



**CITY OF DURHAM  
PARISH COUNCIL**

Learning from the past.  
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2<sup>nd</sup> July 2020

Dear Ms Morina,

**DM/21/01869/FPA | Erection of part two-storey extension/part single-storey extension at side and rear of dwelling, decked area to rear, single-storey extension to front and enlarged driveway area. | 41 Wearside Drive Durham DH1 1LE**

The City of Durham Parish Council Planning Committee considered this application at its meeting on the 25th June 2021 and resolved to object to this application.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the planning policies of the County Durham Plan (CDP) and the Durham City Neighbourhood Plan, which was formally adopted by the County Council on 23rd June 2021.

The Parish Council is deeply concerned at the prospect of the loss of yet another grassed garden and a well-established hedge to the front of the dwelling. The removal of the garden and hedge as part of this proposal is contrary to Neighbourhood Plan Policy D4 which clearly states: *“all new housing, and extensions and other alterations to existing housing, should be of high-quality design relating to:*

- a) the character and appearance of the local area; and*
- b) aesthetic qualities; and*
- c) external and internal form and layout; and*
- d) functionality; and*
- e) adaptability; and*
- f) resilience; and*
- g) the improvement of energy efficiency and the reduction of carbon dioxide emissions.*

*New residential development should meet the Building for Life 12 standards provided for in County Durham Building for Life Supplementary Planning Document (2019)".*

The Building for Life SPD (car parking) clearly states: "*where parking is positioned to the front of the property, ensure that at least an equal amount of the frontage is allocated to an enclosed, landscaped front garden as it is for parking to reduce vehicle domination.*" This application is clearly contrary to the Building for Life SPD.

Furthermore, the Durham County 'Guidance Note on the Validation Requirements for Planning and Other Types of Applications' confirms that all development where there are mature or semi-mature trees / hedgerows within the site or on land adjacent that could influence or be affected by the development (including street trees) will be required to be supported by a Tree & Hedgerow Assessment to ensure that such proposals can be appropriately assessed against the provisions of Part 15 of the NPPF and Policies 29 & 40 of the adopted County Durham Plan.

Whilst the submitted application form (at section 6) suggests that no trees or hedges need to be removed or pruned in order to carry out this proposal, this is contradicted in image 1 below.

**Image 1 – 41 Wearside Drive, google maps 2014**



There is a mature hedgerow both within the application site itself and forming the boundary with the neighbouring property (39 Wearside Drive) and, as such, it is wholly evident that a Tree & Hedgerow Assessment should be submitted as a matter of urgency to ensure that the application proposals can be properly assessed against the provisions of Policies 29 & 40 of the adopted County Durham Plan, as well as guidance contained at Part 15 of the NPPF.

Paragraph 127 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. In line with this, CDP Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated. In addition, criterion e) of Policy 29 states that all development proposals will be required to provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties. The Council's adopted Residential Amenity Standards SPD also provides guidance on extensions to household dwellings.

The SPD advises that rear extensions are usually highly visible from neighbouring properties and that sunlight and daylight are important factors in securing a good quality living environment.

Furthermore, CDP Policy 31 is clear that *“proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted”*.

This property is clearly adjoined to the neighbouring property. The proposed extension would have an adverse impact on light being able to access the windows to the rear of 39 Wearside Drive which serve a main room of that dwelling. This application is therefore considered contrary to County Durham Plan Policies 29 and 31.

The Parish Council further submits that this proposal would be contrary to CDP policy 6 (d) which requires development to be: *“appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement”*. The Parish Council notes that pre-application advice received on this application requested that the original proposal be scaled down, however the size of this extension would still be inappropriate to the setting of other houses in this settlement.

In considering the impact of this proposal on 39 Wearside Drive, Durham County Council also has a responsibility under the Human Rights Act, in particular Protocol 1, Article 1 where it states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.

For the reasons set out in this response, the Parish Council urges the County Council to refuse this application.

Yours sincerely,

**Adam Shanley**  
**Clerk to the City of Durham Parish Council**