

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber - Barnard Castle on **Thursday 23 June 2011 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors E Tomlinson (Vice-Chairman), D Boyes, M Campbell, K Davidson, P Gittins, E Paylor, G Richardson, R Todd, J Wilkinson and M Williams

Apologies:

Apologies for absence was received from Councillors D Burn and A Hopgood

Also Present:

J Byers –Team Leader (South and West)
A Inch – Principal Planning Officer (South and West)
C Baxter – Senior Planning Officer (South and West)
C Simmonds – Legal Adviser

1 Declarations of Interest

Councillor G Richardson declared a personal and prejudicial interest in application 6/2011/0030/DM - erection of 2 no. detached dwellings on land to the rear of Station Terrace, Cotherstone and withdrew from the meeting during consideration of the item.

Councillor E Tomlinson declared a personal and prejudicial interest in application 6/2010/0311/DM/LB – application for listed building consent for creation of new gateway in boundary wall and withdrew from the meeting during consideration of the item.

2 Minutes of the Meeting held on 19 May 2011

The Minutes of the meeting held on 19 May 2011 were confirmed as a correct record and signed by the Chair.

With the agreement of the Committee the order of business on the Agenda was amended to allow those applications with registered speakers to be considered first.

3 Applications to be determined

3a Application 6/2011/0101/DM - Eastlea, Cotherstone Erection of single storey extension to side elevation

It was noted that this application had been withdrawn.

3b Application 6/2011/0090/DM - East Cottage, Front Street, Winston Erection of two storey rear extension (revised scheme)

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

J Byers, Planning Team Leader (South and West) gave a detailed presentation which included photographs of the site.

Mr Taylor, an objector to the application addressed the Committee. He stated that East Cottage was one of 3 adjoining cottages which were some of the oldest properties in the village. The buildings reflected the character of the village and he considered that any extension should not detract from this.

He felt that it was misleading to refer to Deneside which had permission granted for a much larger extension as it was a modern development. He also noted that Sunnyside had not been referred to. This development provided family accommodation whilst still managing to retain the character of the village.

If the application was approved he believed it would dominate the adjacent properties. A single storey extension would be acceptable as it would be in keeping with the area.

In response to Mr Thompson's comments concerning Deneside, J Byers clarified that the applicant had made reference to this development in her statement. It had not been referred to by Planning Officers.

Following a question from a Member, J Byers explained that the proposed extension would project further forward than the adjoining property and would reach to the existing ridge height. The extension would also be sunk 0.53m into the ground and was 1-1.5m lower than proposed in the previous application which had been refused.

A Member referred to the photographs shown as part of the presentation and noted that the view from a window in the adjoining property would be restricted by the extension. J Byers advised that this window had obscure glazing and did not serve a habitable room.

RESOLVED:

That the application be approved subject to the conditions outlined in the report.

**3c Application TP/3/2011/0007 - Cherry Tree House, Wolsingham
Application to fell 1 no. Norwegian spruce tree (T1)**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

J Byers, Planning Team Leader (South and West) gave a detailed presentation on the application which included photographs of the site. It was noted that a site visit had taken place that day.

Mr Thompson, the applicant stated that the report described the tree as having a high aesthetic and amenity value, however he was of the view that it 'stuck out like a sore thumb'. He accepted that he had planted it 26 years ago and was therefore responsible for the problems he was experiencing.

The tree was in a prominent position and restricted the view of the oldest house in the village. The coach house adjacent to it was a listed building. The tree was now a nuisance and was affecting the lawn in the garden. The house dated to 1720 yet the tree was only 26 years old and situated in a very old village garden. The track between his property and the garden was originally the main road through the village.

He was grateful to Councillor Savory for her support of his application. With regard to the wall adjacent to the public footpath he advised that he had not stated that it was in a state of collapse, but had asked who would be responsible for its maintenance as the tree continued to grow and cause damage.

The tree had grown 6 feet in 3 years and now stood at around 35 – 40 feet. He used to be able to put Christmas tree lights on it but it was now too high. It also restricted the view from the main road and the garden was going to become a sterile area because of the tree canopy. Nothing was growing around it and he believed that if no action was taken now the tree would become more difficult to fell.

He was also concerned that Officers did not consider that the tree caused loss of light to his property and stated that lighting was badly affected, particularly in the spring and winter months.

He concluded by stating that an attractive house was being dominated by the tree and that if the application was approved he intended to plant a replacement.

In response to questions from Members, Mr Thompson confirmed that he had not realised how high it would grow and that he was not able to lop the branches as this had been a condition of the TPO.

Following further Member questions J Byers explained that the tree contributed to the street scene because of its prominence, however did agree that it was of an unusual type to be the subject of a TPO. Spruce trees were generally found in woodland and were farmed commercially.

In considering the application Members were concerned that loss of light had not been a consideration as it clearly had an impact on Mr Thompson's property. In addition Members felt that its contribution to the street scene was irrelevant as, being only 26 years old the tree was a relatively new addition to a conservation area.

RESOLVED

That the application be approved subject to a condition requiring the applicant to replace the tree, with details of its replacement to be submitted to and agreed in writing by the Planning Authority.

The reasons for the decision are as follows:-

1. The tree is reaching an unsustainable height inappropriate for a residential area and is becoming a nuisance;
2. The tree's amenity value is diminishing as it increases in height and its increasing prominence in the street scene is having a negative impact on light levels and the character and appearance of the Conservation Area.

Prior to consideration of the following application Councillor Richardson withdrew from the meeting.

3d Application 6/2011/0030/DM - Land to the Rear of Station Terrace, Cotherstone Erection of 2 no. detached dwellings

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

J Byers, Planning Team Leader (South and West) gave a detailed presentation on the application which included photographs of the site.

RESOLVED:

That the application be approved subject to the conditions outlined in the report.

Councillor G Richardson returned to the meeting.

Prior to consideration of the following application Councillor E Tomlinson left the meeting.

3e Application 6/2010/0311/DM/LB - The Bowes Museum, Barnard Castle Application for listed building consent for creation of new gateway in boundary wall

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

J Byers, Planning Team Leader (South and West) gave a detailed presentation on the application which included photographs of the site.

It was noted that the Committee had refused planning permission for new access, gate and pathway on 13 May 2010 but permission was subsequently granted by the Planning Inspector at appeal on 4 March 2011 for the reasons outlined in the report.

Members were advised that the application was for listed building consent for the creation of a new gateway in the listed boundary wall leading from the museum grounds onto Birch Road.

RESOLVED:

That the application be approved subject to the conditions outlined in the report.

Councillor E Tomlinson returned to the meeting.

**3f Application 7/2011/0108/DM - 29 Primrose Drive, Shildon
Conversion of garage into kitchen**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

RESOLVED:

That the application be approved subject to the conditions outlined in the report.

**3g Application 7/2011/0088/DM - Morrisons Supermarket, Shildon
Installation of 2 no. internally illuminated fascia signs to front elevation**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

RESOLVED:

That the application be approved subject to the conditions outlined in the report.

4 Appeals Update

Consideration was given to a report regarding the following appeals:-

**APPEAL REF: APP/X1355/1/11/2143423
LPA REF: 7/2010/0311/DM**

Appeal against the refusal of permission for the erection of 1 no. dwelling on land adjacent to 12 Eden Terrace, Kirk Merrington, Spennymoor

The Planning Inspector had dismissed the appeal.

APPEAL REF: APP/X1355/C/11/2146824
LPA REF: 7/2010/0301/DM

Appeal against the refusal of permission for the erection of a shed at 3 Village Close, Woodham, Newton Aycliffe (retrospective application)

The Planning Inspector had dismissed the appeal.

RESOLVED:

That the report be noted.

At the close of business Members were advised that the Legal Adviser Chris Simmonds was leaving the Authority. The Committee conveyed their thanks for all his help and contribution, and wished him well for the future.