

THE CITY OF DURHAM TRUST

Web site: <http://www.DurhamCity.org>

c/o Blackett, Hart & Pratt, LLP
Mandale Business Park
Belmont
Durham, DH1 1TH

2 June 2022

To: Ms Ruth Howell
The Planning Inspectorate
3D Temple Quay House
2 The Square
Bristol BS1 6PN

Email: north2@planninginspectorate.gov.uk

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended) SECTION 78 –
NOTIFICATION OF PLANNING APPEAL**

Application reference: DM/21/02896/FPA

Appeal reference: APP/X1355/W/22/3297345

Name of appellant: Mr Paul Bracewell

Site: Fernhill, Newcastle Road, Crossgate Moor, DURHAM, DH1 4JZ

**Proposed development: Redevelopment of stables to provide 1no 4 bed dwelling, Fernhill,
Newcastle Road, Crossgate Moor, Durham DH1 4JZ**

Appeal Start Date: 28 April 2022

STATEMENT BY THE CITY OF DURHAM TRUST

Dear Ms Howell,

The City of Durham Trust wishes to make these additional written representations to accompany its original objection to the application (attached for convenience).

Our position is based upon a conviction that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that essential characteristics of Green Belts are their openness and their permanence. Furthermore, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. The boundary of the Green Belt around Durham City has been settled with the approval of the County Durham Plan in October 2020. Examination of the Submitted Plan specifically considered whether the boundary should be amended to remove Fernhill from the Green Belt and the decision was that it remains part of the North Durham Green Belt. Accordingly, all the considerations as to safeguarding, protecting and maintaining the Green Belt apply in this case.

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Joint Statement of Common Ground

3.0 Areas of Appellant/Council Agreement

1. **Scale.** The Trust does not accept that the footprint is just that of the first floor. There is considerable excavation and retaining work beyond the original footprint and the basement floor also extends beyond the original stable footprint. The excavation creates a parking area and access driveway set into the ground. The Trust considers it wrong to use the first floor of the house at approximately the original ground level as the new 'footprint'.
2. **Heritage** – The Appellant and Council Agreement fails to recognise the nature of the main house, lodge and grounds as an estate with its own heritage character that is impacted upon negatively by the proposed very large house and access construction. It is a non-designated heritage asset in its entirety.

4.0 Areas of Appellant/Council Disagreement

3. **Greater Impact and Openness** – The Trust supports the Council's position.

Appellant's Appeal Statement

4. **Para. 2.13** – The Trust disagrees that the impact on the immediate landscape is 'minimal'.
5. **Para. 6.16** – The proposal will clearly have greater impact on openness than the original stable block for the reasons the Trust outlined in its original objection.
6. **Para. 6.21** - The proposed development does not match the footprint of the existing building as noted above.
7. **Para 6.25** - Both the original Committee Report and the Appellant are wrong in stating that the proposed building will have a similar form to the existing stable block.
8. **Para 6.30** - Clearly a false argument as accepting this would be to suggest that any large development has no openness impact if set in large excavation.
9. **Para. 6.365** - The Trust does not accept that public viewpoints are the only measure for visual impact. The small estate has its own intrinsic value and internal views and there is the overall quantum of development to be considered as well.

The Trust restates its position that to allow this development would create an obvious principle of far-reaching impact where the quality of this and other green belts would suffer harm.

Yours sincerely,

John Lowe
Chair, City of Durham Trust

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Aire House
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13 September 2021

Dear Mr Spurgeon,

DM/21/02896/FPA Fernhill Newcastle Road Crossgate Moor Durham DH1 4JZ
Redevelopment of stables to provide 1no 4 bed dwelling

The Trust wishes to object to this application based on its negative impact on the Green Belt and failure against County Durham (CDP) and Durham City Neighbourhood Plan Policies.

Context

This application is a continuation of previous attempts to secure extra housing on the estate. The site is Green Belt and outside of the built up area as defined in the CDP. The Green Belt extends over the A167 and adjoins Flass Vale and the Local Nature Reserve. It forms part of the green 'wedge' that links Flass Vale to the countryside setting of the city. The site's inclusion in the Green Belt was confirmed through the examination process that ratified the County Durham Plan. In relation to strategic green infrastructure, Fernhill sits in the neck of the wedge in an important position for retaining the integrity of the landscape. Fernhill is a small 19thC estate with a main house and adjoining lodge conversion plus gate lodge and ancillary buildings. It is set in its own extensive landscaped grounds. The whole should be considered as a local heritage asset even if not specifically noted in the Neighbourhood Plan. It is a key component of local character and a green asset. It forms part of the boundary to the World Heritage Site (WHS) inner setting, it is part of the ridgeline area defining the city inner 'bowl'. As the proposal takes in substantial areas of the site landscaping in addition to the current stable block it cannot be previously developed land. The Fernhill highway access enters from a very busy section of the A167 with poor sightlines between the crest of a hill and a curve.

Proposal

The proposed house will be created in an extensive excavated area that is used for access, a ground floor that extends forward of the upper storey and there are retaining walls that also form a rear terraced garden. A new access road branches from the existing house access. The totality of the development is approximately the same as the main Fernhill building if lower storey and retention walls are included. With terraces and road, it is a very extensive development close to the main house and its adjoining lodge. Only the upper floor loosely approximates to the clearly ancillary timber stable block. The style chosen for the new proposals has design merit if considered in complete isolation from its actual context. The quality is not sufficient to consider the proposal unique or outstanding as a design. It has no relationship to the house, adjoining buildings or gate lodge. The existing stables are a reasonable form of outbuilding given the 'estate' nature of the site. There is no reference to the loss or lack of viability of the stables and the potential requirement to replace them within the Fernhill grounds or nearby.

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Impact

It is inaccurate to claim the new house will only have the same impact as the stable building it replaces. This is obviously not the case, the ground floor extends further, there are substantial retaining walls and terraces and a new road link. It is equally inaccurate to claim that all the new proposal site is on 'previously developed land' - it occupies a substantial section of the house setting. The Fernhill site is far too large to be considered as only private residential garden space and is a landscaped estate forming a key component of the greenspace surrounding Durham City. Using a previous approval for an ancillary building to the main house with clearly lesser impact as an entry point for a new house development should trigger greater scrutiny and is a potentially very poor precedent. It impacts negatively on the site openness and therefore the quality and value of the site as green belt. It expands the developed area within the green wedge linking to Flass Vale. The green break across the A167 is valued by the community. It reduces the extent of the landscaped house surrounds, impacting on the area's value as a green asset. The new house breaks into the estate character of the site creating a discordant and large new element that impacts negatively on character. It also impacts negatively on the estate as a local heritage asset. There are no exceptional circumstances relating to design or public benefit that weigh against the negative impacts of the scheme. Matching the height of the stable block does not help in mitigating the negative impacts of the development. Public accessibility or sight of the proposed house are also not factors in mitigating against negative impact. The estate has its own intrinsic qualities and role in greenspace that are not reduced by lack of views into the site. Increasing the amount of vehicle traffic accessing the site from the A167 creates additional hazards for road users.

Policies

The proposal fails against the following policies:

County Durham Plan

Policy 10 Development in the Countryside

Development of Existing Buildings

General Design Principles for all Development in the Countryside

The proposal is new development in the countryside and fails by virtue of its siting, scale, design because:

l. It gives give rise to unacceptable harm to the heritage and intrinsic character of the countryside individually and cumulatively and cannot be adequately mitigated or compensated.

m. It contributes to increased merging or coalescence of neighbouring developed area by its siting in the centre of an important green wedge.

o. It impacts adversely upon the setting, townscape qualities of the estate and cannot be adequately mitigated or compensated for.

As new development in the countryside it (t.) impacts negatively on the site's high environmental value.

Policy 20 Green Belt

This refers to National Policies as expressed in the National Planning Policy Framework NPPF and is relevant as follows:

NPPF 13. Protecting Green Belt land

Para. 137. The current site prevents urban sprawl by keeping land permanently open and upholding the essential characteristics of Green Belt openness and permanence.

Para. 138. The site upholds Green Belt purposes:

a) by checking the unrestricted sprawl of large built-up areas.

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- c) by assisting in safeguarding the countryside from encroachment.
 - d) by preserving the setting and special character of Durham as a historic 'town'
- Para. 149. The proposal is not an exception because: d) It is the replacement of a building and is materially larger than the one it replaces - it is significantly larger than the existing stable block it replaces. And (g) It is the complete redevelopment of previously developed land (only the stable block) that will have a greater impact on the openness of the Green Belt than the existing development and will harm to the openness of the Green Belt, unmitigated by providing affordable housing (the house is beyond 'affordable' definitions).

Policy 29 Sustainable Design

- a. The development fails to contribute positively to the area's character, identity, heritage significance, townscape, and landscape features.

Durham City Neighbourhood Plan

Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions

The development proposals do not demonstrate the following principles:

Conservation, preservation, and enhancement of Our Neighbourhood

- c) Harmonising with its context in terms of scale, layout, density, massing, materials, and hard and soft landscaping
- d) Conserving the significance of the setting, character, local distinctiveness, and the contribution made to the sense of place by a non-designated heritage asset.

Policy H3: Our Neighbourhood Outside the Conservation Areas

The development proposals do not demonstrate an understanding of the area of the proposed development and its relationship to its context as a whole.

The development proposals do not take into account or meet the following requirements, by:

- a) Failing to sustain and make a positive contribution to the character and distinctiveness of the area; and
- b) By avoiding the loss of open space that contributes to the character and appearance of the surrounding area; and
- d) Not having scale, density, massing, form, layout, and landscaping appropriate to the context and setting of the area.

Policy G1: Protecting and Enhancing Green and Blue Infrastructure - Protecting green and blue assets

Protecting and enhancing green corridors

The development proposals have negative impact on a green corridor and fail to maintain and enhance its functionality and connectivity.

The Trust therefore objects based on the negative impact of the proposals and their failure against the above policies.

Yours sincerely

John Lowe,
Chair, City of Durham Trust