

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** DM/14/01021/FPA  
**FULL APPLICATION DESCRIPTION:** Single storey rear and side extension  
**NAME OF APPLICANT:** Crossgate Builders  
**ADDRESS:** 68 Whinney Hill, Durham, DH1 3BD  
Elvet and Gilesgate  
**ELECTORAL DIVISION:**  
  
**CASE OFFICER:** Laura Martin  
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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site

1. The application site relates to a property situated on the estate road of a residential area. Whinney Hill is located within the eastern sector of the designated Durham(City Centre) conservation area and is an elevated street which curves gently from its junction with Old Elvet/Green Lane to the north, to Stockton Road roundabout in the south. The surrounding area is characterised by interwar semi-detached houses in groups of four either lining the main street or in short culs de sac, that are typical of designs of the social housing of their time. The application site, no 68, is an end of terrace property fronting the main street.
2. The front elevation of the property is west facing and is 6 metres from the public highway. To the rear of the site is a small enclosed garden which is surrounded by timber fencing.

### Proposal

3. Full planning permission is sought for the erection of a single storey rear and side extension. The proposed extension would be located to the north of the application site and would be L-shaped in form.
4. To the side the extension would project 2.1metres and to the rear of the site by 2.9 metres. This would allow the formation of a lounge and kitchen area. The structure would be single storey in scale with an eaves height of 2.5 metres and a total height of 3.5metres.
5. Internally the building is to be reconfigured to allow the creation of a 6-Bed House in Multiple Occupation (HMO). This however does not form part of the application as the change of use from a residential dwelling (C3 Use Class) to a small HMO (C4 Use Class) does not require formal planning consent and would be classified as permitted

development under the terms of a 2010 amendment to the Town and Country Planning General Permitted Development Order.

6. The application is brought before members of the planning committee at the request of Councillor Freeman due to concerns raised in relation to the plot coverage by constituents within his electoral division.

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## **PLANNING HISTORY**

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7. None relevant to the application

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
10. The following elements are considered relevant to this proposal:
11. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. 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.
13. 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.

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

### **LOCAL PLAN POLICY:**

14. Q1- New development (General principles)
15. Q9- Alterations and extensions
16. E6- Durham (City Centre) Conservation Area

## **EMERGING POLICY:**

17. The emerging County Durham Plan was Submitted in April 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). In this case the following policies are of relevance in the determination of the application:-

18. Policy 16- Sustainable Design in the built environment

*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://content.durham.gov.uk/PDFRepository/EasingtonLocalPlan.pdf>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

19. N/A

### **INTERNAL CONSULTEE RESPONSES:**

20. Highways Section- raises no objections, but suggests the benefits of reducing the fence height to improve visibility for drivers using the site. This will be addressed in the Highways section of the report, below.

21. Design and Conservation- no objections

### **PUBLIC RESPONSES:**

22. The application was advertised by means of press and site notice as the property is within the Durham (City Centre) Conservation Area and by neighbour notification to 5 properties.

23. 5 letters of objection has been received raising concerns in respect of increased noise and disruption due to the creation of the HMO, car parking, being contrary to both local and national planning policy in respect of the HMO status of the application, loss of privacy and refuse. Additional clarification was also sought in respect of highway safety by a neighbouring property. The Whinney Hill Community Group have also objected on the same grounds as above.

24. The City of Durham Trust objects on grounds that the change of use to student HMO is unacceptable; a 50% increase is proposed, resulting in a two bed property being enlarged to six beds; and conflict with Local Plan policy H9 (relating to conversion of houses to HMOs).

### **APPLICANTS STATEMENT:**

The application being submitted is to seek Local Authority Approval for the proposed

extension to the dwelling. The extension and internal alterations will provide an extra 4 bedrooms, creating a 6 bed dwelling and the dwelling will be used for student accommodation under use class C4. This change of use from C3 to C4 comes under permitted development rules. The application addresses the proposal for a rear/side extension to the property.

The extension is complementary in form and size that could well be expected if the property remained a C3 use and the homeowner looked to extend and indeed similar extensions do exist in the area such as 14 and 69 Whinney Hill.

This application should not be used to further an agenda of reducing or controlling the use of C4 dwellings. The proposed use of the dwelling will not change through refusal of the current proposals.

The applicant does have the option of a fall back scheme that produces the same outcome and bedroom numbers under current PD rules. However it was considered by ourselves as designers that this would not be as satisfactory in terms of street scene, local amenity and occupant amenity and we promoted the current scheme as the better and more considered design. The Client agreed and even though this would constitute more cost in the build as well as the approval process.

The current external amenity will be reduced we have tried to ensure some still exists in a usable form, especially to the rear of the dwelling. The PD scheme would further reduce amenity of this dwelling to a point where it would be almost unusable. The rear bedrooms would have minimal outlook (around 1.5m from the rear hedge). On the PD scheme the drive/parking would merge with what little amenity space exists, with the proposal in the application the external amenity space and the drive are distinctly separate.

The proposal also ensures that current separation distances to habitable are not eroded or shortened maintaining neighbour privacy and amenity at its current levels. The new windows look introspectively into the site and not out towards adjacent properties or in walls facing the external boundaries.

The proposal maintains two in-curtilage parking spaces reducing parking demand in the street generally and the applicant agrees to undertake the highways improvements suggested in consultee responses.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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25. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

26. The main considerations in regard to this application are impact upon residential amenity, impact upon visual amenity, highways and Permitted Development rights.

### **Impact upon residential amenity**

27. In respect of the proposed extension and the impact upon the current levels of residential amenity it is considered that due to its location and the overall scale the impact would not be sufficient to warrant refusal of the application.

28. In relation to the proposed development the extension has been designed with solid walls to the side and rear elevations and as such the potential for overlooking at the site would be limited. Whilst it is acknowledged that there would be an area of rear garden retained it is not considered that its reduction in size would necessarily result in an intensification of its use. A garden area to the side and frontage would be retained for additional outdoor amenity space.
29. In relation to the property to the north of the application site (69 Whinney Hill) it is noted that there is a study/music room/occasional bedroom on the shared boundary with the application site. In this case however the window is situated at an angle from the proposed development, and furthermore there is a driveway and access path which separates the two. In addition due to the positioning of the extension coupled with the fact that there are no windows in the rear elevation of the extension, the only limited views out of the application site and onto the adjoining neighbouring property would be from the garden area which is already in place. As such it is not considered that this would be altered to such an extent as to warrant refusal of the application.

### **Impact upon visual amenity and the Conservation Area**

30. The application site is a 20th century dwelling house within an area of similar house types, many of which have already been extended varying in style, scale and design. The principle of extending the properties within the area is therefore well established and the proposal is acceptable in principle.
31. In terms of design, the proposed extension would be single storey in nature and it would appear subservient to the host property and the materials are appropriate to both the existing house and the locality, with red brick, red tile and timber windows/doors specified. The contentious issue is the extension's wraparound form; generally in design terms extensions which wrap around the house should be avoided as they can dominate the appearance of the property and may not reflect well on the existing form or character of the house. But in this particular case there are a number of extensions visible in the area which are not too dissimilar to this current proposal (nos. 69 and 72 Whinney Hill for example) so it would be seen in relation to these additions. The proposed extension would also be less dominant than others of this type in the area due to it being set well back from the established building line and wrapping around the rear corner rather than the front, with the bulk of it to the side; as a result when viewed directly from the front it would be seen as a simple small lean-to.
32. Due to its position in views northwards and southwards along the main street it would not be very apparent and would only have a very localised visual impact, and as such the proposed development is not considered to have sufficient impact upon the Conservation Area to warrant refusal of the application.
33. Overall, the extension would only impact on a property which currently makes a neutral contribution to the designated conservation area where it would be viewed in relation to other extensions nearby, and it would not harm the significance of the inter war estate which is derived from the high quality streetscape and public realm. Furthermore it would not be harmful to any significant views towards the World Heritage Site which can be gained from within the estate.
34. In addition to local policy considerations, the Local Planning Authority also has a duty under Section 72 of the 1990 Listed Buildings Act to assess proposals in a conservation area in terms of whether they would preserve or enhance the character and appearance of that area. In this case, officers consider the extension would have

a neutral impact and would therefore preserve the character and appearance of the Conservation Area.

## Highways

35. In respect of highways concerns raised by residents within the area, the Highways Authority have confirmed that they have no objections to the scheme. Two on-site parking spaces would be provided as part of the application and as such no further parking permits would be granted for the property. In addition the property is in a sustainable location, with Durham City and its services and facilities being a short walk way. Therefore in this respect no concerns are raised in relation to highway matters at the site.
36. In response to residents' concerns about highway safety, the Highways officer advises that whilst existing fencing at the site may restrict visibility for drivers exiting the parking facilities, such fencing is immune from action due to how long it has been there. He advises that such a situation is not uncommon throughout County Durham, but the access road here serves only a small number of properties, with the expectation that the number of vehicle movements past the site access will be minimal. He goes on to suggest, however, that the applicant may wish to consider reducing the fence height to improve visibility. The agent has indicated that the applicant may be willing to do so. Clarification has also been sought as part of the application process in relation to sight visibility splays to a neighbouring property, however the Highway Authority have confirmed that the arrangement would be acceptable.

## Permitted development

37. As previously noted in conjunction with the extension proposed at the site major internal reconfiguration would take place with the building being converted from a 2 bed property to a 6 bed HMO. In this respect the applicant has permitted development rights to carry out such works and convert from its current C3 Use Class to a C4 use Class without the need for planning permission from the Council. As such this is not a matter than can be taken into account as part of the application, nor can any account be taken of the associated issues that a HMO could potentially bring as mentioned by neighbouring residential properties within the area.
38. In connection with this, objectors have asserted that the proposal would conflict with Policy H9 of the current local plan. However, that policy relates to a change of use to HMO, which is not part of this planning application. Hence, it is not considered that any weight can be afforded to Policy H9 in the determination of this application, given the subsequent amendments to the Permitted Development regime that now allows changes of use from C3 to C4 uses.

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## CONCLUSION

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39. In conclusion it is considered that the proposed development due to its location and overall built form would have a limited impact upon its Conservation Area setting or the current levels of visual amenity enjoyed at the site. In relation to impact upon the current levels of residential amenity, again given the extensions location coupled with the orientation and layout of neighbouring properties that the proposed extension would not have any significant adverse impacts. As noted above the change of use from residential dwelling to operation as a small HMO would not be required from the

Council and therefore cannot be taken into account as part of the application. It is therefore considered that the proposed development is acceptable.

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## **RECOMMENDATION**

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40. Recommendation that the application is:

### **APPROVED subject to the following conditions**

#### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Site location plan, Planning, Design and Access statement, drawing no. 807-02 and 807-01.  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies Q1 and EMP8 of the City of Durham Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- City Of Durham Local Plan 2004
- National Planning Policy Framework
- Consultation Responses



**Planning Services**

Single storey rear and side extension at 68  
Whinney Hill, Durham, DH1 3BD

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**Comments**

**Date. 10 June 2014**

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