



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPEAL UPDATE REPORT

APPEALS DETERMINED

Appeal against the refusal of Planning Permission for the erection of an agricultural barn on land at Dunelm Close, Leadgate (DM/17/02609/FPA).

The application was refused by committee on 27.10.17 on the grounds that –

'The proposed building by virtue of its appearance, design and materials would be detrimental to the visual amenity, residential amenity and character and appearance of this predominantly residential/urban fringe area contrary to Policies GDP1, AG3 and EN26 of the Derwentside District Local Plan and Parts 7 and 11 of the NPPF.'

The appeal was dealt with by way of written representations and an unaccompanied site visit.

In determining the appeal, the Inspector noted that Policies GDP1 and AG3 of the Local Plan expect new development to be of a high standard of design which is in keeping with the character and appearance of the area, appropriate to the location and to be sited and designed to be in scale with, and not form an intrusive element within, the landscape. It was noted that these policies are broadly consistent with the NPPF and were therefore accorded substantial weight.

The Inspector noted that due to its location at the end of Dunelm Close, the proposed building would appear as a terminal feature in an elevated position in views up the street from the west and from within the adjacent streets resulting in it being a prominent feature. He noted that the proposed hedge would only partly screen the building and would take some time to become established.

In terms of the materials it was noted that metal sheeting was proposed which would be viewed in the context of the brick and render properties with tiled or slate roofs. The Inspector stated that 'the very basic design of the building and the use of materials that are inconsistent with the materials of those buildings closest to the appeal site would combine with its visual prominence to result in an incongruous and jarring feature immediately adjacent to residential buildings.' As such it was concluded that the building would be harmful to the character and appearance of the area.

The Inspector noted that the reason for refusal of the application did not refer to odour however this had been raised in the appeal process. He stated that there is no substantive evidence that the proposed development would generate any additional odours and did not consider this to be directly relevant to the appeal.

Finally, the Inspector noted allegations that the Planning Committee had been unduly influenced by one member. He noted that the application had been recommended for approval by Officers and the lack of evidence to support the allegations that had been made. He pointed out that members are entitled to take a different view to their Officers on applications providing that there are valid planning reasons to do so.

The appeal was dismissed.

Appeal against the grant of Planning Permission subject to conditions at Jarola House, 21a Glencoe Avenue, Chester-le-Street (DM/17/03920/FPA)

Retrospective Planning Permission was granted on 5th December 2017 for the erection of a single storey rear extension at the above property. Condition 4 of the permission required the clear glass in the western elevation of the extension to be replaced with obscured glazing within three months of the date of the permission. The condition was imposed due to concerns regarding the impact of the extension in terms of overlooking on the adjacent property, 8 Glen Barr.

In determining the appeal the Inspector noted the significant degree of intervisibility between the extension and the neighbouring property. It was noted that views between the properties would be readily apparent to the residents of 8 Glen Barr leading to a significant and harmful perception of being overlooked. The Inspector felt that this would lead to an intrusive and unneighbourly relationship between the properties with resultant harm to the living conditions of the residents of 8 Glen Barr.

Note was taken of a hedge separating the two properties which provides a degree of screening however the Inspector noted that the retention of the hedge cannot be guaranteed in the long term.

The removal or variation of the condition would, in the opinion of the Inspector, lead to unacceptable harm to the living conditions of the residents

of 8 Glen Barr in terms of their privacy therefore the condition was considered to be reasonable and necessary and the appeal was dismissed.

The Planning Enforcement Team have contacted the applicant and have stated that the clear glazing must be replaced with obscured glazing within three months of the Inspector's decision.

APPEALS RECEIVED

An appeal has been received against the refusal of planning permission for the retention of a shed within a parking bay on land to the south of 108 Meadowfield, Burnhope (DM/18/01105/FPA).

The application was refused under delegated powers on 25.06.18 on the following grounds –

'The shed reduces parking to the host property, displacing parking of vehicles into other areas of the housing estate. As such the application is contrary to criteria c of Policy TR2 of the Derwentside District Local Plan which requires adequate parking space to be provided.'

'The shed which is sited on a parking bay is considered to have a negative impact on the character and appearance of the area contrary to criteria A of Policy GDP1.'

An appeal has been received against the refusal of outline planning permission for the erection of a single dwelling to use existing farm access, with all other matters reserved at Stobbilee Farm, Langley Park (DM/18/00872/OUT).

The application was refused under delegated powers on 17.05.18 on the following grounds –

'The proposal would neither protect or enhance this valued landscape contrary to Derwentside Local Plan Policies GDP1, EN1, EN6 and section 11 of the NPPF.'

'The proposal would result in the encroachment of built development into the countryside contrary to Derwentside Local Plan Policy EN2.'

'The proposal does not generally support sustainability objectives of paragraphs 17 and 35 of the NPPF with regard to the potential for reducing greenhouse gas emissions and locating development where sustainable modes of transport for the movement of people can be exploited. Therefore, this is not a sustainable location for a dwelling.'

An appeal has been received against the refusal of planning permission for change of use of residential annex to dwelling at Woodlea Manor, Lanchester (DM/18/00036/FPA).

The application was refused on 12.03.018 under delegated powers on the following grounds –

'The proposal would result in the creation of a separate single dwelling in an unsustainable location that would not contribute to the three roles of sustainability: environmental, economic or social. As a result, in terms of Paragraph 14 of the NPPF it is considered the adverse impacts of the proposal in terms of sustainability, as set out within Paragraphs 7 and 8 of the NPPF, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.'

An appeal has been received against the refusal of outline planning permission for two houses on land to the south of The Valley, East Hedleyhope (DM/17/03494/OUT).

The application was refused under delegated powers on 21.12.17 on the following grounds -

'The proposal does not generally support sustainability objectives of paragraphs 17 and 35 of the NPPF with regard to the potential for reducing greenhouse gas emissions and locating development where sustainable modes of transport for the movement of people can be exploited. Therefore this is not a sustainable location for a dwelling.'

An appeal has been received against the refusal of a partly retrospective application for a general purpose agricultural building at 5 Front Street, Burnhope (DM/17/03957/FPA).

The application was refused under delegated powers on 13.02.18 on the following grounds –

'The applicant has failed to demonstrate that the proposed building is required for the operational needs of an existing agricultural unit, in conflict with criterion (a) of Policy AG3 of the Derwentside District Local Plan.'

An appeal has been received against an Enforcement Notice requiring the use of 10 Queen Street, Grange Villa, Chester-le-Street as a guest house to cease (EN/17/00848).

The notice was issued on 05.01.18. The Council considered it expedient to issue the notice because –

'The use of the property as a guesthouse without appropriate planning consent constitutes inappropriate development and has a detrimental effect upon the amenity and character of the area contrary to Part (vi) of Policy HP17 of the Chester-le-Street District Local Plan and Part 8 of the NPPF.'

The Council believe that planning permission should not be granted because planning conditions could not overcome the objections to the development.'

All of the above appeals are being dealt with through the written representations procedure and Members will be updated of the decisions in due course.

Report prepared by Fiona Clarke (Principal Planning Officer).