

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	PL/5/2012/0305 & PL/5/2012/312 CAC
FULL APPLICATION DESCRIPTION:	Demolition of existing bungalow and erection of two dwellings
NAME OF APPLICANT:	Mr M Stephenson
ADDRESS:	Westfields, Hawthorn Village, SR7 8SG
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. **SITE:** The application site is Westfields, Hawthorn Village, which is situated south of Seaham and to the east of the A19 corridor. The application site currently hosts a single storey brick built bungalow which is accessed from the made but un-adopted road which rises to serve detached dwellings on St Michaels Rise. The bungalow benefits from landscaping within the site in the form of trees and hedge groupings. The bungalow sits in an elevated position in comparison to the unclassified road which passes through Hawthorn, but sits down from the adjoining more recent development at St Michaels Rise. The bulk of garden land at the site is set to the north and east of the bungalow, where site levels slope downwards from south west to north east. The application site sits within Hawthorn Conservation Area and within the defined Hawthorn settlement boundary. The site constitutes previously developed land.

2. **PROPOSAL:** The application seeks Planning Permission and Conservation Area consent for the demolition of the bungalow and for the erection of two double storey detached dwellings. The two dwellings would be built in the same area of the site as the bungalow, as this part of the site sits on a relative plateau, whereas site levels are steeply sloping to the northern and eastern sides of the site. The dwellings would be accessed via drives from the un-adopted but made road which runs immediately to the south of the site. These drives would slope down slightly from the access road. Each dwelling would accommodate an integral single garage, adequate habitable space, alongside 4 bedrooms, one of which would be accommodated in the loft space along with an en suite toilet. The westernmost dwelling would be set with a ridge line running east to west, while the easternmost dwelling would have a ridgeline which would run north to south. The dwellings would measure approximately 5m in height to eaves level and approximately 8m in height to ridge level. The main body of the dwellings would measure 9.8m in width and 8m in depth. Garaging would project partially forward from the main building line, and the proposed rear family room would also project slightly from the rear elevations. Patio areas are proposed to the rear of each dwelling. To the westernmost dwelling, windows would primarily be accommodated to the north and south facing elevations. A similar arrangement would be made at the easternmost dwelling, although windows to the east facing elevation would take advantage of the open aspect to the east.

3. The floor level of the existing bungalow is at a significantly lower point than the adjacent house on St Michaels Rise and is also lower than the access road. To address this issue, the westernmost dwelling would have a floor level raised by 0.7m while the easternmost dwelling would have a floor level raised by 0.2m above the current level. The foot print of the existing bungalow is approximately 118m² while the foot print of the proposed dwellings, combined, is approximately 199m².

4. This scheme is being reported to the Planning Committee at the request of Hawthorn Parish Council.

PLANNING HISTORY

5. Applications for Planning Approval for two dwellings and Conservation Area Consent were withdrawn earlier this year. Applications for three dwellings and Conservation Area consent were withdrawn in 2010. Planning approval and Conservation Area Consent was granted for three dwellings on the site in 2004.

PLANNING POLICY

NATIONAL POLICY

6. 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.

7. 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'

8. The following elements are considered relevant to this proposal;

9. *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.

10. *NPPF Part 12 – Conserving and enhancing the historic environment.* Part 12 sets out the governments aims in relation to the conservation and enhancement of the historic environment and gives guidance in relation to matters concerning heritage assets.

REGIONAL PLANNING 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 when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:

13. **Policy 4 (The Sequential Approach to Development)** states that development priority should be given to previously developed land in order to identify the most appropriate development sites. Top priority is given to previously developed sites within urban areas, particularly those in close proximity to transport nodes.

14. **Policy 8 (Protecting and Enhancing the Environment)** seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

LOCAL PLAN POLICY:

15. **Policy 1 (General Principles of Development)** - The council will have due regard to the provisions of the development plan in the determination of planning applications and development proposals. Account will be taken of whether the proposal would accord with the principles of sustainable development together with any benefits to the community and the local economy

16 **Policy 18 (Nature Conservation Interest)** - This Policy seeks to ensure protection for nature conservation interests.

17. **Policy 22 (Preservation and Enhancement of Conservation Areas)** - The character, appearance and setting of the conservation areas will be preserved and enhanced.

18. **Policy 35 (Design and Layout of Development)** - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

19. **Policy 67 (Windfall Housing Sites)** - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. Hawthorn Parish Council have objected to the planning application. This objection is put forward on the basis that the application proposes an increase in floor area to that currently occupied. It is also put forward on the concern that the proposed dwellings would be at odds with the scale of adjacent buildings and the area generally. Northumbrian Water has no comments to make on the application.

INTERNAL CONSULTEE RESPONSES:

21. Highways Development Management have considered the application and have put forward no objections on highways grounds although have suggested that the developer must seek approval from the developer of St Michaels Rise and the County Councils adoption engineer. Design and Conservation Officers have no objection to the application, and had suggested materials changes, which have now been included within the scheme. Ecology Officers have offered no objection. The Landscape and Trees section have offered no objection to the application. Environmental Health has suggested the inclusion of a condition limiting working hours to appropriate and reasonable times, but has otherwise offered no objection.

PUBLIC RESPONSES:

22. Four letters of objection have been received from members of the public in relation to the applications. Objections are put forward on the basis that the road that serves St Michaels Rise is un-adopted and dangerous to use in icy weather and also narrow. There are objections on the basis of the height of the proposed dwellings. Concerns have been expressed over the ownership of a strip of land which sits towards the western boundary of the Westfields site. An objection has been put forward should two cherry trees to the south of the site be considered for removal. Objections are made on the basis that the floor area would be increased from that provided by the existing bungalow. Concern is put forward that any increase in land levels would see any new dwelling sit out of proportion with neighbouring properties. An objection is also raised on the basis that the proposed development would have a negative impact upon the Hawthorn Conservation Area.

APPLICANTS STATEMENT:

23. The applicant considers that the design for the proposed houses has been carefully considered to reflect the needs appropriate to the village. The applicant considers that the scheme would reflect the built form of housing within the Conservation Area and also states that consideration has been given to providing a scheme of the highest possible design quality.

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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

24. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development of the site,

the scale, layout and design of the proposed dwellings, and the impact of the proposed scheme upon the Hawthorn Conservation Area.

Principle of development of the site

25. The principle of the development on the site is deemed acceptable. The principle of the demolition of the bungalow for replacement with dwellings was established in 2004 when planning permission and conservation area consent were granted for the erection of three dwellings. The proposed scheme represents a less dense use of the site which is considered appropriate.

26. The site represents previously developed land and sits within the Hawthorn settlement boundary. Policy 67 of the Easington Local Plan states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages provided the proposal is appropriate in scale and character. As discussed in the next section, the proposals are felt to be appropriate in scale and character. The development also accords with the principles of the National Planning Policy Framework and is considered sustainable development.

The scale, layout and design of the proposed dwellings

27. The site currently hosts a reasonably large bungalow, which is not of any significant age or historic value. Officers acknowledge that the proposals would see the site developed to a greater degree, both through the proposed two storey nature of the dwellings and through the increase in developed footprint at the plot. The current footprint of Westfields bungalow is approximately 118m², while the two dwellings proposed would together have a footprint of approximately 199m². The increase in the development at the site in reality is considered modest. Large sections of the plot would remain undeveloped, and Officers feel the character of the plot would not be changed significantly. Officers consider that the dwellings would be laid out in an appropriate manner, occupying the top part of the site that is a relatively flat plateau. The dwellings would take vehicular access from St Michaels Rise, which is a more modern development. This would mean that the boundary treatment to the village road to the east of the site would remain unaltered, which would ease the impact of the dwellings to one of the main public vantage points and approaches.

28. The site is sloping in nature, with St Michaels Rise rising from its access point with the village road and curving immediately to the south of the site. Whilst concern has been put forward in relation to the proposed levels at the site, land levels are proposed for only minor alterations. The floor level for the westernmost dwelling would be 0.7m above that of Westfields Bungalow while the floor level for the easternmost dwelling would be 0.2m above. Given that 1 St Michaels Rise sits in an elevated position above the site, the raising of floor levels by a maximum of 700mm is not considered problematic by Officers. This would see the westernmost dwelling proposed being brought onto a similar scale and height to 1 St Michaels Rise. The easternmost dwelling would be set 500mm lower, with the accompanying setting down of the ridgeline from dwelling to dwelling serving to add definition to the development and break up the bulk of the two dwellings. The set down would reflect falling land levels on the site. The alternative ridge lines proposed would also break up the visual impact of the development on the site.

29. Officers consider that there would not be any loss of privacy or amenity to surrounding properties that would be of material significance. 1 St Michaels Rise, which sits in an elevated position to the west, bears a blank side elevation facing east towards the proposed development. Upper floor windows in the western elevation of the westernmost dwelling would be conditioned to be obscure glazed while boundary planting proposed for retention would

preserve inter-privacy at ground floor level. The dwelling that sits opposite the site at West Farm to the south does have facing habitable room windows. Three windows sit on this north facing elevation. Two of these windows serve a bedroom which also has a window to its southern elevation. A further window serves another bedroom which also has a window in the west facing elevation of the building. The front elevation of the westernmost property would sit approximately 18.2m from the northern elevation of this property, although at a slightly lower level. This is shorter than the generally accepted standard separation distance of 21 metres between main facing elevations. However Officers consider this relationship appropriate in this instance. One reason is that some room windows to the southern elevation of Westfields currently only have a separation distance to the northern elevation of West Barn of approximately 14.5m. The setting back of the dwellings as proposed would offer greater separation distances than currently exist at the site. The second reason is that the Westfields plot has limited depth. Officers consider that moving the dwellings back further would result in a less satisfactory layout relative to the adjacent existing property, 1 St Michaels Rise as well as creating an unreasonably limited rear garden space. Thirdly given land levels in and around the site, Officers consider that the windows on the northern elevation of West Barn, which sits in an elevated position, would be more likely to overlook the proposed new dwellings than the new dwellings would overlook West Barn. In these circumstances, it is considered to be a matter of choice for the applicants to build at a reduced privacy distance. It is not considered that the impact on the prospective occupiers would be sufficient to justify refusal of planning permission, taking all relevant matters into account.

Officers consider the proposed relationship appropriate and feel that significant issues surround inter privacy between the sites would not be created. The application is considered in compliance with National and Local Planning Policy in terms of scale, layout and design. In particular the development is considered to be in accordance with Policies 1 and 35 of the Easington Local Plan and part 7 of the National Planning Policy Framework. In particular, the development is considered to satisfy the statutory test of preserving or enhancing the character or appearance of the Conservation Area.

Impact upon conservation area

30. Policy 22 of the Local Plan states that the Council will seek to preserve or enhance the character and appearance of Conservation Areas by not allowing development which would detract from the character, appearance or setting of the Conservation Area. Development within Conservation Areas should be appropriate in terms of siting, layout, site coverage, height, roof style, detailed design and materials. Trees, hedgerows, open spaces and important landscape features should be retained. Permission for the demolition of buildings within Conservation Areas will only be deemed acceptable where there are acceptable detailed plans for redevelopment. The National Planning Policy Framework in part 12 requires that the impact of any development is considered against the significance of the Heritage Asset, which in this instance is Hawthorn Conservation Area.

31. Officers consider that the existing bungalow on the site makes a neutral rather than positive contribution to the character of the Conservation Area. It is not typical of other developments in this part of Hawthorn and does not have outstanding architectural or historical interest. Officers therefore accept the principle of the removal of the dwelling for replacement and consider that this would have an acceptable impact upon the character and appearance of the Conservation Area. The dwellings proposed would be traditional in appearance and would be finished with tiled roofs and render. Head and cill detailing is included within the scheme and wooden windows are proposed. Conservation style roof windows are proposed which are fitted relatively flush with the roof slope to serve the roof space accommodation at the dwellings. The materials proposed would be reflective of those in the immediate area and are considered to preserve the character and appearance of the Conservation Area. The majority of trees are proposed for retention at the site, as is the

open corner section of the site adjacent to the main road. Six trees are proposed for removal along with three mixed groups of shrubs. These removals are required to facilitate the footprint of the proposed development. The majority of trees on site are proposed for retention, and the Council's Senior Tree Officer has not put forward any objection to the scheme. The Cherry Trees to the south of the site which are a concern for an objector are proposed for retention within the scheme.

Other Matters

32. Concerns have been raised surrounding the status of the access road which would serve the dwellings proposed and which currently serves St Michaels Rise. The Council's records show this road is un-adopted, although the road appears in good condition and is made up and surfaced. Highways Officers have stated that they do not object to the principle of the development on highways grounds and feel that proposed levels are such that vehicular access, off street parking and garaging could be safely accommodated.

33. Concerns have also been raised regarding the ownership of a strip of land towards the western boundary of the site. Amended plans have been received which show this area of land within the application site. The ownership of this land is a private legal matter to be considered between the relevant parties and its status cannot be afforded significant weight in this decision making process.

34. In relation to the above matters, the applicant has certified that they have served notice on the relevant parties. If the ownership issue relating to the strip of land cannot be resolved, the planning permission could not be implemented. However there are no indications in the submitted information to suggest that this issue is not capable of resolution.

35. Local Planning Authorities are required to take into account, protect and mitigate the effects of development on Biodiversity Interests. A risk of bats had been identified in relation to the existing Westfields Bungalow and a bat risk assessment has been undertaken at the site. The assessment found no evidence of bat presence and concluded that the development of the site would offer a low risk to bats. The Senior Ecology Officer has advised that he offers no objection subject to the adherence to the method statement outlined in the bat survey. Overall, the granting of Planning Permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010.

36. There would normally be the potential, under permitted development rights, to carry out certain forms of development within the curtilages of the dwellings, such as extensions and outbuildings. Due to the proposed layout of the site and the configuration of the garden areas, however, it is considered that this could impact adversely on the Conservation Area. In these circumstances, it is considered appropriate to remove such permitted development rights for extensions, outbuildings and hard surfacing by way of a planning condition. Thus, planning applications would need to be submitted, giving the Council planning control over these matters.

CONCLUSION

37. In summary, Officers consider the application acceptable in terms of the principle of the development of the site. This is because the site constitutes previously developed land, within the Hawthorn settlement boundary which has previously benefitted from residential planning approval.

38. Officers consider the development acceptable in terms of the scale, layout and design of the proposed dwellings. This is because Officers feel that the two dwellings could be comfortably accommodated onto the site and because the proposed dwellings are considered to relate well in terms of scale, layout and design to the surrounding buildings and area in general.

39. Officers consider that the application is appropriate in terms of impact upon Hawthorn Conservation Area as the development is designed in such a manner that it would preserve the character and appearance of the Conservation Area.

40. Officers consider the application to meet the requirements of national and regional planning policy, and Policies 1, 18, 22, 35 & 67 of the saved district of Easington Local Plan.

RECOMMENDATION

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

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

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

2. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing 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 Policies 1, 22 and 35 of the District of Easington Local Plan.

3. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

4. Notwithstanding the information shown on the submitted plans full joinery details of windows and doors, drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local planning authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

5. No Development shall take place unless in accordance with the mitigation detailed within the Bat Risk Assessment, Westfields, by Dendra Consulting Ltd, received 31st July 2012.

Reason: To conserve protected species and their habitat in accordance with Policy 18 of the District of Easington Local Plan.

6. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the occupation of the first dwelling. Any trees or plants which, within a period of 5 years from this date, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

8. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwellings to which they relate.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

9. No work shall take place during the development of the site outside of the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 14:00 on Saturdays. No works shall take place on Sundays or Bank Holidays.

In the interests of the amenity of nearby residents and to comply with Policy 1 of the District of Easington Local Plan.

10. The development shall not commence until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local planning authority. The approved scheme shall be implemented prior to the bringing into use of the development.

Reason: To ensure proper drainage of the site and to comply with Policy 1 of the District of Easington Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B, C, D, E or F of Part 1 of Schedule 2 of the said Order shall be carried out.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 22 and 35 of the District of Easington Local Plan.

12. 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 upper floor window of the west facing elevation of the westernmost dwelling shall be frosted/opaque and shall remain as such for the lifetime of the development.

Reason: In the interests of the amenity of nearby residents and to comply with Policies 1 and 35 of the District of Easington Local Plan.

13. The development hereby approved shall be carried out in strict accordance with the following approved plans (Drawings 1, 2, 3, 4, 7 & 8 received 25th September 2012, Drawings 5, 6 & 9 received 01st October 2012, Bat Risk Assessment, Westfields, by Dendra Consulting Ltd & Arboricultural Implications Assessment, Westfields by Wilson Tree Care and Consultancy, received 31st July 2012)

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 18, 22, 35 & 67 of the district of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

1. It is considered that the proposed two detached residential dwellings would be of appropriate scale, design and location while preserving the character and appearance of the Conservation Area and being appropriate in terms of highway safety in accordance with Policies 1, 18, 22, 35 & 67 of the saved district of Easington Local Plan.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

2. In particular the development was considered acceptable as it would be appropriate in terms of issues surrounding the principle of development of the site, the scale, layout and design of the proposed dwellings, and the impact of the proposed scheme upon the Hawthorn Conservation Area.

3. Grounds of objection relating to the proposals were carefully considered but were not considered to be sufficient to lead to reasons on which to refuse the application in view of the accordance of the proposals with relevant development plan policies combined with appropriate planning conditions.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
Saved District of Easington Local Plan
Responses from Objectors
Response from Parish Council
Response from Highways Development Management
Response from Northumbrian Water
Response from Design and Conservation Section
Response from Ecology Section
Response from Landscape Section
Response from Trees Section
Response from Environmental Health Section



Planning Services

Demolition of existing bungalow and erection of two dwellings

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