be considered as one building despite its ownership division and is an important adjunct to, and part of the setting of, the listed building. It is therefore significant in its relationship to the character of the conservation area.
- Should alterations be approved then it should be ensured that it includes a condition removing permitted development rights associated with change of use to dwellings.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

PLANNING CONSIDERATION AND ASSESSMENT

33. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, it is considered that the main planning issues in this instance relate to the impact on the surrounding Conservation Area, development which affects a listed building and it's setting, the impact upon residential amenity, ecology highway safety.

Impact of the proposal upon designated heritage assets

34. Local authorities have a duty to preserve or enhance the Conservation Area as requested by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
35. No. 90 Gilesgate is an imposing residential dwelling of c.1760 comprising of 3-storeys and 3-narrow bays, with a rear wing that is possibly Victorian. The front is

rendered with rusticated quoins and includes a corniced doorcase and C19 sliding sash windows. The buildings significance in brief derives from its listed status, historic interest, architectural/aesthetic merits as a fine example of a Georgian townhouse. Further significance derives from its very positive contribution to the surrounding Durham City Conservation Area, adding to the high quality architecturally diverse historic streetscape of Gilesgate.

36. At the north end of the rear garden plot stands a one-storey rectangular shaped brick outbuilding with a hipped slate roof and upstanding lantern type vent, positioned on the dividing boundary line between the two properties No 89 (unlisted) and 90. The true age of the outbuilding is unknown, but it is identifiable on the detailed OS map c.1857, labelled as "WH" signifying a wash house, and it appears to be an early Victorian building. The outbuilding would be considered curtilage listed.
37. The garden is approximately 17m long and is screened from the lane by a low stone wall with woven panels above. The outbuilding was originally square with a slate roof and timber slated lantern vent in the centre and is noted on historic maps as a Wash House, this building ownership is split through the middle of this original building.
38. An unsympathetically flat roof extension was added to the building around the 1990's to convert to a double garage with access from West View. The building no longer has vehicle access with the previous gates having been removed. Currently, the outbuilding is being used as storage and office space in association with the occupation of No. 90 Gilesgate as a dwellinghouse (Use Class C3). The garage door has been removed and replaced with French doors and windows have been added. The external walls have been overclad in vertical timber cladding.
39. The conversion and alterations to the outbuilding would include a contemporary mono pitched roof to provide more internal head room, the revised proposed design does not make any alterations to the conserved historic footprint and form of the original outbuilding, the works would be limited to the unsympathetic flat roof garage element of the 1990's that is of no specific interest.
40. The roof would be angled away from the outbuilding which does create distinct change in roof-form to the historic that is an intentional contrast to the historic roof form, Whilst this creates a somewhat odd arrangement it does not impact on the significance of the outbuilding in terms of its physical form and there is already a contrast of historic hip and modern flat roofs on the applicant's side of the outbuilding.
41. Previously the design and conservation team were unopposed to the use of the black timber cladding, and this view remains unchanged, the DCO has stated that the main reason for this is that the existing walling material already comprise of vertically boarded timber cladding, so the proposed material matches in this regard. The black colour contrasts with the existing timber claddings light finish again emphasising the proposal as a legible contemporary element, none of historic red facing brick is exposed on the applicant's side of the outbuilding and therefore the use of cladding cannot be perceived as being incongruous with the original unseen brick material.

42. As noted, this application represents a revision and resubmission of a previously refused application. The revised design relating to the historic outbuilding still achieves a subservient relationship and does not overpower the original outbuilding that remains fully legible and recognisable as the main historic element. The proposal has the overall visual appearance of a small contemporary garden roof type structure abutting the historic outbuilding that sets a clear dialogue and distinguishes between what is old and what is new, which is considered to be an honest and often encouraged design approach.
43. The Council's Design and Conservation Section advises that in their opinion the proposal would not be considered to materially harm the significance of the curtilage listed heritage asset and would stand as a legible element of new design. The outbuildings significance is best represented by the physical fabric in the neighbour's garden that is more complete and of far stronger historic character, the outbuilding on the applicant's side having already been adapted to form a flat roofed timber clad garage which is the element being replaced.
44. Part 12 of the NPPF, Policy 29 of the County Durham Plan and Policy H2 of the Durham City Neighbourhood Plan seek to ensure good design in new developments which contribute positively to an area's character, identity, heritage significance, townscape and landscape features. Part 16 of the NPPF, Policy 44 of the County Durham Plan and Policy H2 of the Durham City Neighbourhood Plan require new development to enhance or preserve the built and historic environment, recognising that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. In addition, Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act requires Local Planning Authorities to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest when determining planning applications and applications for works to a listed building. Similarly, Section 72 of the same Act requires an LPA to pay special attention to the desirability of preserving or enhancing the character of a conservation area when determining planning applications.
45. The Residential Amenity Standards SPD gives design advice on residential extensions, including those to the rear which are to be designed to safeguard amenity and to respect the character and appearance of the dwelling and locality.
46. In light of the above, taking into account Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered the proposal would satisfy the provisions of parts 12 and 16 of the NPPF, policies 29 and 44 of the County Durham Plan and policy H2 of the Durham City Neighbourhood Plan. The works are of appropriate scale and form in relation to the listed building and its curtilage and would not appear incongruous within the wider conservation area. The proposed materials are considered to have a positive impact upon the character and appearance of the Durham City Conservation Area through the introduction of timber cladding giving the extension to the outbuilding a more contemporary addition.
47. Concerns were received in regard to the outbuilding being seen from various parts of the conservation area and having a detrimental impact upon its character, however in relation to the surrounding conservation area, the entirety of the development proposal would only be visible from within the applicant's private rear garden. From the outside the majority would be shielded by the existing boundary

treatment and surrounding built development. It would be seen from the main street looking directly into the access point to the rear of West View, this would be a passing glimpse of a small portion of the proposal in the background of the streetscene, that would quickly disappear with movement. In this view its back land and private garden location along with its limited visibility means it would not degrade the visual experience or character of the Gilesgate street frontage that underlines its conservation area status and would not detract from the visual experience and appreciation of the primary listed asset of the Georgian townhouse.

48. The main visual impact would be within the back street, but here only part of the upper section would be visible above the boundary wall. While this would partially shield the view of the roof of the outbuilding, the visualisations in the design, access and heritage statement show that the outbuilding roof would still be viewable behind the extension roof. Taking all of this into account, and that the Victorian outbuilding is presently neither open to full public view nor is a prominent historic structure, it would be considered that the proposal would not cause undue harm to the significance, character, or visual appearance of the surrounding conservation area.
49. Based on the above, it would be considered that the character, appearance, and significance of the surrounding conservation area would be preserved in accordance with the requirements of NPPF Section 16, CDP Policy 29, 44 and NP Policy H2.

Impact on Residential Amenity

50. Paragraph 130 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. In line with this, Policy 31 of the County Durham Plan (CDP) states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals 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.
51. In addition, criterion e) of Policy 29 states that proposals for alterations and extensions to residential property, and development associated with the incidental enjoyment of a dwelling, should ensure the development is sympathetic to the existing building(s) and the character and appearance of the area in terms of design, scale, layout, roof design and materials.
52. The Council's Residential Amenity SPD sets out general criteria for additions to residential properties. Paragraph 2.27 of the SPD states that; Domestic garages and outbuildings should generally follow the same guidelines as those for extensions and should be of a high quality of design especially where they are proposed in a prominent location. Garages should be subordinate to the house and unobtrusively sited in relation to existing houses and the street scene. They should not restrict access to neighbouring properties, drives or garages, or have a detrimental impact on the windows of neighbouring properties.
53. The planning application proposes to replace 2 side Velux windows with a smaller Velux (55cm by 78cm) and the centre with a double Velux at (155cm x140cm) in the main house. In terms of overlooking and privacy, the replacement of the skylights

within the roof slope would follow the existing arrangement and have no adverse impact in this regard. Whilst it is acknowledged that the larger Velux window could allow for some views to neighbouring properties this in itself is not considered to amount to any unacceptable loss of privacy, and some overlooking of garden areas are a common arrangement within a residential area of this type. In addition, it is noted that the adjacent property contains a dormer window in a similar location which enjoys a similar relationship with the application property, therefore it is considered that any loss of privacy or overlooking would not be significantly impacted in accordance with policies 29 and 31 of the CDP and the Council's Residential Amenity Standards SPD.

54. Works to convert the existing outbuilding would retain the current footprint and be configured into one main space. This space would predominantly support home working, as well as providing additional social space but to be used ancillary to the current use of the property as a dwellinghouse (Use Class C3). The structure would remain single storey and it is not considered that the development would result in any loss of light, loss of privacy or overshadowing to neighbouring properties.
55. The proposed works are not therefore considered to harm the amenity of neighbouring residents in accord with CDP Policy 29 and 31 and paragraph 180 of the NPPF.

Ecology and Protected Species

56. Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
57. Given the nature of the proposed works and the impact on existing features the application was supported by a Bat Risk Assessment which concluded that the risk to protected species was low. The Council's Ecologist concurred with that conclusion and offered no objection confirming that no further surveys were required. Accordingly, it is considered that the development accords with Policy 43 of the CDP and Part 15 of the NPPF in this respect.

Impact on Highway Safety

58. Policy 21 of the CDP states that any vehicular traffic generated by new development can be safely accommodated on the local and strategic road network and does not cause an unacceptable increase in congestion or air pollution. Similarly, paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on safety, of the residual cumulative impacts on the road network would be severe.
59. It is acknowledged that the outbuilding has undergone previous alterations and is now used as storage and office space with no vehicle access. The Highway Authority confirm that the proposed development does not raise any concern over highway safety.
60. It is noted that previous concerns were raised over increase in traffic and parking demand due to speculation the building could be used for additional

accommodation and/or holiday letting by interested parties. However, it is not considered the proposal would have any adverse impact in this regard noting comments from the Highway Authority. In so far as any future use is concerned the application does not include any proposed change of use. The specific concern relates to use as a HMO which would be controlled via the properties position within the Article 4 Direction Area removing this permitted development provision. As such this cannot be afforded weight in the determination of this planning application. In light of the above, it is considered that the proposals would accord with Policy 21 of the County Durham Plan and part 9 of the NPPF in this respect.

Other Matters

61. Comments have been raised in relation to the applicant's potential future aspirations for the property. However, the current application relates to the stated works and no material change in use of the property is proposed. Should the application wish to make further alterations to the property or materially change its use to that of a flat or HMO, this would require planning permission. These concerns have been considered through the associated planning application.
62. Comments in relation to the party wall were received, however, any works to a party wall is a civil matter between the parties involved and not a material planning consideration in the determination of this application.

CONCLUSION

63. The proposals relates to the conversion of the existing attic space to bedroom with ensuite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms and conversion of outbuilding to office space including alteration to the external walls and roof. The property is Grade II listed and situated within Durham City Conservation area. Gilesgate and the outbuilding to the rear which is curtilage listed. it is considered that the character, appearance and significance of the conservation area and the important historic architectural features of the listed building would be preserved in accordance with the requirements of NPPF Section 16, CDP Policy 44, NP Policy H2 and Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.
64. In addition, it is considered that the development would accord with the requirements of policies 29, 31, 41 and 43 of the CDP and Parts 8, 9, 12 and 15 of the NPPF in that it would have no unacceptable impact upon residential amenity, ecology or highway safety.
65. Whilst the comments and objections received from interested parties are noted, for the reasons detailed within this report the matters raised are not considered sufficient to sustain refusal of the application.

Public Sector Equality Duty

66. 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.

67. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the approved plans List in Part 3 – Approved Plans

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 12, 15 and 16 of the NPPF and in particular Policies 29, 31 and 44, of the County Durham Plan

ADDITIONAL MATTERS

Party Wall Act

If the plans deposited involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.

BACKGROUND PAPERS

Submitted Application Forms,
Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Durham City Neighbourhood Plan
Durham County Council Parking Standards adopted 2023
Durham County Council Residential Amenity Design Standards SPD 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

DM/24/02200/FPA

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Date 12th November 2024

Scale NTS