

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** DM/18/02246/FPA  
**FULL APPLICATION DESCRIPTION:** Erection of detached dwelling (resubmitted)  
**NAME OF APPLICANT:** Mr J Walton  
**ADDRESS:** Former Garden Of 23  
High Green  
Gainford  
DL2 3DL  
**ELECTORAL DIVISION:** Barnard Castle East  
**CASE OFFICER:** Tim Burnham Senior Planning Officer 03000 263963  
[tim.burnham@durham.gov.uk](mailto:tim.burnham@durham.gov.uk)

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site is part of a former walled garden to the grade II listed 23 Hazel Grove, which lies to the south, but is now in separate ownership. The site is enclosed by 2m high walls to the east, south and west, while the 4m high historic heated wall to the north runs prominently against the A67 and forms a significant feature within the Gainford Conservation Area. Stable House, the former stable of Hazel Grove lies immediately to the west, and the gardens of Hazel Grove and 1 Tees View lie to the south and east respectively.
  2. The application proposes the erection of a detached two storey dwelling with integral garage taking access off the A67 from the opening in the north wall. The dwelling would be constructed in random rubble stonework with hardwood painted windows. The roof would be clay pantiles with stone slate coursing at the eaves.
  3. The application is a resubmission following refusal of DM/17/02486/FPA under delegated powers. The reasons for refusal were the effect on highway safety from inadequate visibility at the site access; and loss of privacy to the gardens of Hazel Grove and 1 Tees View from overlooking. The only changes made to this application are the omission of a bedroom window and the provision of obscure glazing to the bathroom windows facing 1 Tees View. There were also refusals in 2011 (highways) and 2007 (highways and design).
  4. The application has been referred to the planning committee by Cllr Richardson who considers that this is a site that would greatly enhance the village if developed.
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## PLANNING HISTORY

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5. The site has a long and complicated planning history and contrary to the applicant's claims that the site has planning approvals established since 1984 there is no extant planning permission as explained below.
6. Outline permission for one dwelling utilising the original access was granted on 5<sup>th</sup> December 1984, but despite being renewed, it was never implemented and the permission lapsed.
7. On 13<sup>th</sup> April 1994, a new outline permission was given for one dwelling and at the same time a separate application for the conversion of the Stables (Stable House) was also granted. The outline permission included a new single vehicle access to serve both the new dwelling and Stable House, but subject to reserved matters and conditions for further details of the access to be approved.
8. When the conversion of Stable House was carried out in 1995 under its own consent, the original opening in the wall was closed and a new opening was formed approximately in the location shown on the outline permission (the current opening into the site). This access was however outside the red line of the Stable House permission and was carried out without reserved matters consent for the outline permission. The access opening was therefore unauthorised and did not constitute implementation of the 1994 outline permission, which has now lapsed. The opening is still there, but has remained mostly unused and was for a long time barricaded closed.
9. In 2005 Stable House was granted detailed consents for the reinstatement of the original opening in the wall to provide an access that would only serve Stable House. The planning permission was granted on the basis that it would be the only lawful residential access in the wall in a position where one had always existed. This was renewed and has now been completed in accordance with the most recent permission in 2016.
10. Since granting permission for reinstatement of the original access to Stable House, planning permission has been refused 3 times for a detached dwelling on the application site (2007, 2011 and 2017). All 3 included highway safety refusal reasons on the grounds that it would introduce a second residential access in the wall with inadequate visibility. The 2007 and 2017 refusals had other design and neighbour impact reasons as well.
11. The list of relevant applications is as follows:
  - DM/17/02486/FPA - Erection of detached dwelling – Refused on highway safety and neighbour impact.
  - DM/16/02803/FPA - Alterations to the design of the access – Approved (Access to Hazel Grove).
  - 6/2010/0215/DM - Erection of 1no new dwelling – Refused on highway safety.
  - 6/2007/0319/DM – Erection of Dwelling - Refused on design and highway safety.
  - 6/2005/0168/DM – Reinstatement of vehicular access archway – Approved (Access to Hazel Grove).
  - 6/1994/0019/DM – Outline application for erection of dwelling - Approved.
  - 6/1994/0021/DM – Conversion and extension of outbuildings to form dwelling house and double garage – Approved (Hazel Grove).
  - 6/1984/0302/DM – Outline application for erection of one dwelling - Approved.

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## PLANNING POLICY

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### NATIONAL POLICY

12. 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.
13. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
14. *NPPF Part 9 - Promoting sustainable transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. In assessing applications for development it should be ensured that, among other things, safe and suitable access to the site can be achieved. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
15. *NPPF Part 12 - Achieving well-designed places.* The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
16. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

*The above represents a summary of those policies considered most relevant in the Development Plan*

### LOCAL PLAN POLICY:

17. The following saved policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
18. *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.

19. *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.

20. *Policy BENV4: Development within and / or adjoining Conservation Areas:* Development within and/or adjoining conservation areas will only be permitted provided that:

The proposed location, design layout, materials and scale respects the quality and character of the area; materials for buildings and hard landscaping must be appropriate to and sympathetic with the characteristics of the area; the proposal does not generate excessive traffic, parking, noise or other environmental problems which would be detrimental to the character and appearance of the conservation area; the proposal does not destroy trees, hedgerows, landscape features, views and undeveloped areas which contribute to the character or the appearance to the area and its settings; any services which lead to the new development should wherever possible be located underground; proposals should meet the requirements of other relevant policies of the local plan. Proposals which would adversely affect the setting of a conservation area or the views into or out of the area will not be permitted.

21. *Policy H4: Infill Development on Sites of Less Than 0.4 Hectare:* Small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of Gainford. Proposals should satisfy the criteria contained in policy GD1. Tandem development will not be permitted. Backland development will only be permitted where it would not cause unacceptable harm to the privacy or overall residential amenity of the occupants of neighbouring dwellings, and an adequate and safe access can be provided.

*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 -**

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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

22. *Gainford Parish Council:* Note that they are keen to see the area developed but suggest that the historic nature of the wall running along the main road needs to be

preserved. The Parish would like to see consistency applied regarding the approval of accesses along this stretch of road.

23. *Highway Authority*: This site, and the proposal for a dwelling, has considerable planning history. The history detailed within the 6/2010/0216/DM/LB delegated planning report is instructive.

There is an extant consent (DM/16/02803) for the reinstatement of a vehicle access within the stone wall, from the neighbouring 'Stable House', to the A67, Main Road. This has been renewed on a number of occasions, commencing with 6/2005/0168. The following comments by the Highway Development Control Engineer, at the time of the applicant's 6/2010/0215 application for a new dwelling, outlines the basis for the LHA's refusal recommendation. The aforementioned 6/2010/0216/DM/LB report also makes some issues clearer (the newly formed, and unauthorised in planning terms, A67 vehicular access having been closed off for use by Stable House for a time).

6/2010/0215 response: 'In 2005 an application (6/2005/0168) was submitted for the reinstatement of the original access to Stable House, the conversion approved in 1994. This application was for the re-use of a stopped up access to an already existing property. The alternative access (the one originally approved in 1994) lay outside the red line site boundary and on third party land. In my reply I noted that visibility from the access was severely restricted. I also pointed out that providing an acceptable visibility splay would require the demolition of a significant length of wall. It was, and remains, my opinion that the refusal of an access to an existing property would be unlikely to be upheld at an appeal.

Given the planning history of the site, had the original 1994 approval been renewed, a highway refusal of the current application certainly could not have been substantiated. However, after considerable discussion, and despite the applicant's contention that her site has benefited from outline planning permission since 1984, I understand that there is currently no valid approval for a new dwelling on this site. In planning terms, therefore, this is a new application for a new dwelling.

Visibility onto the A67 from the site access is severely restricted, some 2.0m x 6.0m in each direction. This visibility falls well below even the reduced standards in the Manual for Streets (approximately 2.4m x 50m, dependent upon actual vehicle speeds).

This proposal would introduce the traffic from a new dwelling onto an A class road at a location where visibility is extremely substandard. I consider that a refusal on visibility grounds could be justified. I must therefore recommend that this application be refused on highway grounds for the following reason:

"The visibility splays, which are essential in the interests of highway safety cannot be achieved at the access to this site. An additional dwelling at this location would prejudice the safety of road users at this point".

The Case Officer confirms that in planning terms the current application is for a new dwelling within a parcel of land without extant consent for development. In that respect it is therefore unchanged from the refused 6/2010/0215 application. It is therefore recommended that the same refusal reason is used to refuse the current application.

24. *Northumbrian Water*: No objection.

## INTERNAL CONSULTEE RESPONSES:

25. *Design and Conservation:* Very similar plans for this detached dwelling were submitted previously in 2017 albeit with alterations to the fenestration to the first floor of the south and east elevations. Although concerns were raised by the Conservation Officer at the time regarding the erection of this dwelling, these were not accepted by the case officer, who stated in the delegated report for proposal DM/17/02486/FPA that the proposal was not contrary to policies GD1, BENV3 and BENV4 of the adopted Teesdale District Local Plan. Therefore due to the limited differences in terms of design (the removal of one window to the first floor of the east elevation), there would be no grounds for objection from a design and conservation standpoint.
26. *Archaeology:* A site visit was carried out by DCC Archaeology Section as part of a previous application. This found that the potential for undisturbed below-ground archaeological remains to survive was very low due to previous landscaping activity. Based on this information, I have no objection to the current proposals on archaeological grounds.

## PUBLIC RESPONSES:

27. The application was publicised by site notice, press notice and neighbour notification letters.
28. Four letters of objection have been received. A significant level of concern has been received in relation to the access to the site which objectors consider to be unsafe. Concern is expressed over the design and size of the dwelling and overdevelopment of the site and that this would be appropriate in relation to the conservation area setting or nearby listed buildings. Concern is also expressed over loss of amenity to neighbouring property.
29. Four letters of support have been received. It is suggested that this is an obvious site for development which would fit in well with the village, that traffic levels in the village have reduced and that the new dwelling will provide support to local businesses.

*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:

30. I write to support this application which has planning approvals to residential development established since 1984. I ask that the needs of the village, the needs of more homes overall and that equity, consistency and common sense be applied as it will be :
- An asset to the village
  - Make good use of land that has an existing access of 23 years ( used by 2 properties without incident)
  - Provide another much needed home in the village
  - Make best use of a brownfield site in a residential area in the body of the village
  - Make Main Road look complete and more attractive to all with benefit to the village as a whole

Design (*neighbour impact*)

31. This design was agreed with the planning and conversation(*sic*) officer in a previous application. In last year's application reference was added by a then different planning officer re impact to 1 Tees View and Hazel Grove.
32. Tees Views recent request is satisfied in design modification in this submission. Hazel Grove. No windows are overlooked. All Hazel Grove windows face to the South and West therefore no impact. Any windows in this application overlooking the garden area do so to the secondary garden area and drive. The main large garden area beside the house is not overlooked. Hazel Grove has grown tall Beech trees along the perimeter further blocking the view. The current occupants bought this property and negotiated the price with full knowledge of the planning history of this site and this design.

#### Access

33. This application already benefits from the existing access built with full planning approval 1995, used without incident for 23 years. Until last year this access served 2 properties - this site and Stable House, a large 4 bedroomed property. This has now reduced to sole use of this 1 property.
34. Highways granted discretion to the application from Stable House regarding visibility splays in this same listed wall to create a new, second separate access for its use only. Planning granted stated - *The County Highways Engineer had no objections and is prepared to waive the normal sight lines because this is a wall of architectural and historical interest.* I ask for equity of their advice/discretion.
35. At the time of application for the new access in 2005 the then planning officer Andrew Bishop confirmed two accesses were acceptable, the existing and a new one and the existing could be used for a residential dwelling to this site.
36. The new access was constructed last year and the properties totally detached thus traffic / access to this application has reduced. There are more than 30 such vehicular accesses on to Main Road most of which are narrower. The planners knew of the planning on this site when they approved Stable House and Queens Court. The Fish and Chip shop has always been there. Traffic flow has reduced since the very busy pub and hotel Queens Head was redeveloped(*sic*) to residential housing. Before that the car park housed 60+ cars and traffic was always coming and going. The pub had several letting bedrooms.
37. This is an obvious site to build a house. It would be good if common sense and equity could be applied. It will meet the County Council and Government's agenda to provide more homes and be an asset to the village.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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38. 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 character and appearance of the conservation area; Highway safety; and impact on residential amenity.

## Policy Context

39. The site lies within the built up area of Gainford, but contrary to what the applicant has said, it is not previously developed land, and therefore it does not fall under Policy H4 of the Teesdale Local Plan. There are no other relevant housing policies in the Local Plan. The emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision making process at the present time.
40. This engages Paragraph 11 of the NPPF which requires that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means granting permission unless the application of policies in the framework which protect areas or assets of particular importance provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. As there are no protection policies which provide a clear reason for refusal, then the acceptability of the principle of the development is to be determined on the basis of the titled balance test.

## Location

41. Gainford is classed as a local service centre in the Council's Settlement Study on the basis that it has some key facilities and services. The site is located centrally in the village and is therefore well placed to access a range of local facilities, services and public transport. There is no conflict with NPPF paragraphs 78, 79 and 103 in this respect.

## Housing Land Supply

42. On the 13th June 2018, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the Government's standardised methodology for calculating OAN, which is now reflected in paragraph 60 of the NPPF, and formally endorses the use of 1,368 dwellings per annum (dpa) as the OAN. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
43. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

## Design, Impact upon Conservation Area and listed buildings

44. The site lies within the Gainford conservation area and close to the grade II listed Hazel Grove.
45. A conservation area and a listed building are designated heritage assets. Part 16 of the NPPF 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. The NPPF advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Teesdale Local plan policies BENV3, BENV4 and GD1 are consistent with these aims and can therefore be given significant weight.
46. Regard must also be given to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states that with respect to any

buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 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.

47. The Gainford Conservation Area Appraisal describes Gainford as an attractive village on the banks of the River Tees, at the heart of which is a large medieval green. The character of houses around the green is predominantly Georgian with a mixture of more modest rubble-built terraces on the south side and better constructed coursed rubble and ashlar build on the north. Despite the varied nature of styles and forms, the architecture of Gainford is unified by its scale, height, quality and use of local building materials. Most of the roofs are covered with red pantiles often finished off with a line of split stone slabs along the eaves. Some of the larger buildings have blue slate roofs.
48. The application site lies to the north of the village green along the main road through the village. The character of the immediate surrounding area is typical of that described in the Conservation Area Appraisal, although there is a post war housing estate to the north which is not included in the conservation area.
49. Some local residents have raised a number of concerns about the impact of the proposal on the conservation area and setting of Hazel Grove as a result of its scale, design and the development of an area of open space.
50. It is also noted that there is a fairly lengthy planning history on the site, including refusals on design grounds. However, each proposal must be considered on its own merits.
51. It is acknowledged that open spaces in the village, most notably the village green make a substantial contribution to the character of the village. The application site is not however considered to be one of those important spaces. It has no public access and is contained by high boundary walls. The roadside wall in particular limits views into the site and through to Hazel Grove, which retains its own spacious garden area.
52. The roof and gable ends of the proposed dwelling would be visible above the roadside wall, but the height and materials, as well as the Georgian window style throughout would be wholly in keeping with the village character. Dormer windows are not a common feature, but they would be located on the less visible rear elevation and would sit comfortably as small features within the roof so are not objectionable on design grounds. While the dwelling and its access/manoeuvring arrangements would occupy a fairly large part of the site, there would still be some amenity space left in the site and together with the orientation of the dwelling, which has kept the bulk of it set back from the wall, the proposal would not be an overdevelopment of the site.
53. Taking all the above into account, and having regards to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed dwelling would preserve the character and appearance of the Gainford Conservation Area, as well as the setting of the grade II listed Hazel Grove. It would not be contrary to the NPPF or policies GD1, BENV3 and BENV4 of the Teesdale Local Plan in this respect.

54. The 4m high roadside wall would effectively limit any privacy impacts on the properties across the road to the north. However, the walls to the east, south and west are only 2m high. This would not be an issue in relation to Stable House because of the orientation of the proposed dwelling and lack of windows facing west, but one of the reasons for refusal of the previous application was the loss of residential amenity to the neighbouring properties Hazel Grove and 1 Tees View, which lie immediately to the south and east.
55. The current proposal has addressed the impact on 1 Tees View by removing a bedroom window and using obscure glazing in the bathroom windows facing 1 Tees View. However, the relationship with Hazel Grove is unchanged.
56. The applicant has said in her statement that the occupiers of Hazel Grove purchased the property with full knowledge of the planning history of the site and the design proposed, but as explained in the planning history, the 3 applications prior to this were all refused. The 1984 and 1994 permissions were only in outline and both lapsed.
57. The proposed 2 storey dwelling would be located very close to the southern boundary of the site. Even at the furthest point it would still be only 8m off the southern boundary. At its closest it would be just 4.5m off the southern boundary. There would also be 3 first floor bedroom windows and a study window facing south. All 4 windows would overlook the garden of Hazel Grove. Not only would this significantly diminish the level of privacy within this neighbour's garden, but the proximity of the house and windows together with its scale would also have an oppressive impact on the use of the whole of the neighbour's garden, not just a small area as claimed by the applicant. The trees along the boundary are not substantial and would be without leaf during the winter so would do little to minimise the harmful impact of the development.
58. It is therefore considered that the proposal would harm the living conditions of adjacent residents at Hazel Grove due to loss of privacy and an oppressive impact. This is contrary to Teesdale Local Plan Policy GD1 (E). The proposal would also conflict with the NPPF which seeks to secure a good standard of amenity for existing and future occupants of buildings.

#### Highway Safety

59. The proposal seeks to take access from the existing gap in the wall onto the A67. This is unchanged from the previous 3 refusals.
60. Contrary to the applicant's claims in her statement, this access does not benefit from any planning permission for the reasons explained in the planning history section of this report. Furthermore, the application site has not had any formal or recreational use since it was a garden so the access has not been in regular use. In fact it was barricaded and left in an unfinished state for many years. Hazel Grove now has its own access, having reinstated the original opening, so the context has changed significantly since the lapsed permissions.
61. The A67 is a busy road through the village, being the principle link between Barnard Castle and Darlington. Although at this point the road is subject to speed restriction in the village, the Highway Authority have advised that visibility onto the A67 from the site access is severely restricted at some 2.0m x 6.0m in each direction, thereby falling well below even the reduced standards in the Manual for Streets (approximately 2.4m x 50m, dependent upon actual vehicle speeds). Any traffic emerging from the site onto the A67 at this point without having adequate visibility of

oncoming traffic or pedestrians would be likely to increase the risk of accidents to the detriment of highway safety. While the access to Hazel Grove has similar visibility issues, it was a reinstatement of the original access to an already existing property and is therefore materially different to this proposal.

62. It would not be appropriate to consider lowering or removal of the wall to improve the visibility situation because the wall has historic significance and is an important feature within the conservation area. In any event the proposal does not seek to make alterations to the wall and the west section of wall is not in the applicant's control.

63. The proposal is therefore contrary to Policy GD1 (Q) of the Teesdale Local Plan which requires that adequate and safe access to development sites is provided.

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## **CONCLUSION**

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64. In accordance with the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.

65. The proposal would supply just one dwelling and as the Council is able to demonstrate in excess of 6 years supply of deliverable housing land, the boost to housing supply as a benefit of the development is very limited. The associated economic and social benefits from a single dwelling would be equally modest. The relatively sustainable location of the dwelling has been given moderate weight.

66. The lack of harm in relation to impact on the Conservation Area and setting of Listed buildings are neutral factors not benefits.

67. Despite these factors, as identified the proposal would harm the residential amenity of Hazel Grove and be harmful in highway safety terms. Consequently the proposal would conflict with other development plan policies that are not out of date, as well as aims within the NPPF in these respects. These are significant and dis-benefits resulting in environmental and social harm.

68. It is therefore considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the development plan and the NPPF considered as a whole. As such, the guidance to grant permission found in NPPF paragraph 11 does not apply. The application is therefore recommended for refusal.

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## **RECOMMENDATION**

That the application be **REFUSED** for the following reasons;

1. The required visibility splays, which are essential in the interests of highway safety cannot be achieved at the access to this site. As a result, the increased traffic movements associated with the proposed dwelling would prejudice the safety of highway users contrary to Teesdale Local Plan Policy GD1 (Q) which requires that an adequate and safe access to development sites is provided.

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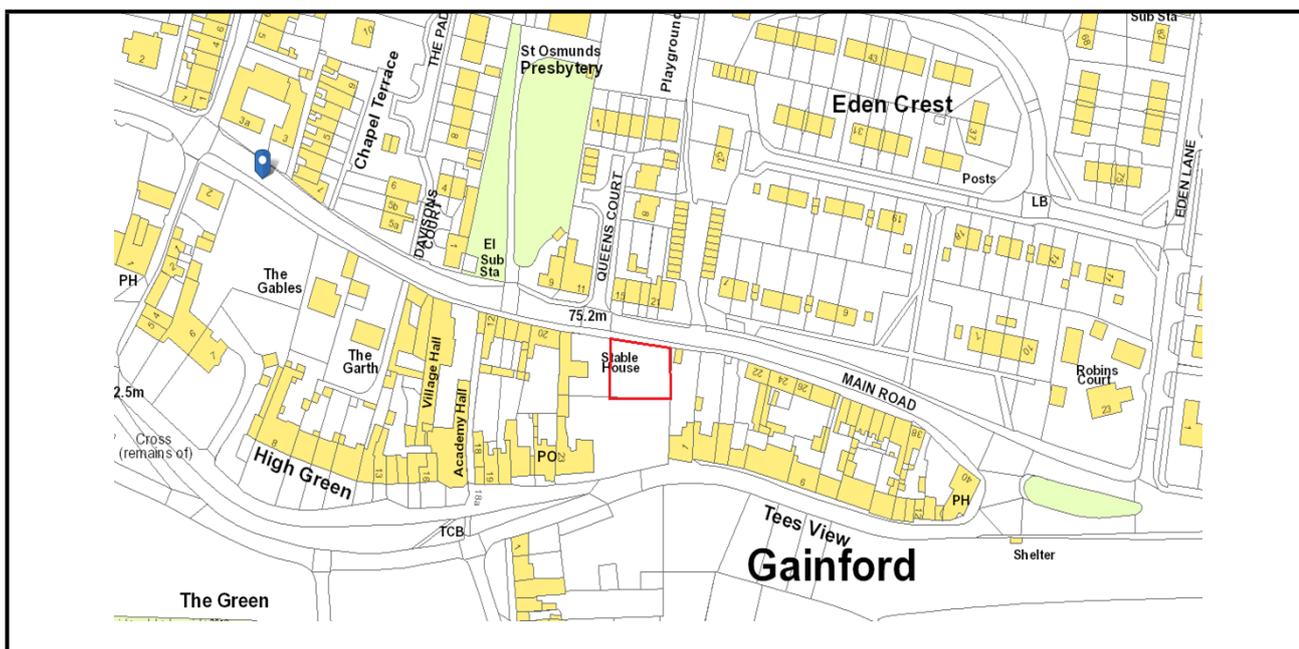
2. The proposal, by reason of the overlooking first floor windows in the south elevation and the scale and proximity of the development to Hazel Grove, would cause harm to the residential amenity of Hazel Grove due to loss of privacy and an oppressive impact. This is contrary to Teesdale Local Plan Policy GD1 (E) which requires that development should not unreasonably harm the amenity of occupants of adjoining sites.

## STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in the balance of all considerations, the issues of concern could not result in a positive outcome being achieved.

## BACKGROUND PAPERS

Submitted application form, plans supporting documents  
 The National Planning Policy Framework (2018)  
 National Planning Practice Guidance Notes  
 Teesdale Local Plan  
 The County Durham Plan (Submission Draft)  
 County Durham Settlement Study 2012  
 All consultation responses received



 <p><b>Planning Services</b></p>	<p>Erection of detached dwelling (resubmitted)</p>
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