



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/03401/VOC
Full Application Description:	Variation of condition 2 of planning application DM/22/01509/FPA to alter the design of the balcony to the rear elevation, addition of two obscurely glazed windows to side elevation, increased verge overhang, brickwork feature to front elevation, increase in number of solar panels, omission of rooflights, alter the design/position of the outbuilding within the rear garden area and addition of pedestrian gate and design changes to front boundary treatment.
Name of Applicant:	Mr and Mrs A Carter
Address:	Silver Howe Heathways High Shincliffe Durham DH1 2PQ
Electoral Division:	Durham South
Case Officer:	Lisa Morina (Senior Planning Officer) Tel: 03000264877 Email: lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site:

1. The application site is a residential plot located on Heathways within High Shincliffe and is located on the northern edge of the settlement. Residential properties are located to both sides and to the front of the site with open fields to the rear. There is a mix of properties currently within the area both of single and two storey nature with the majority being detached properties. An existing

detached dwelling was located on the site which has been demolished and a replacement dwelling is currently under construction.

The Proposal:

2. Planning Permission was originally sought for the demolition of the existing bungalow and the erection of a new detached property at the site. A detached outbuilding is also proposed within the rear garden area.
3. The demolished dwelling had a footprint of approximately 120sqm with a height of 5.1m to the ridgeline and an eaves height of 2.5m. The replacement dwelling occupies the majority of the footprint of the existing building but is to be slightly larger at 138sqm and have a height of 7.7m to the ridgeline, 3.1m to the eaves so two storey in height.
4. This application seeks to vary the existing consent to provide working amendment changes to the scheme which includes the following:
 - Omission of 6 no. rooflights
 - Addition of flush solar PV panels in lieu of solar thermal panels originally shown on west slope (resulting in increase in total number)
 - Addition of small, high level window to garden room, top hung, opaque glass to serve additional toilet
 - Alteration of the design of the outbuilding
 - Amendments to guttering and downpipes on garden room eaves
 - Addition of window to utility adjacent to side door, top hung, opaque glass
 - Addition of window to kitchen, top hung, opaque glass
 - Addition of a centre brick pier to front elevation
 - Verges to north and south gables increased to 475mm overhang from 250mm originally shown, there has been no increase in the eaves overhang.
 - Wrought iron railings shown on balconies in lieu of glass
 - Additional pedestrian gate to front boundary wall 1.0m high.
 - Increase height of front boundary wall to 900mm and change railing style to front boundary wall to estate rail type (this results in no additional increase in overall height
 - Curved walls to entrance rather than angular splays as originally shown
5. The application is being reported to Central and East Planning Committee at the request of Shincliffe Parish Council on the grounds of loss of privacy, scale and dominance of the proposal and highways safety issues.

RELEVANT PLANNING HISTORY

6. The following planning applications are relevant to the current application:

DM/22/01509/FPA - Demolition of existing bungalow and replacement with dormer bungalow. Approved 03.11.2022.

DM/23/02912/DRC - Discharge of Conditions 3 (materials) 4 and 5 (coal information), 8 (details of charging point) 9 (submission of AIA and method statement) and 10 (replacement planting scheme) pursuant to planning permission DM/22/01509/FPA. Approved 19.01.2024

PLANNING POLICY

National Policy

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 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.
10. *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.
11. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
12. *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.

13. *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.
14. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
15. *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.
16. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
17. *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:

18. 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: design process and tools; determining a planning application; light pollution and noise.

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

Local Plan Policy:

The County Durham Plan (CDP)

19. Policy 6 (Development on Unallocated Sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
20. 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.
21. 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. Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area
22. 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.
23. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development

and that all necessary assessments are undertaken by a suitably qualified person.

24. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
25. Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
26. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
27. Policy 40 (Trees, Woodlands and Hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
28. 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.
29. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
30. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

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

Neighbourhood Plan:

31. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at:

<http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

32. Town / Parish Council – Shincliffe Parish Council object to the proposal for the following reasons:

- Loss of privacy or overlooking to neighbouring property (Parkwood Lawe)
- Scale and dominance of the development
- The new proposal appears to extend the balcony along its full length to the front of the eaves. This will have the effect of significantly increasing the overlooking into the neighbouring garden and consequent loss of privacy. It also has the effect of increasing size of the balcony
- The overhang is bigger to allow the balcony
- Highway Safety concerns due to the change in the design/position of the wall, neighbours are worried that the wall will restrict visibility when pulling out of nearby driveways as there is no pathway and a child or animal passing would be very difficult to see

33. Highways – No objection raised.

Internal and External Consultee Responses:

34. None required

Public Responses:

35. The application has been advertised by site notice and individual notification letters sent to neighbouring properties.

36. Three letters of representations have been received from two neighbouring properties with the following concerns:

- The two new windows would constitute a loss of privacy in the front.
- The balcony extension significantly increases overlooking and loss of privacy into the garden area of neighbouring properties.
- The balcony is too large
- The increased size of the eaves almost reach the boundary and the gutter will appear to overhang

- The eaves increased overhang is very noticeable and visually increases the impact of an already over-dominating structure.
- Very large increase in solar panels from two to twenty on the enormous roof sloping towards my house.
- No objection to the redesigned and extended garden-room however there is a south facing window omitted from the submission and no guttering or downpipe is shown
- Puzzled by the brickwork feature that has appeared at the front of the house retrospectively which breaks up the line with the front of our house

Elected Members

37. No comments from Councillors received.

The above is not intended to repeat 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/search.do?action=simple&searchType=Application>

Applicants Statement:

38. Following the approval of planning permission DM/22/01509/FPA, subject to conditions, 08 September 2022 works commenced on site December 2023 and has steadily progressed throughout 2024 to approach a stage of shell completion. As is sometimes the case during a building project, as the applicant is able to visualise their project design changes are made on site contrary to the approved plans. Since the works have been carried out and it has been agreed with the Local Authority that a variation of condition application is required to regularise these variations. This statement sets out the changes that have been made and the reasoning/justification for them.
39. Balcony design - The proposed balcony was originally approved as a recessed type that was purposely designed so as that the privacy and amenity of the neighbouring properties was respected. Once the structure was erected it was decided that the balcony was slightly too small and since it was not possible to reduce the bedroom behind for structural reasons it was agreed to cantilever the balcony over the rear wall of the dwelling to provide a small amount of additional space. In order to maintain the privacy and amenity the verge overhang of the roof was extended a further 250mm beyond that approved to maintain the enclosure of the balcony. There has therefore been no further loss of privacy for the neighbours, the design of the cantilever has perhaps confused the issue as the steel frame forming the deck does project beyond the roof but it has been explained, drawn on plan and demonstrated to the planning officer that the actual hand rail of the balcony is set back from the leading edge of the deck and is well within the roof enclosure.
40. Brickwork Feature to Front Elevation - A brick pier was added to the front elevation to provide a contextual depth to the front elevation as it was felt the large glazed areas caused the front elevation to be rather blank, the pier serves to divide up the glazed areas and create added interest to the front elevation, it

serves no purpose other than this and is not considered to cause any planning issues.

41. Increased Verge Overhang - The verges to the front and rear of the dwelling were extended to as a result of the two design changes above, to the rear in order to maintain the enclosure of the recessed balcony and to the front to carry over the middle pier projection. It is felt that the increased overhang also adds to the aesthetic of the building, it has no material impact on neighbouring properties and is considered a positive addition to the building.
42. Additional Windows to the West Elevation - Two additional windows have been formed in the west elevation, these were added for purely practical reasons in that they serve the kitchen and utility of the dwelling and additional ventilation may be required at certain times. Both windows are to be fitted with obscure glazing and face a solid brick boundary wall, there is therefore no privacy or amenity issue associated with them.
43. Omission of rooflights - The applicant has decided to omit almost all of the roof lights shown on the approved drawing, there was no amenity issue associated with these in any case as they were all positioned above head height in their respective rooms, the roof aesthetics are improved as a result of their omission.
44. Additional Solar Panels - The approved drawings indicated two solar thermal panels to the western roof slope of the dwelling, following the technical design stage it was decided that a PV electrical system was significantly more efficient method of heating the property and the thermal water panels idea abandoned in favour of PV panels. The system is extremely sustainable and efficient and care has been taken to integrate the panels into the new roof covering to minimise their visual impact.
45. Garden Room Design - The free-standing garden room was redesigned to better occupy the space to the rear garden, it is felt diagonal plan across the corner opens the room towards the garden space and benefits from the evening sun when it is most likely to be used in the summer time. The wall forming the structure adjacent to the east and northern (rear) boundary is essentially the same as the approved design and it has also been agreed with the owners of Parkwood Lane to raise the height of the boundary wall along its length to maintain their privacy.
46. Design Changes to Front Boundary - The approved front boundary treatments were felt to be rather angular and incongruous and it was felt a more gentle curved entrance would be more aesthetically pleasing, the position of the front pillars has been slightly rotated around the right hand pillar to square them to the road rather than being at odds with the highway and the brick boundary walls radiused away from each of them to the frontage. The brick walls forming the front boundary are to be approximately 900-950mm high which is within Durham County Council's Highway design guidance for visibility. Concerns of highway safety have again been raised even though DCC Highway have no objection to the proposal. The land within the boundary is private and is not a

public footpath, nor are there any footpaths adjacent footpaths along Heathways, it is a short stretch of private land which is being enclosed and has already been approved to do so in the original application. With regard to visibility for neighbours entering and leaving their property it should be pointed out that the driveway to Parkwood Lawe rises steeply from the public highway making the proposed new wall adjacent to their boundary even lower than the 900mm wall height which is relative to the highway, it is therefore felt that there is no issue with regard to visibility and in any case the applicant would not propose such a boundary if it were to cause a safety issue.

47. Conclusion - It is acknowledged that in an ideal world changes would not be made after planning permission is granted, however it is felt that the changes made to the original design not only benefit the applicant but also result in a more considered design in trying to achieve a high quality addition to the local area. The applicant has endeavoured to maintain dialogue with neighbours to allay concerns and continues to do to this date. It is considered the development proposed meets the Councils Planning policies and it is therefore requested that the Council will be able to support and approve the variations to the original application.

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 subject 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. Consent was sought under DM/22/01509/FPA for the erection of a dwelling to replace the existing dwelling and the consent has been implemented. As such, the principle of the development is considered acceptable.
51. The main issue to be considered in this instance therefore is the impact of the changes proposed in relation to the host property and the streetscene as well as any impact on residential amenity and any highway safety issues.

52. As detailed above there are various working amendments proposed to the site most of which have already been carried out. The majority of these are considered to be non-material amendments and as such are not subject to public re-consultation. However, it is considered that the balcony changes fall outside of this remit as they are considered material changes, albeit minor, but nonetheless require a Section 73 application.
53. Policy 29 relating to sustainable design states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents 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; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
54. CDP Policies 6a, 29e and 31 seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Part 11 of the NPPF requires planning decisions to ensure healthy living conditions and emphasises the importance of securing healthy places. Part 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.
55. Paragraph 191 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, Paragraph 198 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Alterations to the dwelling

56. In respect of the amendments to the dwelling itself concern has been raised that the addition of the windows proposed to the west elevation would create overlooking issues to the neighbour. There is also concern over the substantial increase in the number of solar panels which the objectors regard as unacceptable with the proposed balcony changes said to result in significant overlooking issues and loss of privacy. Concern is also raised with respect to the brickwork feature proposed to the front elevation and also the increase in the eaves.
57. Two windows are shown in the gable elevation facing west towards the neighbouring property. One being a window within the existing utility room with the other being a narrower style window proposed within the kitchen. Larger windows will be in existence at the front (main elevation) of the kitchen. The resultant boundary treatment has been identified on the plan which shows that the windows would only be partially visible to the neighbouring properties and

therefore, the proposal would not result in any significant overlooking issues that would warrant a refusal of the application. In addition, the applicants have confirmed that it is their intention to obscurely glaze both windows and this has been reflected on the plans and it is proposed to control this in perpetuity

58. As part of the original approval rooflights were proposed as were solar panels to the roof. A reduction in the number of roof lights have been proposed being reduced from 8 to 2 however more solar panels have been provided with a total of 18 installed on the western gable.
59. Whilst there has been a significant increase in the number of solar panels from the originally proposed 2, they are in situ and can therefore, be fully assessed. They are considered to be of an appropriate colour to blend in with the roof tiles and also they are considered to be flush with the roof slope and as such, it is considered they have an acceptable impact on the host property and in turn the streetscene. The reason behind the increase is due to the change in the type of system being installed which has changed to solar PV panels in lieu of solar thermal panels originally shown.
60. It should also be noted that these panels could be installed without planning permission once the property is occupied as the property would benefit from permitted development rights for such. The proposed reduction in the number of roof lights is considered to be a minor change which will not impact on the streetscene or neighbouring properties.
61. Whilst concern has been raised with regards to the increase in the eaves overhang, the applicant has confirmed that there has been no increase in the eaves however the verges to the north and south gables have been increased to a 475mm overhang from 250mm originally shown.
62. Concern has been raised that this will result in an overhang to the neighbouring property however, this is not the case and all development would be contained within the existing curtilage of the site. Whilst it is noted there has been an increase, this is not considered to be of sufficient magnitude to cause any significant impact on the visual amenity of the streetscene compared to what was previously approved and does not significantly increase the scale to an amount that would warrant a refusal of the application. It would also not impact negatively on the residential amenity of the neighbouring properties.
63. It is noted that there is a brick style affect column proposed to the front of the site which appears to have been shown on one elevation of the original plans but not reflected on other plans. As such the plans have been amended to reflect this. Concerns have been raised regarding this however, it is considered to be a minimal change which would not cause any issues in respect of neighbouring properties due to its position or the streetscene given there are various properties of differing scale and sizes within the streetscene.
64. Changes are also proposed to the balcony to the rear of the site. This was originally proposed as a covered balcony set inline with the main rear elevation however it is now proposed to bring the balcony forward slightly. It is still

proposed to contain the balcony within the eaves of the site with the railing running flush with the eaves of the rear elevation with brick walling contained either side of the balcony.

65. Given this, it is considered that whilst the balcony is brought forward, it would not result in any significant additional residential amenity issues over and above what is currently permitted. It is acknowledged that the perception of overlooking will be increased slightly as the railing will be more visible, however, unless the applicants were to lean over the balcony or stand at the edge of it for long periods of time, it is not considered that a significant loss of amenity would occur to the nearby residents' garden area and that this would be no different to a normal window being installed flush to the rear elevation.
66. It is acknowledged that concerns have been raised regarding the size of the balcony however, it is not considered that any additional noise or disturbance issues over and above what was originally approved would occur as the increase in size is minimal. The design of the railing has been changed to railings as opposed to glass which is considered acceptable, and this is being replicated to the front railings also.
67. Taking all the above dwelling changes into consideration it is not considered that the changes are significant enough to warrant a refusal either in respect of residential amenity, character of the host dwelling or streetscene issues and the proposal would be considered to accord with both policy 29 and 31 of the County Durham Plan and parts 12 and 15 of the NPPF.

Alterations to the Outbuilding

68. The size and design of the outbuilding has been altered to allow more garden area to be retained as well as an additional window to be installed which will house a w.c and the addition of the gutters. The garden room due to its position is not considered to have a detrimental impact on the streetscene given it is not visible to the main public domain.
69. Concern was raised regarding the plans not being accurate and the position of gutters not identified as well as an additional window. Amended plans have been provided to reflect the onsite arrangement and also identifies the position of the gutter which will all be contained within the boundary/ownership of the host.
70. The design changes are considered appropriate and would not result in any additional impact on residential amenity to that which was previously approved.
71. It is not considered that the changes to the outbuilding are significant enough to warrant a refusal either in respect of residential amenity, impact upon the character of the host dwelling or streetscene issues and the proposal would be considered to accord with both policy 29 and 31 of the County Durham Plan and parts 12 and 15 of the NPPF.

Alterations to the front boundary treatment

72. The applicants have amended the front boundary treatment to include a pedestrian gate within the front boundary wall to allow a separate pedestrian access from the main larger gated driveway access. This does not exceed 1m in height. In addition, an amended design/style of the front boundary treatment includes curved walls to the entrance rather than the angular splays as originally shown and the height of the wall has been increased to 900mm from 750mm. The overall height of the front boundary treatment however would remain as approved and would not be increased in any way. The railings proposed on top of the wall have been amended to an estate rail type as opposed to the vertical railings originally proposed.
73. Concern has been raised from the Parish Council with regards to visibility when entering/exiting the neighbouring driveway and the increase in the height of the walling as well as the change in the position.
74. The proposed changes are not considered to have a significant detrimental impact on the visual amenity of the streetscene, the character of the host dwelling or the residential amenity of neighbouring properties given the height is not altered and the position generally remains in the same location albeit it is acknowledged the curved design now brings the wall slightly towards the centre line of the drive. The design is also considered acceptable as there are varying boundary treatments within the area.
75. The proposal therefore is considered acceptable in respect of policies 29 and 31 of the CDP and parts 12 and 15 of the NPPF. Notwithstanding this however, the views of the highways officer has also been sought in respect of highway safety.
76. CDP Policy 21 requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document.
77. In addition, paragraph 116 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
78. In respect of highway safety, the pedestrian gate is located at the apex of the slight bend in the Heathways Road and thereby offers the best visibility in each direction. There are no footways either side of the road along this section of Heathways in both directions. This is the same for all properties in this area.
79. The driveway and boundary walls have been replaced with a slightly higher wall and the fence on the top changed as has the design from a splayed to curved wall which in turn slightly alters the position of the wall.

80. The overall height of the boundary treatment remains the same albeit the height of the wall is increased to 0.9 metres (it is noted that the neighbours consider this to be 0.94m). This is still below the maximum height for visibility requirements and it should be noted that a 1m high solid boundary treatment could be erected without the need for planning permission adjacent to the highway and that there is no planning control over the height of hedging which could significantly exceed this height.
81. In addition, the change from a palisade fence to horizontal railings is considered to improve visibility as the fence on top is considered to have a more open aspect to that which was previously approved. The change to a curved wall design does slightly alter the position of the wall however combined with the change to railings it will have no material negative impact on visibility to that which has previously been approved.
82. Objectors have requested that highways officers visit their site and drive a vehicle out of the property however, the proposal has been assessed accordingly and it is not considered that a refusal reason could be sustained given up to a 1m high solid brick wall could be erected without planning permission as stated above.
83. It is also noted that several driveways along Heathways have visibility obstructed by existing hedges, vegetation or boundary features. This has been considered in line with NPPF Paragraph 116 which requires all reasonable scenarios to be taken into account.
84. As such, it is not considered that a severe impact on highway safety would occur which could be sustained at appeal.
85. There is therefore, no highway objection to the scheme and the proposal is considered acceptable in respect of policy 21 of the CDP and part 9 of the NPPF.

CONCLUSION

86. Taking all the above into consideration, it is considered that the proposed changes are an acceptable variation to the proposed scheme and would not have a significant detrimental impact on the host property or the streetscene. It is also not considered that the residential amenity of the surrounding neighbours would be significantly impacted upon.
87. The changes to the front boundary have also been assessed in respect of highway safety and are considered acceptable.
88. Whilst objections have been raised, these have been carefully considered as part of the assessment of the scheme. In this case, the concerns and objections raised do not indicate that the proposals would be in conflict with relevant policies and it is therefore not considered that they are sufficient to warrant a refusal of this application. It should also be noted that these are considered to

be working changes to an already approved scheme and the principle of the development has already been approved.

89. All relevant conditions from the original application will be carried through to this consent, should the application be granted.

Public Sector Equality Duty

90. 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.

91. 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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 21, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

2. The proposal shall be carried out in accordance with the details approved under DM/23/02912/DRC with regards to materials.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

3. The proposal shall be carried out in accordance with the details approved under DM/23/02912/DRC with regards to ensuring the site was suitable and safe from coal mining related surface subsidence.'

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in

accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

4. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. The bat roost unit as detailed in section E of the Bat Report prepared by Barrett Environmental Limited shall be installed prior to first occupation of the dwelling hereby approved and shall thereafter be retained in perpetuity.

Reason: In the interests of protected species in accordance with policy 41 of the County Durham Plan and part 15 of the National Planning Policy Framework.

6. The proposals shall be carried out in accordance with the details approved under DM/23/02912/DRC with regards to electric vehicle charging point.

Reason: To comply with parking guidelines in line with requirements set out in policy 21 of the County Durham Plan and part 9 of the NPPF.

7. The proposal shall be carried out in accordance with the details approved under DM/23/02912/DRC as detailed within the Arboricultural Impact Assessment.

Reason: In the interests of the visual amenity of the area and to protect neighbouring trees on site and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

8. The proposal shall be carried out in accordance with the details approved under DM/23/02912/DRC with regards to tree replacement.

Unless otherwise agreed by the Local Planning Authority, the replacement scheme shall be carried out within 12 months of the start of the tree felling hereby approved. These shall be planted and maintained in accordance with good practice to ensure rapid establishment- including watering in dry weather, and replaced if they fail within 5 years of initial planting, not later than the following planting season.

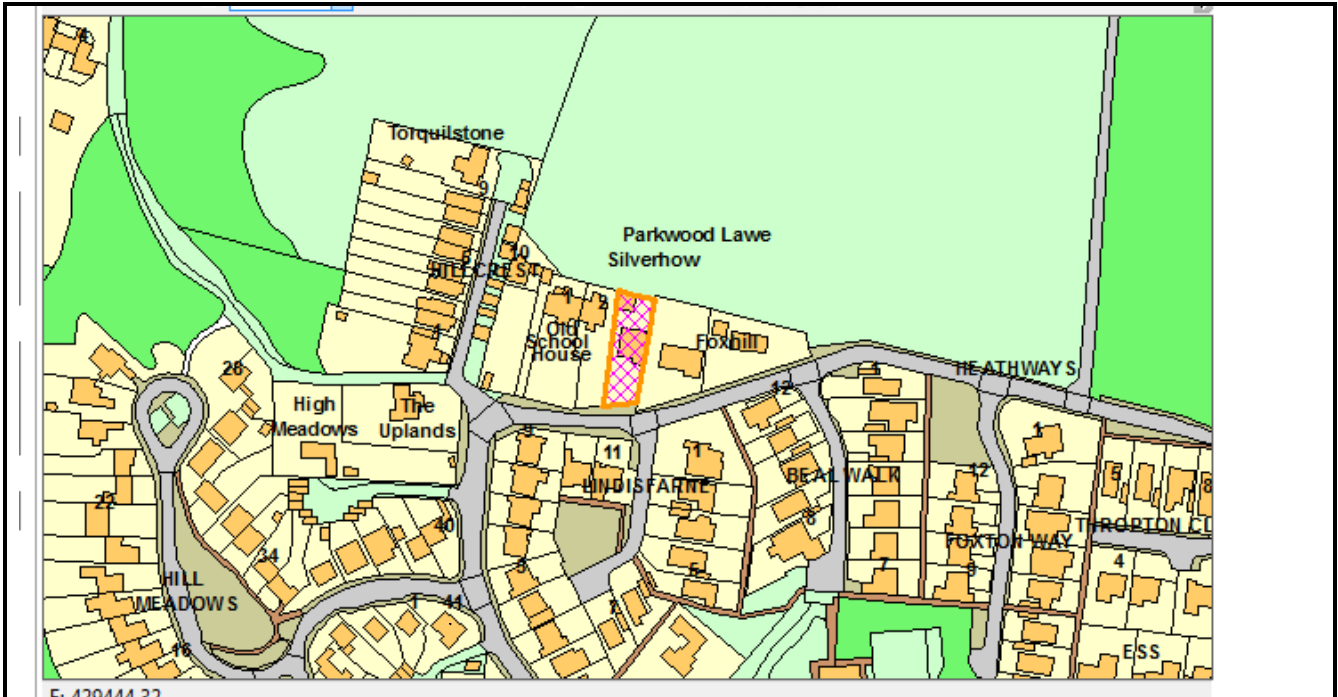
Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

9. 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 windows contained within the gable facing west towards no. 2 Old School House shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
National Planning Practice Guidance Notes
County Durham Plan (2020)
Trees, Woodlands and Hedges SPD (2024)
Residential Amenity Standards SPD (2023)
Parking and Accessibility SPD (2023)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Variation of condition 2 of planning application DM/22/01509/FPA to alter the design of the balcony to the rear elevation, addition of two obscurely glazed windows to side elevation, increased verge overhang, brickwork feature to front elevation, increase in number of solar panels, omission of rooflights, alter the design/position of the outbuilding within the rear garden area and addition of pedestrian gate and design changes to front boundary treatment. at Silver Howe, Heathways, High Shincliffe, Durham, DH1 2PQ Application Reference: DM/24/03401/VOC</p>
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<p>Date: April 2025</p>	<p>Scale NTS</p>