

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00362/FPA
FULL APPLICATION DESCRIPTION:	Change of use of land to side of dwelling to private garden area including erection of single-storey extension to side and rear of dwelling and detached garage and shed within extended garden area.
NAME OF APPLICANT:	Mr Peter O'Connor
ADDRESS:	1 Witton Grove, Framwellgate Moor, Durham, DH1 5AB
ELECTORAL DIVISION:	Framwellgate and Newton Hall
CASE OFFICER:	Lisa Morina Planning Officer 03000 264877 lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a semi-detached bungalow situated on Witton Grove which is a cul-de-sac street located within the Framwellgate Moor area of Durham. The dwelling in question lies to the front of the cul-de-sac on the main A691 which is one of the main approaches into Durham and is considered to be a well-appointed green gateway into the City. Residential properties surround the site to the north and west while the wooded Sniperley Park Copse sits to the east which is considered a significant and valuable feature. To the front of the site is a farmland area which is also an Area of High Landscape Value (AHLV). The property in question sits adjacent to but not within Green Belt land.

The Proposal

2. This application seeks planning permission for the change of use of land to side of the dwelling to private garden area. The erection of a single-storey extension is proposed to the side and rear of the dwelling. In addition to this a shed and detached garage is proposed.
3. The extension to the side of the dwelling would have a width of 4m projecting the full depth of the existing house. An extension with a projection of 3m is also proposed to the rear of bedroom 2 which sits adjacent to the common boundary with no. 3.
4. The proposed detached double garage is located to the rear of the extended garden area and measures 6m x 6.1m.

5. The shed will be located within the rear garden area adjacent the boundary with no. 3.
6. The extended garden area has a width of 7m projecting the full depth of the existing boundary of the site.
7. The application has been requested to be heard at committee by Councillor Wilkes, due to green belt land being turned into garden land and also concern regarding the trees adjacent to the site and that a tree preservation order should be added to these trees.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY:

9. 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 dependent.
10. 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'.
11. The following elements are considered relevant to this proposal;
12. 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.
13. NPPF Part 11 – Conserving and enhancing the natural environment. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

14. Policy H13 – (The Character of Residential Area) Planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
15. Policy E5a (Open Spaces within Settlement Boundaries) does not permit proposal which would detract from the functional, visual and environmental attributes they possess.
16. Policy E14 (Existing Trees and Hedgerows) seeks to protect existing trees and hedgerows, replacing where necessary and require appropriate tree surveys to accompany applications.
17. 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.
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.
19. 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.

RELEVANT EMERGING POLICY

The County Durham Plan

20. 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:

21. Highways – No highway objection has been raised.

INTERNAL CONSULTEE RESPONSES:

22. Landscape Officer – objection raised to the original location of the proposed garage forward of the established building line however objection has been withdrawn with the amended location.
23. Arboricultural Officer – No objection in principle subject to relevant conditions/informatives being attached.

PUBLIC RESPONSES:

24. The application has been advertised by way of a site notice and neighbouring residents were also notified individually of the proposed development. At the time of report preparation, one letter of objection has been received from a neighbouring property and one letter from a Ward Councillor for the area with the following concerns:
25. Objections to the erection of 900mm wood fence on top of brick wall on the front road aspect which is considered contrary to the appearance of all properties in this area none of which have this fence.
26. The comments of the Ward Councillor are listed above in Paragraph 7.

APPLICANTS/AGENTS STATEMENT:

27. Has the council got access to the land for cutting grass and maintenance the only entrance I can see is a gate 20 yards from my entrance near the bus stop if this is it what damage to wild life are they doing driving machinery across the woodland. Planning has requested me not to drive or park any plant or machinery in woodland. The grass and maintenance is been carried out by the residents which also collect rubbish and have done for years.
28. This bungalow which we purchased in November 2017 is the for ever home for my wife and I, my wife has been diagnosed with COPD so having a home that we feel comfortable in is all I strive for we are not developers just a retired couple looking to live in Durham till the end.

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, impact on the character and appearance of the area, the impact on the residential amenity of the neighbouring properties, highway safety issues and tree issues.

Principle of the Development

30. Policy E5A of the City of Durham Local Plan advises that development proposals within settlement boundaries that detract from open spaces which possess important functional, visual or environmental attributes, or which contribute to the settlements character or to the small scale character of an area will not be permitted. The reason for this is that open spaces within the Districts settlements often form an important part of their character.
31. The site in question is not in the Greenbelt, is not a public open space in that it does not readily provide public access and has no protective designation in the CDLP. The area in question falls within Council ownership and is part of a wooded area which sits between the cul-de-sac street and the main A167 route into Durham. The area proposed to be changed appears to be an area which informally has been used as garden area in the past and therefore, this application seeks to formalise this arrangement. A significant area of the wooded area would remain and minimal works would be required to the trees on site therefore, it is not considered that the loss of this open space to garden area would result in a detrimental impact on the openness or character of the of the area, therefore, the principle of the development is considered acceptable.

32. In addition to this, the extension and outbuilding additions are considered acceptable given they relate to an existing residential property and are of an appropriate nature and scale. The application is proposed as an extension to a residential property as such the principle of the development is considered acceptable as extensions are considered acceptable to dwellings in accordance with policy Q9 of the Local Plan subject to relevant criteria being met.

The impact of the proposal on the character and appearance of the surrounding area:

33. As there are others within the street which benefit from extensions to their properties of varying scales and designs, it is considered that the visual amenity of the streetscene would not be adversely affected with the addition of the extension. The extension is considered of an appropriate scale and size in relation to the host and would not create an imbalance on the adjoining semi-detached property.

34. In respect of the shed and garage, the shed due to its position and size is not considered to result in a detrimental impact on the streetscene being set back behind the front building line of the property.

35. Originally the application proposed the detached garage to be sat within the front garden area against the back drop of the trees however, concern was raised by the landscape officer that this would have an unacceptable impact on the area given its position forward of the established front building line. In particular with respect to the AHLV which sits opposite the site and the wooded area adjacent to the site. No concern was raised however, with respect to the change of use element given that it appears to be an area already used as garden area although on an informal basis and would not be considered to have a significant effect on the visual amenity value of the area. The addition of the fencing along the side elevation is welcomed to help ensure no further incursion into the adjacent woodland.

36. Following re-consultation on the position of the amended garage, the objection to the application from a landscape viewpoint was removed subject to issues regarding construction methods being met in respect of trees which will be discussed in detail later.

37. Concern has been raised regarding the addition of fencing on top of the boundary wall however, it has been confirmed by the applicant that the front elevation detail will remain as is and is not to be altered in any way.

38. Concern has been raised that the proposal is the change of use of Green Belt land however, the site in question is not Green Belt land however the land opposite is and also the land surrounding the cul-de-sac to the North and West however, the area of land to be enclosed and the wooded area do not form part of this.

39. Given the above, it is considered that the proposals are of an appropriate scale and style in relation to the host and in turn the streetscene.

Privacy and amenity of neighbouring residents.

40. The majority of the proposal would not be visible to the adjoining neighbour with the element being visible only projecting 3m from the rear building line which is an acceptable projection which is not considered to cause a detrimental impact on the residential amenity of the adjoining neighbour.

41. The neighbour to the rear would not be significantly impacted on given the location and position of the extensions in relation to the habitable room windows. Some additional impact may be provided into the garden area of this neighbour however, this is not considered sufficient enough to warrant a refusal of the application given the existing boundary treatment which will prevent significant overlooking issues from occurring.
42. The position of the garage has been relocated towards the bottom end of the proposed extended garden area however, it is considered that this is situated a sufficient distance away from the neighbour to the rear that it would not result in a detrimental impact on this neighbour.

Highways

43. The proposal is considered acceptable in terms of highway safety as sufficient off-street parking is considered to remain.

Trees/Landscaping

44. Concern has been raised from the Ward Councillor for the area that the proposal would involve the change of use of green belt land to private garden area and also concern about the trees located within the wooded area to the side and their protection.
45. Both the Landscape and Tree Officers have commented on the proposal and raise no significant objection to the application subject to relevant conditions/informatives.
46. In respect of the trees, originally, the application proposed the removal of the hedge along the front building line adjacent to the existing entrance to no. 1 however, it was found that this was highway land and therefore, this element has been removed from the application with a step in the front boundary line being created and this hedge will remain.
47. In addition to this, it is considered that in order to protect trees from being significantly impacted upon, that the garage must be constructed on a raft foundation. Concern was raised over the use of the block paving given the closeness of the block paving to the adjacent Woodland. It is suggested therefore, that a cellular confinement system should be in place with gravel or whinstone chippings for the filling, this will also help precipitation for the roots and will also help drainage issues which may occur. Given this, it is considered that this should be made a condition of the application in order to prevent damage to existing trees. The applicant has been made aware of this and amended plans have been submitted which reflect this however, the exact details will still need to be finalised. In addition to this, details of the raft foundation have been received which are considered acceptable and have been agreed with the tree officer. In addition to this, it is felt that the permitted development rights should be removed from this area in respect of detached structures so that the impact on the trees can be controlled in the future.
48. In respect of the concerns from the Councillor regarding the trees adjacent to the site and their protection. The trees are Council owned and therefore, although they are not subject to a Tree Preservation Order are protected in so far that consent from the Council as land owner would be required before any work is carried out to these trees. It is not normal practice to place a Tree Preservation Order on trees owned by the Council given the protection which they have through being land owners. It is considered in this instance that this is sufficient and that the applicant will be reminded of this through an informative. It is also of note that the TPO process is separate from the consideration of this application and is not therefore for Members to decide upon.

CONCLUSION

49. The proposed developments for an extension to a residential property are considered acceptable in principle given its current use. In addition to this the change of use of the land is also considered acceptable in principle given how it is currently used.
50. 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.
51. Highway Safety issues are not considered to be an issue as suitable off-street parking has been provided.
52. Issues with respect to trees/landscaping have been overcome and the proposal is considered to have an acceptable impact subject to relevant conditions being met.
53. As such, it is considered that the proposed development would be in accordance with saved policies E6A, T1 and Q9 of the City of Durham Local Plan and parts 7 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.

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

Plan Ref No.	Description	Date Received
None	Amended Site Location Plan	13 March 2018
None	Amended Site Plan	13 March 2018
Drg No. 1 of 3	Existing and Proposed Plans and Elevations	25 March 2018
Drg No. 2 of 3	Existing and Proposed Site Plan	25 March 2018
Drg No. 3 of 3	Existing and Proposed Roof Plan	13 March 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies T1, T10, Q1, Q9 and H9 of the City of Durham District Local Plan.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with policy Q9 of the City of Durham Local Plan.

4. Notwithstanding any details submitted with the application no development shall commence until details of a cellular confinement system constructed with manufactures guidance and recommendations for the driveway have been submitted 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 protect existing trees on/adjacent the site to comply with policies E14 and Q9 of the City of Durham District Local Plan.

5. 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 further detached structures shall be erected within the garden area without the prior written approval of the Local planning authority upon an application submitted to it.

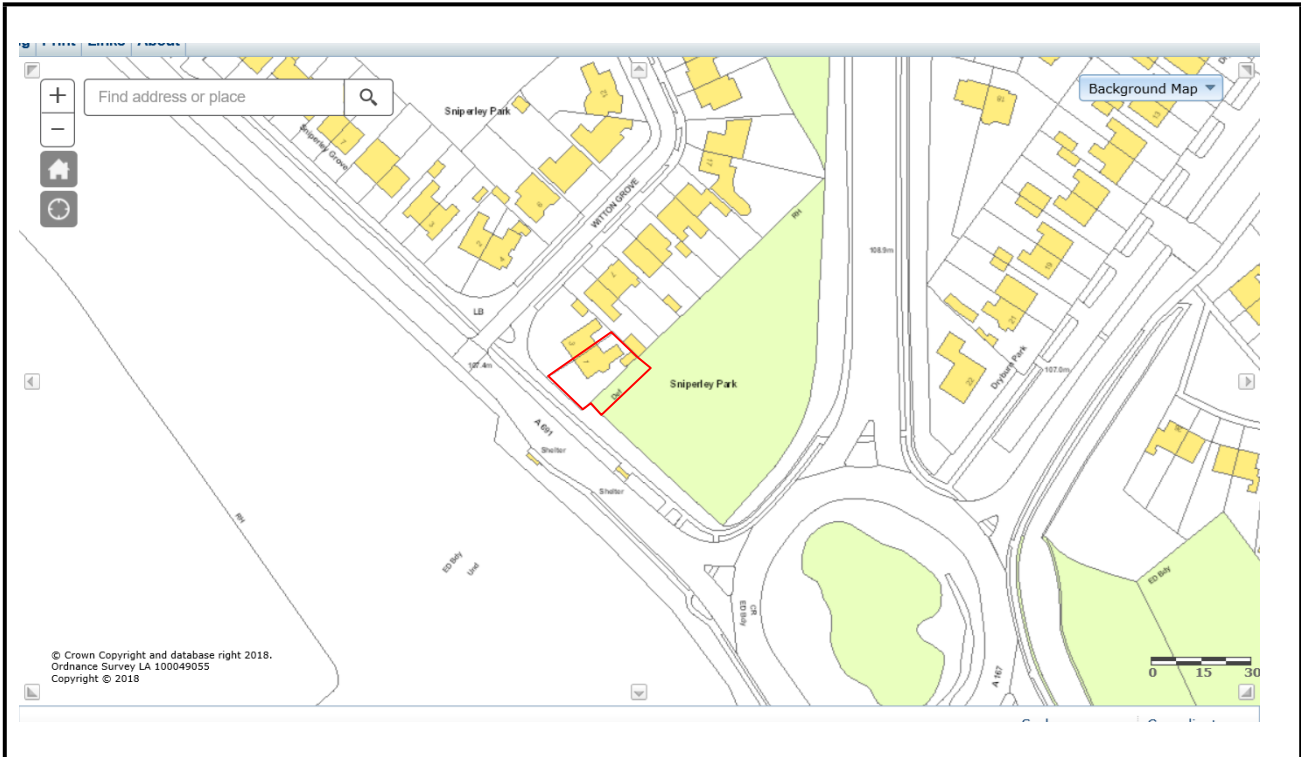
Reason - In order that the Local planning authority may exercise further control in this locality in order to protect the health of the adjacent trees and to comply with policy E14 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

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



Planning Services

Change of use of land to side of dwelling to private garden area including erection of single-storey extension to side and rear of dwelling and detached garage and shed within extended garden area at 1 Witton Grove, Framwellgate Moor, Durham, DH1 5AB

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April 2018