

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/11/00072/FPA

FULL APPLICATION DESCRIPTION: Proposed erection of two storey garden workshop/storage building with tarmac driveway, 1.8m high rear garden wall and double gates.

NAME OF APPLICANT: Mr D Carter

ADDRESS: Gordon Mount, 19 Crossgate Peth, Durham, DH1 4PZ

ELECTORAL DIVISION: Neville's Cross

CASE OFFICER: Colin Harding, Planning Officer
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DESCRIPTION OF THE SITE AND PROPOSALS

1. The site relates to a semi-detached property on Crossgate Peth which lies within in the western part of Durham (City Centre) Conservation Area and is also subject to an Article 4(2) Direction. The property dates from the early 20th Century and comprises two storeys, constructed of red brick beneath a pitched slate roof. The property has been previously altered but retains a strong aspect of its original character and appearance and provides a positive element to the surrounding street and wider area.

2. To the rear, the property hosts a large garden which drops steeply to meet The Avenue to the west. The gardens fronting The Avenue are generally heavily planted and maintain a green and leafy character which enhance the setting of the properties, although several of the gardens host detached buildings of various scales and uses. Some also are subject to substantial and not necessarily sympathetic boundary treatments. The rear of no.19 previously hosted a single storey sectional garage which has since been demolished, a tarmac drive has been installed and a retaining wall built. These have been constructed without the benefit of planning permission.

3. It is proposed to erect a two-storey garden workshop with storage below on the site of the former garage. Associated works to the rear of property involve the installation of 1.8m high wall and gates and a tarmac driveway.

4. The proposed workshop would comprise a ground floor store with a workshop above. The building would measure 4.4m in width, 4.2m in depth and 4.7m in height. It would be timber clad with a pitched roof finished either in slate or slate-effect felt. The first floor level would project forward, supported by timber posts. 2no. windows would punctuate the rear elevation and access would be provided at both ground and first floor levels.

5. The application is being reported to committee at the request of Cllr Martin, the local ward member.

PLANNING HISTORY

6. None

PLANNING POLICY

7. NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 5: Planning for the Historic Environment states that proposals for development in Conservation Areas should make a positive contribution to the character, local distinctiveness and significance of the historic environment

8. REGIONAL SPATIAL STRATEGY POLICY:

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.

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, and weight can now be attached to this intention. The following policy is considered relevant:

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

9. LOCAL PLAN POLICY:

Policy E6 (Durham (City Centre) Conservation Area) states that the special character,

appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

Policy T1 (Traffic Generation – General) states that planning permission will not be granted for development which would be detrimental to highway safety

Policy T10 (Parking – General Provision) states that parking provided as part of a development should be limited in amount so as to promote sustainable transport choices.

Policy Q9 (Alterations and Extensions to Residential Property) states that states that proposals for residential extensions 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.

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/index.htm>)

CONSULTATION AND PUBLICITY RESPONSES

10. STATUTORY RESPONSES:

The Highway Authority has no objections provided that the gates open inwards and do not obstruct the public highway.

11. INTERNAL CONSULTEE RESPONSES:

The Design and Historic Environment Section object to the proposal. It is not acceptable and would visually harm the appearance of the streetscene by virtue of its position, scale and size and would therefore have a detrimental impact upon the character and appearance of the Conservation Area.

12. PUBLIC RESPONSES:

The City of Durham Trust object on the basis that the documents submitted are unsatisfactory and it is unsure as to what is proposed. The drawings submitted are sketchy and not properly scaled.

It is evident that the proposal stands too high on the plot, which, together with entrance treatment from the street is out of sympathy with other back gardens of Crossgate Peth facing onto The Avenue.

Letters of objection have been received from 5no. nearby properties. There are a number of concerns which can be summarised as follows:

- The level of unauthorised works that have already occurred at the site, namely the demolition of the existing garage, the installation of the retaining walls and tarmac
-

drive and the removal of a Silver Birch Tree.

- The initial lack of a Design & Access Statement which should have accompanied the application
- The lack of detail contained within the plans
- The proposal is not in keeping with this residential street and Conservation Area. The building would out of scale and particularly prominent
- The potential precedent that would be set, potentially opening the door to similar developments elsewhere
- The possibility that the building would be used for non-residential purposes
- The proposed rear wall would not reflect other boundary treatments to the rear of Crossgate Peth and would not provide adequate screening to any vehicle parked at the property
- The reduction of garden space as a result of this development would be contrary to government advice on building in gardens.

A further letter was received from another nearby property and offered no specific objection to the proposals.

13. APPLICANTS STATEMENT:

The aim of this proposal is to provide parking and storage for the needs of my family and for the proposal to blend to the better elements of The Avenue. The combination of brick and timber is in keeping with the main theme of The Avenue.

I have reviewed the comment and objections and my assessment is that change (for the better) is not considered acceptable. I do not share this view but have taken consideration of genuine neighbourhood requests. My family is new to the area and aim to add value to the local area and improve the rear of our house which was unsafe and of poor visual condition.

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=11/00072/FPA> (Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below)

PLANNING CONSIDERATIONS AND ASSESSMENT

14. In accordance with policies E6, E22, Q9, T1 and T10 of the City of Durham Local Plan 2004, the main planning issues are considered to be the scale and design of the proposed building, its impact upon Durham (City Centre) Conservation Area, its impact upon residential amenity levels of nearby occupiers, and its impact upon highway safety.

Works to date

15. It is acknowledged that works have been carried out at the site prior to this application being made. The site lies within a Conservation Area and is subject to an Article 4(2) Direction which means that the demolition of the previous garage, the construction of the

retaining walls, and laying of the tarmac driveway, should all have been subject to the necessary applications prior to the works being carried out. However, the aim of planning enforcement is not to punish but to remedy any breach of control. This application could potentially serve to regularise the site if approved, and must be judged on its own merits and not on the basis that certain works have already taken place.

16. Several local residents have raised concern that the application site in its current form will be taken as the “starting point” for the application. Clearly, the site’s current condition exists, and this is a matter of fact, however some consideration must be given to its previous condition, and the previous structure that it hosted. Having been supplied with photographs of the previous structure which the applicant claims was removed due to its structural condition, it would appear that it was a structure, the removal of which, officers would be unlikely to have sought to resist. Equally, the retaining walls were installed following the removal of the garage as there was a strong risk that the rear garden could suffer landslip in adverse weather conditions. Officers verbally agreed that some form of retention be installed pending the regularisation of the site.

17. This application should be considered on its individual merits, and its approval would serve to bring the site back within planning control, albeit retrospectively. However, the refusal of the application would lead to further deliberations as to how to progress with the site, and may result in further applications for mitigation works, or potentially the consideration of more formal enforcement proceedings.

Principle of development and impact upon Durham (City Centre) Conservation Area

18. Policy Q9 of the City of Durham Local Plan 2004 states that residential extensions should remain sympathetic and subordinate to the main dwelling in terms of scale and design, whilst Policies E6 and E22 state that works with Durham (City Centre) Conservation Area should protect or enhance its character.

19. Although the application site address is Crossgate Peth, the rear gardens front The Avenue and thus it is the character of this street which is most critical in the consideration of this application. The somewhat unusual arrangement of the bottom end of The Avenue, with properties on the northern side of The Avenue fronting the street directly, whilst the southern side is fronted by the long rear gardens of Crossgate Peth which fall away from those properties which are situated at a higher level. These rear gardens are generally mature and provide a substantial green buffer. However many of the gardens host detached buildings of which some are garages. High rear boundary treatments are prevalent. In particular, no.20 Crossgate Peth hosts a studio at the rear of the rear garden and no.18 a pair of garages.

20. In this context, and with regards to the topography of the site, it is considered that in principle the erection of a dual level detached building would be acceptable. The overall scale of the building is considered to be largely acceptable in both terms of height and width, and by being set into the site its appearance would be recessed somewhat from the street frontage. However, it is still the case that any building would have the potential to appear as prominent in such a location; hence its design and detailing would be key to overall acceptability.

21. It is with regards to this that concerns are raised concerning this particular application. The plans for the building as submitted, although accurate and sufficient for validation purposes, do not contain a high level of detail or context. The elevations exhibit a timber panelling detailing with 2no. small windows in the rear elevation and 2no. small windows in the front elevation plus a shallow pitched roof of either slate or slate effect felt. Beyond this,

few details are available.

22. In basic design terms, the building could benefit from a steeper roof pitch, although this would undoubtedly result in a higher building, and the balance of void to solid with regards to the fenestration detailing could be improved with the addition of larger windows, although this impression may be accentuated by the appearance of the plans, something which is common to the application in its entirety. Essentially, the proposed plans leave too many uncertainties with regards to the final finish and appearance of the proposed building in relation to its context and immediate surroundings. If officers are to support this proposal, then there must be confidence that the resultant development will not harm the character of the Conservation Area, for in such a sensitive location this is especially important. It is considered that the submitted plans do not provide such comfort, and with the preservation of the character of the Conservation Area as required by Policies E6 and E22 of the Local Plan paramount, officers are unable to support this element of the application on this basis.

23. The other elements of this scheme are minor in nature and as a result have a lesser potential to harm the Conservation Area. The 1.8m high wall is considered to be acceptable in principle and would largely reflect the character of the street and wider Conservation Area. Many properties host rear walls and some have fences above. Several of the walls are finished in stone as opposed to brick, but with brick built properties and structures prevalent in the area, the materials palette is generally mixed and a suitable brick would be considered to appropriate here, as would a quality set of timber gates. Equally, the tarmac drive, although not ideal in such a location where a softer material may be more suitable, would be largely screened by the wall and gates, and thus would be considered not to excessively harm the character of the Conservation Area to a great degree in itself.

Impact upon Residential Amenity

24. Policy Q9 of the City of Durham Local Plan 2004 states that extensions to residential properties should respect the privacy and residential amenity of neighbouring properties.

25. There is no indication that the proposals in themselves would unreasonably impact upon residential amenity. The building would be visible, particularly from nos. 26 -28 The Avenue. However, little weight can be apportioned to the loss of a view, and no loss of outlook or privacy is considered to ensue. Some concerns have been raised with regards to the potential use of the buildings for non-residential use. The applicant has indicated that the building would be used for domestic purposes only, incidental to the occupation of the host dwellinghouse. Verbal discussions with local residents have suggested that the building may be used for repairing motorcycles, however this would not be unreasonable or require permission in itself, indeed it could have been carried out in the previous garage without the need for planning permission.

26. It is considered therefore that the application would not harmfully impact upon residential amenity and is considered to accord with Policy Q9 of the Local Plan in this regard.

Impact upon Highway Safety

27. The Highway Authority raises no concerns with regards to the proposals, other than to request the gates be inward opening so that they would not obstruct the public highway. This would be possible to secure by condition. The application is thus considered to accord with Policies T1 and T10 of the Local Plan.

Other issues

28. Several local residents have raised the issue of the lack of a Design and Access Statement when the application was first submitted. This has since been rectified and an additional consultation exercise undertaken.

CONCLUSION

29. It is considered that although this proposal would appear in principle to be acceptable, the level of information provided in terms of detailed design and context could result in a quality of development that fails to preserve or enhance the character of Durham (City Centre) Conservation Area, contrary to Policies E6 and E22 of the City of Durham Local Plan 2004. The application is otherwise considered to be acceptable; however the outstanding concerns mean that officers are unable to support the proposals in their current form.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

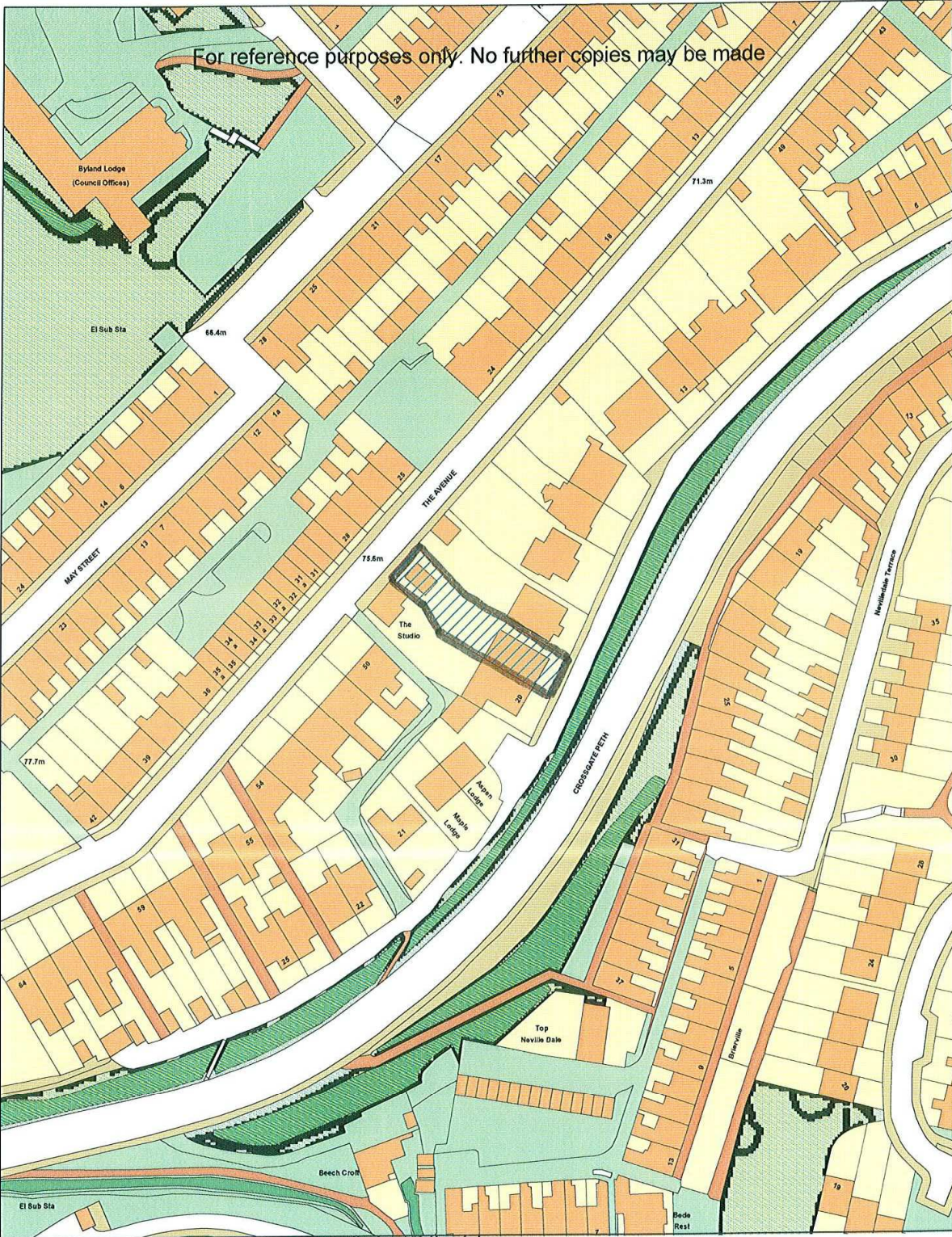
1. The Local Planning Authority considers that the level of detail and quality of the submitted plans are insufficient to determine whether the proposed development would preserve or enhance the character and appearance of Durham (City Centre) Conservation Area, and as result considers the proposals to be contrary to the requirements of Policies E6 and E22 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements 1 and 5
Response from Highway Authority
Response from Design and Historic Environment Section
Public Consultation Responses



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Planning Services

4/11/072/FPA

Gordon Mount, 19 Crossgate Peth

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Comments

Date

21 April 2011

Scale

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