



**CITY OF DURHAM
PARISH COUNCIL**

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The Planning Inspectorate
Room 3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham
DH1 1WA

5 July 2021

RE: Appeal reference: APP/X1355/W/21/3276130

DM/20/03811/FPA | Erection of detached dwelling and garage. | Land To The West Of Western Cottage Whitesmocks Durham DH1 4HN

The Parish Council wishes to confirm that it fully supports the decision of the County Council to refuse this application. The decisions to refuse consent for this application, as recorded on the County Council's public planning portal, are clear:

The erection of a dwelling in this backland location would significantly alter the character and appearance of the area to its detriment by virtue of its modest size and external amenity space in comparison to surrounding dwellings, as well as the reduction in size of the rear garden and loss of trees and boundary hedging to Western Cottage. This is considered to be contrary to Policies 6, 29 and 40 of the County Durham Plan, S1 and H3 of the Durham City Neighbourhood Plan and Paragraphs 70 and 122 of the National Planning Policy Framework.

The erection of a dwelling in this backland location would intensify the use of the land to the rear of the surrounding dwellings, adversely affecting the amenity that surrounding residents could reasonably expect to enjoy to an unacceptable degree. In addition, the proposed dwelling would fail to provide high standards of amenity for its future occupants by virtue of insufficient outlook from the lounge, kitchen and second bedroom, and the small size of the third bedroom. Such disturbance to neighbours and poor amenity for future occupants is deemed contrary to Policies 6, 29 and 31 of the County Durham Plan and Paragraph 127 of the National Planning Policy Framework.

Since this application was refused, the Durham City Neighbourhood Plan has passed Referendum Stage and was formally adopted by the County Council on 23rd June 2021. The Policies within the Plan therefore carry greater weight in the determination of this appeal.

Furthermore, the Planning Committee would like to point out that this site does have a planning application history. An approach was made by this same applicant to the City of Durham Council in

1995 asking for a pre-application advice regarding the likelihood of building a bungalow on this site. The answer was that it was very unlikely because of the detrimental impact on the amenity of the area, the fact that it would be backland development and because of poor vehicular access. Despite this caution an application was subsequently made in 1999 to convert the garage into a dwelling which was withdrawn 13 days later.

In 2001 an outline application was made to build on this site (Ref. 4/01/00461/OUT) This was refused at committee on several grounds. Firstly, because the proposed development would compromise residents (both new and existing) amenity and privacy by virtue of the restricted nature of the site, Secondly the proposed development would be out of keeping with the character, density and scale of development in the surrounding area and thirdly there was no safe and satisfactory access.

This decision was appealed. In 2002 the planning inspector dismissed this appeal. He not only supported the committees' reasons for refusal but identified other grounds including the height of the proposed structure which would lead to significant visual impact and the fact that, unlike a garage, a dwelling would be permanently occupied. He also mentioned "*the relatively spacious quality of the area*". He was particularly concerned about the way the dwelling hugged the boundaries of the site creating a "*cramped appearance*".

This application is clearly contrary to key parts of the County Durham Plan, the Durham City Neighbourhood Plan and the National Planning Policy Framework and the Parish Council therefore urges the Planning Inspectorate to refuse this appeal.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council