

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** DM/17/03064/FPA  
**FULL APPLICATION DESCRIPTION:** Addition of single storey glass canopy to rear elevation of property  
**NAME OF APPLICANT:** Dr Kaaki  
**ADDRESS:** The Coach House, Derwentcote Farm, Hamsterley Colliery  
**ELECTORAL DIVISION:** Leadgate and Medomsley

**CASE OFFICER:** Louisa Ollivere  
Planning Officer  
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[louisa.ollivere@durham.gov.uk](mailto:louisa.ollivere@durham.gov.uk)

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The site subject of this application is a traditional two storey stone dwelling which is located on a former commercial livery known as Derwentcote Farm which lies in the open countryside between Hamsterley and Hamsterley Mill in an Area of High Landscape Value. To the west and south of the site is a neighbouring residential property, Derwentcote Farm, to the north is woodland and to the east are buildings and land used for the equestrian centre.

### The Proposal

2. This application seeks planning permission for the installation of a glass canopy to the rear of a recently constructed orangery extension which is to the side of this dwelling. The canopy would measure 6.5m by 5m and it would be supported by white aluminium posts. The canopy has a lean to design rising from 2.2m in height to 2.96 in height. There would be five glass panes in the right hand side with the canopy being otherwise open.
3. The application is reported to Committee as a local Councillor, Councillor Watts Stelling has requested that this be determined at this level as it involves development in the countryside which is of public interest, the excessive size and design of the canopy and as he considers the site has already been overdeveloped in an unsympathetic manner.

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## PLANNING HISTORY

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4. Planning Permission was granted in 1993 for the conversion of a farm building to a dwelling (to be occupied in accordance with a livery business). In 1995 permission was granted for the conversion of farm buildings to three dwellings. Extensive research has been undertaken by the enforcement team and it has been concluded that neither of these permission were implemented therefore the dwelling that currently occupies the site is unauthorised. Due to the length of time since the conversion took place it is now immune from enforcement action. Between 2006 and 2015 there have been various applications for extensions to the property including the recently constructed orangery.

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## PLANNING POLICY

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### NATIONAL POLICY:

#### NATIONAL PLANNING POLICY FRAMEWORK

5. 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 dependent. 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, the most relevant of these in this instance being:
  6. *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. 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.
  7. *NPPF Part 11 – Conserving and enhancing the natural environment* -The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

**NATIONAL PLANNING PRACTICE GUIDANCE:**

9. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
10. *Design* -The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

**LOCAL PLAN POLICY:**

11. The following section details the saved policies in the Derwentside District Local Plan thought most relevant to the consideration of this application:
12. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet. – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
13. *Policy EN1 Development in the Countryside*- will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
14. *Policy EN3 Extensions to buildings in rural areas* - will only be permitted if the proposals reflect the character of the original building, the scale does not adversely affect the appearance, and the proposal does not result in the loss of feature(s) of the host building.
15. *Policy EN6 Development within Areas of High Landscape Value* - Development will only be permitted provided that it pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals.
16. *Policy HO19 Extensions and alterations to existing dwellings*- states that planning permission will only be granted if the proposal reflects:
  - the character of the original dwelling and its surroundings
  - respects the scale of the original dwelling
  - incorporates pitched roofs wherever possible
  - specifies materials to match those of the existing dwelling

- does not result in an unacceptable loss of privacy and/or amenity to neighbouring occupiers, and
- does not result in the loss of off-street car parking space such that the level of provision is reduced to below the minimum requirements.

## 17. Supplementary Planning Guidance Note 2 House Extensions

*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/Pages/Service.aspx?ServiceId=494>*

### **EMERGING POLICY:**

18. 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. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **INTERNAL CONSULTEE RESPONSES:**

19. Landscape Officer: Advises that the structure would not represent a significant change to the visual amenity value or character of the landscape.
20. Ecology Officer: View are awaited.
21. Public Rights of Way Officer: Advises that public footpath no. 11 Consett passes in fairly close proximity to the proposed location of the glass canopy however it is advised that it will not directly effect public use of the footpath.

### **PUBLIC RESPONSES:**

22. Neighbouring land owners and occupiers have been consulted and this has resulted in one letter of objection from the neighbouring resident whose comments are summarised as follows:
- The scale of the extension is out of proportion to the original converted farm building and not in keeping with the character of the building or its surroundings contrary to local plan policies EN3 and HO19.
  - There is no requirement for a further structure larger than most domestic conservatories.
  - The property is already overdeveloped with extensions exceeding normal permitted floorspace and volume.
  - Loss of amenity and privacy to neighbouring properties.

- The cumulative impact of the extension would result in the property being highly obtrusive and inappropriate for the Derwent Valley Area of High Landscape Value contrary to Derwentside Local Plan Policy EN6.
- Noise and disruption caused by continuous development at the property.
- The extension is unsustainable and unjustified as it benefits no residential or business need as no one lives at the property and it has ceased to operate as a business therefore it is contrary to Derwentside Local Plan Policy EN1.
- Works have been undertaken at the property which are unlawful so the appropriateness of approving an extension to a property with unlawful additions is questionable.
- The property sits in a wildlife corridor and is in the Lower Derwent Valley red kite reintroduction scheme area. The erection of a predominantly glass structure projecting into a garden area would be an increased collision hazard for transiting birds.
- The extension would be visible from a Public Right of Way 15m to the west.
- The property has very bright LED flood lighting which is illuminated through the night, every night. One of these lights shines on the area of the proposed extension and the light on the glass structure would cause considerable additional glare and reflection.

#### **APPLICANTS STATEMENT:**

23. The proposed development is for a single-storey glass canopy to the rear elevation of the existing residential property. The property is not a listed building, nor is it in a conservation area. The proposed glass canopy is an enhancement of the garden as opposed to an extension as no additional floor space/useable living space is being created. The glass canopy will be accessible from the existing sun room and the garden as the glass canopy is open on all elevations, comprising just a roof and support posts. The materials are high quality and durable; clear glazing in the roof and aluminium powder coated posts and profiles in RAL 9016 'Traffic White' to remain in keeping with the property. In relation to the existing property, the addition of the glass canopy is small and subservient. As is visible from aerial imagery, there are very few buildings in the surrounding area. The development would not result in an increased overlooking to neighbouring properties.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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24. 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 whether the extension is of an acceptable design the impacts upon character of the area and whether there would be impacts upon neighbouring residential amenity.

#### **Impact upon the character of the area**

25. Derwentside Local Plan Policy GDP1 sections (a) requires proposals to be of a high standard of design which is in keeping with the character of the area. Derwentside Local Plan Policy EN1 requires development in the countryside to either benefit the rural economy or maintain or enhance landscape character. Derwentside Local Plan Policy EN3 requires extensions to building in the countryside to reflect the character, style and scale and to not result in the loss of features important to the host property.

Derwentside Local Plan Policy EN6 requires proposals to pay particular attention to the landscape qualities of the area in the siting and design of buildings. Derwentside Local Plan Policy HO19 require extensions to reflect the character, scale and materials of the host property.

26. As the objectors have pointed out, this property has already been extended significantly and has undergone considerable cosmetic alterations which to a certain extent have altered its traditional agricultural character. Nonetheless in comparison this structure is relatively minor and it is considered that the size and scale of the canopy is subservient to the host dwelling and given the open and lightweight nature of the glass structure it would appear as a contemporary yet sensitive and unobtrusive feature which would not add to the bulk of this building.
27. In terms of impacts upon the landscape as the extension would be discretely located to the rear of an existing extension and this property at the bottom of the valley within a rear garden area enclosed with 2m high close boarded timber fencing there would not be an adverse impact upon the landscape in terms of wider views. In terms of closer views it is noted that there is a PROW 15m to the west of the site from which it would be possible to view the proposed extension in quite close proximity. However given that the extension is considered to be of an acceptable design and scale and as it would be seen in the context of surrounding built form it is not considered that the proposal would be harmful to the Area of High Landscape. The proposed extension would not adversely impact on the amenity of users of the PROW.
28. It is therefore considered that the proposal would accord with the above policies, although as policies EN1 and EN6 are only partially compliant with the NPPF, then in accordance with paragraph 215 of the NPPF, less weight can be afforded to them in the assessment of this application.
29. One of the core policies of the NPPF is to ensure that planning takes account of the different roles and character of different areas. Section 7 of the NPPF requires proposals to add to the overall quality of an area and amongst other criteria should use streetscapes to create attractive places to live. In accordance with the NPPF developments should also respond to local character and reflect the identity of local surroundings and be visually attractive.
30. Given the position of the extension and its size, scale and design it is considered that this proposal would have a negligible impact on the quality or the attractiveness of the area. The proposal therefore does not conflict with the NPPF in terms of design and visual amenity.

#### Impacts on residential amenity

31. Derwentside Local Plan Policy GDP1 seeks to ensure that neighbours are protected from harmful development. This policy accords with Section 11 of the NPPF which advises that decisions regarding developments should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Whilst the closest neighbour has raised concerns over their amenity and privacy there are intervening structures such as close boarded timber fencing and an extension that would prevent any impacts from the canopy in terms of neighbouring light, outlook or privacy. Whilst views of the extension from the first floor of the neighbouring property would be possible these views would be from some considerable distance (33m) and would be indirect and of the glass roof mainly rather than the entire structure. Concerns have also been raised in relation to noise and light pollution. Given the minor nature of this extension it is not considered that it

would result in significant noise and disruption over a long period of time. Given the position of the extension with a roof which slopes away from the neighbouring property and the distance to neighbouring property it is not considered that reflected light would significantly affect the amenity of the neighbouring occupiers.

## Other Issues

32. The neighbour has made reference to unlawful development on the site however the Planning Enforcement Team have investigated this issue and consider it not expedient to take action in relation to these matters. The enforcement investigation is not relevant to the consideration of the present application.
33. One of the objections raised is that the extension is contrary to Derwentside Local Plan Policy EN1 as it benefits no residential or business need as no one lives at the property and there is no longer a business on site. Derwentside Local Plan Policy EN1 requires development in the countryside to benefit the rural economy or help to maintain or enhance the landscape character. The policy does not require there to be benefit in terms of residential need. Whilst the proposal is of little benefit to the economy it would maintain the landscape character as detailed above therefore it is not considered to be contrary to Derwentside Local Plan Policy EN1.
34. Concerns have been raised in relation to impacts to birds however given the low height of the canopy and the position close to other more substantial structures it is not considered that the canopy would present a new hazard to birds.

## CONCLUSION

35. The proposal would bring negligible benefits other than to an individual property owner. There would not be significant adverse impacts to the character of the property or the Landscape character in terms of residential amenity that would outweigh the benefits. The proposal would therefore be in accordance with Derwentside Local Plan Policies GDP1, EN1, EN3, EN6, HO19 and SPG2 and the NPPF.

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## RECOMMENDATION

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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.

*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 only in accordance with the following approved plans except insofar as such details may be inconsistent with any conditions attached hereto when such condition shall prevail:

Plan Ref:	Date Submitted:
Amended Site Location Plan	08/11/2017
PL02	15/09/2017
PL03	14/09/2017

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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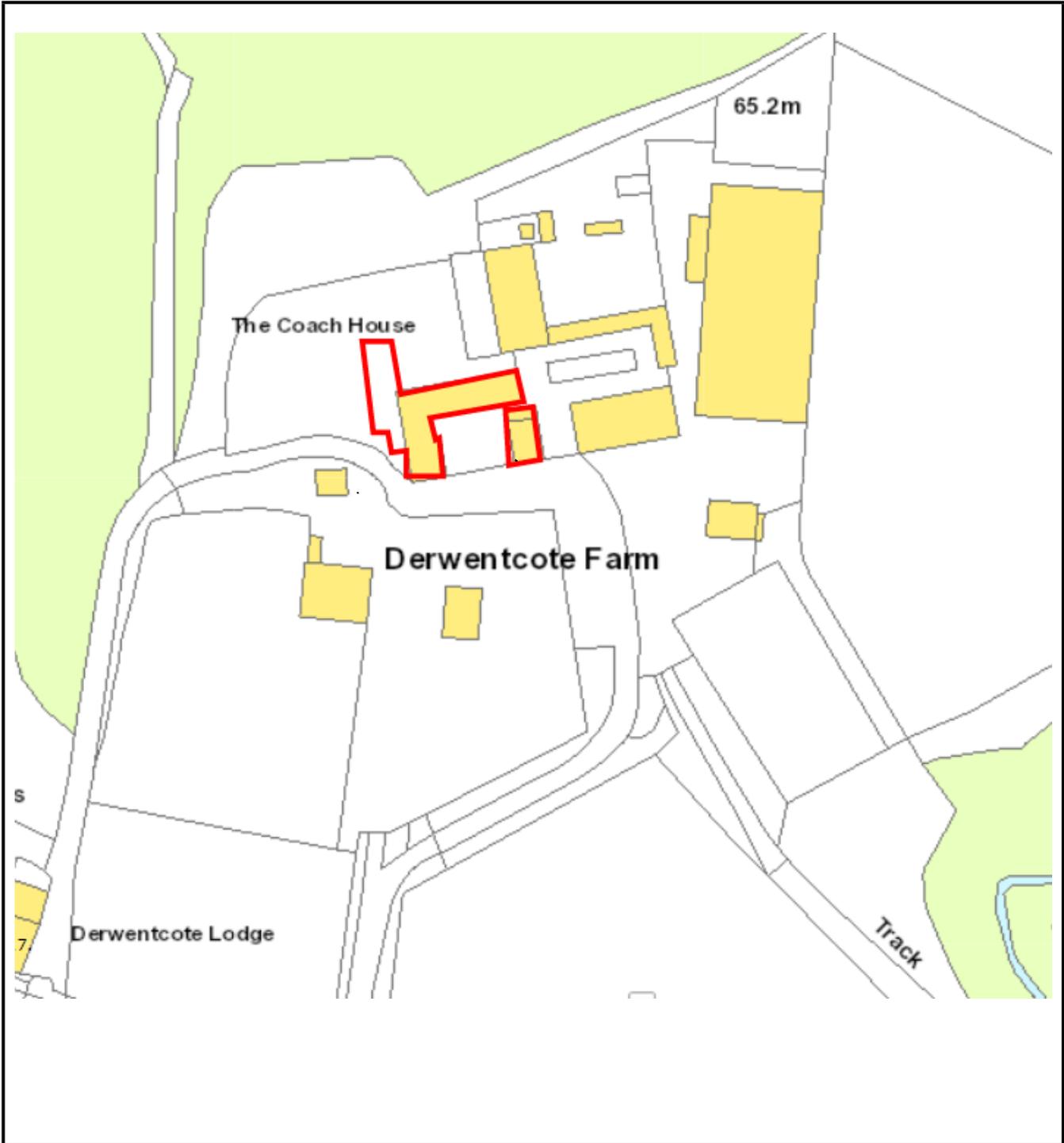
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering 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.

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## **BACKGROUND PAPERS**

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Derwentside District Local Plan (saved policies 2007)  
National Planning Policy Framework, March 2012  
National Planning Practice Guidance



**Planning Services**

The Coach House, Derwentcote Farm,  
Hamsterley Colliery

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**Comments**

**Date** 30<sup>th</sup> November 2017

**Scale** 1:1250