

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION No: | DM/17/01539/VOC |
| FULL APPLICATION DESCRIPTION: | Variation of condition 2 of application DM/15/01599/FPA relating to the design and size of the garage (Retrospective) |
| NAME OF APPLICANT: | Mr S Bellamy |
| ADDRESS: | Wellgarth Hamsterley Bishop Auckland DL13 3PP |
| ELECTORAL DIVISION: | Evenwood |
| CASE OFFICER: | Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site lies centrally within Hamsterley, between Wellgarth and the grade II listed Pear Tree Cottage. The Grade II listed Baptist Church lies across the road, opposite the site.
2. Planning permission was granted in 2015 for the erection of a dwelling and garage on the site. This was a revised scheme to the initial permission in 2014. The development is now substantially complete, however some changes were made to the position, size and appearance of the garage during construction, which this application now seeks to regularise retrospectively, along with landscaping and enclosure details that were subject to conditions.
3. The changes to the garage include:
 - Moved 1m to the east
 - Increase in length from 7.5m to 8m
 - Increase in width from 6m to 7.4m
 - Increase in height from 5.3m to 5.8m
 - SE corner has been curved
 - Changed design of the external access steps
 - Repositioning of roof lights to the rear and addition of a solar panel
4. The application has been referred to the Planning Committee by Hamsterley Parish Council due to concerns about the scale and impact on nearby listed buildings, as well as the retrospective nature of the application.

PLANNING HISTORY

5. DM/14/03009/FPA Erection of dwelling – approved 11.12.2014.
6. DM/15/01599/FPA Erection of dwelling and garage (revised scheme) – approved 30.09.2015.
7. DM/16/01114/NMA Non material changes to fenestration – approved 19.05.2016

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
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.* 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 in the Development Plan

LOCAL PLAN POLICY:

11. The following saved policies of the Teesdale Local Plan are relevant to the application:
12. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
13. *Policy BENV3: Development Adversely Affecting the Character of a Listed Building:* Development which would adversely affect the character of a listed building or its setting will not be permitted

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/article/3271/Teesdale-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan -

14. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

15. *Hamsterley Parish Council*: Object to the application as the garage has not been constructed in accordance with the approved plans. The Parish Council consider that the scale (both volume and height) of the garage as built is significantly greater than the approved plans and, as such, further obscures view across the site from and to designated heritage assets which would not have been the case had the approved plans been followed.
16. *Highway Authority*: No objection.

INTERNAL CONSULTEE RESPONSES:

17. *Design and Conservation*: The alterations to the approved plans are for a larger garage with a limited increase in overall height, width and depth. It is also to be sited further across from the rear of the property. The relocation is minor and the garage would continue to be sited at a fair distance from the main road towards the rear corner of the dwelling. This position mitigates the impact of the proposed increase in height, width and depth and the structure will continue to appear as a simple outbuilding subservient to the host dwelling. Therefore there would be no additional impact on the setting of any designated heritage assets which could warrant an objection from a design and conservation perspective.
18. *Landscape Section*: No objection.

PUBLIC RESPONSES:

19. The application has been publicised by way of press and site notice and neighbour notification letters. No public responses have been received.

The above is not intended to repeat every point made and 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 <https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

20. This application was submitted to address small dimensional changes and the positioning of a double Garage approved under application reference DM/15/01599/FPA. The variations are associated with contractor errors in setting out. The Garage is partially completed and works have ceased on site. The garage has increased in width by 0.5m and in depth by 1.4m which has resulted in an increase in ridge height of approximately 0.46m. The building has been positioned 1m East of the approved location. Cumulatively the changes are minor, within the context of the site the Garage continues to appear subordinate to the main dwelling and it is the professional opinion of statutory consultee's that there is no additional impact on the setting of any heritage assets within the vicinity of the site.

PLANNING CONSIDERATIONS AND ASSESSMENT

21. 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 issue in this case is the impact on the character and appearance of the area and setting of nearby listed buildings.
22. Teesdale Local Plan policy GD1 requires development to be of a high standard and in keeping with the character and appearance of the area. This is in accordance with the good design principles of NPPF Part 7, and therefore policy GD1 can be given significant weight.
23. Policy BENV3 of the Teesdale Local Plan does not permit development which would adversely affect the setting of a listed building. This is in accordance with Part 12 of the NPPF, which advises that 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Policy BENV3 can therefore be given significant weight.
24. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
25. Hamsterley is an attractive rural village. There is a linear pattern of development of mostly traditional character along Saunders Lane. The site lies centrally on Saunders Lane, having previously been an undeveloped gap in the frontage between Wellgarth and Pear Tree Cottage. Pear Tree Cottage and the Baptist Church across the road from the site are both grade II listed.
26. The garage is located at the back of the site in the SE corner, which is at a lower level than the road. As a result it sits behind and below the new dwelling and Pear Tree Cottage. The garage is only briefly visible from Saunders Avenue in the gap between Pear Tree Cottage and the new dwelling.
27. Although the garage has been constructed 0.5m taller and wider, and 1.4m deeper than the approved plans, it is still seen as a subordinate building to the main dwelling and adjacent Pear Tree Cottage. Cosmetic changes made to the stairs, rooflights and curving of the SE corner are confined to the less visible side and rear elevations,

but are nevertheless appropriate, and the design and construction of the garage is of a high standard in keeping with the character of existing development in the area.

28. Overall, the changes made are of a minor nature, and contrary to the Parish Council views, have not resulted in a fundamentally different form of development than what was previously approved. The development sits comfortably on the site and in relation to its surroundings. As a result, the setting of the two nearby listed buildings have not been negatively impacted upon. This view is shared by the Council's Design and Conservation Section.
29. Thus, while also having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, it is concluded that the development does not cause harm to the character and appearance of the surrounding area, or setting of the nearby listed buildings. There is no conflict with saved policies GD1 and BENV3 of the Teesdale Local Plan, or the relevant guidance in the NPPF.
30. Details of landscaping and boundary treatment have also been submitted to deal with matters that had previously been left to conditions. These relate mainly to definition of hard surfacing areas, retaining walls and some limited planting within the site. The details are considered appropriate and therefore it would no longer be necessary to repeat those conditions.
31. It is also not necessary to repeat conditions for approval of building materials and drainage as they were discharged prior to commencement of development and the development is nearly complete.

CONCLUSION

32. The proposal has been assessed against the relevant policies within the documents identified above. It is considered that the development conforms with these policies, as the character and appearance of the area, and setting of nearby listed buildings would not be negatively affected. There is no conflict with Parts 7 and 11 of the NPPF and Teesdale Local Plan policies GD1 and BENV3.
33. All representations have been considered, however taking all matters into account, it is felt that the proposal is acceptable in planning terms and that there are no adverse impacts of the scheme which would justify the refusal of the application. For these reasons and in accordance with NPPF paragraph 14, the proposal is recommended for approval.

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: 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 and documents.

L014033 - 007 REV C
L014033 - 005 REV C
L014033 - 006 REV B
L014033 - 003 REV B all received 08th September 2015
L014033 – 020
L014033 – 021
L014033 – 022
L014033 – 023
L014033 – 024 09th May 2017
LO14033-008 C 25th May 2017
L014033 – 004 F
L014033 – 014 22nd August 2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 6, 7 and 12 of the NPPF and Policies GD1 and BENV3 of the Teesdale Local Plan.

3. All planting, seeding or turfing comprised in the approved plans shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Teesdale Local Plan.

4. The development shall take place in accordance with the mitigation and recommendations detailed within Section F, detailed within the 2013 Extended Phase 1 habitat survey for the site carried out by E3 Ecology dated October 2013.

Reason: To conserve protected species and their habitat in accordance with Policy ENV8 of the Teesdale Local Plan.

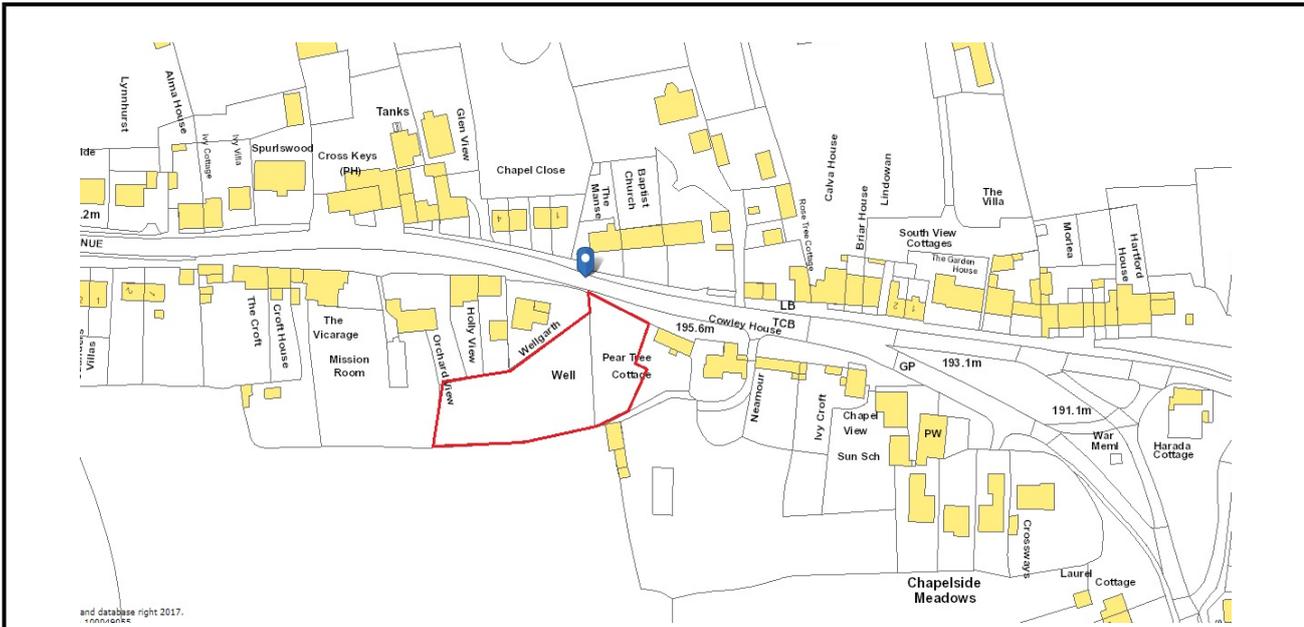
STATEMENT OF PROACTIVE ENGAGEMENT

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. The decision has not been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development due to the committee cycle but has been decided within the agreed timescales of an extension of time agreement.

BACKGROUND PAPERS

Submitted application form, plans supporting documents
The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Teesdale Local Plan

The County Durham Plan (Submission Draft)
 All consultation responses received



and database right 2017.
 Ordnance Survey



Planning Services

Variation of condition 2 of application
 DM/15/01599/FPA relating to
 dimensions and location of garage inc
 alterations to access (part
 retrospective)

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21st September 2017