

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00628/FPA
FULL APPLICATION DESCRIPTION:	Erection of dwelling house (retrospective with amendment to lower main roof and fenestration)
NAME OF APPLICANT:	Oaktree Homes Durham Ltd
ADDRESS:	Plot 4 Bishopgate, Former Rookstone Nursing Home, 48 North End, Durham, DH1 4LW
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	James Taylor Principal Planner 0191 301 8723 James.taylor@durham.gov.uk

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

1.1. CONTEXT

- 1.1.1. The application site comprises one of seven plots consented in 2009 for residential dwellings on a former Nursing Home in the North End area of Durham City. This application concerns plot 4 which is to the back of the host development site in the south west corner bordering to its side and rear properties of Fieldhouse Lane and The Grove.

1.2. PROPOSAL

- 1.2.1. The application proposes one five bedroom 7.7m high dwelling in a modern Georgian style, with a dual hipped profile to the main roof and a 'T' section to the front decreasing in height to a gable end above a double garage. To the west is a single storey three metre projecting off shoot with a pitched roof terminating at its ridge a metre below the main eaves line. Access is from the 2009 layout to a private driveway.

2.0 PLANNING HISTORY

- 2.1. Demolition of existing nursing homes and erection of 3 no. dwellings (Plots 2, 3 and 4) and outline planning permission with details of access and scale for 4 no. dwellings (Plots 1, 5, 6 and 7) (Resubmission) – Approved 2009
- 2.2. Discharge of planning conditions 3, 4 and 5 pursuant to 4/09/00752/OUT – Approved February 2011

- 2.3. Erection of detached dwelling house (retrospective with proposed amendments to main roof shape and fenestration) – Refused July 2011

3.0 PLANNING POLICY

3.1. NATIONAL POLICY

- 3.1.1. **Planning Policy Statement 1: Delivering Sustainable Development** sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.
- 3.1.2. **Planning Policy Statement 3: (PPS3) Housing** sets out the Governments objectives in relation to housing, including ensuring that there is a mix and range of housing available for different members of the community.
- 3.1.3. **Planning Policy Statement 9: (PPS9) Biodiversity and Geo-diversity** sets out planning policies on protection of biodiversity and geological conservation through the planning system.
- 3.1.4. **Planning Policy Statement 23: (PPS23)** Sets out the planning approach to pollution control, the location of polluting development and where possible ensure new development is not affected by pollution.
- 3.1.5. **Planning Policy Statement 25: (PPS25)** Requires consideration be given to the run off and discharge of foul and surface water from a development site.

3.2. REGIONAL POLICY

- 3.2.1. **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.
- 3.2.2. 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 include the following:
- 3.2.3. **Policy 2: Sustainable Development** planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
- 3.2.4. **Policy 7: Connectivity and Accessibility** which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
- 3.2.5. **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.

- 3.2.6. **Policy 24: Delivering Sustainable Communities** planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
- 3.2.7. **Policy 30: Improving Inclusivity and Affordability** sets out that developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability issues.
- 3.2.8. **Policy 35: Flood Risk** promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.

3.3. LOCAL PLAN POLICY

- 3.3.1. **Policy H2 (New Housing Development within Durham City)** states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.
- 3.3.2. **Policy H13 (Residential Areas – Impact upon Character and Amenity)** states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
- 3.3.3. **Policy E14 (Trees and Hedgerows)** seeks to retain important areas of woodland, trees and copses or designate preservation orders where necessary.
- 3.3.4. **Policy E15 (Tree and Hedgerow Planting)** seeks replanting of trees and hedgerows in urban areas, major developed sites and main transport corridors.
- 3.3.5. **Policy T1 (Traffic Generation – 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.
- 3.3.6. **Policy T10 (Parking – General Provision)** requires a balance to be struck between safe off street parking and the discouragement of an over reliance upon the use of the private car.
- 3.3.7. **Policy Q8 (Layout and Design – Residential Development)** sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
- 3.3.8. **Policy U5 (Pollution Prevention)** seeks to control development that will result in an unacceptable impact upon the quality of the local environment.
- 3.3.9. **Policy U8a (Disposal of Foul and Surface Water)** requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
- 3.3.10. **Policy U11 (Contaminated Land)** seeks to prevent contamination from development and ensure appropriate remediation controls.

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.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1. STATUTORY RESPONSES:

4.1.1. Highway Authority: No objections raised.

4.1.2. Northumbrian Water: No comments offered.

4.2. INTERNAL CONSULTEE RESPONSES:

4.2.1. No objection raised by contaminated land officer.

4.3. PUBLIC RESPONSES:

4.3.1. The application has been advertised by way of two site notices and 69 neighbour consultation letters. In response four letters of objection have been received on the following grounds:

- That the application should only be built in accordance with the approved plans;
- that the former screening hedge along Fieldhouse Lane has been removed and should be replaced;
- that the length of the dwelling at an extra 1.3m is overly dominant;
- that the layout of the footprint of the dwelling on site is further towards 'The Grove' than approved in 2009;
- that the massing of the elevation facing Fieldhouse Lane will be oppressive;
- overlooking from the rear windows towards Fieldhouse Lane removing privacy;
- an increase in risk of flooding through ground compaction and drainage design;
- that the third side kitchen window should be omitted and replaced by roof lights.

4.4. APPLICANTS STATEMENT:

4.4.1. The application seeks to remedy the concerns of local residents moving on from the July refusal. Specifically the reduction in the roof height which it is felt greatly improves outlook and the massing of the proposal.

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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=LN7063BN5B000

Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.

5.0 PLANNING CONSIDERATIONS AND ASSESSMENT

5.1. Principle of Development

5.2. The principal of residential development on the former nursing home was established by the 2009 consent which included detailed matters for plots 4, 3 and 2. However the dwelling as built on site is not entirely representative of this consent being 1.3m longer to the rear and 1.8 metres higher at the ridge of the principal roof. In July this increased scale was considered unacceptable by members. This application seeks to lower the roof to 7.7m as approved in 2009 but keeping the additional 1.3m length increase to the rear.

5.3. So in effect the main considerations for this application are whether the proposed amended roof is acceptable and whether the additional length causes any harm to amenity.

5.4. Visual & Residential Amenity

5.5. The siting of the dwelling on the plot is very much dictated by the 2009 consent as is the 'T' shape to the building layout. The as built elevations accord with this consent with the exception of the second floor accommodation & gable window, 8.5m ridge height minor changes to openings and the extended 1.3m rear elevation. The majority of these changes were subject to the July refusal.

5.6. However this application seeks to address the concerns of Members and local residents post July with an amended roof design in the Georgian style of the 2009 consent. Essentially a twin hipped design with a narrow horizontal ridge connecting the two hips to a height of 7.7m matching the original consent. The reduction in height of 1.8m to that previously approved omitting any second floor accommodation is considered by Officers to significantly reduce the perceived massing of the development. One of the key concerns was the impact the south west elevation had on the occupiers of properties backing on to the site along Fieldhouse Lane. The roof-scape was felt to be overly dominant bearing down on these properties through its additional height and scale.

5.7. The reversion to a scale of roof to match the original consent removes the perceived harm to these properties and will render the property much more recessive in context and therefore Officers fully support this amendment.

5.8. Whilst not crucial but beneficial a small amendment is proposed to the pitched roof above the single storey off-shoot which projects towards Fieldhouse Lane. The original (09) consent showed the ridge of this off-shoot terminating at eaves level of the main house this is now lowered by a metre, further alleviating the massing towards Fieldhouse Lane.

5.9. It is proposed to retain the additional 1.3m in length to the rear of the main house which projects into the rear garden and faces one and two The Grove albeit separated by the garden area. The impact on 'The Grove' properties has to be viewed in the context of the separation distances, even with a reduced garden depth of approximately 8m there would conservatively be 28m to the closest property, no.1. Whilst well in excess of the 21m specified in Policy Q8 of the Local Plan it doesn't take account of the mature boundary trees to be retained which also assist in alleviating any perceived harm.

5.10. It is acknowledged that 'The Grove' properties are at a lower ground level and whilst no policy interpretation exists on what to do in this instance, informally a view could be sought to increase the separation distance in this instance. As the minimum

separation of 28m is well in excess of the Policy requirement of 21m it is considered that this difference more than makes up for any change in levels.

- 5.11. The advantages in the reduced massing from the revised roof apparent to Fieldhouse Lane equally apply to The Grove, therefore it is not considered this proposal will be dominant in appearance or intrusive to their outlook.
- 5.12. One concern raised from a Fieldhouse Lane resident is that the additional 1.3m in length to the rear introduces more presence and massing to the building than originally approved and will therefore be harmful to their amenity when viewing the whole side elevation. Taken in context the side elevation originally (09) measured 20m in length and is now proposed at 21.3m in length. To avoid any confusion this equates to a relatively minor 6.5% increase over the length of the property. Consideration also has to be given to the fact that the elevation is not one height all the way along and neither is it in a straight-line parallel with the boundary. The elevation steps down from 7.7m to 7m and then 4.5m along its length and steps away once from Fieldhouse Lane.
- 5.13. This all serves to break up the massing and relieve the perception of scale it is therefore not perceivable to attribute harm to a relatively minor increase compared to the approval, Officers therefore support the retention of the increase in length.
- 5.14. There are minor alterations to the position of the rear window openings, one less bathroom window on the first floor and the internal layout has been altered on the ground floor to centralise the patio doors at twice the size on the rear elevation. The two remaining first floor windows serve bedrooms as previously and the ground floor serving a lounge/diner. It is not considered these alterations have any additional impact on amenity over and above what was previously approved despite the increased length to the elevation as this actually sharpens the angle of view to Fieldhouse Lane.
- 5.15. One of the objections refers to the side kitchen window being replaced with roof lights in the aforementioned side off-shoot. Whilst it is possible to move this window, Officers do not consider it wholly reasonable; mindful of the proposed boundary screening and ample separation distance to the nearest occupier, its presence will not harm the amenity of any neighbouring properties.
- 5.16. **Layout – Positioning**
- 5.17. In comparing the 2009 consent and this application it does appear that whilst the building is longer by 1.3m the footprint has also shifted by 1m towards 'The Grove' properties. So in effect if looking from Fieldhouse Lane the whole floor plate has moved a metre to the right, with the back then projecting a further 1.3m. The shift to the right doesn't introduce anymore mass just repositions it, although has little real impact on no's 23 and 23a in terms of their outlook now and as would have been if erected as per the 2009 approval.
- 5.18. Mindful of the 28m+ distance to 'The Grove' and boundary screening it is not considered this shift in position of the floor plate even combined with the additional 1.3m is harmful to the amenity of any of the surrounding occupiers.
- 5.19. **Landscaping**
- 5.20. Whilst the majority of the landscaping is reserved under condition concern has been raised about the conifer hedge which was removed along the boundary with Fieldhouse Lane in order to facilitate construction. Taking this into account the

applicant has provided a landscaping solution for a replacement hedge along this boundary to a landscaper's specification that will assist screening, soften the boundary and preserve amenity. Officers support the replacement hedge as proposed. On 17th August a meeting was held with the local MP, developer, case officer and five residents to talk through the proposal, much discussion was had on the type of boundary screening to Fieldhouse Lane.

- 5.21. It was apparent that a fence was preferred albeit a combination of fencing and hedging, with the short term benefit of a fence and the longer-term softening of vegetation. The exact height/type of fence and species of hedge will likely be the subject of much discussion to adequately satisfy all preferences. Therefore a condition is proposed to reserve agreement on this detail post decision. The removal of permitted development for enclosures will ensure no further fencing can replace that agreed causing harm to amenity.
- 5.22. In regard to ecology this principle issue was addressed under the 2009 approval and this revised proposal for plot 4 is not considered to harm species protected by law as the site is a new build development, part complete on a cleared site. The bat working methods for demolition as outlined by Barrett Environmental in 2009 would not apply at this stage of build.
- 5.23. **Surface Water**
- 5.24. Concerns over localised surface water flooding are addressed through imposition of a condition to agree a scheme of surface water disposal with Northumbrian Water.
- 5.25. **Highways**
- 5.26. No new highway implications are raised over the (09) previous consent and no objection made by the Highway Authority.

6.0 CONCLUSION

- 6.1. To conclude this revised application has been given thorough examination of the concerns of surrounding occupiers and the changes to genuinely address issues that arose at the July committee. The reduced roof, omission of second floor accommodation and lowering of the off shoot ridgeline all significantly alleviate the scale and massing of the development. The retention of the 1.3m length in context of the approved side elevation and ample distances to surrounding occupiers means that perceptible harm by virtue of scale over what has consent is not detrimental to the residential amenity of surrounding occupiers. The application is recommended for approval.

7.0 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 samples of the external walling, hardstandings and roofing materials should be submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved materials prior to occupation.

Reason: In the interests of the appearance of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.

3. Prior to the completion of the development details of means of enclosure (excluding the boundaries with The Grove & Fieldhouse Lane) shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be erected in accordance with the approved details prior to the occupation of the dwelling house.

Reason: In the interests of the visual amenity of the area in accordance with policy Q8 of the City of Durham Local Plan 2004.

4. Notwithstanding the information submitted and prior to works completing a detailed scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and implemented in accordance with the approved scheme thereafter.

Reason: To prevent pollution of the water environment in accordance with Policy U8a of the City of Durham Local Plan 2004.

5. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the completion of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting.

Reason: In the interests of the visual amenity of the area in accordance with Policy Q8 of the Durham City Local Plan 2004.

6. Notwithstanding the details submitted a scheme of boundary treatment along the boundaries with Fieldhouse Lane and The Grove (to include fencing and/or hedging) shall be submitted to, and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme prior to completion of the development and retained thereafter.

Reason: In the interest of the visual appearance of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.

7. The shared vehicular access must be constructed up to but not including the final wearing surface before occupation of the dwelling. This final wearing surface must be completed before the last of Plots 1 - 5 (inclusive) is occupied or within 3 years of the date of this consent, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interest of the visual appearance of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.

8. Notwithstanding the provisions of Article 3 Part 1 Classes A & B and Part 2 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order revoking or re-enacting that Order, no extensions or enlargements to the roof and enclosures other than those expressly authorised by this permission, shall be permitted without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of preserving the visual and residential amenity of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.

8.0 REASON FOR THE DECISION

- 8.1. The proposal is considered to accord with the aims of Policies 2, 7, 8, 24, 30, 35 of the Regional Spatial Strategy and Policies H2, H13, E14, E15, T1, T10, Q8, U5, U8a and U11 of the City of Durham Local Plan 2004.
- 8.2. The material considerations in this instance are the changes between the refused July application and this revised scheme. These are the reduction in roof height to match the original consent omitting all second floor accommodation, the lowering of the single storey off-shoot roof and the retention of the 1.3m increase in length to the rear and repositioning of the plot.
- 8.3. These changes assessed against the Local Plan Policies are not found to result in development of a scale and massing incongruous with the area or detrimental to residential amenity.
- 8.4. The ecology considerations on the outline application found no bat roosts present and outlined working methods for the demolished buildings it is therefore not considered this application for revisions to a part complete new dwelling will contravene the Conservation (Natural Habitats etc) Regulations 1994 (as amended).

9.0 BACKGROUND PAPERS

Submitted Application Forms and Plans
Submitted Design and Access Statement
City of Durham Local Plan 2004
Regional Spatial Strategy
Planning Policy Statements
Response from County Highway Authority
Internal consultee response
Planning Circulars 11/95 and 05/05

