

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03694/FPA
FULL APPLICATION DESCRIPTION:	Increase width of first floor extension to rear and internal alterations to create additional bedroom
NAME OF APPLICANT:	Mr & Mrs Scothon
ADDRESS:	26 Church Street Head Durham DH1 3DN
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Michelle Hurton Michelle.Hurton@durham.gov.uk 03000 261398

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

1. The application site relates to an unlisted property located within the south east part of the Durham (City Centre) Conservation Area on the east side of Church Street Head, near to the busy road junction with Quarryheads Lane, Stockton Road and South Road. The precise age of the property is unknown but historic map regression reveals that the property was part of a terrace identified on the first edition ordnance survey map circa. 1856 – 1860 suggesting that the property pre-dates this period making the property a non-designated heritage asset which makes a positive contribution to the diverse historic streetscape of this part of the conservation area.

PROPOSAL:

2. Full planning permission is sought to increase the width of the existing first floor extension to the rear and to alter the internal layout to create an additional bedroom of an existing small HMO. The internal alterations do not require planning permission, but are included in the description of the proposal for completeness.
3. Internally the building is to be reconfigured to allow the creation of a 6-Bed House in Multiple Occupation (HMO). 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 can be undertaken as permitted development under the Town and Country Planning General Permitted Development Order. Indeed, this change of use to C4 has already taken place in respect of creating the current 5-bed HMO, utilising the permitted development rights. The additional bedroom as proposed does not bring about any further change of use, as the 6-bed HMO is still a C4 use.

4. The application is brought before members of the planning committee at the request of Councillor Freeman due to concerns raised in relation to the impact on neighbours by constituents within his electoral division.

PLANNING HISTORY

5. 82//843 – 2 Storey pitched roof extension to rear - Approved
DM/14/00454/FPA – Installation of first floor window to front - Approved

PLANNING POLICY

NATIONAL POLICY:

National Planning Policy Framework

6. 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.
7. 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'
8. The following elements are considered relevant to this proposal:
9. Part 1 (Building a Strong, Competitive Economy) 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.
10. 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.
11. Part 12 (Conserving and Enhancing the Historic Environment) 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:

City of Durham Local Plan 2004

12. Policy E6 (Durham City Centre Conservation Area) The special character, appearance and setting of the Durham City Conservation Area will be preserved or enhanced by reflecting a quality of design appropriate to the historic city centre, and ensuring the external building materials which are used are the same as, or are sympathetic to the traditional materials of the historic city or an individual street.

13. Policy E21 (Conservation and Enhancement of the Historic Environment) The Council will preserve and enhance the historic environment by requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site.
14. Policy E22 (Conservation Area) The Council will seek to preserve or enhance the character or appearance of the conservation areas by not permitting development proposals which would detract from the character or appearance of the conservation area of its setting. All development proposals should be sensitive in terms of siting, scale, design and materials, reflecting, where appropriate, existing architectural details. Development proposals would not be permitted for the demolition of buildings which contribute to the areas character. A sufficient level of detail will be required to accompany applications for development to enable an assessment to be made of its impact on the conservation area.
15. Policy H9 (Multiple Occupation/Student Households) The sub-division or conversion of houses for flats, bedsits or for multiple occupations, or proposals to extend or alter properties already in such use will be permitted provided that adequate parking (in accordance with Policy T10), privacy and amenity areas are provided or are already in existence, it will not adversely affect the amenities of nearby residents, it is in scale and character with its surroundings and with any neighbouring residential property, it will not result in concentrations of sub-divided dwellings to the detriment of the range and variety of the local housing stock and it will not involve significant extensions having regard to Policy Q9, alterations or rebuilding which would unacceptably alter the character or scale of the original dwelling.
16. Policy H13 (The Character of Residential Areas) 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.
17. Policy T1 (Traffic Generation – General) The council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
18. Policy T10 (Parking – General Provision) Vehicle parking off the public highway in new development or redevelopment should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development. On average, in residential developments, off road provision should not exceed 1.5 spaces per dwelling.
19. Policy Q1 (New Development – General Principles) The layout and design of all new development should take into account the requirements of users, incorporating personal safety and crime prevention, the access needs of people with disabilities, the elderly and those with children and the provision of toilet facilities, public seating, and signing where appropriate.
20. Policy Q9 (Alterations and Extensions to Residential Property) The design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area. Wherever possible the alteration or extension incorporates a pitched roof, the alteration or extension respects the privacy of adjoining occupiers of the property and the alteration or extension will not create a level of multiple occupation.

EMERGING POLICY:

21. 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, policies of the CDP can no longer carry any weight at the present time.

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/media/3396/City-of-Durham-local-plan-saved-policies/pdf/CityOfDurhamLocalPlanSavedPolicies.pdf>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. Cllr Freeman – Requested that the application be reported to committee. Cllr Ormerod – Objects to the application regarding having a detrimental impact upon the neighbouring properties, overdevelopment of the site, impact on light and impact on conservation area.

INTERNAL CONSULTEE RESPONSES:

23. Highways Section - raises no objections as the property is within the Durham City controlled parking zone

24. Design and Conservation - no objections

25. Environmental Health – no objections

PUBLIC RESPONSES:

26. 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 4 properties.

27. At the time of preparing this report, four letters of objection have been received; one of those letters was also forwarded by local MP Roberta Blackman-Woods requesting that the comments are taken into account. The letters of objection raised concerns in respect of the impact on the conservation area, impact on residential amenity, loss of light and loss of privacy upon the neighbouring property and being contrary to local policies.

28. The City of Durham Trust objects on grounds that the property has already changed the use to a student HMO; and the additional increase proposed will result in an original two bed property being enlarged to six beds; and therefore will conflict with Local Plan policy H9 (relating to conversion of houses to HMOs) and H13 (relating to the character of residential areas).

APPLICANTS STATEMENT:

29. With reference to the above application we note that a number of comments have been submitted by interested parties raising objections to the current proposals. The most significant comments are from Dr and Mrs Watts of No.25 Church Street Head (the adjacent property).
30. No.25 Church Street Head is provided with a window located in their gable wall which looks directly over the applicants' property and provides daylight to their first floor landing. There are a number of misconceptions in the objection from Dr and Mrs Watts (reflected in other objections) and I would take this opportunity to comment on those matters.
- The proposed increase in width of the existing bathroom is in fact 464mm and not the 2m as referred to in the objection.
 - The proportional increase in total floor area of the property is approximately 2%. This can not be deemed to be "over-development".
 - The window to No. 25 provides light to a first floor landing area and whilst there may be a marginal effect there is no "right of light" as this is not a habitable room.
 - The design of the roof slope is to prevent rain water run-off affecting No.27 and it is not proposed to increase the height of the existing roof
 - The sound insulating qualities of the Party Wall are not affected by the proposal and the number of people accommodated is irrelevant to this issue.
31. Significant concessions have already been made by the applicant and the development currently proposed is of an extremely minor nature.
32. I would ask that you support the application in its current format.

PLANNING CONSIDERATIONS AND ASSESSMENT

33. 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.
34. The main considerations in regard to this application are the principle of the development, impact upon conservation area, residential amenity, visual amenity, highways and Permitted Development rights.

Principle of Development

35. The application site is a terraced property located to the north of The New Inn public house, Durham; many of the properties within the street 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 considered to be acceptable in principle, subject to consideration of the detailed issues in Local Plan Policy H9 relating to extension of properties in use as HMOs. These are dealt with in the various sections of the report below.

Impact upon residential amenity

36. 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.

37. The extension has been designed with a solid wall to the side elevation and as such the potential for overlooking at the site would be limited.
38. In relation to the property to the north of the application site (25 Church Street Head). It is noted that there is 1no. first floor window located on the shared boundary with the site; this window occupies the neighbouring property's landing which is not classed as a habitable room window. It is acknowledged that by increasing the width of the first floor extension, that this will bring the extension closer to the neighbouring property, however, given that the first floor side window is not occupying a habitable room, it is not considered to adversely affect the neighbouring property to a significant degree, notwithstanding that they have objected to the potential impact.
39. Possibly in response to the neighbours' concerns, amendments have been received from the agents that involve setting the ridge level of the enlarged rear extension slightly below the eaves level of the original building. This is considered to be acceptable given that this would be a minor change creating greater subservience, and even though the mono-roof pitch would be shallow it is almost identical to the existing pitch and so is unobjectionable in design terms.
40. Following receipt of the amendments to the scheme, a further consultation exercise was undertaken and although the neighbouring property has not withdrawn their original objection, it is considered that by lowering the ridge level to below the eaves of the original house, this will reduce the impact upon the neighbouring property (no. 25 Church Street Head) as such it would constitute an acceptable amendment, complying with policy H9, H13 and Q9 of the City of Durham Local Plan.
41. Comments received from The City of Durham Trust relate to the proposal creating an unbalanced appearance and being contrary to saved policies H9.2, H13 and Q9.3. It is considered that given the limited nature of the proposed extension, and taking into account the recently submitted amendments to the scheme reducing the impact upon the neighbouring residents that the proposal isn't contrary to the above saved policies and that the proposal does comply with the relevant saved policies.

Impact upon visual amenity and the Conservation Area

42. In relation to the proposed development, the application was submitted following on from a pre-application enquiry proposing substantial alterations to the main property and significant levels of extension. These proposals raised strong concerns relating to overdevelopment of the site, as the proposed extensions almost completely in-filled the rear yard space, which would negatively transform and adversely affect the property's scale and character. It is welcoming that this submission has responded positively to the pre-application advice, resulting in a significant reduction in what was being proposed. The proposals would only physically affect the existing modern rear additions with no alterations to the buildings historic envelope or any element contributing to its heritage values; thus its character and significance as a non-designated heritage asset would be preserved.
43. In terms of design, the proposed extension would be two storey in nature and it would appear subservient to the host property. The materials proposed are appropriate to the existing house, with external brick/block wall construction with rendered finish, welsh blue slate tiles, timber windows and Upvc door.
44. The Design section have confirmed that they have no objections to the scheme. Officers within the Environmental Health section have also confirmed no objections.

45. Due to the position of the proposed extension, its limited nature, and that it can only be seen from within the rear of the application site, the rear of the neighbouring properties or from the New Inn public house car park, it is considered that the proposed extension would not be very apparent and would only have a very localised visual impact. It is considered that the impact of the proposed development on the character and appearance of the Conservation Area would be neutral and therefore that it would be preserved, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and saved policies H9, H13, E6 and E22 of the City of Durham Local Plan.

Highways

46. In respect of highways issues, the Highways Authority have confirmed that they have no objections to the scheme given that the application site is located within a controlled parking zone. In addition the property is in a sustainable location, with Durham City and its services and facilities being a short walk way. In this respect no concerns are raised in relation to highway matters at the site, and therefore it is considered that the proposals comply with saved policies H9, T1 and T10 of the City of Durham Local Plan.

Permitted development

47. As previously noted in conjunction with the extension proposed at the site, major internal reconfiguration has previously taken place with the building being converted from a 2 bed property to a 5 bed small HMO. This application is to further reconfigure the property by extending at first floor level to the rear of the site to create a further 6th bedroom. In this respect the applicant has previously utilised their permitted development rights to carry out such works and convert from its former C3 Use Class to its existing C4 Use Class without the need for planning permission from the Council. As such this is not a matter which is relevant to the assessment of this application and no further change of use is involved. Equally, the proposal under consideration cannot be considered contrary to saved Policy H9.

CONCLUSION

48. 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 and the current levels of visual amenity enjoyed at the site. In relation to impact upon the current levels of residential amenity, whilst it is noted that there is a landing window within the shared boundary with the neighbouring property, given the site specific circumstances it is not considered that it would have a significant adverse impact to warrant refusal.

49. As noted above the change of use from residential dwelling to operation as a small HMO has already been implemented as a five bed roomed property and the creation of an additional sixth bedroom would still fall within the small HMO use class. Given the minimal changes to the property it is considered that the proposals are acceptable and comply with the relevant Saved Policies.

RECOMMENDATION

Recommendation that the application is:

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 Form, Existing Site Location Plan drawing no. 15106-1003-P1, Proposed Plans, Elevations and Visuals drawing no. 15106-1001-P3, Alteration Notes drawing no. 15106-1002-P2 and Design and Access statement.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies Q1 and Q9 of the City of Durham Local Plan.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy E6, E22 and Q9 of the City of Durham Local Plan 2004.

4. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details.

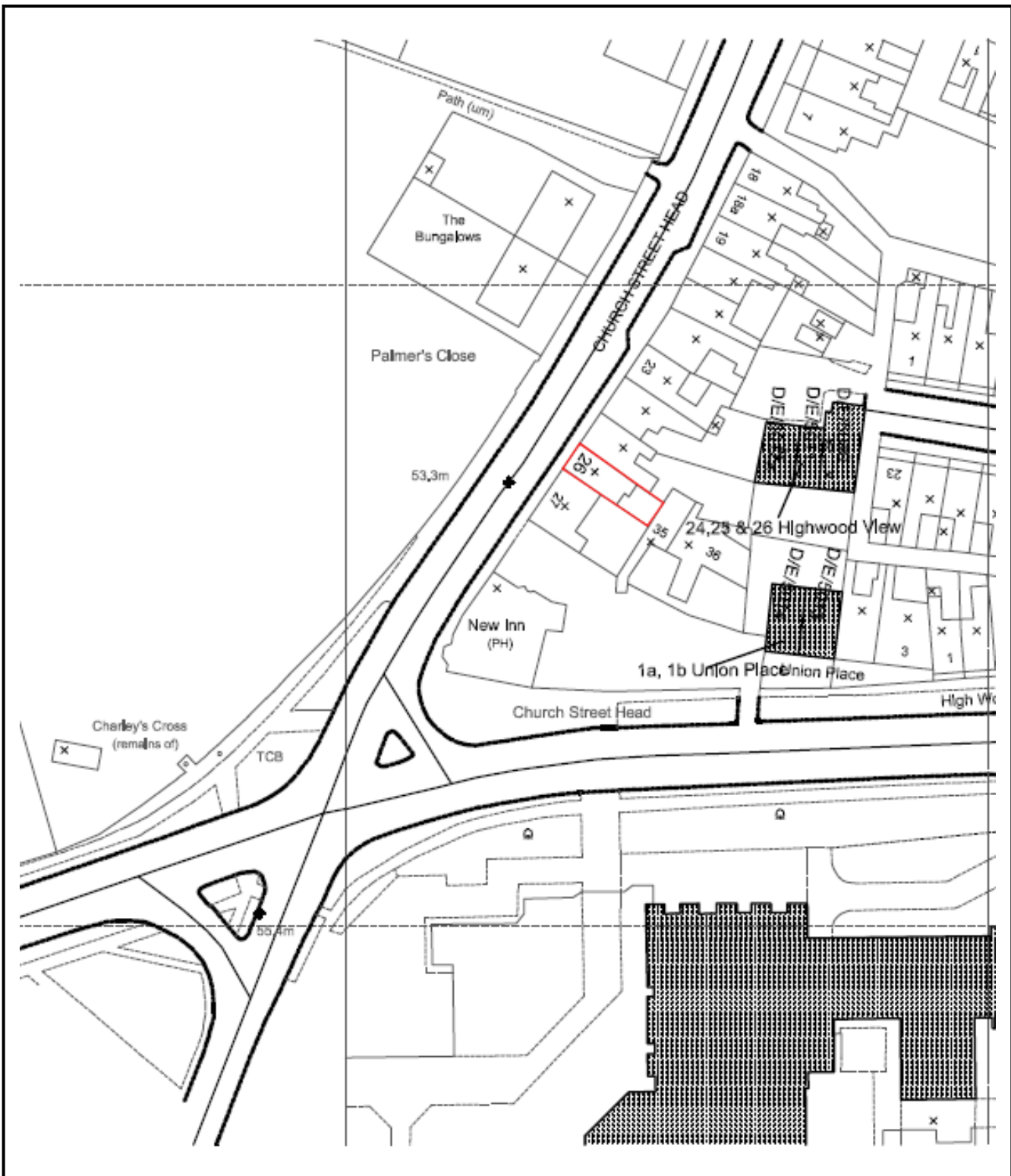
Reason: In the interests of the appearance of the area and to comply with Policy E6, E22 and Q9 of the City of Durham Local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

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



Planning Services

Increase width of first floor extension to rear and internal alterations to create additional bedroom at 26 Church Street Head, Durham, DH1 3DN

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Comments

Date. 09 February 2016

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