

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/00461/FPA 4/13/00542/CAC
FULL APPLICATION DESCRIPTION:	FPA - Two dormer windows to the rear and car parking area to front CAC - Demolition of front boundary wall (retrospective)
NAME OF APPLICANT:	Mr Viramgama
ADDRESS:	51 The Avenue, Durham, DH1 4EB
ELECTORAL DIVISION:	Nevilles Cross Laura Eden
CASE OFFICER:	Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The property relates to a substantial mid-terraced property on the south side of The Avenue, a steeply climbing terrace of traditional Victorian properties located within the western part of the Durham City Centre Conservation Area. The properties predominantly date from between 1894-1899 with some later development towards the lower portion of the street. Many of the properties have been extended and altered over the years. There are a range of styles and quality of the buildings in the vicinity as a result but in general the street largely retains its original character and quality.
2. The building is currently two and a half storeys high benefitting from existing dormers and roof lights, it is of brick construction beneath a natural slate roof and features full height bay windows flanking the front entrance. It forms a run of five large town houses of similar appearance and their relationship is emphasized by the change in levels between the properties.
3. The terrace frontages are varied in appearance. Some of the properties benefit from walls, fences, railings hedges or a mixture of the aforementioned and some have open plan elements. Dormers are also a feature within the terrace both to the front and rear of the properties.

The Existing and Proposed Developments

4. Retrospective conservation area consent is sought for the demolition of the front boundary wall. Works have also taken place in the front garden that include the removal of the hedge and landscaped areas to the frontage which have been replaced with gravel chippings. These latter works however would not require planning consent.

5. Planning consent is sought for the replacement of an existing dormer window and the insertion of a second in the rear roof space.
6. Originally it was proposed that two separate vehicular access crossings were created to the front of the property to provide off-street parking on the newly formed gravel garden. It was not proposed to rebuild the wall at that time. Negotiations have since taken place which have resulted in several revisions to the overall scheme. The latest plan would see the partial reinstatement of the wall in brickwork, with coping stone and pillar detailing and the inclusion of green screen hedging. There is proposed to be a 3.8 metre wide opening, centrally located within the frontage, to allow for access to off-street vehicle parking.
7. Turning to the dormer windows, originally it was proposed that the replacement and new window would largely reflect the proportions of the existing being largely squat in appearance but with the benefit of a pitched roof. The design has since evolved so that the windows have a more vertical emphasis being narrower and taller however still benefitting from a pitched roof. They would be constructed from slate to match the existing roof and white UPVC frames. A conservation range roof light is also proposed occupying a central position within the rear roof slope.
8. This application is being referred to Committee at the request of local County Councillor Holland due to the retrospective nature of the development, the impact on the conservation area and the level of public opposition to the scheme.

PLANNING HISTORY

9. Nothing found

PLANNING POLICY

NATIONAL POLICY:

10. Part 7 - 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.
11. Part 12 - Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY: (City of Durham Local Plan 2004)

12. 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.
13. 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.

14. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
15. 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.
16. 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.
17. 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.
18. Policy Q10 (Dormer Windows) permits dormer extensions provided they are appropriate in design and do not dominate the roofscape or harm residential amenity.

EMERGING POLICY:

19. The emerging County Durham Plan is now in Pre-Submission Draft form, having been the subject of a recent 8 week public consultation, and is due for submission in Spring 2014, ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:
20. Policy 1 (Sustainable Development) – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
21. Policy 18 (Local Amenity) – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
22. Policy 40 (Trees, Woodlands and Hedges) – States that the Council will not permit development that would result in loss of or damage to trees of high landscape, amenity or biodiversity value unless the development in that location clearly outweighs the loss. Where such features are to be lost replacement planting will be required.

23. Policy 44 (Historic Environment) – Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. Cllr Holland – Committee referral request received for both applications on the grounds of the retrospective nature of the development, the impact on the conservation area and local opposition to the scheme. A further more detailed response was sent concerning the aforementioned points in addition to querying the need for off-street car parking, the impact to services by vehicles crossing the pavement, the appearance of the proposed dormers, the issue of whether a change of use has occurred from a domestic dwelling to a house in multiple occupation (HMO).

INTERNAL CONSULTEE RESPONSES:

25. Tree Officer – No comments to make in relation to the application as there are no trees on site.
26. Highways – No objection to the scheme however note that separate consent will be required to amend the Traffic Regulation Order and to create the new vehicular access crossing. Confirms that a 3.8m wide opening is the smallest that would allow a family sized vehicle to enter and egress the site safely. Furthermore, the wall and any landscaping would need to be no higher than 1m in order to protect sight visibility.
27. Design and Conservation – Initially raised concerns about the overall design of the scheme and the impact the developments would have on the conservation area. Following the submission of amended plans that largely conform with the suggested improvements no objections are raised.
28. Landscape – The impact to the street scene has already occurred through the removal of the wall and hedge. The green screen hedge and the fact that the hardstanding is of a porous material help to mitigate against the impact.
29. Traffic Order Section – No objections raised to the scheme in principle however would note that separate consent would be required to amend the Traffic Regulation Order relating to on-street parking bays adjacent to the site.

PUBLIC RESPONSES:

30. Both applications have been advertised by means of a press notice, site notice and neighbour notification letters. Due to submission of revised plans further neighbour letters have been sent to interested parties - Ten letters of objection have been received in relation to the full plans application and six letters have been received in relation to the retrospective conservation area consent application. The overall grounds for objection concern the impact on the conservation area through the removal of the wall and hedge and installation of gravel forecourt, the impact on the controlled parking zone through loss of spaces, that there is sufficient off-street parking at the site already, the potential impact to services caused by vehicles crossing the pavement, the principle of cars parking in the front garden, due to the retrospective nature of the works not convinced that if approved the applicant would

seek the necessary amendments to the TRO and obtain highways consent for the dropped kerb, the retrospective nature of the development, the loss of a tree, the proposal is not environmentally friendly, restrictive covenants, the length of time it has taken to deal with the planning application, concerns that a change of use to a HMO has occurred and the use of UPVC in the dormer windows. Following the latest round of consultation which shows the partial reinstatement of the wall and the inclusion of a green screen one further letter of objection has been received that reiterates the grounds of objection highlighted above.

31. Letters of objection have also been received from Crossgate Community Partnership. They have objected on the grounds of the potential damage to services caused from crossing the pavement, that there is existing off-street parking at the site, the proposed dormer window materials, the increase in the number of usable rooms as a result of the additional dormer and the possible change of use of the property to a HMO.
32. Letters of objection have also been received from The City of Durham Trust on the grounds of the adverse impact on the conservation area through the removal of the wall and hedge and laying of gravel. They would urge the restoration of the wall. They object to the design of the dormer windows and any change to a HMO.

APPLICANTS STATEMENT:

33. With regards to the above application, we have acted as agents on behalf of the applicant whom we believe has been more than reasonable in compromising with the local authority's requirements.
34. The application has two different aspects which can be broken down into the following topics - The front wall and associated hard standing & New Rear dormer windows:
35. The front wall was in an unstable condition and needed replacing, with regards to the design aspect the applicant has agreed to re-instate the minimum workable opening to 3.8m as well introducing a green screen / hedge and the conservation officer's request. The height of which is restricted to 1m in height to allow a safe working vision splay. There are several properties in this street which have no wall or hedging at all in place. This is why we believe that the applicant has been more than conciliating.
36. The existing rear dormer window is in very poor condition and the roof has several leakages, the dormer windows are designed in accordance with the council's own recommended dormer design guidance as provided direct from DCC. Despite the presence of this design guidance there are several mismatch combinations of dormer window construction to the rear of the properties in the same street. Again the applicant has studied several different options of materials in order to comply with local authority requests.

PLANNING CONSIDERATIONS AND ASSESSMENT

37. Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.

38. In this instance, the relevant considerations are the principle of the development, in particular the accordance with the National Planning Policy Framework (NPPF), the saved policies from the City of Durham Local Plan and the policies contained within the Pre-Submission Draft of the County Durham Plan. Other material considerations are the visual impact of the development on the conservation area, residential amenity, highways issues, as well as the concerns raised by local residents.

Principle of Development

39. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Given the application site lies within the defined settlement limits for Durham City as outlined by the Local Plan it is considered that it represents a sustainable location for new development. Furthermore, as application relates to an existing dwelling house the principle of extensions and alterations to the property is considered to be acceptable.

Visual impact of the development on the conservation area

40. No. 51 The Avenue is an unlisted 19th Century building which makes a positive contribution to the character and appearance of the surrounding Durham City Conservation Area. The National Planning Policy Framework in part 12 requires that the impact of the development is considered against the significance of the Heritage Asset which in this case is Durham City Conservation Area. Part 7 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people.
41. At a local level Policy E6 and E22 of the City of Durham Local Plan are also considered to be relevant. These policies state that the special character, appearance and setting of conservation areas will be preserved or enhanced. This will be achieved by only approving development that would be sensitive in terms of its siting, scale, design and materials. The demolition of buildings that contribute to the character of an area would not be permitted however if the principle of demolition were established a detailed scheme for the redevelopment of the site would be required.
42. The aforementioned policies and guidance requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
43. Saved Policy E14 sets out the Council's requirements for considering proposals which would affect trees and hedgerows. It states that 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. The retention of trees and hedgerows is also encouraged in policy E22.

Retrospective Conservation Area Consent for demolition of the front boundary wall

44. Conservation Area Consent is required for the demolition of walls that exceed 1 metre in height hence the submission of the current application albeit retrospective in nature. As demolition has occurred the significance of the asset needs to be measured in the context of the surrounding area and an assessment made of the subsequent harm caused by the development to establish the most appropriate

action in this case. The works to the frontage have already taken place that include the demolition of the brick wall and pedestrian gate, as well as the removal of the hedging and grassed front lawn which has been replaced by gravel chippings. This has led to the frontage being opened up which has significantly compromised the overall attractiveness of the street scene.

45. It is acknowledged that 51 The Avenue makes a positive contribution to the surrounding conservation area and street scene which is of local historic interest by virtue of its age and individual character. The low wall, hedges and garden arrangement are seen to be important elements of the street's character as they help to reinforce the linear form and add to the aesthetic qualities of The Avenue. The significance of the asset must however be assessed in the context of the surrounding area. This street and in particular this grouping of five terraced town houses benefit from walls, fences, railings, hedges or a mixture of the aforementioned and some have open plan elements. As a result the frontages are far from uniform in appearance. Although the current arrangement clearly looks out of context in the surrounding area as the frontage is completely open, smaller voids and gaps within the boundary elevations are present within the street.
46. The original plans indicated that the front boundary wall would not be rebuilt. The applicant instead proposed to create two separate vehicle access crossing points to allow off-street parking on the newly formed graveled area. Significant negotiations have since taken place that have seen a completely revised scheme being proposed. The wall would now be partially reinstated with the exception of a 3.8 metre wide opening located centrally within the frontage to still facilitate access for off-street parking. In terms of its design, the new boundary wall would be brick built with coping stone and pillar detailing largely reflecting the height and appearance of other developments within the street. At the time of preparing this report, Officers are negotiating with the applicant to ensure that high quality materials are proposed and are hoping to report an update to members at the committee meeting. If no agreement has been reached this matter could be controlled through the imposition of a planning condition.
47. In terms of the loss of the hedging and lawn area this work in itself would not require planning consent. Although these features were considered to positively contribute to the overall attractiveness and appearance of the area the Local Planning Authority ultimately has no control over their loss. Again the original plans did not show the reinstatement of hedging however through discussions a 'green screen' is now proposed. This option was favoured over a replacement hedge as it will not grow over 1 metre high therefore ensuring visibility splays are maintained for highways safety and it will also provide instant impact. The loss of the lawn which has been replaced by gravel chippings is unfortunate however given the permeable nature of the materials planning consent is not required.
48. It is considered that the complete removal of the front wall, hedging and lawn has had a significant detrimental impact on the street scene. The scheme as currently proposed however would see the reinstatement of part of the front boundary enclosure with landscaping provided in the form of a green screen. The overall design of the wall in terms of its siting, scale, design and materials is considered to be acceptable as it would be in character and keeping with neighbouring properties. It is noted local residents are disappointed about cars being parked within the front garden curtilage however the principle of this has already been established most noticeably at no.53 The Avenue, two doors up. As a large section of wall would be rebuilt and through the inclusion of the green screen it is considered that the impact of this would be largely mitigated against regardless. Furthermore, the conservation officer has now removed his objection to the scheme. It is however suggested that

conditions are added to ensure that this scheme is implemented on site within a reasonable timescale and the landscaping measures are protected for the standard five-year period.

Dormer Windows -

49. Policy Q10 of the local plan requires the window detailing of dormer roof extensions to bear a relationship to the existing fenestration and materials of the property, that they are in scale and character with the host dwelling and are positioned below the ridge line.
50. The majority of the properties within this particular street have been altered to the rear in one form or another. This has impacted on the historical character to the rear of the street meaning this is considered to be a less sensitive area when compared to the higher quality and architectural diversity of the frontage. With reference to dormer windows within The Avenue there are a number that are visible from the back lane which are of various scales, design and appearance including an existing example at no. 51 the application site. On that basis the creation of a further dormer to the rear roof slope is accepted in principle.
51. As discussed the property currently benefits from a dormer window positioned to the left hand side which is horizontal in form with a flat roof. The original submission proposed this would now benefit from a pitched roof with the addition of a replica one to the right hand side. The design of these were considered to be too squat with a horizontal emphasis whereas the existing windows in the rear elevation have vertical proportions. Amended plans were later received showing the dormers largely amended in line with the conservation officer's advice. The dormers as now proposed would be traditionally proportioned, with a more vertical emphasis and a steeper roof pitch, they would be suitably positioned within the roof slope projecting above the eaves and are set well below the ridge line. It is acknowledged that traditional sliding sash windows would have been preferred however given the mixture of fenestration to the rear which comprise of mainly modern casements and the lesser sensitivity of the back lane of this terrace the overall design of the dormers is now considered to be acceptable.
52. Although generally UPVC is discouraged on traditional buildings within the conservation area each proposal must be judged on its merits. The rear elevation is not readily visible within the surrounding townscape, the property also presently features UPVC as do most other adjoining properties. It is not considered that its use here would have a significant adverse impact on visual amenity. The impact on the character and appearance of the surrounding conservation area would be minimal as a result therefore it is not considered reasonable to enforce the use of timber windows. The plans do offer to offset the impact of UPVC by specifying that they would benefit from a wood graining effect however it is suggested that instead standard windows are installed as these type of finishes rarely replicate successfully the natural appearance of wood. The use of lead flashing, slate hung side cheeks and a slate roof covering are all appropriate and would help reinforce the traditional appearance of the dormers.
53. On that basis the revised dormer scheme is considered to be acceptable in design as it would accord with policies Q9, Q10, E6 and E22 of the City of Durham Local Plan.

Trees -

54. Concerns have been raised by local residents in relation to the removal of a tree in the rear garden area. Having assessed the submitted images of the property it appears that there was a tree in the rear garden area however it does not appear that the relevant consent to carry out work to trees in a Conservation Area was sought following a search of the Council's application register. In cases where such works have been carried out without the necessary notice being served, a view needs to be taken as to whether these actions necessitate enforcement action to be taken.
55. The purpose of submitting the above type of application is to provide the Council with sufficient time to place a tree preservation order (TPO) on examples that are worthy of protection. Although it is acknowledged that the tree may have contributed to the overall amenity value of the area, on the basis of the evidence available now they would not necessarily have been considered worthy of a TPO. The Council can ask the applicants to replant trees to replace the ones that were removed. In this instance however it is not considered necessary or appropriate for replanting to take place. The tree was located in the back garden, mainly screened by the existing boundary treatment meaning that the tree would have been largely hidden from public view. On that basis it is not considered that replanting is required in this instance.
56. Given the retrospective nature of the application informatives relating to working practices and procedures for applying to carry out work to trees in a conservation area are suggested so as to avoid these practices happening in the future. In any event this is a separate enforcement matter given that the current applications relate to the full plans application for dormer windows and the conservation area consent for the demolition and rebuild of the front boundary wall.

Residential amenity

57. Section 7 of the NPPF deals with good design and it requires proposals to respect neighbouring properties and the local area more generally. At a local level relevant policies of the City Of Durham Local Plan are considered to be Q9 and Q10 which require extensions (including dormer window insertions) to residential properties to respect the privacy of adjoining occupiers of properties.
58. It is not considered that the proposed developments would have a significant adverse impact on neighbouring properties that would justify refusal of this planning application. In relation to the dormer windows, although it is acknowledged that an additional window is proposed, as it would not project past the established build lines for the property it is not considered that it would impact on privacy or cause issues of overlooking that would be worse than the current levels.
59. The scheme to deal with the alterations to the frontage would also not be considered to adversely impact on amenity. As previously discussed the principle of off-street car parking to the frontage has already been established in the street and the overall design and appearance of the alterations would help to mitigate against any significant adverse impact on residential amenity. On that basis the proposal is considered to accord with both policies Q9 and Q10 of the Local Plan.

Highways issues

60. Policy T1 of the City of Durham Local Plan states that the Council will not grant planning permission for development that would generate a level of traffic that would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property. This policy is not considered to conflict with the intentions of the NPPF as it too seeks to secure a good standard of amenity for residents.
61. The Avenue lies within the Durham City Controlled Parking Zone. On street parking in this street is via permit parking or pay and display. The application includes the provision of a new area of in-curtilage parking which will require the applicant to apply to have the existing Traffic Regulation Order (TRO) amended to create an area immediately fronting the property to be kept clear to allow access to the proposed parking area. The applicant would be responsible for meeting the administrative cost associated with the TRO amendment and any subsequent costs for implementing the works.
62. Although planning permission is not required to create a vehicular access as the road is not classified, separate highway consent would need to be obtained. An informative could be added to any grant of permission advising the applicant of the relevant contact details for colleagues within the council to discuss both this matter and the TRO amendment.
63. The scheme has been amended significantly during the course of the planning application. Highways Officers offer no objection to the current scheme as amended and have confirmed that a 3.8 metre opening is the smallest sized opening to allow a family sized car to access and egress new in curtilage car parking area safely. They have also confirmed that the overall height of the wall and any associated landscaping at the site should not exceed 1 metre in height as it could have an adverse impact on sight visibility splays. The officer that deals with amendments to the TRO has also not raised any objection to the current scheme however notes that any alterations to the parking bays would be the subject of a separate application to his department.
64. Local residents note that there is existing off-street parking provision to the rear of the property in the form of a garage therefore they do not consider that additional parking is required. As the overall design of the replacement front boundary wall scheme is considered to be acceptable, that the principle of such a development has already been established and that off-street parking to the front of the property would not have a significant adverse impact on neighbouring residents it is not considered that an objection could be upheld solely on the grounds that there is existing off-street parking available. Furthermore, if approval was granted for the off-street parking scheme highways would ensure that the dropped kerb and crossing was implemented to a specified standard to ensure no damage to services occurred through the crossing of vehicles. If the applicant did not submit the required TRO amendment or apply formally to create the new vehicle access crossing this would be a matter for the relevant highways sections to enforce.
65. Overall it is considered that the development is acceptable from a highway safety point of view and would accord with policy T1 of the City of Durham Local Plan.

Neighbour objections

66. The majority of the grounds of objection raised by Cllr Holland, Crossgate Community Partnership, The City of Durham Partnership and local residents have been addressed elsewhere in this report.
67. The retrospective nature of the conservation area consent application to remove the wall and the apparent removal of a tree in the rear garden area is disappointing however it is not a reason in itself to withhold consent should all other material planning considerations be deemed to be acceptable. Planning legislation provides for the opportunity for an applicant to seek consent to regularise unauthorised works. It is acknowledged that both applications have taken significantly longer than the normal eight week application process. Although unfortunate it is considered this delay was necessary as it has helped to facilitate discussions with the agent which officers consider has secured a higher quality scheme. The issue of covenants is a legal rather than a planning matter.
68. Numerous parties have raised concerns that the property has changed from a domestic dwelling to a house in multiple occupation in September 2013 without the necessary consents being obtained. Although the local planning authority have made initial queries into this matter investigations are still pending. The issue of the potential change of use to a HMO is therefore considered to be a separate matter to the consent sought as part of this full plans application for dormer windows and retrospective conservation area consent application for the demolition of the front boundary wall. Notwithstanding this, the addition of a further dormer window would not be considered to conflict with policy H9 of the local plan relating to HMO's as it would not be deemed to be a significant extension given its relatively limited scale and proportions in comparison to the existing property.

CONCLUSION

69. 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. It is not considered that the policies contained within the emerging County Durham Plan would conflict with the intentions of the existing local plan. It is therefore not considered that it would have a detrimental impact upon the amenities of the surrounding area, the conservation area nor the wider setting more generally that would justify refusal of these applications.
70. It is acknowledged the removal of the entire length of front wall has had a significant adverse impact on the surrounding Conservation Area. The replacement scheme however includes the reinstatement of a substantial portion of the wall and the inclusion of green screen hedging. The detailed design of the wall is considered to be of a high standard with coping stone and pillar detailing. The principle of off street parking to the frontage is already considered to be established and can be accommodated through separate applications to the highways section for an amendment to the TRO and consent to drop the kerb. The overall design of the dormers is acceptable and given the context of the surrounding area it is not considered that the use of UPVC would be harmful in this instance.
71. Overall the dormer windows are considered to enhance whereas the front boundary wall development would preserve the character and appearance of the conservation area in accordance with guidance contained with the NPPF and the City of Durham Local Plan policies.

RECOMMENDATION

That the application CE/13/00461/FPA (Two dormer windows to the rear and car parking area to front) be **APPROVED** subject to the following conditions;

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Application forms, design and access/heritage statement, location plan received 16/05/2013, drg. no. R2125-SK01a received 01/10/2013, drg. no. R2125-SK02B received 12/12/2013.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies E6, E15, E22, Q9, Q10 and T1 of the City Of Durham Local Plan and Parts 7 and 12 of the NPPF.

3. The approved scheme relating to the frontage works shown on drg. no. R2125-SK02B shall be fully implemented on site within 16 weeks of the date of this permission.

Reason: To ensure that a satisfactory form of development is obtained in accordance with saved policies E6, E15, E22 and T1 of the City Of Durham Local Plan and Parts 7 and 12 of the NPPF.

4. If the green screen shown on drg. no. R2125-SK02B fails to flourish or is removed within a period of 5 years from the substantial completion of the development it shall be replaced on a like for like basis in the next available planting season.

Reason: In the interests of the visual amenity of the area and to comply with Policy E15 of the City Of Durham Local Plan.

That the application CE/13/00542/CAC (Demolition of front boundary wall –retrospective) be **APPROVED** subject to the following conditions;

1. The approved scheme relating to the frontage works shown on drg. no. R2125-SK02B shall be fully implemented on site within 16 weeks of the date of this permission.

Reason: To ensure that a satisfactory form of development is obtained in accordance with saved policies E6, E15, E22 and T1 of the City Of Durham Local Plan and parts 7 and 12 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the local planning authority has worked with the applicant and nearby residents in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
Emerging County Durham Plan
National Planning Policy Framework
Internal consultee responses



Planning Services

Development at 51 The Avenue, Durham, DH1 4EB
 4/13/00461/FPA - Two dormer windows to the rear
 and car parking area to front
 4/13/00542/CAC - Demolition of front boundary wall
 (retrospective)

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Comments

Date 14 January 2014

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