

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

|                                      |   |
|--------------------------------------|---|
| <b>APPLICATION NO:</b>               | <b>DM/16/01389/FPA</b>  |
| <b>FULL APPLICATION DESCRIPTION:</b> | <b>Demolition of existing semi-detached dwelling and erection of 2 new dwellings.</b> |
| <b>NAME OF APPLICANT:</b>            | <b>Mr A Blair</b>   |
| <b>ADDRESS:</b>                      | <b>4 St Leonards, North Road, Durham, DH1 4NH</b>                                     |
| <b>ELECTORAL DIVISION:</b>           | <b>Neville's Cross</b>  |
|                                      | <b>Lisa Morina</b>  |
| <b>CASE OFFICER:</b>                 | <b>Planning Officer</b>   |
|                                      | <b>03000 264877</b>   |
|                                      | <a href="mailto:lisa.morina@durham.gov.uk">lisa.morina@durham.gov.uk</a>              |

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### The Site

1. The application site is a two-storey semi-detached residential property located within the northern part of the Durham (City Centre) Conservation area. The south boundary of the site is formed by the grounds of St Cuthberts Church which is a grade II listed building with residential properties being located to the west and north of the site. To the east lies Framwellgate Peth one of the main access routes into Durham City Centre.

### The Proposal

2. This application seeks the demolition of this semi-detached property and the erection of a pair of semi-detached properties.
3. The proposal would result in two three bedroom dwellings being created on a similar footprint to the adjoining semi which has an existing extension. The proposal has a slightly larger side extension by around 0.5m and has a flush roof line as compared to the neighbour which is set down. The materials and window designs proposed are similar to the existing dwelling and that of the adjoining neighbour with existing heads and sills replicated on the proposal.
4. The application is being referred to the planning committee at the request of Cllr Holland and Cllr Martin due to its location within the Conservation Area and the changes proposed.

---

## PLANNING HISTORY

---

5. There is no relevant planning history on this site.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY:**

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 dependant.
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. 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.
10. 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.
11. 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**

12. 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.
13. 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
14. Policy H2 (New Housing in Durham City) sets out that new housing would be acceptable within the City Centre providing it does not contravene policies E3, E5 and E6 and the site is not allocated for alternative uses.

15. 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.
16. 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.
17. 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.
18. 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

19. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

20. Northumbrian Water offers no objection to the proposal.
21. County Highways Authority has not offered any objection to this proposal.

### **INTERNAL CONSULTEE RESPONSES:**

22. The Councils Contaminated Land Team have confirmed that no objection is raised subject to the addition of a suitably worded condition.
23. The Ecology Team have confirmed that the supplied Bat Risk Assessment by V Howard is sufficient to inform this proposal and that should permission be granted the contents of section 4 (Mitigation) of the report should be conditioned.
24. Design and Conservation have offered no objections on heritage or design grounds.

## **PUBLIC RESPONSES:**

25. The application has been advertised with 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, three letters of objection have been received with the following comments:

- The building is of a sound construction so no need for its demolition
- The proposal is within a conservation area, adjacent to the historic church of St Cuthberts in a green belt location and the changed appearance and significance of the heritage should be a primary consideration
- When purchasing property/extending property, the Council informed that any alterations made had to be sympathetic to the surrounding area and this proposal is in no way being sympathetic to the surrounding area.
- The proposal will drastically alter the character of the building and the adjoining/adjacent properties.
- The party wall act will be contravened as agreement from the adjoining owners has not and will not be obtained. Work is already ongoing.
- The proposal also encroaches onto the existing Church wall.
- The proposal creates a cramped nature.
- The proposed block plan shows that the boundary will encompass a footpath which is the entry footpath to my rear garden and the boundary cannot be moved in the manner proposed.
- The proposal will cause major disturbance to the adjoining neighbour and there is already signs of subsidence and concern raised that the proposal will cause structural defects to the property.
- The parking spaces will cause nuisance to no's 1 and 2 why not just make use of the spaces to the front.
- There has already been issues with the builders parking in the lane blocking access which is a health and safety issue.
- During building work at no. 3, it was requested that textured render and brick branding beneath was incorporated as this was a characteristic of the properties this should meet the same requirements.

## **APPLICANTS/AGENTS STATEMENT:**

26. The brief is to partially demolish the existing semi-detached 3 bedroom dwelling and rebuild 2 new 3 bedroom houses within the site, with associated vehicle parking to the rear serviced from the existing access road. The proposal will form 2 new 3 bedroom dwellings attached to the adjacent dwelling effectively making a terrace of three houses.

27. The design and detailing has been informed by the materials on the existing dwelling and adjacent property, taking the form of brick work to up to first floor level on the front and gable elevations with render above. The rear elevation will be full brickwork. Furthermore the brick detailing to dentil courses, and the corners of the new building will be formed from 4 course brick work quoins again to match the adjacent building.

28. The new windows will be white double glazed UPVC windows and doors to match the surrounding buildings, with heads and sills to match the adjacent semi-detached property. The roofline will repeat the hipped end of the existing and adjacent buildings with a profiled tile roof.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

29. 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 development, the impact on the residential amenity of the neighbouring properties, highway safety issues, impact on the amenity of the area and ecology issues.

### Principle of the Development

30. The proposal will result in the redevelopment of brownfield land following the demolition of an existing dwelling and is considered to form part of the built up area of the settlement of Durham which is considered to be in a sustainable location being within close walking distance of Durham City Centre, the train station and local bus routes.

31. Given the above, it is considered that the principle of development is acceptable in this instance in accordance with policy H2 of the City of Durham Local Plan subject to other criteria being met.

### Impact on residential amenity

32. It is considered that the proposal would not result in a significant detrimental impact on the residential amenity of the surrounding residents.

33. Separation distances in excess of 21m will remain between the proposal and the neighbours to the rear therefore; the amenity of these neighbours would not be adversely impacted upon.

34. The new dwellings would result in a development beyond the existing rear two-storey building line of the adjoining neighbour with this part of the proposal being around 2.9m beyond the two-storey building line. An existing single-storey projection is in place at ground floor of this neighbour. Given the existing layout of the neighbouring property and the 2.9m projection beyond their elevation, it is not considered that a significant loss of amenity would occur to this neighbour.

35. No overlooking issues would occur given no windows are proposed in the side elevation facing this neighbour. A condition will be added for no additional windows/doors to be added to the elevation facing towards this neighbour.

36. The proposal given the introduction of an additional dwelling would result in additional movements of people and vehicles to and from the site. However, this is not considered to be at a level that would be to the detriment of the existing residents.

37. There are no other neighbours which would be affected by this proposal.

38. 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

39. The Highways Officer has offered no objection to the scheme as the street falls within the Durham City Parking Zone and as such parking is considered to be satisfactorily controlled. Given this it is not insisted that parking is provided for these properties.

40. The Highways Officer has confirmed however that access to the parking spaces to the rear could be difficult and asked for the applicant to be made aware that no new dwelling built after the introduction of the controlled parking zone is eligible to apply for permits to park within it. This would apply here to both of the proposed new dwellings. This will be added to the decision as an informative if permission is granted.
41. Concern has been raised over the blocking of the access lane and the potential for neighbours to be able to access their property. This cannot be afforded weight in the consideration of this application. Any such future obstruction of access would be a matter for the police.

#### Impact on the visual amenity of the area.

42. As the property is located within the Durham (City Centre) Conservation Area the application should be assessed against Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the proposal to either preserve or enhance the character and appearance of the Conservation Area.
43. Concern has been raised that the proposal would not be sympathetic to the surrounding area given its location within the conservation area, and the historic church adjacent to the site; the demolition of a sound building and its green belt location and that it will alter the character of the adjoining/adjacent properties. These issues will be discussed in detail below.
44. The proposed demolition of the dwelling would be visually prominent within the Conservation Area by virtue of its roadside position on a key approach into the city centre where it is set forwards from the adjacent church which is a listed building. The existing dwelling however, is of limited merit architecturally and aesthetically and has no historic interest, therefore, the complete removal of this neutral element would be considered acceptable. The proposal is also not located within the green belt area.
45. The demolition element therefore is not considered to have a significant detrimental impact on the significance of the conservation area and the setting of the Grade II listed Church of St Cuthbert to the south as it is considered to preserve the existing character and appearance.
46. With regards to the new build element the two new properties would be contained within the same residential curtilage as the existing property and in respect of the front elevation, they would respect the existing frontage building line, and would be comparable in terms of general size and scale. Some lateral spread would occur but space is maintained between the gable elevation and the boundary stone wall to the churchyard.
47. To the rear the building form and footprint would be expanded compared to the existing situation but this is not considered to result in an overdevelopment of the site.
48. In addition to this, the design of the property reflects the existing dwellings incorporating existing detailing therefore, the design is considered to reflect the residential character and appearance of the locality.

49. Taken all the above into account, it is considered that the proposal would not result in a significant negative impact on the visual amenity of the streetscene or in turn the significance and setting of the Conservation Area in which it is sited as well as the Grade II listed building adjacent to this site, as the impact is considered to be negligible. As the impact is neutral, the proposal would preserve the character and appearance of the Conservation Area.

#### Ecology Issues

50. 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

51. The applicant will be made aware of their requirements under the party wall act as an informative on the planning permission, however, this is a separate civil issue between the applicant and the neighbour and is not a material planning consideration in the determination of this application.

52. The block plan has been amended to alter the red line of the property thereby removing the element over the rear access road.

---

## **CONCLUSION**

---

53. The proposed development for the demolition of an existing dwelling and the rebuilding of two dwellings is considered acceptable in principle given its current use and brownfield nature of the site. 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. It is considered to have a neutral impact on the character and appearance of the conservation area in which it is sited, in accordance with the requirements of local policies and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that development should preserve or enhance the Conservation Area.

54. Highway Safety is not considered to be an issue given the site's location within the Controlled Permit Zone.

55. As such, it is considered that the proposed development would be in accordance with saved policies E6, E22, T1, T10, Q1 and Q9 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.

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

| <b>Plan Ref No.</b> | <b>Description</b>  | <b>Date Received</b> |
|---------------------|---|----------------------|
| 00 REV A            | Site Location Plan  | 3 June 2016          |
| 101 REV A           | Proposed Plans and Elevations   | 10 May 2016          |
| 102                 | Existing and Proposed Site Plans  | 28 April 2016        |
| 103 REV A           | Proposed Site Block Plan  | 3 June 2016          |
| None                | Heritage Statement REV A  | 27 May 2016          |
| None                | Bat Report Prepared by Veronica Howard,<br>BSc (Hons), PhD, MCIEEM May 2016 | 17 May 2016          |

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.

- Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external 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 policies E6, E22, T1, T10, Q1, Q9 and H9 of the City of Durham District Local Plan.

- 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 windows or other openings shall be formed in the side elevation of the rear projection facing north towards no. 3 St Leonards 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.

- Notwithstanding the details shown on the submitted application the works shall be carried out in complete accordance with Section 4 (Mitigation) of the Bat Survey Report Prepared by Veronica Howard, BSc (Hons), PhD, MCIEEM dated May 2016.

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

- The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

#### **Pre-Commencement**

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.



(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the National Planning Policy Framework.

7. Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the National Planning Policy Framework.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

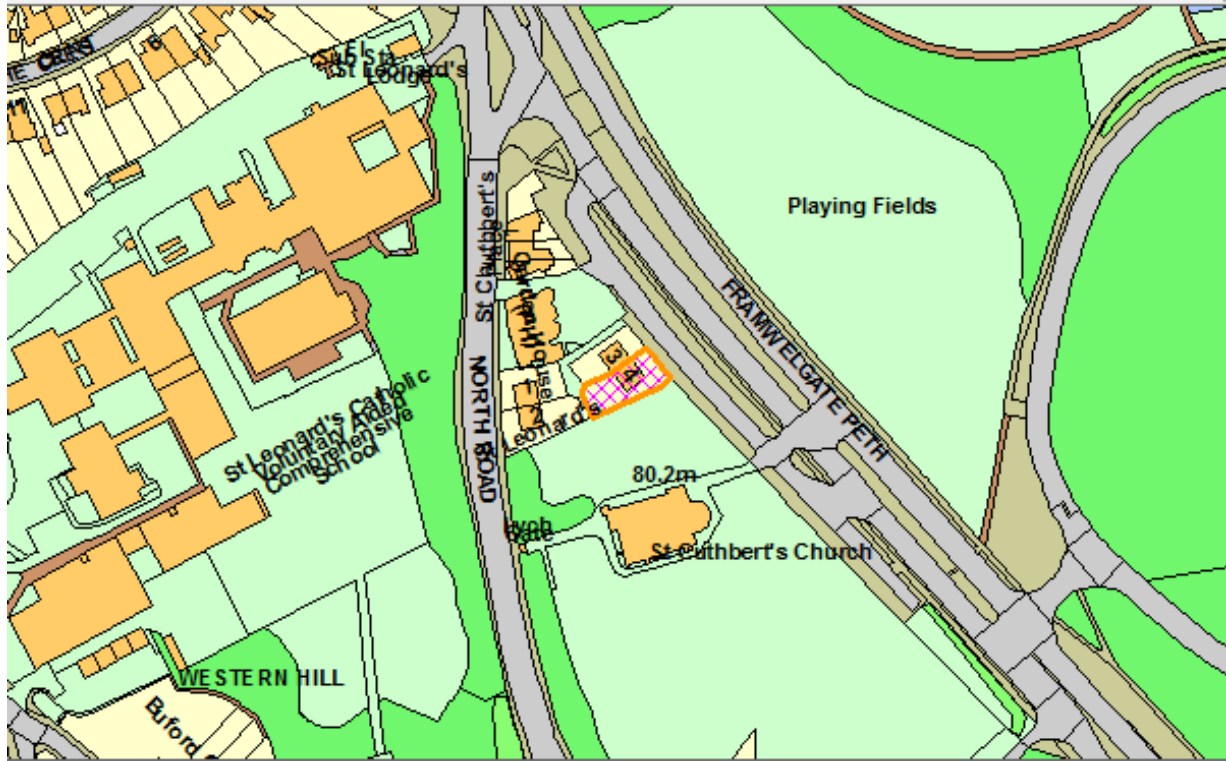
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

---

## **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



**Durham**  
County Council

**Planning Services**

Demolition of existing semi-detached dwelling  
and erection of 2 new dwellings at 4 St  
Leonards, Durham  
Application Reference: DM/16/01389/FPA

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.

Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.

Durham County Council Licence No. 100022202 2005

**Date**  
**June 2016**