

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00637/FPA
FULL APPLICATION DESCRIPTION	CONVERSION OF GARAGE TO LIVING ACCOMMODATION, SIDE AND REAR EXTENSIONS AND ERECTION OF DETACHED GARAGE
NAME OF APPLICANT	MS HOWARD
SITE ADDRESS	3 THE PADDOCK, GILESGATE MOOR
ELECTORAL DIVISION	GILESGATE
CASE OFFICER	Laura Eden 03000263980 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

*This application was previously considered at the Area Planning Committee (Central and East Durham) meeting held on 9 October 2012. A decision was deferred to allow for further investigations regarding access and drainage issues. These investigations are now complete, and the application is being referred back to committee for further consideration. The report incorporates an additional section to cover the updated details, entitled **Supplementary Information**. Other minor changes to the original report are highlighted using **bold italics**.*

Site:

1. The application site relates to a large detached bungalow situated within a gated residential development comprising of two other similar properties. The property is accessed from Willowtree Avenue that lies to the west. The front elevation of the property is south facing and looks onto the rear of several properties in Rowan Tree Avenue. To the east is a large side garden that adjoins onto a triangular area of paddock land associated with the property. To the north is more garden land that looks out onto the classified Broomside Lane with the industrial estate behind that. The property currently benefits from landscaped gardens throughout and a side conservatory that would be demolished to make way for the proposed development.

Proposal:

2. Full planning permission is sought for the conversion of the garage to living accommodation, side and rear extensions and the erection of a detached garage. The development would be constructed from materials to match the existing property however white render and western cedar boarding are also proposed.

3. The existing attached double garage would be converted into carers living accommodation comprising of lounge, kitchen, bathroom and bedroom facilities. The garage door would be bricked up and two new windows of similar proportions to the existing property would be inserted. To the rear a small kitchen window is proposed adjacent to an existing external door.
4. To the side the existing conservatory would be demolished and replaced with an extension measuring 7.37 metres wide by 6.5 metres deep set back 0.6 metres from the principle elevation. The overall height of this aspect of the development would be 4.5 metres and 2.4 metres to the eaves. This part of the development would provide an additional bedroom, ensuite facilities, a utility room and store area.
5. To the rear a small extension to the existing accommodation is proposed to provide a larger bedroom and bathroom projecting 1.7 metres inline with the existing side gable. From this it is proposed a new hydrotherapy pool room and associated plant and changing room facilities would be built. It would roughly measure 12.4 metres by 6.4 metres. It would have an overall height of 3.8 metres and would be set in 5.4 metres from the shared boundary. This aspect of the development would benefit from two full length windows that would face towards the shared boundary and it would be constructed from a mixture of facing brickwork to match, western cedar boarding and white render.
6. To the front of the property a detached garage is proposed measuring 6.5 by 5.1 metres. It would have an overall height of 4.25 metres and 2.4 metres to the eaves. It would be accessed from the house by a covered walkway constructed from white painted fascia boarding, and would replace the garage facility lost through the conversion works.
7. Large areas of patios and walkways are proposed which would be raised by no more 0.2 metres to enable level access from the property to the garden. Furthermore, to accommodate the development some trees would have to be removed however the current boundary screening between 2 and 3 The Paddocks would remain.

PLANNING HISTORY

01/00818/OUT – Outline application for residential development refused at committee on 25/03/2002 however later allowed on appeal 26/02/2002

03/00389/RM –Application for approval of reserved matters for the siting, means of access and landscaping in respect of the erection of 3 no. detached dwellings approved 14/08/2003

03/01092/RM – Application for approval of reserved matters for the design and external appearance in respect of the 3 no. detached bungalows approved 19/12/2003.

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning

policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal:

10. NPPF Part 7 – Requiring Good Design. 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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

REGIONAL PLAN POLICY

11. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.*
12. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies.

LOCAL PLAN POLICY:

City of Durham Local Plan

13. Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
14. Policy Q9 (Alterations and extensions to residential dwellings) states that proposals should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.
15. Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany

applications when development may affect trees inside or outside the application site.

16. Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. Parish Council – Concerned at the degree of disturbance that will be caused to residents. Would like to see construction monitored to ensure appropriate working hours and that the site is restored to its original state.
18. Cllr Southwell – Concerned over density of the development and highway issues. Requests the application is determined at committee.
19. Cllr Thomson – Objects on the grounds that the proposal is detrimental to the community and visual amenity. Requests that the application is determined at committee.
20. Northumbrian Water – Recommend the imposition of a condition relating to a scheme for the disposal of foul and surface water including details of how the hydrotherapy pool is to be drained. Provided information on the contact person and process for requesting discharge into the public sewer network. Acknowledge the concerns of local residents regarding sewer flooding and advise that survey work is currently being undertaken to rectify the problem and will also help inform any future discharge of condition request. ***Since the original report was written the survey work has been completed. Further comments have been received in relation to drainage from Northumbrian Water and are addressed in more detail in the Supplementary Information section of the report.***

INTERNAL CONSULTEE RESPONSES:

21. Highways – No highways objection raised to proposed development. Would object to the creation of a temporary works access onto the classified Broomside Lane on highway safety grounds as it is a main distributor route. ***Following members' concerns in relation to highway matters further comments have been received from the Council's highways section and are addressed in more detail in the Supplementary Information section of the report.***
22. Trees –It was clear that trees would be lost during the construction therefore request a suitable replacement landscaping scheme and also that the hedge that runs along the western boundary is protected during construction works.
23. Environmental Health – Originally requested details to be provided upfront in relation to noise produced by the plant in connection with the hydrotherapy pool in addition to

details of extraction and filtration systems. Following liaison between this section and the agent Environmental Health are happy to see these issues dealt with by way of a planning condition.

PUBLIC RESPONSES:

The application was advertised by neighbour notification letters.

24. Nine letters of objection have been received from five neighbouring properties on the grounds that the proposal represents over development of the plot, would change the character and appearance of the area, drainage concerns due to amount of paving proposed, whether the network can take the increase in sewage, overlooking and loss of privacy, unpleasant smells and fumes from pool element, noise and disturbance caused as a result of plant equipment, visual intrusion, loss of light, concerned at the lack of measurements and scale on the drawings, application description, access to the development, whether the development is intended to be a commercial venture, hours of operation and the length of time it would take for construction to be complete and the loss of trees.
25. One letter has been received from the owner of the property clarifying that the extensions are for a family and not a commercial venture, reassuring that the pool will not be drained on a regular basis and that some of the information submitted in objection to the development bears no relevance to the application.

APPLICANTS STATEMENT:

26. The Applicant acts as Deputy and Trustee for Naomi Howard, a 20 year old girl (date of birth 09.08.1992) who requires 24 hour care due to her disabilities. Naomi's family have been looking for a suitable home for Naomi for a considerable period of time. Due to Naomi's disability she is unable to speak and requires 24 hour care. Naomi's current accommodation is inadequate. The grant of planning permission is required to offer suitable accommodation for Naomi and for those who care for her.
27. The purchase of 3 The Paddock is supported by Naomi's Deputies and by the Court of Protection.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M6DIUVBN08L00

PLANNING CONSIDERATION AND ASSESSMENT

28. The main planning issues in the determination of this planning application are: -
 - Impact upon residential amenity
 - Impact upon visual amenity
 - Highways
 - Drainage
 - Noise and smells
 - Trees and landscaping
 - Other considerations

Impact upon residential amenity

29. In terms of neighbouring amenity policy Q9 the local plan aims to ensure that the development respects the privacy of adjoining occupiers of property. The policy is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
30. In terms of the garage conversion it is not considered that it would adversely impact on amenity largely because the structure is already there. The property is set forward from the neighbours within the Paddocks and as it does not extend past the front build line then overlooking is not considered to be an issue. One new window is proposed in the rear elevation to serve a kitchen. Given the proximity of this window to the shared boundary adjacent to 2 The Paddocks it is recommended that a condition is added to ensure that this opening is obscurely glazed.
31. In terms of the side extension, this does not extend past the front or rear build line and would be built on the side of the property furthest from the adjacent dwelling at 2 The Paddock. It is not considered that this aspect of the development would be overbearing or cause issues of overlooking in excess of the current situation.
32. The new garage would be set forward of the principal elevation adjacent to the boundary with properties in Rowan Tree Avenue. Given the limited height of the extension, that the roof is hipped and slopes away from these residents' properties, the orientation of the building in relation to the neighbours and the separation distances involved it is not considered the garage would be overbearing or cause issues of overshadowing. The properties on Rowan Tree Avenue benefit from 13 metre long gardens from their rear elevation to the boundary of the application site.
33. The rear extension is the largest aspect of the proposed development, projecting 13.5 metres from the original rear elevation. As the application property is set forward from the neighbour and the proposal is set in 5.4 metres from the shared boundary it is considered it would have limited impact on amenity as only a 2.2 metre section would project past the neighbour's rear build line. Furthermore the neighbour's garage is located along the boundary therefore their nearest habitable window is set well within the site. As a result of the orientation of both properties in relation to the extension, the distance it is set in from the boundary and the limited overall single storey height, overshadowing is similarly not considered to be a concern. Finally, issues of overlooking have been raised in objection letters received in relation to the development. It is acknowledged that two full length windows associated with the hydrotherapy pool face west towards 2 The Paddocks however these look onto the gable associated with their garage. Furthermore, there is an existing hedge that provides a large degree of screening. The window located closest to the shared boundary has been conditioned to be obscurely glazed. Overlooking is therefore not considered to be a concern.
34. Residents are also concerned that the proposal is not domestic in nature and that a commercial venture could be operated from the property. The proposal represents an extension to an existing house and although facilities such as carers accommodation, medical store cupboard and a hydrotherapy pool are proposed these are considered to be ancillary to the main function of the property as a dwelling house. Any future application would be assessed on its merits at the time of submission. Planning permission cannot be withheld on the basis of what could potentially happen to the property in future. It is not considered that the level of traffic associated with the development would be above and beyond that associated with any other single residential property.

Impact upon visual amenity

35. The NPPF and in particular Section 7 deals with good design as it requires proposals to respect neighbouring properties and the local area more generally. At a local level Policy Q9 the City of Durham Local Plan requires the design, scale and materials of the development to be sympathetic to the main dwelling and the appearance of the area more generally. This policy is not considered to conflict with the intentions of the NPPF.
36. Local residents have raised concerns in relation to the scale of the proposal, they consider that the extensions represent over development of the site. Although it is acknowledged that the extensions are substantial they do have to be assessed in the context of the host dwelling and the associated plot. On this basis the proposals are not considered to represent an inappropriate level of development especially given the original size of the host dwelling and the area of garden that would remain.
37. Although the bungalows within The Paddocks development were originally designed to be the same it is not considered unreasonable that people would want to develop and extend their properties. The extensions are sympathetically designed as they reflect the character, scale and appearance of the original property and have been designed to be subservient in nature. Notwithstanding this, most aspects of the development would not be seen from public view given the level of natural screening along the boundary with Broomside Lane and the only public views into the development from the west would be from the gated entrance therefore would be distant. As a result it is not considered that the development would adversely affect the character or appearance of the area. Furthermore, due to the property being set forward from the neighbouring properties most aspects of the proposed extensions would not be visually prominent to the residents within the development.
38. It has been specified that the materials to be used in the development would match those of the original property however elements of western cedar boarding and white render would be incorporated into the scheme. To ensure a high quality of development is achieved a condition would be added in relation to materials.

Highways

39. The proposed development seeks the conversion of the existing double garage into living accommodation and the erection of a replacement garage. The original driveway would remain and an additional space would be provided to the front of the proposed garage. On this basis the highways officer has not offered any objection to the scheme as the development is considered to be in accordance with policy T1 of the City of Durham Local Plan as it would provide adequate off-street parking and not adversely impact on highway safety.
40. During the application process concerns have been raised by neighbouring properties and a local councillor in relation to access to the site especially in relation to potential disturbance caused by construction traffic. Highways were re-consulted about the possibility of a temporary site access being gained from Broomside Lane however given that this is a main distributor route an objection would be raised to this proposal on highway safety grounds.
41. The potential disturbance caused by construction traffic would be minimal and temporary therefore it is not considered that the concerns of residents would outweigh the highway safety implications of a new access.

Drainage

42. When any application is submitted it is standard procedure to check if the site lies within any areas of special designation such as known areas of flooding. No constraints of this nature were highlighted. During the consultation process however numerous residents highlighted concerns that the area had suffered from sewer flooding and due to the scale of the development were very concerned that it could exacerbate existing problems.
43. As a result Northumbrian Water were consulted on the proposal and have recommended that development should not commence until a detailed scheme for the disposal of foul and surface water in addition to details of how the hydrotherapy pool will be drained is submitted and approved in writing. Furthermore, they provided information regarding who to contact and the relevant process for requesting to discharge to the public sewer network which would be added as an informative to any decision.
44. Northumbrian Water have acknowledged residents' concerns in their consultation responses advising that they are aware of a number of incidents in the surrounding area with regards to sewer flooding and they are currently in the process of investigating this matter further. They have reiterated that they are happy to deal with drainage issues within this development by way of a condition and that the investigations that are currently ongoing would help to inform them further to ensure that any connections made to the network were in the right location so as not to intensify the current problems. If the results of the investigation were to come back and flag issues with the network there are alternative ways to overcome drainage matters. It is therefore considered that the scheme accords with the intentions of policy U8a of the City of Durham Local Plan that advises that suitable foul and surface water discharge schemes need to be agreed prior to the development being brought into use. Where this cannot be agreed during the application process it is appropriate to condition this. ***Since the original report was written the survey work has been completed. Further comments have been received in relation to drainage from Northumbrian Water and are addressed in more detail in the Supplementary Information section of the report.***
45. Furthermore, although the agent has annotated the plans to state the paving would be constructed from porous materials, given the level of hard standing proposed and the concerns raised by local residents in relation to flooding it is considered necessary to request specific details in relation to this matter by way of a condition to ensure that an acceptable scheme comes forward.

Noise and Smells

46. To support the running of the hydrotherapy pool there would be a range of associated plant and ventilation equipment. Originally environmental health wanted the agent to provide details in relation to potential noise and smells associated with this element of the development upfront so they could be agreed in advance of determination. The agent has tried to provide as much information as possible in relation to this matter however to satisfy this requirement specialists would need to be employed which would incur a significant degree of cost which is seen to be unreasonable at this initial planning stage. Instead the agent has liaised with the environmental health officer and has provided additional information in support of the application and why he is confident that these details can be dealt with by means of a condition. The additional information provided includes details relating to sound proofing measures for the plant room, indicative noise levels of the machinery and the typical levels of chemicals used in a domestic pool system. Consequently,

environmental health are confident these matters can be dealt with by means of a condition.

47. The matter of noise and smells is of particular concern to the residents of 2 The Paddock as they are the closest residential property to the development. One suggestion put forward by the occupier of the adjacent property was to move the hydrotherapy pool element of the development further away from the shared boundary. This option was put to the agent however he advised it was not feasible to relocate given the careful consideration that has gone into creating the internal layout of the property. To reassure the local residents, it is considered that the details to mitigate any issues in relation to noise and smells would need to be submitted and agreed in writing prior to the commencement of the development.

Trees and landscaping

48. The gardens surrounding the application site are attractively landscaped and have been planted with a number of trees. The tree officer would like to see the existing hedging along the shared boundary with 2 The Paddock retained therefore has recommended a condition relating to tree protection measures. To facilitate the proposed development, trees that lie within the footprint of the extensions would need to be removed. As these are few in number and do not relate to mature specimens it is considered that their loss could be mitigated by means of a condition relating to a replacement landscaping scheme.
49. It is acknowledged that the trees and hedging within the application site add and contribute to the character and quality of the development. The existing hedging at the site forms an important screen between the two neighbouring properties therefore it is important that it is protected and retained. Furthermore, the existing landscaping can be seen from Broomside Lane and helps to screen the property from public views. The recommended conditions are in accordance with guidance contained within policy E14 of the local plan that conforms to the intentions of the NPPF.

Other considerations

50. The majority of the concerns raised by neighbouring properties have been addressed in previous sections of the report.
51. Concerns have been raised in relation to the description of the development for the purposes of this planning application. Given that the proposal relates to a householder application each element of the extensions and alterations have been detailed although the specific uses of each room has not been mentioned. The Local Planning Authority would assert that the current description does not misrepresent what development is taking place on the site. The proposals have been the subject of a full consultation exercise with local residents, including advising how to access the details of the development. Furthermore, the submitted plans are all drawn to a recognised scale that is marked on each separate page. There is no requirement therefore for the plans to be annotated with the exact measurements of each aspect of the development. Planning officers are always available to provide further advice to the public if requested.
52. Residents have also raised the issue of covenants. This is a legal issue rather than a planning matter however a copy of the covenants relating to the land has been forwarded out of courtesy to the agent. He indicated he was already aware of these restrictions.

53. Planning legislation cannot control the length of time a build takes to complete only that work must commence within three years or the permission would lapse. Although an inconvenience, construction works are temporary and are an issue faced by neighbouring properties adjacent to all development sites. An informative in relation to considerate construction suggesting working hours and noise mitigation measures is recommended to overcome residents concerns.

Supplementary Information

54. *The application was originally brought before the planning committee on 9 October 2012 where a detailed discussion of the issues took place. Despite officer's reassurances some members of the planning committee were concerned that matters such as foul and surface water drainage details were not being agreed upfront. Members were also concerned that insufficient consideration had been given to the provision of a temporary construction access to the northern boundary of the site. The committee decided to defer the application as a result, to enable further information to be provided on these matters. Additional consultation has since taken place with Northumbrian Water and the Council's highways section and further comments have been received.*
55. *With reference to drainage issues, Northumbrian Water's stance has always been that they were happy to proceed with the use of conditions in relation to a scheme for the disposal of foul and surface water including details of how the hydrotherapy pool is to be drained. Following the additional consultation they have again clarified this position in writing. They have added that if the new development uses the existing sewer serving the Paddock for additional domestic foul flows (including the draining of the pool) and the additional surface water (including the hardstanding areas) drains to the existing surface water sewer situated within the boundary of 3 The Paddock, then this will not increase the risk of flooding to neighbouring properties and is therefore still considered to be acceptable.*
56. *Following a change to legislation private sewers which were connected to the public sewer network changed ownership to the sewerage undertaker to own and maintain. The recent survey work undertaken by Northumbrian Water was to establish the location of any such transferred sewers serving The Paddock development only as these were not mapped on their systems. The survey work was not carried out as part of any investigations into localised flooding issues. The investigations also provided additional information that will help to determine the possible connection locations for the domestic waste (including hydrotherapy pool) from the proposed development. It also revealed that there is a good sewer network within The Paddock which has the spare capacity to accommodate the additional foul flows generated by the extension meaning that there will not be a risk of flooding due to any issues relating to incapacity within these sewers.*
57. *Its is noted that a number of residents from Rowan Tree Avenue have raised objections to the development as they are concerned that it will contribute to flooding. Northumbrian Water confirmed that the concerns raised by residents of this street relate to localised flood issues experienced by heavy rainfall events. If the customers have contacted Northumbrian Water in this regard, investigations take place to determine the cause of the flood and these form part of their sewer flooding programme. This is considered by Northumbrian Water to be a separate matter entirely to the current planning application at 3 The Paddock, however they have confirmed that a development of this scale is not going to result in a significant increase in the risk of flooding.*

58. *Following an assessment of the additional information from Northumbrian Water, it is still considered appropriate by officers to deal with matters in relation to drainage by way of conditions that would seek to agree a suitable scheme for the disposal of foul and surface water. Details would need to be provided demonstrating how the hydrotherapy pool is to be drained in addition to information being submitted in relation to the areas of hardstanding. These conditions are worded in such a way so no work could start on any aspect of the build until these matters had first been agreed by the Local Planning Authority working in consultation with Northumbrian Water.*
59. *Turning to highways issues and the potential for the provision of a temporary construction access to the northern boundary of the site, the highways officer has assessed the situation and prepared a technical report to support his findings.*
60. *The temporary construction access point suggested at the previous committee meeting is proposed to be located within 90 metres of the traffic signals of the Broomside Lane/Belmont Industrial Estate. Broomside Lane is a local distributor 'C' class road and carries a high volume of HGV traffic to the nearby Industrial Estates. A transport assessment undertaken by the developers of the industrial estate analysed the traffic signal junction and its capacity to accommodate increased flows associated with the development of the Industrial Estate. This assessment identified mitigation measures that included a programme to widen the junction that is due to commence in Spring 2013 with a 20 weeks construction programme.*
61. *Taking into account the volumes of traffic that are known to use the road and the width of the carriageway, obstruction from construction traffic within the highway will lead to queuing and delay at peak periods. The Industrial Estate is seen as an important local employment area and around 8,000 vehicles per day use the road. It would therefore not be acceptable to have a temporary access point leading onto this main distributor route Broomside Lane and an objection would still be raised to this proposal on highway safety grounds. These concerns relate not only to the current paddock access point suggested but to any other entrance that is proposed to be located along this section of highway as it would cause unacceptable levels of congestion on the approach to and at the traffic signal junction.*
62. *Formation of a vehicular access for works traffic would also require the construction of a dropped kerb facility, hardening the grassed verges and provision for reinforcement of the footway. Furthermore, there is a water pipe located under the grass verge that would be susceptible to damage should traffic cross over it. The developer would be expected to meet the costs of this temporary infrastructure and to reinstate the land afterwards. Given the highway safety concerns in addition to the costs of installing this temporary access which would be required to protect council land and public utilities it is not considered to be a reasonable request when there is an adequate access already in existence.*
63. *Taking all relevant matters into consideration it is still not considered that the potential disturbance to neighbours caused by construction traffic, that would be limited in trip numbers and temporary for the works period, would outweigh the highway safety implications of a new access. This position has been reinforced by the additional report prepared by the Council's Highway Section.*

CONCLUSION

64. To conclude, the application relates to substantial alterations and extensions to the property. However, it is not considered that the proposals would adversely impact on residential amenity to a level that would justify refusal of the planning application. Due to the application property being set forward from the neighbouring one and that the proposed extensions are set in from the boundary it is not considered that the development would be overbearing or would cause overshadowing. The extensions and alterations are in keeping with the scale and character of the existing dwelling and associated land therefore do not represent over development. They have been sympathetically designed so as not to adversely affect the character of the area. As they cannot be readily seen from public views they do not negatively impact on the street scene. Furthermore, the proposals would not adversely impact on highway safety. Northumbrian Water considered that issues relating to drainage can be dealt with by way of a planning condition and further information would be requested in relation to the proposed paving to ensure it does not cause any adverse impacts. Both the environmental health officer and the tree officer consider that conditions can be imposed to deal with noise, smells, tree protection measures and a scheme of landscaping. All other remaining matters are not considered to be planning related or alternatively that the information provided was sufficiently accurate to allow the application to be determined on its merits.
65. ***Following Members raising concerns in relation to drainage and highway matters further clarification has been sought. Northumbrian Water has confirmed that there is a good sewer network within The Paddock which has the spare capacity to accommodate the additional foul flows generated by the extension meaning that there will not be a risk of flooding due to any issues relating to incapacity within these sewers. This additional information reinforces their continued stance that matters relating to drainage can be dealt with by means of condition. The Highways Authority have also reiterated that a temporary works access onto Broomside Lane would not be acceptable as it would cause highway safety issues and unacceptable levels of queuing traffic. The existing access into The Paddocks is the most suitable therefore any disruption caused by construction traffic would be minimal and temporary and would not outweigh the concerns over an alternative access. Accordingly, no changes are considered appropriate either to the previous recommendation of approval, or to the conditions suggested.***
66. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy, and is recommended for approval.

RECOMMENDATION

Recommendation that the application is:

APPROVED subject to the following conditions

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 following approved plans. Plan References; Application forms and drg. no. 01 all received 28/06/2012, drg. no. 100a and drg. no 101 received 26/07/2012, drg. no. 102 and drg. no. 103 received 27/07/2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies T1 and Q9 of the City Of Durham Local Plan.

3. No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local planning authority in consultation with Northumbrian Water. This should also include written details of how the hydrotherapy pool would be drained. The drainage of foul and surface water in addition to the hydrotherapy pool shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with the National Planning Policy Framework Part 11.

4. No development shall be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority: a tree constraints plan in accordance with detailed specifications found in BS5837:2012; and a method statement regarding the protection of the root protection area during construction. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with saved policy E14 City of Durham Local Plan.

5. No development shall commence until a detailed hard and soft landscaping scheme has been submitted to, and approved in writing by, the Local planning authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention. Planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. Details of all utility services installations and alignments. Post-construction remedial works The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with saved policies E14 and E15 of the City of Durham Local Plan.

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with saved policy E14 of the City of Durham Local Plan.

7. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external western cedar cladding and white render have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policy Q9 of the City of Durham Local Plan.

8. Notwithstanding any details of materials submitted with the application no development shall commence until details of hard standing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policy Q9 of the City of Durham Local Plan.

9. No development shall be commenced until the following details in relation to the hydrotherapy pool have been submitted to and approved in writing by the Local Planning Authority: full details of the plant equipment incorporating a noise assessment including background levels at the nearest noise sensitive receptors; full details of the equipment for the treatment and extraction of fumes and odours; and full details of any ventilation, heating and cooling systems. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with saved policy Q9 of the City of Durham Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the kitchen window serving the carers accommodation adjacent to the boundary with 2 The Paddocks shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the local planning authority , and shall be retained as such in perpetuity.

Reason: In the interests of the privacy of the neighbouring occupier and to comply with saved policy Q9 of the City of Durham Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

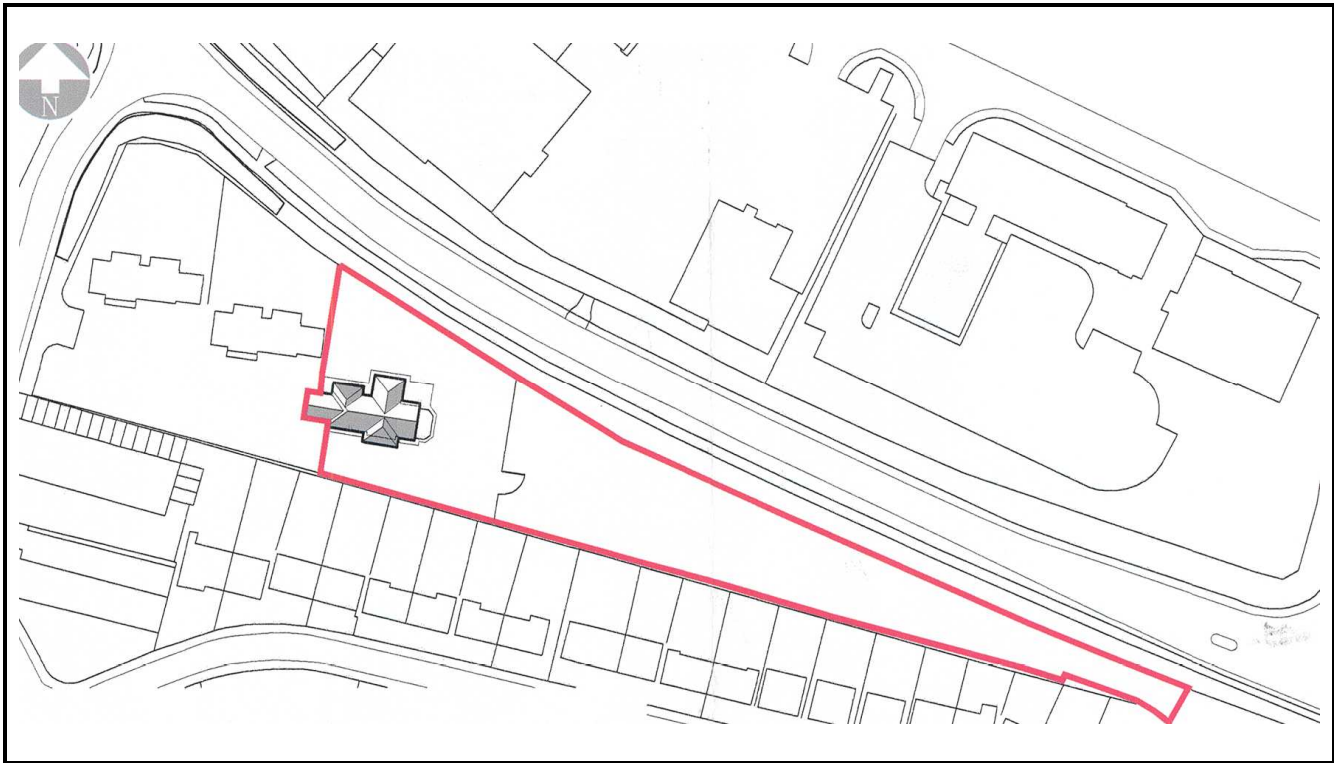
NPPF National Planning Policy Framework - Part 7 Requiring Good Design
City of Durham Local Plan - Q9 Alterations and Extensions to Residential Property
City of Durham Local Plan - T1 Traffic – General
City of Durham Local Plan - E14 Trees and Hedgerows
City of Durham Local Plan - U8a Disposal of Foul and Surface Water

2. In particular the development was considered acceptable having regard to consideration of issues of residential amenity, visual amenity, highways, drainage, noise and smells and trees and landscaping

3. The stated grounds of objection were not considered sufficient to lead to reasons to refuse the application because the proposals are considered to be in accordance with planning policy and outstanding issues can be dealt with by way of planning conditions.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- City of Durham Local Plan 2001
- National Planning Policy Guidance – Part 7 Requiring Good Design
- Consultation Responses



Planning Services

Proposed **CONVERSION OF GARAGE TO LIVING ACCOMODATION, SIDE AND REAR EXTENSIONS AND ERECTION OF DETACHED GARAGE AT 3 THE PADDOCK, GILESGATE MOOR**

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Comments

Date 11/09/2012

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