



## Planning Services

# COMMITTEE REPORT

### AGENDA ITEM NUMBER:

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#### APPEAL UPDATE REPORT

#### APPEALS RECEIVED

**An appeal has been received against the refusal of permission for the erection of one dwelling and the creation of a new access involving the removal of a small section of boundary wall at Cadde Tou, Ebchester Hill, Ebchester, Consett, DH8 0QE (DM/16/00970/FPA).**

The application site relates to an area of land to the rear of a property known as 'Cadde Tou' a detached stone built dwelling located at the Ebchester Hill junction with Springhouse Lane and within the Ebchester Conservation area. The application was refused permission under delegated powers in September 2016 as it was considered that the formation of the access together with the introduction of conflicting traffic movements on the B6309, generated by the proposed access, would be prejudicial to highway safety. The adverse impacts in terms of highway safety were considered to outweigh the economic, social and environmental benefits of the proposal.

The applicants have requested a written representations procedure for the appeal, the outcome of which will be reported to Members in due course.

#### APPEALS DETERMINED

**Appeal against the refusal of Planning Permission for the erection of a front porch and two storey rear extension at 11 Park View, South Pelaw, Chester-le-Street, County Durham, DH2 2JW (DM/16/00449/FPA).**

The application was refused under delegated powers on the following grounds:-

*“The proposed extension would have an adverse effect on the scale, form and character of the original dwelling contrary to Policy HP11 of the Chester-le-Street District Local Plan and Part 7 of the NPPF.*

*The proposed rear extension is considered to have a significantly adverse effect on neighbouring residents in terms of amenity by virtue of its projection, and is therefore contrary to Policy HP11 of the Chester-le-Street District Local Plan.”*

It is noted that the proposed porch to the front was considered acceptable in principle.

The appeal was dealt with by written representations following a site visit on the 7<sup>th</sup> November 2016.

Due to the scale and flat roof design of the proposed two storey rear extension, the Inspector considered that the proposal would dominate the host dwelling and have an adverse impact upon the character and appearance of the traditional terraced row.

In addition, the Inspector considered the extension to have an unreasonable impact upon the amenity of the residents of No.10 and No.12 Park View in relation to daylight by virtue of its proximity to the neighbouring dwellings and failure to comply with the 45 degree rule outlined in the Residential Estate Design Guidance contained in the Chester-le-Street District Local Plan.

The Inspector dismissed the appeal.

**Appeal against the refusal of Planning Permission for the removal of condition 4 of permission 1/2011/0035 to permit the use of the residential annex as a dwelling (use class C3) at The Granary, Woodlea, Lanchester, County Durham, DH7 0RP (DM/16/00240/VOC).**

The application relates to the variation of condition 4 of planning permission 1/2011/0035 to permit the use of the existing residential annex as an individual dwelling. The application was refused by members on the 25<sup>th</sup> February 2016 on the following grounds:-

*“Removal of condition 4 of planning permission 1/2011/0035 to restrict the use of the building to an annex to 'Woodlea Manor' would result in the creation of a separate single dwelling in an unsustainable location that would not contribute to the three roles of sustainability: environmental, economic or social as defined within the NPPF. The proposal would therefore be contrary to paragraphs 7 and 8 of the NPPF, and saved Derwentside Local Plan Policy EN1.”*

The appeal was dealt with by written representations following a site visit held on the 17<sup>th</sup> October 2016.

The Inspector noted that the removal of the condition would result in the creation of one new home in the countryside. Due to the isolated nature of the site it is likely that the residents would rely upon the private car to access

essential services and facilities on a day to day basis, meaning sustainable transport would not be promoted.

In addition, although the Inspector considered that the removal of the condition would not harmfully impact the character or appearance of the host dwelling or the surrounding area, the social and economical benefits of the development would be limited. Therefore the Inspector noted that the proposal would not result in a satisfactory form of development having regard to the principles of sustainable development.

The Inspector dismissed the appeal.

**Appeal against the Refusal of Planning Permission for the erection of a single 4 bedroom dwelling and 2 outbuildings on land to the east of Ravenscroft, Stoney Lane, Beamish.**

This application, for the erection of a detached dwelling and outbuildings in open countryside designated as Green Belt was refused at the Committee Meeting of 25<sup>th</sup> February 2016 for the following reasons:

- 1. The proposed dwelling causes harm to the openness of the Green Belt, and contrary to the reasons of including the land within Green Belt without the benefit of very special circumstances, contrary to Policies NE4 and NE5 of the Chester-le-Street Local Plan (saved policies 2009), and Part 9 of the NPPF.*
- 2. The proposed dwelling represents isolated, unsustainable residential development in the open countryside, without benefit of sufficient special circumstances, contrary to Policy NE2 of the Chester-le-Street Local Plan (saved policies 2009), and Part 6, paragraph 55 of the NPPF.*
- 3. The proposed dwelling represents unsustainable development, being poorly related to the facilities, goods and services reasonably expected of modern residential accommodation, likely to lead to a significant reliance on private cars, contrary to Policies HP9 and T10 of the Chester-le-Street Local Plan (saved policies 2009), and Part 9 and the Core Principles of the NPPF.*

The Inspector summarised the relevant issues thus; Whether or not the proposal is inappropriate development in the Green Belt; The effect of the proposal on the openness of the Green Belt and Green Belt purposes; whether occupants of the proposed development would have reasonable access to shops and services; and if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

In the absence of structures that would allow the site to be considered 'previously developed land' the new development was considered 'inappropriate' and therefore harmful by definition.

It was noted that whilst there is no definition of openness in the Framework, in the Green Belt context it is generally held to refer to freedom from, or the absence of, development. The essential characteristics of Green Belts are their openness and their permanence and one of the purposes of the Green Belt is to keep land permanently open. Proposing a large, modern, detached dwelling, surrounded by 'residential paraphernalia', the proposal would encroach into the countryside and to a significant loss of Green Belt openness and conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

In terms of access to local goods and services, the Inspector considered that 'the walk would be off-putting to future occupiers on a regular basis to meet day-to-day needs. Occupiers would, therefore, be reliant on the private car in order to reach the majority of day-to-day services'. The site was considered 'isolated', without benefit to enhancing or maintaining the vitality of rural communities.

Amongst other issues, the Inspector considered arguments relating to the low carbon approach of the development, the contribution to housing land supply, the applicant's personal association with the land and aspirations to self-sufficiency.

The Inspector dismissed the appeal on the basis of the development being by definition harmful to the Green Belt, and further, being harmful to the openness of the Green Belt.

## **RECOMMENDATION**

That the reports are noted.

Reports prepared by Jayne Pallas (Assistant Planning Officer) and Steve France (Senior Planning Officer).