

# COMMITTEE REPORT

---

### APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	DM/17/01667/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of porch to front and two storey rear extension
<b>NAME OF APPLICANT:</b>	Mrs Patricia Luke
<b>ADDRESS:</b>	11 Park View, South Pelaw, Chester-le-Street, DH2 2JW
<b>ELECTORAL DIVISION:</b>	Chester-le-Street North Jayne Pallas, Planning Assistant Telephone; 03000 268306
<b>CASE OFFICER:</b>	<a href="mailto:Jayne.pallas@durham.gov.uk">Jayne.pallas@durham.gov.uk</a>

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. The application site is a traditional, mid terraced property located in a residential area of South Pelaw. The dwelling is two storey to the front; however due to the length of the South Western roof slope, the rear elevation is almost single storey (served by a single roof light). The property is served by a small enclosed garden to the North East, fronting the C183 highway. The rear of the property is accessed via a back lane and the existing yard is bounded by timber fencing. The neighbouring dwellings are located on either side.

#### The Proposal

2. Planning permission is sought for the erection of a porch to the front and a two storey extension to the rear of the dwelling. The proposed porch would project 1.5m beyond the principal elevation and would measure 2.4m at the eaves and 3.2m at the highest point. The proposed two storey extension would protrude 1.5m beyond the rear wall of the host dwelling and would measure 5.745m in width. The proposal would be served by a flat roof, measuring 5.75m in height. The proposed extension would provide an enlarged kitchen/dining room on the ground floor and a bathroom and additional bedroom at first floor level.
3. The application has been referred to committee at the request of the Local Councillor and was originally presented to committee on 29 June 2017 with a recommendation of refusal on the following grounds:
  4. The proposed rear extension would have an adverse impact upon the scale, form and character of the original building and the street scene, contrary to Policy HP11 (i) of the Chester-le-Street District Local Plan and Section 7 of the NPPF.
  5. The proposed two storey rear extension would have a significant detrimental impact on the amenity of the neighbouring properties due to its projection and height,

therefore would conflict with Policy HP11 (ii) of the Chester-le-Street District Local Plan.

6. At that meeting it was resolved to defer consideration of the application to allow the applicant the opportunity to reconsider a revised design to address the reasons for refusal. As such, an amended scheme has been submitted for consideration with the projection of the proposed two storey rear extension reduced from 2.7m to 1.5m.

---

## **PLANNING HISTORY**

---

7. DM/16/00449/FPA – Erection of front porch and two storey rear extension – refused on the grounds that the proposal would have an unacceptable impact on the scale, form and character of the original building and due to concerns about residential amenity. The decision to refuse the application was upheld by the Planning Inspector at appeal in November 2016.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

8. In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.
9. Paragraph 14 of the NPPF sets out that at the heart of the document is a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay, and where relevant policies in a development plan are out-of-date, granting consent unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole: or where specific policies in the framework indicate development should be restricted.
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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

### **LOCAL PLAN POLICY:**

11. The following are those saved policies in the Chester-le-Street District Local Plan relevant to the consideration of this application:
12. *Policy HP11 – Residential Extensions – Seeks to control the scale, form and character of extensions to an existing building, any neighbouring property, or the locality in general, specifically within the identified settlement boundaries.*

### **RELEVANT EMERGING POLICY:**

13. 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.cartoplus.co.uk/durham/text/00cont.htm>.*

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

14. None.

### **INTERNAL CONSULTEE RESPONSES:**

15. None.

### **PUBLIC RESPONSES:**

16. The neighbouring properties have been notified individually in writing. Further consultations letters were sent upon receipt of the revised scheme. No comments or objections have been received.

### **APPLICANTS STATEMENT:**

17. The property is an old colliery terrace consisting of two bedrooms with a downstairs bathroom adjacent to the kitchen, which is in need of radical modernisation to bring it up to modern day standards that would enable me and my family to live there.
18. There are 36 houses in Park View, consisting of two blocks, most of which in the second block have extensions similar to the proposal. Some of the houses in the first block have extensions to the lower level, none of which are identical; however the first house in the street has a two storey extension.

19. I have spoken with residents of Park View who are also keen to extend their own properties, and are hoping my case will set a precedent for others to follow, which I think would be beneficial for the area and its residents as a whole.

*The above is not intended to list 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 <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

20. 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 impact of the scheme upon the character and appearance of the host dwelling and the surrounding area, and upon the amenity and privacy of the neighbouring residents.
21. The application is the re-submission of a previous application (DM/16/00449/FPA) which was refused under delegated powers by the Local Planning Authority in 2016. The application was refused on the grounds that the proposed two storey rear extension would have an adverse effect on the scale, form and character of the original dwelling and would have a significant detrimental effect on the neighbouring residents in terms of amenity. The decision was upheld at appeal and although the projection of the proposed two storey extension has been reduced by 1.2m within the amended scheme, it is considered that this appeal decision remains a material consideration in the determination of the application.

### Impact upon character and appearance

22. The application, in its amended form, comprises of two elements, a porch to the front and a two storey extension to the rear.
23. The proposed porch is considered acceptable in size and scale and would not have an overbearing impact upon the principal elevation of the host dwelling or the surrounding area, where there are a number of porches in situ along the terrace. The porch would be constructed of traditional materials to match the host property and it is considered that this element of the scheme would adequately accord with objectives outlined in the NPPF and policy HP11 of the Chester-le-Street District Local Plan. This view was also taken by the Inspector in considering the appeal against the refusal of the previous application.
24. The projection of the proposed two storey rear extension has been reduced by 1.2m within the revised scheme, which undoubtedly would assist in reducing the prominence and visual impact of the proposal within the street scene. However, the proposed extension would remain significant in scale and would extend across the full width of the rear elevation with a flat roof. The rear elevations of the properties in Park View remain largely unaltered with only one property in the terrace having undertaken a two storey extension protruding beyond the existing rear elevation. Being a large scale, two storey, flat roofed extension on the single storey rear of the property the proposed extension would appear incongruous in the street scene and would adversely impact on the rear of the terrace by virtue of its design and scale. As such it is considered to be contrary to Part 7 of the NPPF and Policy HP11 which seeks to ensure that extensions would not adversely affect the scale, form and character of the existing building, any neighbouring property or the locality in general.

25. In considering the appeal against the previously submitted application the Inspector stated that *“due to the significant scale of the proposed extension, it is considered that it would dominate the host property. It would alter the historic plan form of the property and result in the loss of the distinctive almost single storey rear. Furthermore, it would disrupt the continuity of the traditional terrace. The flat roof design would exacerbate the incongruous appearance of the proposal. Moreover, due to the access lane which runs to the rear of the terraces, the proposal would be visible to the public.”*
26. Whilst it is acknowledged that the projection of the proposed rear extension has been reduced within the revised scheme, it is still considered that the amendment would fail to address the original grounds of objection or the concerns of the Inspector in relation to the impact upon the scale, form and design of the original building and the wider street scene. As such and despite the reduction in the scale and massing of the extension it is considered that the proposal would represent an overbearing and incongruous addition to the rear elevation of the terrace, where there are no extensions in situ that are directly comparable in terms of size, form or location. As a result, it is deemed that the proposed two storey extension would conflict with Policy HP11 (i) of the Chester-le-Street District Local Plan and design aims outlined within paragraphs 17 and 56 of the National Planning Policy Framework.

#### Amenity and Privacy of the Neighbouring Residents

27. The proposed porch is considered a small scale addition and would not have an adverse impact upon the amenity or privacy of the neighbouring residents.
28. The proposed two storey addition would extend across the full width of the site and would project 1.5m beyond the South West elevation of the existing terrace. This would create a blank gable wall measuring 5.75m in height on the boundary with No.10 and No.12 Park View. Both neighbouring properties are served by single roof lights (presumably serving bedroom spaces at first floor level) and the centre point of the kitchen window of No.10 is located approximately 1.3m from the boundary of the application site. No.12 is served by an obscure glazed window in close proximity to the boundary; however this does not appear to serve a habitable room.
29. The projection of the proposed two storey rear extension has been reduced to 1.5m within the revised scheme in order to lessen the impact upon the amenity of the neighbouring residents. Whilst the proposal would fail to accord with the 45 degree rule (contained within the Residential Estate Design Guidance in the Chester-le-Street District Local Plan) in relation to the ground floor habitable room window of No.10 Park View, this would be by a marginal amount (with only 10cms of the extension breaking this line). Given the very minor breach of the 45 degree rule, it is considered that the amended proposal would not have an unreasonable overbearing impact upon the adjoining residents, or result in unacceptable loss of daylight to the existing roof lights or the ground floor kitchen window of No.10.
25. As there are no properties to the rear and the proposal would include no windows to the side, it is deemed that the privacy of the neighbouring occupiers would be adequately preserved. This weighs heavily in favour of the rear extension.
26. As a result of the above, it is considered that the proposed two storey extension would not have an unreasonable adverse impact upon the amenity of the neighbouring

residents in terms of dominance or loss of daylight and would adequately accord with saved policy HP11(ii) of the Chester-le-Street District Local Plan.

---

## **CONCLUSION**

---

30. The application is a resubmission of a previously refused application which was supported by the Planning Inspectorate at appeal. The application was presented to committee in June 2017, however was deferred in order to allow a revised scheme to be considered by the applicant to address the reasons for refusal.
31. Whilst the amended scheme has adequately addressed the concerns in relation to the impact upon the amenity of the neighbouring residents, it is considered that the proposed two storey extension would have an adverse impact upon the scale, form and character of the original building by virtue of its size and design. As such, the scheme would fail to address the concerns raised by the Local Planning Authority and Inspector with regard to the affect of the scheme on the character and appearance of the original building and the visual amenity of the surrounding area. Therefore, despite the fact that the potential impact upon the amenity of adjoining residents has been resolved, on balance it is considered that the application would conflict with Policy HP11 (i) of the Chester-le-Street District Local Plan and Section 7 of the NPPF and is recommended for refusal. It is noted that this policy is fully consistent with the NPPF and is therefore accorded full weight. In arriving at this recommendation officers have considered the personal circumstances of the applicant and their desire to extend their home to provide improved living conditions for their family. Whilst officers acknowledge that the first floor living conditions are cramped it is not considered that this outweighs the sound planning reasons for recommending refusal of the proposal. The human factor is, however, always present in planning decisions but will seldom outweigh the more general planning considerations. It is, however, a matter for members to decide upon the weight they wish to attach to the personal circumstances of the applicant in this instance.

---

## **RECOMMENDATION**

---

It is recommended that the application be refused for the following reason:

1. The proposed rear extension would have an adverse impact upon the scale, form and character of the original building and the street scene, contrary to Policy HP11 (i) of the Chester-le-Street District Local Plan and Section 7 of the NPPF.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

The Local Planning Authority in arriving at the decision to refuse the application has tried to secure a positive outcome in accordance with the NPPF however the proposal is considered to be unacceptable in principle.

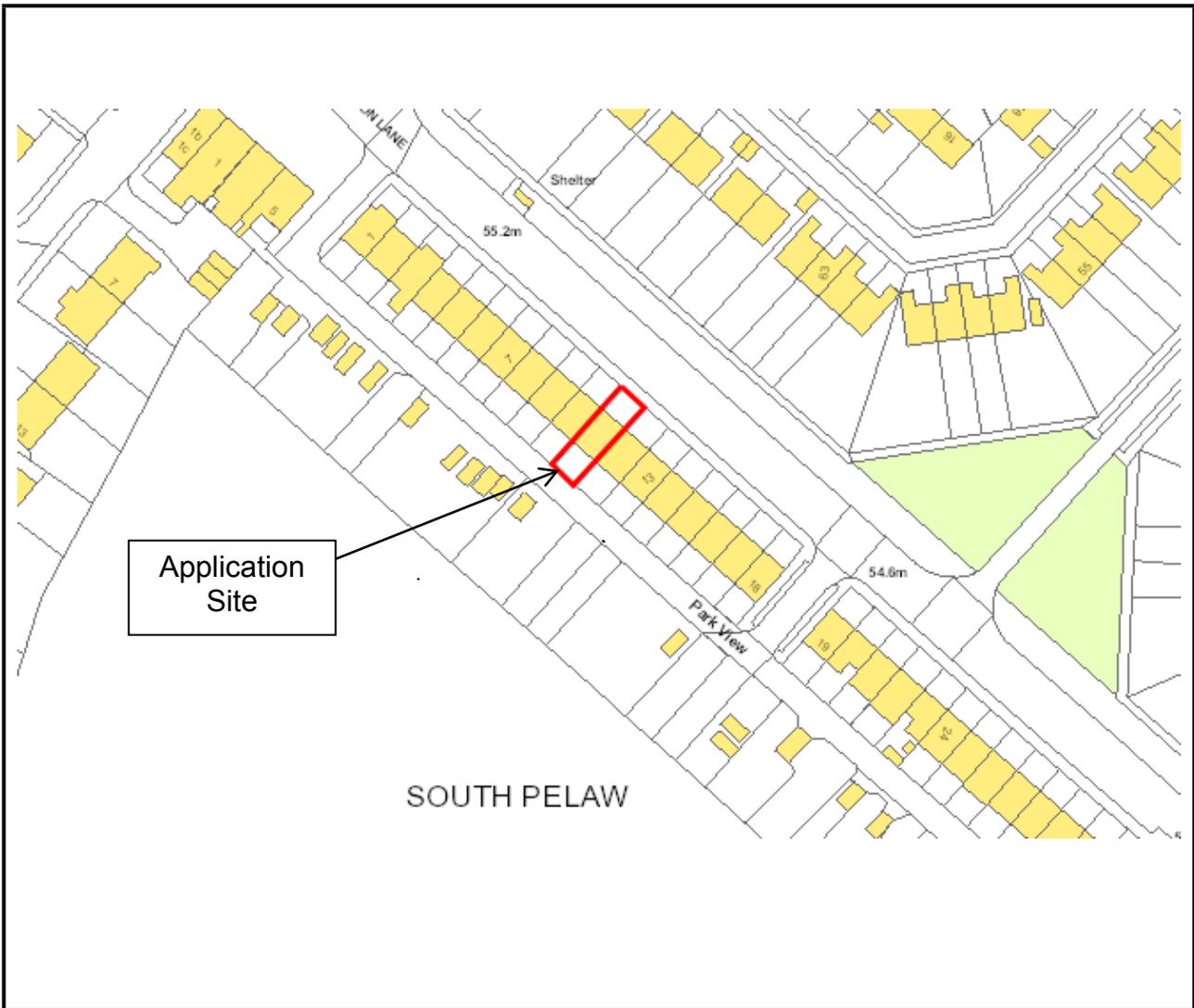
The Local Planning Authority in arriving at the decision to refuse the application were unable to seek solutions with the applicant in order to resolve those matters which failed to deliver high quality sustainable development in accordance with the NPPF, due to the form of development being unacceptable in principle.

---

## **BACKGROUND PAPERS**

---

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Chester-le-Street District Local Plan (Saved Policies 2009)



**Planning Services**

Erection of porch to front and two storey extension to rear

Application Number DM/17/01667/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

**Comments**

**Date** 28<sup>th</sup> September 2017

**Scale** NTS