



## Area Planning Committee (Central and East)

**Date** Friday 26 June 2020  
**Time** 9.30 am  
**Venue** Remote Meeting - This meeting is being held remotely via Microsoft Teams.

---

### Business

#### Part A

#### Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 10 March 2020 (Pages 3 - 8)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
  - a) DM/20/00865/FPA - 11 Cedar Drive, Durham, DH1 3TF  
(Pages 9 - 22)  
Change of use from a C3 family house to a C4 HMO, demolition of existing garage and replacement with two storey side extension and single storey extension to rear.
  - b) DM/20/00262/FPA - 75 Whinney Hill, Durham, DH1 3BG  
(Pages 23 - 36)  
Erection of part two-storey/part single-storey extension at rear of existing small HMO (use class C4).
  - c) DM/19/03170/CEU - 11 Mayorswell Close, Durham, DH1 1JU  
(Pages 37 - 44)  
Certificate of lawful use application for the change of use of C3 Dwellinghouse to C4 HMO prior to the Article 4 Direction coming into force.

6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
18 June 2020

To: **The Members of the Area Planning Committee (Central and East)**

Councillor J Clark (Chair)  
Councillor A Laing (Vice-Chair)

Councillors G Bleasdale, D Brown, I Cochrane, K Corrigan,  
B Coult, M Davinson, D Freeman, A Gardner, K Hawley,  
S Iveson, R Manchester, J Robinson, J Shuttleworth and  
P Taylor

**DURHAM COUNTY COUNCIL**

**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 10 March 2020** at **1.00 pm**

**Present:**

**Councillor J Clark (Chair)**

**Members of the Committee:**

Councillors A Bell (substitute for J Shuttleworth), D Brown, M Clarke (substitute for S Iveson), I Cochrane, B Coult, M Davinson, D Freeman, I Jewell (substitute for J Robinson), R Manchester, L Pounder (substitute for A Laing) and P Taylor

**Also Present:**

Councillor John Turnbull

**1 Apologies for Absence**

Apologies for absence were received from Councillors K Corrigan and K Hawley and J Shuttleworth.

**2 Substitute Members**

Councillor M Clarke substituted for Councillor S Iveson; Councillor L Pounder substituted for Councillor A Laing; Councillor I Jewell substituted for Councillor J Robinson; and Councillor A Bell substituted for Councillor J Shuttleworth.

**3 Minutes**

The minutes of the meeting held on 11 February 2020 were confirmed as a correct record by the Committee and signed by the Chair.

**4 Declarations of Interest**

There were no Declarations of Interest submitted.

**5 Applications to be determined by the Area Planning Committee (Central and East)**

**a DM/19/03759/FPA - Land at Meadow View, Wheatley Hill**

The Planning Officer, Jennifer Jennings, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the 23 dwellings including new access road with visitor parking, pedestrian link, new drainage and landscaping as was recommended for approval subject to s106 Legal Agreements and conditions.

The Planning Officer referred Members to aerial and site photos, and asked Members to note the area had been dense terraced housing in the past, demolished in the 1980s, the area now being an open grassed area with a line of trees along one edge of the site, and a wooded area along another edge. Members were asked to note the rear of some commercial properties along a further edge of the site and the nearby medical centre. The Planning Officer noted a two metre high fence along the boundary with Meadowview and referred the Committee to a photograph demonstrating the change in levels across the site. She added that a footpath link to Meadowview would be retained through the application site, linking to the shops and bus stop.

The Committee were referred to the proposed site plan, noting two rows of terraced houses, with two semidetached houses at one end, creating a U-shaped design. The Planning Officer added that there would be a wildflower meadow area and hedgerow along the boundary and elevations and cross-sections of the site also highlighted the change in levels across the site. She noted that the area in the centre of the site would be communal, and the wildflower meadow helped in terms of biodiversity.

The Planning Officer noted that in the most part minimum separation distances were achieved, and in the instances where they were not it was felt that obscure glazing, the height of the proposed bungalows, the level differences and screening from trees all helped to mitigate, with the application therefore being felt to be acceptable in those terms.

The Planning Officer noted some amendments since the report was circulated to Members included an amended drawing, Revision V, to reflect reduction in footpath widths. She noted that the Highways Section had no objections to the proposed amendments and the amended drawing reference would be included within an amended Condition Two.

The Committee noted no objections from the Environment Agency and Northumbrian Water subject to conditions and adherence to an agreed drainage scheme for foul and surface water. The Planning Officer noted that the NHS had responded to note that they had sufficient capacity to accommodate any increase in patient numbers from the development and no contribution was required. She noted that the Police Architectural Liaison Officer had raised concerns in relation to potential anti-social behaviour associated with the proposed footpath link. It was explained that Officers felt that on balance the potential anti-social behaviour, crime and fear of crime did not outweigh the benefits of providing links through the site for existing and future residents and that a full explanation was set out at paragraph 80 of the report.

The Planning Officer explained that colleagues from Spatial Policy had noted no objections to the application, subject to a s106 Legal Agreement relating to off-site open space contributions in the sum of £25,042.50. It was added that Housing Delivery had noted no objections, with there being two affordable units and bungalows were in high demand in the area. The Planning Officer added that the Contaminated Land section had noted no objections and no requirement for condition, Environmental Health and Consumer Protection had noted no objections, subject to Conditions Seven (noise) and Ten (Construction Management Plan).

*Councillor J Turnbull entered the meeting at 1.13pm.*

The Planning Officer explained that outstanding issues included drainage and aspects of landscaping relating to trees. She explained that there was detailed explanation within the report, however the issues were ongoing with the Applicant and that the matters would need to be subject to a pre-commencement condition as set out within the report. The Committee were informed that colleagues from the Ecology Team had assessed the submissions and noted a net loss of biodiversity and they had suggested either a contribution in the sum of £4,000 to provide offsite provision on Council owned land or the allocation of 0.3 hectares of the Applicant's own land. The Planning Officer noted that in this instance the Applicant had noted they were willing to provide the financial contribution. She further noted that the development would be unacceptable without this contribution.

The Planning Officer noted one letter of objection had been received, commenting that Wheatly Hill as a village needed an overhaul and the land in question would be better used to plant additional trees, with there already being a number of existing empty properties within the village. Members were referred to paragraph 68 of the report which responded to the comments from the resident.

The Planning Officer noted that the School Places Manager had noted the requirement for contributions based upon additional pressure on school places, however, the Planner Officer noted that the site was intended for use by those aged 55 and over, with the housing to be managed and maintained by the Durham Aged Miners Housing Association and therefore it was not felt necessary to include education contributions. In addition, a clause is to be included in the sale of the land to ensure properties to remain in occupation by over 55s. This however cannot be controlled through planning.

The Planning Officer noted that the recommendation to Committee was for approval, subject to the s106 Legal Agreements relating to Open Space and Ecology, the provision of two affordable housing units, and the conditions as set out within the report with the amendments as referred to within the presentation.

The Chair thanked the Planning Officer and asked Members of the Committee for their comments and questions.

Councillor I Jewell noted that he recalled an application which had similar issues in terms of site levels and asked for assurance that the properties marked 13-23 were not overlooked. He also asked as regards the unresolved issues relating to drainage, adding he felt it was strange that they had not been resolved before the Committee stage. The Planning Officer noted that the impact of the site levels and overlooking had been considered and with the separation distances involved and the hedgerow and window locations, there was not felt to be an issue in respect of overlooking. In relation to drainage, the Planning Officer noted that this was being looked at by the Applicant and Officers and was close to being resolved, the condition within the report would ensure that the proposals would meet the necessary requirements.

Councillor D Freeman noted paragraph 80 of the report referred to the footpath that would run through the site and, given that the Police Architectural Liaison Officer had raised concerns, he asked as regards further information in relation Officer comments referring to accessing the bus stop and Medical Centre, when he could see access was obtainable walking around the main road. The Planning Officer explained that paragraph 80 of the report noted that there was priority given in the NPPF for pedestrian and cycle movements to access public transport. She added that the Police Architectural Liaison Officer was asked for further information in respect of the level of their concerns, however, no response had been received. She noted that the permeability of the site was a priority to protect the access for existing and future residents to bus stops and Medical Centre and added that it is a matter of planning balance, and on balance, it is considered best to retain it. Councillor D Freeman asked if the access route could be shown on the slide detailing the proposed site layout.

The Planning Officer demonstrated the route and noted it was only a slight diversion through the site.

Councillor A Bell noted he would have expected a submission as a full planning application to have contained more details and asked as regards the tree belt, was this to go in or were there existing mature trees. The Planning Officer noted that there would be protection for hedgerows and there would be some planting in the courtyard area, with the Landlord to be responsible for maintenance.

Councillor D Brown noted the issues as stated in terms of the application and time being a factor, however, he was a bit surprised as regards the number of outstanding issues and felt that he would prefer applications to be more resolved at the report stage so that Members were not "walking in blind". The Area Planning Team Leader (Central and East), Sarah Eldridge noted Officers did not disagree and added it was not ideal that there were gaps and issues to be resolved via condition. She reiterated that there had been significant time constraints for the Council to consider the application, however, she would make the Developer aware of the feelings of the Committee Members.

The Chair asked what issues were outstanding. The Area Planning Team Leader (Central and East) noted the two issues were the drainage and trees, both to be conditioned as set out within the report. She added that the Developer and Council Officers were working on the issues and highlighted that the condition regards drainage was such that the agreement was required prior to the commencement of any works. She added that if the developer started works without discharging this condition, it would become an enforcement issue.

Councillor I Jewell noted given the reassurance from the conditions he was confident any issues could be mitigated and therefore he proposed the application be approved, subject to conditions and the s106 Legal Agreements as previously reported by the Planning Officer. Councillor A Bell seconded the approval of the application.

## **RESOLVED**

That the application be **APPROVED** subject to the conditions set out within the report, the updated conditions as stated by the Planning Officer, and Section 106 Legal Agreements relating to affordable housing units on site, open space and ecology.

This page is intentionally left blank



## Planning Services

# COMMITTEE REPORT

---

### APPLICATION DETAILS

---

Application No:	DM/20/00865/FPA
Full Application Description:	Change of use from a C3 family house to a C4 HMO, demolition of existing garage and replacement with two storey side extension and single storey extension to rear
Name of Applicant:	Ms Gabrielle Moore
Address:	11 Cedar Drive, Durham, DH1 3TF
Electoral Division:	Neville's Cross
Case Officer:	George Spurgeon (Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

---

### DESCRIPTION OF THE SITE AND PROPOSAL

---

#### The Site

1. The application site comprises of the residential dwelling 11 Cedar Drive, Durham. The dwelling is a semi-detached property finished in a cream coloured render and features bay windows at ground and first floor level, a garage to the side and a hipped roof finished in dark grey concrete tiles. The property benefits from a driveway to the front and a garden area to the rear; bordered to the north by a combination of fencing and hedging, to the south by a fence and to the rear (east) by a hedge with a gate within it providing access to South Road.
2. Cedar Drive is a cul-de-sac consisting of 22 residential dwellings accessed from St. Oswald's Drive. The street contains a combination of detached and semi-detached dwellings. The ten properties closest to the entrance on the eastern side are all semi-detached, with all but the pair consisting of number 9 and 11 having previously extended out to the side at first floor level. The use of different coloured renders is common on these properties but less so on the other properties on the street. The land level slopes from the north up towards the south.

## The Proposal

3. The application seeks planning permission to demolish the existing garage and replace it with a two-storey side extension that would be flush with the rear elevation of the dwelling and project forward of the front elevation by 600 millimetres, similar to the front elevations of number 3 and 15 Cedar Drive. A single storey rear extension with a projection of 2.3 metres is also proposed, which would extend beyond the side elevation of the dwelling and join the side extension. The existing bedroom 3, as shown on the floor plans, would be replaced by a shower room, with the existing lounge being converted to a bedroom. The extensions would provide space to allow the creation of three additional bedrooms, taking the total to six, and an enlarged kitchen dining area.
4. The side extension is proposed to feature a hipped roof matching the angle of the roof of the main house, with the rear extension featuring a lean-to style sloping roof. The extensions would be finished in materials matching the existing house.
5. Planning permission is also sought to change the use of the property from a C3 dwellinghouse to a C4 House in Multiple Occupation (HMO). The General Permitted Development Order 2015 permits the change of use from C3 to uses within C4. An Article 4 direction came into effect on 17 September 2016 withdrawing permitted development rights in this regard from a large part of Durham City, however the application site falls outside of this Article 4 direction area. Therefore, planning permission is not required to change the use of the property from a C3 dwellinghouse to a C4 HMO and so no further consideration to this element will be given. The change of use has only been included in the description of the proposal for completeness, as the applicant included it as part of the description within the submitted application form.
6. The application is reported to the Planning Committee at the request of the City of Durham Parish Council who consider that the application should be considered by planning committee due to concerns over the impact of the proposal on residential amenity.

---

## **PLANNING HISTORY**

---

7. None.

---

## **PLANNING POLICY**

---

### **National Policy**

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.

9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
10. *NPPF Part 8 Promoting Healthy Communities*: The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
11. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
12. *NPPF Part 12 Achieving Well Designed Places*: The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

**Local Plan Policy:**

13. The following policies of the City of Durham Local Plan are considered relevant to the determination of this application.
14. Policy H13 – (Residential Areas – Impact upon Character and Amenity) protects residential areas from development that would have a significant adverse effect on their character or appearance, or the amenities of residents within them.
15. Policy Q1 (Design) sets out that the layout and design of all new development should take into account the requirements of users including personal safety and crime prevention and the access needs of everybody including people with needs of disabilities.
16. Policy Q9 (Alterations and Extensions to Residential Properties) states that extensions will only be approved when they met a set of specific criteria for example, including impact on residential amenity of neighbours and impact on streetscene.
17. Policy T1 (General Transport Policy) requires all development to protect highway safety and/or have no significant effect on the amenity of occupiers of neighbouring properties.
18. Policy T10 (Parking - General Provision) states that vehicles parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

19. Residential Amenity Standards Supplementary Planning Document 2020 (Adopted Version) seeks to provide guidance on how best to design residential extensions.

### **Emerging County Durham Plan:**

The County Durham Plan

20. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6th February 2020, and the Inspector's issued his post hearing advice on 20th February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26th May and will last until 21st July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. Paragraph 48 of the NPPF states 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. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **Internal Consultee Responses:**

21. Highways Section: raises no objections to the application.
22. Environmental Health- comment that the bedroom sizes comply with the required minimum standard, and that the proposal would not result in a statutory nuisance.
23. HMO data- confirm that within 100m of the application site 6.5% of properties are student properties, as defined by Council Tax data.
24. Northumbrian Water- raise no objections to the application.

### **Public Responses:**

25. The application has been publicised by way of notification letters sent to neighbouring properties. 27 objections have been received raising the following issues:

- The proposal would mean there would be 3 HMOs within 6 semi-detached dwellings and 3 HMOs within 4 dwellings on the same side of the street, which would be detrimental to the range and variety of the local housing stock
- 3 out of 22 homes in Cedar Drive, 13.6%, would be HMOs, which is contrary to the Interim Policy
- There is Purpose Built Student Accommodation at Mount Oswald so there is no need for more HMOs
- There are families interested in purchasing the property
- The rear extension would result in a loss of outlook, light and privacy to the living room of 9 Cedar Drive
- The rear extension is not in keeping with the scale of surrounding properties as it would extend up to the shared boundary with 9 Cedar Drive
- The side extension would result in a terraced effect, leaving 9 Cedar Drive as the only traditional semi-detached property in a row of eight
- The proposal would result in increased traffic
- There is inadequate parking to serve the proposal, which would lead to blocked driveways due to cars parked on-street
- Students would cause noise and disturbances at unsociable hours, in an area that is quiet and predominantly occupied by families and older people
- Students would not put bins out to collection and return them promptly leading to overflowing bins, litter and rats
- Fear of crime when properties are empty
- Students do not form part of the community
- Students do not maintain properties and keep the gardens tidy
- Dining area could be turned into a 7th bedroom
- Proposal would devalue properties
- There is a restrictive covenant preventing the property from being used as a HMO
- Approving the application would lead to more applications for changes of use to C4 HMOs
- The Article 4 area should be extended
- Questions how the extension will be built, potentially needing access to the objector's property
- Questions whether the sewer is shown in the wrong place and questions whether the extension would interfere with it
- The applicant only interested in making a profit
- Previous owner who died would not want the property to be let out to students so approving the application would be morally wrong

### **Applicants Statement:**

26. The design for the extension was planned and executed to mirror that of the houses close by, which look elegant and in keeping with the neighbourhood. Nothing extra or more lavish was requested because I would rather have a house which looks as though it sits well with its neighbours.

---

## **PLANNING CONSIDERATION AND ASSESSMENT**

---

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, residential amenity, the impact on the character and appearance of the area and highway safety.

### Principle of Development

28. As previously stated, planning permission is not required to change the use of the property from a C3 dwellinghouse to a C4 HMO. Therefore, if this application was to be refused, the applicant could still convert the property into a HMO. However, the extensions to the property, including increasing the number of bedrooms from three to six, do require planning permission and the application has been considered on this basis.

29. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plan policies will depend upon their degree of accordance with the NPPF.

30. The City of Durham Local Plan was adopted in 2004 and was intended to cover the period to 2006. The NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

31. In consideration of the above, Policy H13 seeks to ensure that the character of residential areas is protected and that new development is not granted for development that adversely affects the character or appearance of residential areas, or the amenities of residents within them. In addition, Policy Q9 supports proposals for alterations and extensions to residential properties provided that: the design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area; wherever possible the alteration or extension incorporates a pitched roof; and that the alteration or extension respects the privacy of adjoining occupiers of property. The approach contained within these saved policies is considered consistent with the general aims of the NPPF and are therefore deemed up to date policies and can be attributed weight accordingly in determination of this application. Paragraph 11 of the NPPF is not engaged. The various requirements of these policies are discussed below.

## Residential Amenity

32. Policy H13 and Q9 of the City of Durham Local Plan both seek to protect the amenity of neighbouring residents. Furthermore, the Council's adopted Residential Amenity Standards Supplementary Planning Document (SPD) also advises that the amenity of adjacent property occupiers is protected in relation to the over-dominance, loss of privacy and loss of daylight, of proposed extensions
33. 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. The rear extension is proposed to project out from the rear elevation of the property by 2.3 metres with a ridge height of 3.2 metres and a width extending up to the boundary with 9 Cedar Drive, which is located on a slightly lower land level. Number 9 has a bay window serving a habitable living area within the rear elevation closest to the boundary with the host property. The host property is located to the south of number 9, so there would be the potential for overshadowing of this bay window as the sun comes around to the south towards midday. However, due to the limited projection and relatively low eaves height of 2.5 metres, the extension is considered to be of a reasonable scale that would not result in a loss of light, overshadowing, or have an overbearing impact on the occupants of number 9.
34. The SPD also advises that, whilst advocating the use of a 45 degree code to assess the potential for overshadowing, in applying the code due consideration will be given to the 'fall-back' position afforded by permitted development rights. It should be noted that a ground floor rear extension of this height with a projection of under 3 metres would usually fall under permitted development, although in this instance as the extension is proposed to extend beyond the side elevation of the original dwelling and join the side extension planning permission would be required.
35. No windows are proposed to be installed within either side elevation and so the extension would not result in a loss of privacy for these neighbouring residents. A window is proposed to be installed within the ground floor of the side extension, serving a shower room, but this would not cause any visual intrusion or loss of privacy. Given the siting of the other neighbouring property 13 Cedar Drive to the south, the rear extension would not result in a loss of light or overshadowing, nor would it have an overbearing impact given its limited projection and single storey height.
36. The two-storey side extension would not extend beyond the rear elevation of the property and so would not overshadow or have an overbearing impact on the windows within the rear elevation of number 13. The slight forward projection at first floor level would extend the property to be in line with the garage of number 13. Due to the minimal projection and the slightly higher land level of number 13, the first-floor window above the garage would not be adversely affected in terms of overshadowing or loss of outlook. There are no habitable room windows within the north facing side elevation of number 13 that would be affected by this extension.
37. The proposal is not considered to harm the amenity of neighbouring residents through resulting in a loss of light, overshadowing, visual intrusion, or having an overbearing impact, and is therefore in accordance with Policy H13 and Q9 of the City of Durham Local Plan.

## Impact the Character and Appearance of the Area

38. Policy H13 and Q9 of the City of Durham Local Plan states that proposals for alterations and extension to residential properties will be permitted provided that the design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area. The SPD further advises that when considering the design of house extensions it is important to ensure that the design is sympathetic to, and in keeping with, the host property and the character and appearance of its surroundings.
39. With regards to two storey side extensions, the SPD advises that the key principles are to ensure the extension is subordinate to the main dwelling and that it would not result in the creation of a terraced effect. The proposed side extension would have a width of 3.4 metres, compared to the 5.7 metre width of the main house, and would project forward of the front elevation of the dwelling by 600 millimetres. The extension would feature a hipped roof matching the height and shape of the roof of the main house.
40. The extension would increase the width of the original house by 59.6% and, when viewed in context with similar extensions within the street, is considered to be proportionate to the main house. Although the extension would match the height of the main house, a small gap would be left between the side wall of the extension and the boundary with number 13 to allow external access to the rear garden and this, along with the difference in land levels and hipped roof shape, would help to avoid the creation of a terraced effect, with number 13 already benefitting from a two-storey side extension. With this being the case, and although not subordinate, a setback and lower ridge height are not considered necessary in this instance. The extensions are proposed to be finished in materials to match the existing house so would appear as sympathetic additions to the dwelling.
41. The SPD advises that two storey front extensions will be assessed on their merits taking into consideration the scale and character of the existing property and the surrounding area. There are examples of similar two-storey side extensions to properties on the east side of Cedar Drive and so the extension is not considered to be out of character in this regard.
42. The design, scale and materials of the proposed extensions are considered to be sympathetic to the main dwelling and the character and appearance of the area and therefore the extensions are in accordance with Policy H13 and Q9 of the City of Durham Local Plan.

## Highway Safety

43. Policy T1 states that permission should be refused for development which would generate traffic that would be detrimental to highway safety and/or have a significant effect on the amenity of the occupiers of neighbouring properties, whilst Policy T10 states that parking should be limited to promote sustainable transport.

44. The Councils adopted Parking and Accessibility Standards requires a double width driveway to be 5.5 metres long and 4.7 metres wide. The property has a driveway to the front with a length of 5.4 metres and a width of 4.9 metres wide. Although the driveway is 100 millimetres short of the above standard, in this instance this is not considered to result in an adverse impact on highway safety. The replacement garage would only have a length of 5 metres, short of the required 6 metres, so is not considered to be large enough to be able to park a car within. Therefore, the property is considered to have sufficient in-curtilage space to park two cars. Highways Officers have been consulted and raised no objections to the proposals, considering the amount of in-curtilage car parking spaces to be sufficient. It is also noted that the property is located within 2 miles of the City Centre, with bus links nearby providing a public transport option for access to the range of local amenities available here. The proposal is therefore in accordance with Policy T1 and T10 of the City of Durham Local Plan.
45. Objections have been received raising concerns over the lack of suitable in-curtilage parking for a property in use as a C4 HMO leading to an increase in on-street parking, which, due to the narrow width of the road, could lead to difficulties in manoeuvring and driveways being blocked. However, as discussed above officers consider that the property benefits from a sufficient amount of in-curtilage car parking space and it must be reiterated that planning permission is not required to change the use of the property to a C4 HMO, which allows up to six occupants, so this cannot be controlled by the Council or considered as part of this application.

#### In Response to Objectors Concerns

46. Objectors have considered that the proposal would result in there being over 10% of properties within Cedar Drive itself being HMOs and that there would be three HMOs within close proximity to each other on the street. Concerns were also raised that families were interested in purchasing the property so there is no need for more HMOs, that students often do not maintain properties and gardens to the same standards as more permanent residents, and that approving the application would lead to more applications for changes of use to HMOs.
47. In response to these concerns, all planning applications are judged on their own merits, however, as there is currently no Article 4 direction covering this area removing the permitted development rights to convert a C3 dwellinghouse to a C4 HMO, this does not require planning permission and so the Council does not have any control over such changes of use from C3 to C4 in this area.
48. In response to comments that the Article 4 area should be extended, the Spatial Policy team have confirmed that discussions have been underway to potentially introduce a new Article 4 direction in this area, which would include the application site, and would remove the permitted development rights for a change of use from a C3 dwellinghouse to a C4 HMO. However, this is still at an early stage and no delegated approval is in place. Before being confirmed, an Article 4 direction would have to go through a publicity period of 12 months. The publicity period has not begun as the Article 4 direction does not have delegated approval and the Council has not taken a decision to proceed or not proceed with the proposed Article 4 direction at this time.

49. The impact of the application on property values, restrictive covenants, the applicant's motivations and the desires of the previous owner are not material planning considerations.
50. If the dining room were to be used as a bedroom, taking the total number of bedrooms within the property to seven, planning permission would be required to change the use of the property to a larger HMO (Use Class sui generis), where the impacts of this would be considered.
51. The potential of the developer needing access to the neighbouring property to construct the extension is not a material consideration and is a civil matter between the two parties.
52. The potential of the extension to interfere with the sewer is not a material planning consideration and would instead be dealt with under the building regulations process. Northumbrian Water were consulted on the application and raised no objections. If members are minded to approve the application, an informative could be added to the decision advising the applicant to contact Northumbrian Water to check the position of the sewer and whether the extension would impact on this. Northumbrian Water would be able to advise further as to what measures would need to be put in place to protect the sewer. It is understood that one of the objectors has contacted Northumbrian Water directly where they explained one of their employees would undertake a site visit at the appropriate time to ensure the protection of their assets.
53. The Local Planning Authority is required to notify all adjoining landowners which has been carried out; Durham High School, although itself further away from the application site than some residential properties who were not directly notified, owns part of the land directly to the east of the application site. It is also noted that objections have been received from residents who were not sent a notification letter and their comments have been taken into account and discussed in this report.
54. Councillor Brown has requested that if the application is to be approved a condition requiring a construction management plan to be imposed, due to the narrow nature of the street. Officers are of the view that given the relatively small scale of the proposed works, consisting of extensions to a residential property, this would not be necessary to make the application acceptable. However, if members are minded to approve the application, a considerate developer informative could be added to the decision notice advising that works should be undertaken in a responsible manner.

---

## **CONCLUSION**

---

55. The proposed extensions are considered to be of a reasonable scale that would avoid adversely affecting the amenity of neighbouring residents, in terms of loss of light, overshadowing, visual intrusion, or having an overbearing impact. The proposed extensions are also considered to be of a good design that is sympathetic to the host property and would not adversely affect the character and appearance of the area.

56. The property contains two in-curtilage car parking spaces which is considered to be sufficient. The property is also served by nearby public transport links to the city centre. Highways officers have raised no objections to the proposal, and it is not considered to adversely affect highway safety.
57. Planning permission is not required to change the use of the property from a C3 dwellinghouse to a C4 HMO, therefore the Council has no control over this and the potential impacts cannot be considered as part of this application.
58. The proposal is considered to be in accordance with Policy H13, T1, T10, Q1 and Q9 of the City of Durham Local Plan and the SPD and is therefore recommended for approval.

---

## **RECOMMENDATION**

---

That the application be **APPROVED** for the following reason(s)

1. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.  
  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy H13, Q1, Q9, T1 and T10 of the City of Durham Local Plan.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.  
  
Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy H13 and Q9 of the City of Durham Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

---

## **BACKGROUND PAPERS**

---

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham District Local Plan 2007

Residential Amenity Standards Supplementary Planning Document 2020 (Adopted Version)

Statutory, internal and public consultation responses



**Planning Services**

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 Durham County Council (Durham City Area Office) Licence No. 100022202 3005

Change of use from a C3 family house to a C4 HMO, demolition of existing garage and replacement with two story side extension and single extension to rear

<b>Comments</b>			
<b>Date</b>	26 May 2020	<b>Scale</b>	1:1275

This page is intentionally left blank

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

<b>APPLICATION No:</b>	DM/20/00262/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of part two-storey/part single-storey extension at rear of existing small HMO (use class C4).
<b>NAME OF APPLICANT:</b>	Mr N Swift
<b>ADDRESS:</b>	75 Whinney Hill Durham DH1 3BG
<b>ELECTORAL DIVISION:</b>	Elvet and Gilesgate
<b>CASE OFFICER:</b>	Lisa Morina Planning Officer Telephone: 03000 264877 <a href="mailto:Lisa.morina@durham.gov.uk">Lisa.morina@durham.gov.uk</a>

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### The Site

1. The application site is an unlisted two-storey semi-detached property located within Whinney Hill, which is located to the east of Durham City Centre within the Conservation Area and is an elevated street that curves gently from its junction with Old Elvet/Green Lane to the north, to Stockton Road roundabout in the South. Residential properties surround the property. The properties are former local authority and there is a high student population within the area.
2. The property is currently in use as 4 bed student accommodation thereby occupying a C4 use class. Evidence has been provided to show that the C4 use was implemented prior to the introduction of the article 4 therefore express planning permission was not required for that use.

### The Proposal

3. This application seeks the construction of a part two-storey/part single-storey extension at the rear of the property to provide two additional bedrooms and a change to the internal layout.
4. The application is referred to the Committee at the request of the City of Durham Parish Council who consider the proposal goes against relevant local plan policies and the proposal would result in not providing a mixed and balanced community.

---

## **PLANNING HISTORY**

---

5. There is no relevant planning history on this site.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
8. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
9. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
10. 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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

### **NATIONAL PLANNING PRACTICE GUIDANCE:**

11. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **LOCAL PLAN POLICY:**

### City of Durham Local Plan

12. Policy E6 (Durham City Conservation Area) sets out the Council's aim to preserve the character, appearance and setting of the Durham City Conservation Area by ensuring high quality design.
13. Policy E21 (Conservation and Enhancement of the Historic Environment) states that the historic environment will be preserved and enhanced by minimising adverse impacts by development proposals.
14. Policy E22 (conservation Areas) sets out that the authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposal should be sensitive in terms of siting, scale, design and materials where appropriate reflecting existing architectural features
15. Policy H9 (Multiple Occupation / Student Households) seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.
16. Policy H13 – (Residential Areas – Impact upon Character and Amenity) protects residential areas from development that would have a significant adverse effect on their character or appearance, or the amenities of residents within them.
17. Policy Q1 (Design) sets out that the layout and design of all new development should take into account the requirements of users including personal safety and crime prevention and the access needs of everybody including people with needs of disabilities.
18. Policy Q9 (Alterations and Extensions to Residential Properties) states that extensions will only be approved when they met a set of specific criteria for example, including impact on residential amenity of neighbours and impact on streetscene.
19. Policy T1 (General transport Policy) requires all development to protect highway safety and/or have no significant effect on the amenity of occupiers of neighbouring properties.
20. Policy T10 (Parking - General Provision) states that vehicles parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
21. Residential Amenity Standards Supplementary Planning Document 2020 (Adopted Version) seeks to provide guidance on how best to design residential extensions.

## RELEVANT EMERGING POLICY:

22. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6th February 2020, and the Inspector's issued his post hearing advice on 20th February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26<sup>th</sup> May and will last until 21<sup>st</sup> July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. Paragraph 48 of the NPPF states 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. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

*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.cartoplus.co.uk/durham/text/00cont.htm>*

---

## CONSULTATION AND PUBLICITY RESPONSES

---

### STATUTORY RESPONSES:

23. Highways – No objection, the proposal is within a controlled parking zone and no further permits would be given.
24. Durham Constabulary have provided no response.

### INTERNAL CONSULTEE RESPONSES:

25. Environment, Health and Consumer Protection (Nuisance Action Team) – The proposal is not considered to cause a statutory nuisance.
26. HMO Officers raise no objection.
27. HMO Data – Within a 100m radius 39.6% of properties are student properties as defined by Council Tax records.
28. Design and Conservation – The proposal would have a neutral impact

### PUBLIC RESPONSES:

29. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, six letters of objection have been received including those from the City of Durham Parish Council, Whinney Hill Community Group and the City of Durham Trust with the following comments:
- The proposal will not promote a mixed and balanced community
  - The percentage is over 10% of properties within 100m radius
  - The proposal will result in a loss of light due to the expanse of brick wall to the neighbouring property

- Concern that the increase would result in up to 10 people being present on the site which I understand are to be restricted
- Such planning objections are lodged with residents in our community but our council choose to ignore the views of council tax paying residents in favour of landlords who usually don't reside in the area.
- Problems with rubbish and often excessive noise to nearby residents
- Any rise in student number, however small, will increase footfall and exacerbate the anti social behaviour associated with student residents, such as late night noise, anti social behaviour, issues with excessive and poorly managed refuse
- Parking and traffic problems would occur.
- Since the beginning of term, residents have had to contact the Parish Council regarding rubbish and other issues
- Increase in comings and goings due to the increased amount of students including deliveries, take-aways etc.

#### **APPLICANT'S STATEMENT:**

30. The site relates to an un-listed 4 bedroom existing student C4 HMO semi-detached property. The property and surrounding streets lie in an area of generally high student housing concentration when viewed in context with the surrounding streets and the percentage of HMO within a 100 metres radius.
31. It must be noted however that the proposed extension would not impact on the percentage of properties in HMO use as the application site already falls within a C4 category and as such does not come under the issues of the article 4 or interim policies.
32. The application property is currently occupied by four students with accommodation across two floors. The current proposals involve a rear part single-storey part two-storey extension with the internal reconfiguration of the property to form a total of 6 bedrooms which does not give rise to a material change of use and thus the property will remain in Use Class C4.
33. The internal reconfiguration will improve the level of accommodation generally and address the undersized bedroom on the first floor and other issues brought about by a recent change in HMO regulations
34. The property is in a sustainable location accessible to services, facilities and employment opportunities of the City by foot and wider areas by excellent public transport links from the Bus Stops located just outside the property on Whinney Hill.
35. Recent new licensing requirements for HMO units have brought about a re-inspection of existing HMO's that previously did not need licences and Environmental Health Inspections by the HMO teams. This coupled with the desire of students for higher quality accommodation and new planning policy has brought many Landlords to consider their existing housing stock rather than look to convert new units. This consolidation of existing C4 units without a change of use and with appropriately scaled extensions should be viewed more favourable than the alternatives such as pressure for C3 to C4 conversions. Applications like these will serve the growing demand for independent accommodation as the university expands in student numbers.

36. The increase in bedrooms will not give rise to a noticeable increase or conspicuous intensification of student housing in the area as the house is already used as C4 and only a modest increase in two-bed spaces provision is proposed. This would not change the character of the usage or have impacts on local amenity to any significant degree. It should also be noted that Permitted Development opportunities still exist for the property and the number of bedrooms provided could be increased via that route if needed.
37. Conclusions drawn by the LPA on recent similar applications elsewhere in the City serve to reinforce our assertion that any effects arising from two additional occupants at an established HMO would be negligible. Applications DM/19/01720/FPA and DM/19/03257/FPA both in Whinney Hill included an increase in bedroom numbers and were approved.
38. In addition recent appeals in Whinney Hill and wider in Durham strengthen the case that appropriately scaled extensions to C4 properties, which increase bed spaces, should be approved and have subsequently had refusal decisions overturned, a route the client would be forced to seek should a refusal be forthcoming on this application given its officer recommendation.
39. We have worked closely with the planning officers to adjust and amend the scheme from its original submission proposal to get to a point where the application benefits from an officer recommendation for approval with no other significant consultee objections received.
40. The proposed scheme brings the property to required HMO standards. The site lies within an area where there is a mid to high proportion of student properties and HMOs and the current proposals will merely increase the number of occupants within the established HMO. The proposals will not, therefore, impact on the range of housing types in the locality or the number of HMOs and the increase in the number of students occupying the property from Four to Six would have a negligible impact on the surrounding area. There will be some external alterations to the property to facilitate the proposals. The style and design of the proposed rear extension are proportional and appropriate to the character and appearance of the semi-detached property. The proposed external alterations would, therefore, preserve the character and appearance of the Conservation Area.
41. We therefore respectfully request that the committee resolve to approve this application.

*The above is not intended to list 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/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>*

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

42. 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 the visual amenity of the area including the conservation area in which the property is located, residential amenity and highways issues.

43. The property in question is currently in use as a small HMO (C4). C4 HMO's are small shared houses occupied by between three and six unrelated individuals, as their only or main residence and who share basic amenities such as a kitchen or bathroom. As part of the proposal, the number of individuals would be increased to no more than 6 therefore, the property would remain in C4 use and therefore there would be no material change of use.
44. Policy H9 of the local plan is relevant to this application which relates to the extension or alterations to an existing student property. It states that such development will be permitted where adequate parking, privacy and amenity areas can be provided, where it will not adversely affect the amenities of nearby residents and is of a scale and character appropriate to its surroundings and where it will not result in concentrations of sub divided dwellings to the detriment of the range and variety of the local housing stock.
45. Policy H13 of the local plan is also relevant and states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas or the amenities of residents within them.
46. As saved policies most relevant in the determination of the application are considered both up to date and consistent with the NPPF, paragraph 11 is not engaged.
47. In addition to policies H9 and H13 of the local plan, the Council's Interim Policy relating to student accommodation is also relevant and states that the Local Planning Authority will not support the change of use of properties or extensions that result in additional bed spaces in instances where there is in excess of 10% of properties within 100 metres of the site already used as student accommodation. Whilst the Interim Policy has less weight than the saved policies of the City of Durham Local Plan it is nevertheless a material consideration and has been endorsed by cabinet following a 6 week consultation period ending April 2016. The threshold of 10% was derived from section 2 of the 'National HMO Lobby Balanced Communities and Studentification Problems and Solutions', 2008 and in this respect is considered up to date and accords with the aims of the NPPF.
48. The most recent up to date Council Tax information identifies that 39.6% of those properties within 100 metres of the site are currently occupied as student let accommodation.
49. Given this, the proposal would be contrary to the criteria as stated in the interim policy. However, the proposal involves an increase in number of bedrooms which continues to provide a C4 use and does not result in the loss of an existing C3 residential property.
50. Furthermore, appeal decision (reference APP/X1355/W/16/3160444) for a two storey rear extension of a class C4 HMO to provide 3 additional bedrooms at 40 Hawthorn Terrace, Durham, considered the issues associated with the creation of additional bedrooms within established HMOs and whether such development is considered to conflict with the Interim Policy. The Inspector found that within the Interim Policy there is no explicit reference made on how to address extensions to existing HMOs against the 10 per cent tipping point. This would suggest that the Council has essentially sought a moratorium on extensions to HMO properties within the Durham City area where the majority of residential areas are in excess of 10 per cent HMOs.

The Inspector considered that such a stance would be at odds with the more permissive approach of saved Policy H9 of the local plan. The HMO policy in the emerging County Durham plan is likely to be subject to revision and although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

51. The Inspector further commented that the provision of additional bed spaces to an existing HMO in an area where more than 10 per cent of properties within 100 metres of the appeal site are in use as HMOs would not result in an adverse impact on the overall range and variety of local housing stock in the area. On this basis, the Inspector allowed the appeal.
52. It is considered therefore, that the proposal complies with policy H9 in that it does not result in the loss of an existing C3 use therefore, does not alter the range and variety of the local housing stock. Whilst there is conflict with the wording of the Interim Policy and breach in the threshold, this is not sufficient to justify refusal of the application especially in light of the guidance on that policy which has been provided by this appeal decision and others which have also taken this approach. Also, the interim policy is not part of the development plan and therefore where there is conflict with development plan policy, in this case policy H9, then that development plan policy must prevail.
53. In summary the principle of development could be supported, subject to proper consideration of the impact of the proposal upon the character and amenity of the area including the conservation area in which the property is located, residential amenity, highway safety and any other issues.

#### Visual impact of the development on the conservation area

54. The National Planning Policy Framework in part 16 requires that the impact of the development is considered against the significance of the Heritage Asset which in this case is Durham City Conservation Area. Part 12 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people.
55. At a local level Policy E6 and E22 of the City of Durham Local Plan are also considered to be relevant. These policies state that the special character, appearance and setting of conservation areas will be preserved or enhanced. This will be achieved by only approving development that would be sensitive in terms of its siting, scale, design and materials. Policies H9 and Q9 require any extensions to such dwellings are in scale and character with its surroundings and neighbouring residential properties.
56. The aforementioned policies and guidance require the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
57. The majority of the proposal is located on the rear of the site and therefore, would not be visible to the main public domain. The design is still not entirely satisfactory due to the amount of new build covering almost the entire original rear elevation and lack of subordination that this creates with the host building and the inclusion of three different roof pitches however, it is not considered that this would be detrimental enough on the host building to warrant a refusal of the application on design grounds. In terms of the impact on the surrounding conservation area it would be considered to provide a neutral impact being neither a positive or negative development therefore, it is not considered that a refusal could be sustained on design grounds or in respect of the impact on the conservation area.

58. It is considered therefore, that the development proposal would not cause any adverse harm to the sustained historic character and appearance of the property or surrounding conservation area subject to conditions regarding materials. This is considered to be in keeping with the NPPF and policies H9, E6 and E22 of the Local Plan. In relation to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal is considered overall to preserve the character and appearance of the Conservation Area.

#### Residential amenity

59. In terms of the use of property, Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them while Policies Q9 and H9 also seeks to provide such safeguards. In this regard there is an established use of the property for a small HMO for up to 6 people.

60. The neighbours to the front and rear of the property would be unaffected by this proposal given its position in respect of overshadowing/loss of light.

61. Objections have been raised from the neighbour to the south that the proposal due to its position would result in an expanse of brickwork being created and result in a loss of amenity to this neighbour.

62. The proposal has been amended to project beyond the rear building line at single-storey level by 3m with a two-storey element projecting by 1.35m.

63. In respect of a fall back position the single-storey element could be constructed under permitted development provisions therefore, it is not considered that this aspect can be refused. In respect of the two-storey element, it is considered that whilst some loss of amenity may occur, this is not considered sufficient enough to warrant a refusal of the application given its limited projection.

64. This is considered to be the case for both the adjoining neighbour and that of the neighbour to the south.

65. A change to window positions were originally proposed along the existing gable elevation facing the neighbour at no. 74 however, it was considered that due to window positions on the neighbouring property that this would result in an unacceptable impact on this neighbour therefore, these were removed from the application. It is considered that to prevent unacceptable impacts from occurring, a condition should be added for no additional windows or doors to be added along the side elevations of the existing gable and the extension as well as the elevations facing the adjoining neighbour given the position of the extension.

66. In respect of the Councils recently adopted supplementary guidance (SPD) regarding house extensions, the proposal in respect of the two-storey element meets the 45 degree rule as stated in the SPD. In respect of the single-storey element the proposal would meet permitted development guidance of a 3m projection and as such is considered acceptable.

67. The application is, therefore, considered an appropriate addition in relation to policy H9 and Q9 of the Local Plan with regards to the visual impact the proposal would have upon adjoining neighbours.

68. Impact on amenity, however, also includes the impact that the proposed use may have on the residential amenity of neighbours in respect of general noise and disturbance as well as the living conditions of the occupants of the property. The existing property accommodates 4 students and it is proposed to intensify the use to provide space for 6 students to occupy the site.
69. Objections have been raised that the proposal would not create a mixed and balanced community, impact on noise and disturbance that would arise given the increase in numbers.
70. Whilst objections have been received, it is not considered that a refusal reason could be sustained in this instance. The proposal does not result in an increase in the number of properties within a C4 use however does create two additional bedrooms. It is not felt that a significant detrimental impact could be demonstrated to occur as a result of this increase. As previously stated, the proposal is already in use as student accommodation therefore, the proposal does not involve the loss of an existing C3 dwelling. It is not considered that the additional activity associated with two additional occupants would result in a detrimental impact given up to 6 residents can occupy the site under the current use without the need for planning permission.
71. Objections were also received that up to 10 students could potentially use the property however the authorised use of the property is a C4 use which only allows up to 6 residents to occupy the site therefore, a further change of use would be required should the applicants wish to house more than 6 residents.
72. The proposal, therefore, is not considered to have a significant detrimental impact on residential amenity in accordance with policy H9 and H13 of the City of Durham Local Plan.

#### Highways issues:

73. Policy T1 of the City of Durham Local Plan states that the Council will not grant planning permission for development that would generate a level of traffic that would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property. This policy is not considered to conflict with the intentions of the NPPF as it too seeks to secure a good standard of amenity for residents.
74. Objections have been raised that the proposal would provide a further impact on current parking arrangements and therefore, is contrary to policy H9 which states that any development should provide adequate parking.
75. The development site is in a highly sustainable location with good access to public transport and within walking distance of local amenities. Whinney Hill lies within the Durham City Controlled Parking Zone therefore on street parking in this street is via permit parking or pay and display. Highways officers have been consulted on the proposal and raise no objection to the proposed development on this basis. They have stated that no further permits would be issued and given this any additional cars brought to the site would be subject to parking charges therefore additional demand would be limited due to this reason.
76. The proposal is therefore considered acceptable from a highways viewpoint in accordance with policy H9, T1 and T10 of the Local Plan and the NPPF.

---

## CONCLUSION

---

77. The principle of development and impact upon the residential area is considered to be acceptable as it is not considered that there would be any significant additional impacts of providing 6 bedrooms at the property as opposed to the current 4-bedroom HMO.
78. The dwelling can accommodate the additional extension while providing sufficient levels of amenity for the occupiers and neighbouring properties. There are no highways objections or environmental health objections and the proposal does not detrimentally impact on the character or appearance of the Durham City Centre Conservation Area.
79. The application is considered to meet the requirements of the National Planning Policy Framework and Policies E6, E22, H9, H13, Q9 and T1 of the City of Durham Local Plan 2004, as well as satisfying the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as it is considered to provide a neutral impact on the character and appearance of the Conservation Area.
80. Whilst there is some conflict with the interim policy on student accommodation, it is not felt that a refusal reason could be sustained on that basis given the existing housing mix would remain unaltered and the appeal guidance on this aspect of the interim policy.
81. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application.

---

## RECOMMENDATION

---

That the application be **APPROVED**, subject to the conditions detailed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy H9 and H13 of the City of Durham Local Plan.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy H9 and H13 of the City of Durham Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking and re-enacting that Order) no additional windows or other openings shall be formed in the existing gable elevation or the side elevation of the proposed part single-storey/part two-storey extension facing south towards no. 74 Whinney Hill or in the side elevation of the proposed part single-storey/part two-storey extension facing north towards no. 76 Whinney Hill.

Reason: In the interests of the privacy of the neighbouring occupier and to comply with Policy Q9 of the City of Durham Local Plan.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

---

## **BACKGROUND PAPERS**

---

Submitted application form, plans, supporting documents and subsequent information provided by the applicant

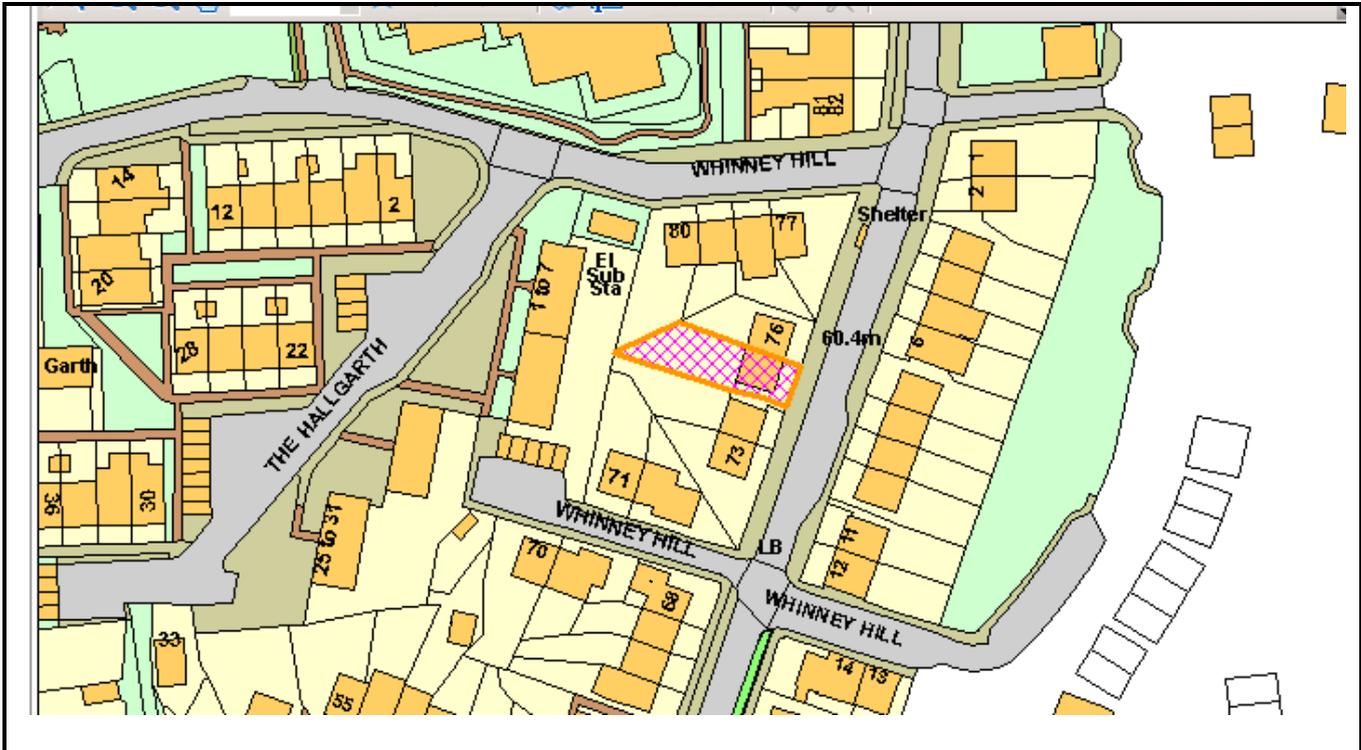
The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham Local Plan

Statutory, internal and public consultation responses

Residential Amenity Standards Supplementary Planning Document 2020 (Adopted Version)



<p><b>Planning Services</b></p>	<p>Erection of part two-storey/part single-storey extension at rear of existing small HMO (use class C4) at 75 Whinney Hill, Durham, DH1 3BG Application Reference DM/20/00262/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Date</b> June 2020</p>	<p><b>Scale</b> NTS</p>

This page is intentionally left blank

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	<b>DM/19/03170/CEU</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Certificate of lawful use application for the change of use of C3 Dwellinghouse to C4 HMO prior to the Article 4 Direction coming into force</b>
<b>NAME OF APPLICANT:</b>	<b>Mrs Roper-Browning</b>
<b>ADDRESS:</b>	<b>11 Mayorswell Close Durham DH1 1JU</b>
<b>ELECTORAL DIVISION:</b>	<b>Elvet and Gilesgate Michelle Hurton</b>
<b>CASE OFFICER:</b>	<b>Michelle.Hurton@durham.gov.uk 03000 261398</b>

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### SITE:

1. The application site relates to a detached property located within Mayorswell Close. The property currently has three bedrooms, one bathroom and a WC including a shower at first floor level and at ground floor three bedrooms, a living room, kitchen and a WC.

### PROPOSAL:

2. The applicant is seeking a Certificate of Lawfulness for an existing use under section 191(2) of the Town and Country Planning Act 1990 (as amended). A Certificate of Lawful Use is sought to confirm the use of the property as a house in multiple occupation under use class C4, which allows for 3 – 6 non related people occupying the property at any one time.
3. A change of use from C3 (dwelling house) to C4 (house in multiple occupation) would usually be permitted development, However, an article 4 direction is in place in this area that withdraws permitted development rights for such changes of use The Article 4 Direction came into force on the 17<sup>th</sup> September 2016. The applicants are applying for a certificate of lawful use as they claim the property was converted into a HMO and tenants were occupying the property prior to when the Article 4 Direction came into force.
4. The application is brought before members of the planning committee at the request of Durham City Parish Council as they dispute that the property was converted into a HMO prior to the Article 4 Direction coming into force as they claim that the tenants did not move in until the Michaelmas term of 2016 which begins in October. The Article 4 direction came into force on 16 September 2016.

---

## **PLANNING HISTORY**

---

5. DM/16/00684/FPA - Erection of single storey extension to rear and application of timber cladding and render to front and rear elevations – Approved

---

## **PLANNING POLICY**

---

6. A Lawful Development Certificate is a legal document which confirms the lawfulness of past, present or future building use, operations, or other matters. If granted by the local planning authority, the certificate means that enforcement action cannot be taken against the development referred to in the certificate. However, the certificate will not protect from enforcement action by the planning authority if the specified use is then changed 'materially' without a planning application for it.
7. The certificate is not a planning permission and conditions cannot be attached. The planning merits of the use are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.
8. Anyone can apply to the local planning authority to obtain a decision on whether an existing use or development is lawful for planning purposes or not.
9. If the local planning authority is satisfied, on the balance of probabilities that the appropriate legal tests have been met, it must grant a lawful development certificate. Where an application has been made under section 191, a lawful development certificate only confirms what is lawful as at the date of the certificate application.
10. The amended section 194 of the 1990 Act states that it is an offence to provide false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the Council to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

11. Parish Council – objects to the proposal as they have been informed by neighbouring properties that the property was not occupied until after the Article 4 Direction came into force. The property was purchased on the 7<sup>th</sup> December 2015 and then reconfigured turning the family home into a small HMO with 6no bedrooms. The Building Control online database shows that building work was proceeding through 2016. Teaching at the university does not start until 10<sup>th</sup> October, therefore the Parish Council feels that it seems reasonable that the students moved in at the start of October which is after the Article 4 Direction came into force.

### **PUBLIC RESPONSES:**

12. There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

13. The application was advertised by means of site notice and by neighbour notification to 8 properties.
14. At the time of preparing this report, three letters of objection have been received from neighbouring residents regarding the property not being occupied until after the Article 4 Direction came into force as the students moved in for the start of the Michaelmas term. The property was purchased on the 7<sup>th</sup> December 2015 and a planning application submitted for a single storey extension which did not include a change of use to a small HMO. Neighbours did not object to the proposed works as it was to be left as a family home, neighbours were only made aware of the property becoming a HMO by default when students moved into the property at the start of the Michaelmas term.
15. The property is within an area which already exceeds the 10% HMO population within a 100 metre radius. There is regular noise disturbance, rubbish issues and unkept properties from nearby HMO's. There have been three groups of students taking up residence since the building was gutted and refashioned. Each group took up residence at the beginning of the academic year in October and left after one year.

#### **APPLICANTS STATEMENT:**

16. I have carefully considered the letters of objection to my application for a Certificate of Lawful Use application for the change of use of 11 Mayorswell Close from C3 Dwellinghouse to C4 HMO prior to the Council's Article 4 Direction coming into force. I am mindful that the thrust of the objections relates to the planning merits of the use which is irrelevant to the consideration of this application. It is not a planning application.
17. Views expressed by third parties on the planning merits of the case, or on whether I have any private rights to carry out the use in question, are irrelevant when determining the application.
18. The issue of the certificate relies on factual evidence alone. It is my responsibility to provide the requisite evidence to support the application. I have discharged my obligations in providing sufficiently precise information that shows the C4 use of the property commenced before the Council's Article 4 direction came into effect. Accordingly, the change of use of the dwelling to a Class C4 small House in Multiple Occupation ['HMO'] did not require the express permission of the Council as Local Planning Authority.
19. The change of use was permitted by the 'General Permitted Development Order' as amended.
20. The Government offers guidance set out in 'Lawful Development Certificates' dated 6 March 2014 that should guide the Council's consideration of my application. It states: 'if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.'
21. I contend the assertions of objectors do not constitute evidence that makes my version of events less than probable. Whether there were concurrent planning and/or building regulation processes being undertaken is not a determinant factor in isolation. They would merely provide indications of work being undertaken at the property. This, of course, does not provide evidence the property was not in occupation.

22. An appeal can be made to the Secretary of State against the refusal of a lawful development certificate. I urge the Committee to carefully consider the evidence I have provided. Should this application be refused, I would give serious consideration to making such an appeal and applying for an application for costs against the Council.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

23. Section 191 of the Act provides a person with the opportunity to apply to the Local Planning Authority (LPA) for a Certificate to confirm that an existing use or building operation is lawful. The application is an evidence based application and not a determination of the planning merits of the proposal. The applicant is required to describe the proposal with sufficient clarity and precision to enable the LPA to understand from a written description and plans exactly what is involved in the claim.

24. The burden of proof for establishing lawfulness rests firmly with the applicant, and the evidential test applied is on the "balance of probabilities". The question can be phrased "is it more likely than not that the existing use is lawful?" The LPA should accept the applicant's evidence, provided that it is sufficiently precise and unambiguous, unless they have evidence to contradict or undermine it.

25. Section 191(4) of the Act provides that if the LPA is satisfied on the evidence provided with the application that the existing use or operations are lawful, they shall issue a certificate; in any other case they shall refuse the application.

26. The applicant's case:

- The applicant has submitted the following evidence:
- An application form stating that the property has been used as a HMO pre dating the Article 4 Direction set out by Durham County Council under grounds that the use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years. The application form states that the use began on the 09<sup>th</sup> December 2015
- Site Plan
- Email from enforcement stating no breach has occurred based on information received from applicant and lack of any facts to dispute at that time.
- Enforcement questionnaire including letter listing names and addresses and information regarding how property was occupied in 2016
- Signed contracts dated 9<sup>th</sup> December 2015, 23<sup>rd</sup> November 2016, 02<sup>nd</sup> December 2017, 26<sup>th</sup> October 2018
- Word document with extracts from emails sent from the students stating when they occupied the property
- Layout of rooms within the property.
- A sworn affidavit detailing the history of the property and setting out that the property has been an HMO since prior to the Article 4 Direction coming into force.

27. The Town and Country Planning (General Permitted Development) (England) Order 2015 allows a property to change from a C3 use (family dwellinghouse) to a C4 use (house in multiple occupation) with the occupation of 3 to 6 unrelated people living in the property at any one time as permitted development. An Article 4 direction has come into force since 16<sup>th</sup> September 2016 across Durham City removing these permitted development rights. Such a change of use occurring on or after that date will therefore need express planning permission, upon application. As a result, the owner of this property is seeking a certificate of lawfulness of an existing use to confirm that the existing C4 use of the property is lawful because the change of use from C3 to C4 was instituted at a time when it did not require express planning permission.

28. From the evidence submitted, it is clear that the property was purchased in December 2015 and soon after works commenced at the site as stated in both the applicant's statement and the objector's letters. A planning application was submitted for a single storey extension to the rear of the property on the 02<sup>nd</sup> March 2016 and was approved on the 08<sup>th</sup> June 2016. The application did not include any internal alterations to the layout. In turn, a building control notice was submitted on the 02<sup>nd</sup> March 2016 also for a single storey extension to the rear, and all works relating to the single storey extension were completed on the 13<sup>th</sup> December 2016.
29. The property is currently being used as a HMO and the application claims that it has been so since 2016. The applicants have provided evidence in the form of a statutory declaration stating that they purchased the property in December 2015 and that the property was furnished and habitable by July 2016. They go on to say that they were always aware that the property had to be occupied prior to the commencement of the Article 4 Direction with 3 or more unrelated tenants.
30. The statutory declaration submitted by the applicants states that on the 20<sup>th</sup> July 2016 all keys were handed over and were received by one of the tenants. He and another tenant moved into the property on the 06<sup>th</sup> August 2016 for pre-season football training. On the 7<sup>th</sup> September 2016 three further tenants moved into the property and at this point the use class of the property changed from a C3 to a C4.
31. Statutory declarations from former tenants confirm that five tenants commenced permanent occupation from the 7<sup>th</sup> September 2016, however two of those tenants stayed there sporadically in connection with football training from the 6<sup>th</sup> August until the 7<sup>th</sup> September.
32. On the 15<sup>th</sup> August 2016 an enforcement complaint was received by the LPA stating that the planning approval was not being built in accordance with the approved plans, as the property was being converted into a HMO. On the 2<sup>nd</sup> September 2016 an officer visited the property and it was considered that everything appeared to be built in accordance with the plans, however, as the property did not appear to be occupied it was considered that no material change of use had occurred and therefore there was no breach identified at that time. However, the 2<sup>nd</sup> September 2016 was prior to when the Article 4 Direction came into force, meaning changing the use of the property would have constituted permitted development at that time. It was also prior to when the students stated they moved into the property officially as they all moved in on the 7<sup>th</sup> September 2016, with two of the students only being at the property occasionally prior to this date.
33. The applicants have submitted copies of their council tax statements which show that the property was unoccupied/unfurnished from 07/12/2015 until the 30/06/2016 and from the 01/07/2016 until the present day the property has been exempt from paying council tax under class N as the property is occupied by students. This date falls prior to the Article 4 Direction coming into force, also the Councils Council Tax department have verified that the property has been exempt from Council Tax since 1<sup>st</sup> July 2016 under class N which means the property is occupied by students.
34. Further checks were undertaken with the licensing department to establish whether any licence for HMO was granted through them for the property. It was confirmed that no licences were required for properties up to two storeys in height until a change in legislation came about in October 2018. Since the amendment to the legislation a licence was applied for in October 2018 which was granted until 2023. Accordingly, licensing information does not assist in establishing that the use as a C4 HMO commenced prior to the Article 4 date.

35. Letters of objection have been received from the Parish Council and neighbouring residents which contradicts the applicant's statement regarding when the students occupied the property. The neighbours have confirmed that the property is currently a HMO, however, the date when the students occupied the property is disputed as the neighbours state that the students did not move into the property until after the Article 4 Direction came into force as they did not move into the property until just before the Michaelmas term, which begins in October, however, they have not provided any specific dates.
36. Neither the Parish Council nor the objectors have submitted any evidence under oath and therefore it is considered that less weight can be given to their evidence compared with that of the applicant.
37. Concerns have also been raised regarding the area where the property is located being over the 10% of HMO properties within 100m and there being issues with noise, rubbish etc from student properties within the area. As this application is for a certificate of lawful use, these concerns cannot be taken into consideration as the planning merits do not form part of the assessment for these types of applications.

---

## **CONCLUSION**

---

38. The LPA has no evidence of its own to contradict or undermine the applicant's evidence which is clear and unambiguous. Whilst the neighbours have asserted that the c4 use did not commence until October 2016, their evidence lacks the precision of that provided by the Applicant. Furthermore, it is of note that sworn affidavits were provided to support the applicant's case, but an equivalent level of legally endorsed information has not been submitted by any third parties. Accordingly, it is not considered that this evidence is sufficient to undermine that of the Applicant on this issue.
39. Taking all submitted evidence into account as well as the checks undertaken with internal departments, it is considered that on the balance of probabilities the property was brought into use as an HMO property on 7 September 2016 which was prior to the Article 4 Direction coming into force on 16 September 2016. On this basis it is recommended that a Certificate of Lawfulness of an Existing Use be granted for 11 Mayorswell Close, Durham in respect of the C4 use of the property.

---

## **RECOMMENDATION**

---

Recommendation that the application is:

### **APPROVED**

1. On the balance of probability based on the information provided and available to the authority, the occupation of the dwelling as a C4 HMO occurred prior to the Article 4 Direction coming into force and before 16<sup>th</sup> September 2016 at a time when change of use from C3 dwelling to C4 HMO would have benefitted from Permitted Development rights. The information provided demonstrates that this use has continued until the current day, thus making the development lawful by virtue of s191B of the Town and Country Planning Act 1990 (as amended).

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

---

## **BACKGROUND PAPERS**

---

- Submitted Application Forms, Plans and Documents
- Planning Practice Guidance
- Consultation Responses
- Objection Letters
- Support Letters



**Planning Services**

**Certificate of lawful use application for the change of use of C3 Dwellinghouse to C4 HMO prior to the Article 4 Direction coming into force at 11 Mayorswell Close, Durham, DH1 1JU**

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

**Comments**

**Date.**

**Scale** 1:1250