

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02694/FPA
FULL APPLICATION DESCRIPTION:	Erection of part two-storey/part single-storey extension at rear of dwelling and construction of pitched roof over existing flat roof at side.
NAME OF APPLICANT:	Mrs G Moore
ADDRESS:	32 Whinney Hill, Durham, DH1 3BE
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Lisa Morina Planning Officer 03000 264877 lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a two-storey end terraced dwelling located within the first block on the east side of Whinney Hill when approaching from along Hallgarth Street. Whinney Hill is located to the east of Durham City Centre within the Conservation Area and is an elevated street that curves gently from its junction with Old Elvet/Green Lane to the north, to Stockton Road roundabout in the South. Residential properties surround the site to both sides and to the front of the property with fields to the rear. The properties are former local authority and there is a high student population within the area. The property in question has previously been extended with a two-storey extension to the side with a flat roof.

The Proposal

2. This application seeks the erection of a part two-storey/part single-storey extension to the rear of the site. The extension will project by 5m from the rear building line and have a width of 5.1m. A single-storey element is proposed as an infill between the proposed two-storey extension and the common boundary with the adjoining neighbour at no. 31 Whinney Hill which will project by 3m and have a lean to roof. A pitched roof over the flat roof is also proposed to the side of the property.
3. This application is being referred to the planning committee at the request of Cllr Freeman on the grounds of the use of the property as student accommodation.

PLANNING HISTORY

4. Planning permission was granted for conservatory to the rear of the site in 2002.

PLANNING POLICY

NATIONAL POLICY:

5. 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 dependant.
6. 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'.
7. The following elements are considered relevant to this proposal;
8. NPPF Part 4 – Promoting Sustainable Transport. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
9. NPPF Part 7 – Requiring Good Design. 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.
10. NPPF Part 12 - Conserving and Enhancing the Historic Environment. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Development which will lead to substantial harm or loss of significance of a designated heritage asset, permission should be refused, unless the harm or loss is necessary to achieve substantial public benefits.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

City of Durham Local Plan

11. Policy E6 (Durham City Conservation Area) sets out the Council's aim to preserve the character, appearance and setting of the Durham City Conservation Area by ensuring high quality design.
12. Policy E22 (conservation Areas) sets out that the authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposal should be sensitive in terms of siting, scale, design and materials where appropriate reflecting existing architectural features
13. Policy H9 (Multiple Occupation / Student Households) seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.

14. Policy Q1 (Design) sets out that the layout and design of all new development should take into account the requirements of users including personal safety and crime prevention and the access needs of everybody including people with needs of disabilities.
15. Policy T1 (General transport Policy) requires all development to protect highway safety and/or have no significant effect on the amenity of occupiers of neighbouring properties.
16. Policy T10 (Parking – General Provision) states that vehicles parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
17. Policy Q9 (Alterations and Extensions to Residential Properties) state that extensions will only be approved when they met a set of specific criteria for example, including impact on residential amenity of neighbours and impact on streetscene.

RELEVANT EMERGING POLICY

The County Durham Plan

18. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, the CDP is no longer material.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. County Highways Authority has not offered any objection to this proposal.

INTERNAL CONSULTEE RESPONSES:

20. Design and Conservation raises no objection to the proposal given the amendments received.
21. Ecology - The Bat Risk Assessment shows a very low risk of bat presence at this location. No further survey work for bats is required but if planning permission is granted then compliance with the method statement in the bat survey report should be conditioned.

PUBLIC RESPONSES:

22. The application has been advertised by means of a press notice and on site by way of a site notice and neighbouring residents were also notified individually of the proposed development. At the time of report preparation, no letters of representation have been received from individual neighbouring properties.

23. An objection has been raised from Whinney Hill Residents Group citing a variety of reasons including the following:

- Principle of the development being an increase in student accommodation and not being in accordance with Policy H9 and Q9 of the Local Plan due to a concentration of students.
- Number 32 Whinney Hill (which already has an extension at the side of the property), has been advertised as a six bed student let for the past 2 years since being purchased by the applicant. However, the applicant gives the impression from the plans submitted that it is currently a four bed property but fails to mention or indicate the present use, or future intended use of the property or that it is currently occupied by 6 student tenants. The applicant misleadingly states the new extension will now increase the number of bedrooms from four to five which seems to contradict how the property is presently being used. However, if this application is approved the applicant could easily reconfigure the property into a 7/8/9 or even 10 bed HMO which obviously would further increase the numbers. County Durham Plan Policies are mentioned in support of these issues.
- Impact upon the residential amenity of neighbours in particular the adjoining neighbour in respect of a right of access issue.
- Highway safety and parking implications especially during term time with an increase in parking and the amount of off-street parking / permits allowed causing people having to park further away exacerbating the traffic/congestion/air pollution issues in Elvet even further.
- The impact of the proposal upon the Durham City Conservation Area, the streetscene and the host property with the extension being large and overbearing being out of scale, character, design, damage to green spaces within the area also being a concern, again the proposal would be contrary to policies H9 and Q9.

24. A further objection has also been received from the residents group as a result of the amendments received which includes the setting in from the common boundary with the adjoining neighbour of the first floor level by 3.4m with the following comments:

- Our initial objections still stand and we don't intend to alter the content of our objection.
- The amendments are just a smoke screen to try and gain approval.
- Durham County Council are currently going through a public consultation to create an Article 4 on student lets and claim that the existing policies are robust enough to protect communities therefore, there should be sufficient grounds to refuse the application.
- There are currently four applications in this immediate area specifically aimed at increasing the size of the property for student tenants.

APPLICANTS STATEMENT:

25. In support of my application to extend 32 Whinney Hill.

26. I have owned the house since 2013, and am now into my 3rd year of tenants. There has never been more than 1 car being parked at the property, (apart from when I visit there) which has parking for 2 cars on its driveway, still with the original shrub garden at the front of the house and a privet hedge - giving a nice appearance in the neighbourhood - rather than some of the driveways changed by locals and/or landlords, to give more parking - something I hate to see, where the front of the house is all tarmaced or paved. Mine isn't - it is more natural.

27. I have several student houses in Durham, one has an HMO licence, and I consult with the HMO licencing officer, Paul Clark, to keep all of my houses to that standard. He was involved when I renovated the house in 2013 and he advised me of the standards to which it should be modernised and I did stick to what he suggested. Even though HMO licences are only needed when houses are for "more than 5 AND over 3 floors" I believe that the guidelines are useful for all student properties.
28. When I bought the house (from a friend who was a Durham City local born and bred), it was in a dreadful state, had dog faeces in some of the rooms and was dirty and needing of a lot of attention. My renovations made the house a much more desirable property in the neighbourhood.
29. I was a student in Durham myself from 1979 to 1983 and lived for 2 years in a tiny damp bedsit. I have 2 teenagers myself who will themselves be students in a few years' time and I do the best I can to give students spacious, well-appointed living accommodation.
30. The extension, if allowed, gives a larger living space for my tenants, a bigger kitchen/diner and 2 extra bedrooms. The house is on a much bigger plot than most Whinney Hill houses and I don't think the plans are over ambitious. It stays within the back line of the house built next door and still gives a large garden for the house.
31. I have NEVER had a complaint from any of the neighbours about any of my tenants, if there was ever a need to complain (and there shouldn't be- I choose my tenants carefully), I live in Durham City and am immediately available to deal with it. I rarely do have a problem- I hope that is because I am a decent landlord who provides a good service and communicates well with my tenants.

PLANNING CONSIDERATIONS AND ASSESSMENT

32. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the use of the premises, the impact on the residential amenity of the neighbouring properties, highway safety issues, impact on the amenity of the area, ecology issues and any other issues.

Principal of the Development

33. The application is proposed as an extension to a residential property which is currently occupied by students and as such the principle of the development is considered acceptable as extensions are acceptable to dwellings in accordance with policy Q9 and H9 of the Local Plan subject to relevant criteria being met.
34. Concern has been raised however, that the property is a student let and is in fact being used as an unlicensed house in multiple occupation as it has been currently let as a 6 bed property for the past two years (website link provided). The applicant has confirmed that the property is a student let, and the number of bedrooms proposed is 6. This would still be classed as a dwelling with up to 6 residents living together, rather than constituting a house in multiple occupation that would require a change of use application to the Council as Local Planning Authority. The applicant will be made aware of these regulations as an informative should an approval be given. Although there is some ambiguity over how many bedrooms are currently in existence with the existing floor plans showing the property to be only four

bedrooms, it does appear from information provided that this has been run as a 6 bedroomed property. Therefore, essentially the amount of bedrooms is not increasing and a rearrangement of the internal layout is proposed to provide enlarged living accommodation at ground floor level.

35. It is also not considered that 6 bedrooms would constitute an increased concentration of students given the property appears to have already been used as such.
36. The development is therefore considered acceptable in principle subject to a detailed analysis of its specific impacts.

Impact on residential amenity

37. The application originally proposed a two-storey extension across the full width of the dwelling to the rear with a depth of 5m. However, this was considered to have a significant negative impact on the residential amenity of the adjoining neighbour at no. 31 and amendments were requested to reduce the overall size of the proposal. These have been submitted and result in the configuration of the proposals as described in Paragraph 2 above.
38. Given the amendments received, it is considered that the proposal represents a development which is not considered to have a significant detrimental impact on the residential amenity of the neighbouring properties as a significant loss of light/amenity is not considered to occur to either neighbour.
39. This is due to the proposal not being visible from habitable room windows of the neighbour to the south given the significant existing setback of this property. In addition to this, given the distance of 3.4m which the first floor part of the extension is set away from the neighbour to the north and the position of their habitable room windows, the proposal is not considered to have a serious detrimental impact that would warrant a refusal of this application. The single storey infill projects only 3m along the shared boundary and this is similarly considered to have limited impact on the neighbours' amenities.
40. Overlooking issues are not considered to occur given there are no windows proposed in the side elevations. A condition would be added to any approval to restrict the addition of windows in the side elevation facing no. 31 to prevent any issues from potentially occurring in the future.
41. The application is, therefore, considered an appropriate addition in relation to policy Q9 of the Local Plan with regards to impact upon amenity of adjoining neighbours.

Highway Safety Issues

42. Concern has been raised that the proposal will result in increased parking demand which is considered to be more of an issue during term time given more students bringing their cars to university. In addition to this, the University has confirmed to the residents association they have no control over students bringing their cars. Also, there appears to be a breach of highway regulations when wardens are off duty with people parking without permits.
43. The Highways Officer has offered no objection to the scheme given that the property is within a permit controlled zone, therefore, the amount of permits issued depends upon the amount of off-street parking available to properties

44. The proposal, therefore, is considered acceptable in terms of highway safety as the Council as Local Planning Authority has no control over the parking on street and cannot refuse an application based on issues which they have no control over.

Impact on the visual amenity of the area including the conservation area in which it is sited and the host property

45. Concern has been raised that the proposal would impact negatively on the street scene and the host property given the fact that only one of the four dwellings within the terrace has been extended with a small extension.
46. The majority of the proposal is located on the rear of the site therefore would not be visible to the main public domain. The main element which would be visible would be the construction of the pitched roof over the existing flat roof to the side. This element of the proposal is considered to be an acceptable form of development given this provides a more sustainable and acceptable form of design which is considered to be in keeping with the NPPF and policy Q9 of the Local Plan. In relation to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal is considered to enhance the appearance of the Conservation Area.
47. Concern has been raised by officers over the matching in of materials as the roof line is not set down. However, it has been agreed with the applicant that the tiles removed from the existing roof to accommodate the development will be reused on the front to prevent an unsightly match. It is considered, therefore, that the visual amenity of the streetscene would not be adversely affected.

The views of the Design and Conservation Officer also concur with this given the amendments received and that the majority of the proposal is located to the rear. Given this, it is felt that the character of the conservation area would be enhanced as the removal of the pitched roof is considered to enhance the character and appearance of the conservation area.

48. The scale of the extension is large however it is not considered to be out of character to the host property and is not considered to be overdevelopment given the plot it sits in can comfortably accommodate the extension. It is acknowledged that the property has been previously extended. However, it is not felt that a refusal could be sustained on the scale of the proposal.

Ecology Issues

49. The Ecology team have commented on this application and have raised no concerns providing a condition is added for the works to be carried out in accordance with the method section of the report.

Other Issues

50. Issues have been raised regarding the grass verges and public pathways linked to the development, suggesting these should be reinstated by the applicants. This area of land is not contained within the red line boundary of the site and is not a material consideration in the determination of this application. Furthermore, these concerns are not directly related to the submitted proposals.
51. Issues raised have quoted the emerging plan however, as stated above, as the plan has been withdrawn no weight can be given to these elements and they have not been considered as part of the assessment of this proposal.

52. It has been raised that the proposal would impact upon a right of way access to no. 31 which was introduced when the properties were built to allow a right of access to the middle terrace properties for gaining access to the front street from the rear. It is claimed that this is regularly used by the owners of no.31 and the proposal could cause obstruction. This is not something which can affect the determination of the application as this would be a legal matter which cannot be controlled by the Local Planning Authority.
53. The potential issuing of an Article 4 direction does not have any impact upon the determination of this application, and other applications are not directly relevant to the determination of this application. The application relates to extensions to an existing dwelling.

CONCLUSION

54. The proposed development for an extension to a residential property is considered acceptable in principle given its current use as residential albeit as a student let. The proposal is also considered to be in keeping within the existing area and is not considered to have a significant detrimental impact on the surrounding residents. The improvements to the roof design at the front of the property would be considered overall to have a positive impact on the Conservation Area, in accordance with local plan policies as well as the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character or appearance of that area.
55. Highway Safety issues are not considered to be an issue given the area is controlled by permits. Therefore, the proposal is not considered to result in any significantly detrimental impacts on the highway network.
56. Whilst it is acknowledged that the intensification of student accommodation is a potential concern, it is not considered that the enlargement of this property to a 6 bedroomed dwelling would have a significant detrimental impact on the area in relation to concentration of students given its current use as a student let.
57. As such, it is considered that the proposed development would be in accordance with saved policies E6, E22, T1, T10, Q1, Q9, H9 of the City of Durham Local Plan and parts 1, 4 and 12 of the NPPF.

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. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
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None	Site Location Plan	28 August 2015
2162/08	Existing House	28 August 2015
2162/10/A	Proposed Extension	19 October 2015
2162/05/A	Site Plan	21 October 2015
None	Heritage Statement	16 Sept 2015
None	Bat Survey and Risk Assessment	16 Sept 2015
	Prepared By Veronica Howard	Sept 2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies E6, E22, T1, T10, Q1, Q9 and H9 of the City of Durham District Local Plan.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size, with the roof proposed on the front of the side extension being constructed using re-used tiles from other parts of the property.

Reason - In the interests of the appearance of the area and to comply with policies E6, E22, T1, T10, Q1, Q9 and H9 of the City of Durham District Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows or other openings shall be formed in the side elevations of the rear part two-storey/part single-storey extension facing north towards no. 31 Whinney Hill without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - In order that the Local planning authority may exercise further control in this locality in the interests of the residential amenity of the neighbouring properties and to comply with policy Q9 of the City of Durham District Local Plan.

5. Notwithstanding the details shown on the submitted application the works shall be carried out in complete accordance with the Method Statement of the Bat Survey & Risk Assessment for 32 Whinney Hill, Durham, as prepared by Veronica Howard, BSc (Hons), PhD, MCIEEM, September 2015

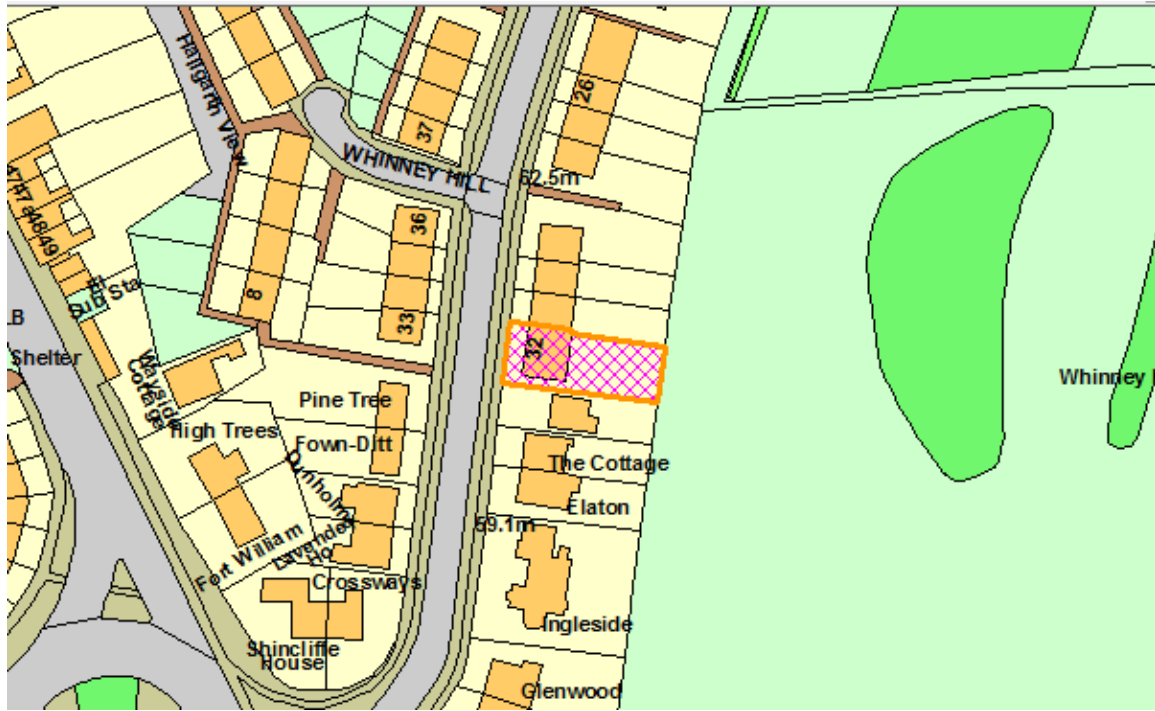
Reason - To conserve protected species and their habitat in accordance with Section 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

Erection of part two-storey/part single-storey extension to rear of dwelling and construction of pitched roof over existing flat roof at side at 32 Whinney Hill, Durham, DH1 3BE
Application reference DM/15/02694/FPA

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October 2015