

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/03366/FPA
FULL APPLICATION DESCRIPTION:	2 storey extension at rear of C4 property, including internal alterations
NAME OF APPLICANT:	Mr Marc Shalam
ADDRESS:	8 The Hallgarth Durham
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Jennifer Jennings Planning Officer Telephone: 03000 261057 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the east of Durham City Centre within a modern residential estate built in the 1970s. It is located within Durham (City Centre) Conservation Area, in close proximity to a number of listed buildings, and approximately 500 metres to the east of Durham Cathedral and Castle World Heritage Site (WHS).
2. The site relates to property and garden land at no. 8 The Hallgarth, a four-bed dwelling house in use as a house in multiple occupation (HMO), which is presently a mid-terrace of six properties that extend to the east and west of the site. The rear elevation faces north towards the prison area and overlooks the main access road which leads to The Hallgarth and which also links Hallgarth Street to Whinney Hill. The south elevation of the property overlooks a pedestrian footpath link as well as former council owned garages.
3. The garden land to the rear of the property is mostly paved with a single storey rear offshoot that offers storage space. The yard area provides bin storage with a gateway in the rear boundary for bringing bins out for collection.

4. The proposal seeks full planning permission for a rear two-storey extension with a further single storey offshoot. The extension would be in matching brick with a hipped roof for the two storey element and a mono pitched roof for the single storey extension. Both single and two-storey extensions would be just short of the full width of the house, allowing for roof overhang and guttering to remain within the property boundary. The two storey element would extend out by 2.3 metres with the single storey element extending out by a further 2 metres. Maximum ridge height would be 6.2 metres, short by 0.7 metres from the main house, with eaves at 4.9 metres, matching the existing eaves on the house. The single storey extension would have a maximum roof height of 3 metres, sloping down to 2.5 metres at eaves.
5. Currently, the building has four bedrooms and is occupied by four persons. Internally the building is to be reconfigured to allow the creation of an additional bedroom. Four bedrooms and two bathrooms are proposed upstairs, with an additional fifth bedroom downstairs and bathroom. The proposals would increase the shared living spaces from the current arrangement by providing a large dining area with kitchen and lounge space. Access to the yard would be gained through the lounge space.
6. In support of the application, tenancy agreements have been provided showing 4 unrelated occupants have resided at the property since 2015. The property is therefore an existing C4 use that predates the Article 4 direction.
7. The application is referred to Committee at the request of the local member Councillor David Freeman on behalf of the local resident association in the area who requested it on the grounds that there are a large number of students already living in the area, permitted development rights have been withdrawn under the Article 4 Directions and there is no automatic right to an approval. The proposal is also considered contrary to policy H9 of the Local Plan.

PLANNING HISTORY

8. There is no planning history for the site.

PLANNING POLICY

NATIONAL POLICY

9. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
10. 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.
11. 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.

12. 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.
13. 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:

14. 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:

The City of Durham Local Plan (2004) (CDLP)

15. *Policy E3 World Heritage Site – Protection* – Durham Cathedral and Castle WHS and its setting will be protected by restricting development to safeguard local and long distance views to and from the cathedral and castle and peninsula and seeking the conservation and management of buildings which make up the WHS and its setting.
16. *Policy E6 Durham City Centre Conservation Area* – states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
17. *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.
18. *Policy E22 – Conservation Areas* – seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
19. *Policy E23 – Listed Buildings* – The Council will seek to safeguard listed buildings by not permitting development which detract from their setting.

20. *Policy H9 – Multiple occupation / student households* - seeks to ensure that where houses are sub divided or converted to flats, bedsits or multiple occupancy, they do not adversely affect the character of the area, the amenity of nearby residents and the concentration of sub-divided dwellings to the detriment of the range and variety of the local housing stock.
21. *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.
22. *Policy T1 – Traffic Generation – General* – states that development proposals which would result in a level of traffic generation detrimental to highway safety should not be granted planning permission.
23. *Policy T5 – Public Transport* – The council will encourage improvements to assist public transport services including the provision of suitable facilities and ensuring new development can be conveniently and efficiently served by public transport.
24. *Policy T10 – Parking* – States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
25. *Policy T21 – Walking* – states that existing footpaths and public rights of way should be protected.
26. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility* – states that the layout and design of all new development should take into account the requirements of all users.
27. *Policy Q5 – Landscaping – General* – requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
28. *Policy Q9 – Alterations and Extensions to Residential Property* - 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, the alteration or extension respects the privacy of adjoining occupiers of the property and the alteration or extension will not create a level of multiple occupation.

RELEVANT EMERGING POLICY:

29. Paragraph 48 of the NPPF says 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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:

30. Northumbrian Water have no comments to make.
31. Highways Authority comment that no in curtilage parking could be provided if requested, however, given the city centre location, no parking provision would be sought. The development sits within the City's controlled parking zone, and highways are satisfied that car ownership and parking demand will be limited as no residents parking permits would be issued to property occupiers. No objection to this proposal is offered on highways grounds.
32. City of Durham Parish Council – objects on the basis that the proposals conflict with the Interim Policy on Student Accommodation and would lead to a further intensification of student numbers in the area.

INTERNAL CONSULTEE RESPONSES:

33. Design and Conservation – comment that while the extension would be considered dominant and alien to the original design, the wider impact within the estate and upon the character, appearance and setting of the designated heritage assets concerned, would be considered a neutral conserving one. Given the individual circumstances and context of the site, despite the design flaws where the extension is not subservient to the host dwelling, it is difficult to object to this application on heritage or design grounds.
34. Environment, Health and Consumer Protection (Nuisance Action Team) – have no comments or concerns with regards the application. They do not consider that the proposals would create a statutory nuisance.
35. Ecology section do not require the submission of a bat survey on this occasion, given the extent of security lighting associated with the adjacent prison grounds.
36. Spatial Policy – comment that the proposal does not fall to be considered under the planning balance associated with NPPF paragraph 11, as relevant policies are not silent, absent or out of date. The interim policy for student accommodation and HMOs is a material consideration. Applying the Interim Policy the percentage of HMOs within 100m of the application site is 36.5% of properties which are student properties as defined by Council Tax records, this house included. On this basis the proposal for an extension to the property will result in additional bed spaces which would be contrary to the interim policy. Consideration also needs to be given to an appeal case at Hawthorn Terrace in January 2017 where a similar proposal was allowed despite being contrary to the interim policy.
37. HMO Section –comment that the property would need to be licensed under the Housing Act 2004 Part 2 and provide further details on the criteria associated with this legislation.

PUBLIC RESPONSES:

38. The application has been advertised by means of site notice on site, press notice and by notifying neighbouring residents by letter. objections have been received raising the following points:

- City of Durham Trust objects on the basis that the proposal would be at odds with the interim policy and would result in increased studentification. The exemption clause associated with the interim policy cannot be invoked as a reasonable proportion of family homes still exists in the area.
- One objection raised by a neighbouring family. Concerns relate to parking and noise at night as well as rat infestations.

APPLICANT'S STATEMENT:

39. The application is for an extension to an existing C4 student property. The property has been used for student accommodation for some time already and that has been established by the supply of previous tenancy agreements. Recent New Licensing requirements for two storey 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 provision has brought a number of Landlords to consider their existing housing stock rather than look to new units.
40. To improve the provision of accommodation given the client looks to expand the bedroom sizes and provide better shared amenity within the dwelling and thus an extension is proposed that raises the unit from currently 4 bedrooms to 5 bedrooms, a modest increase. This increase will not give rise to a noticeable increase or intensification of student housing in the area as the house is already used as C4 and only a modest increase in one bed space provision is proposed.
41. The objectors note that the area is already around 70% student accommodation well above the 10% threshold of the interim policy. We note that values of around 70% have been proven at appeal as the general threshold to demonstrate that additional HMO bed provision will not cause further detrimental harm or conspicuous concentration.
42. The property has a large remaining garden that will be used for external amenity, but will also have areas for the refuse bins and the provision of cycle storage. The property is in an area of resident only parking restrictions and permits and this will equally apply to the residents. The house will remain with one permit and any other additional parking will be in the on street paid bays as used by all residents.
43. The design of the building matches that of other similar extensions on The Hallgarth, previously done by this practice. The property will be fully managed by Harrington's a specialist student accommodation agent who have a wealth of experience dealing with issues around antisocial behaviour and include such policies in their tenancy arrangements and these will be monitored and enforced.
44. Harringtons is 3 a minutes' walk away at 30 New Elvet. Harringtons have a full time maintenance man and have a 24 hour mobile telephone number answered physically by the maintenance man himself. This property as with all new Green Mountain properties will be in the Durham Student Approved Housing Scheme. Harringtons undertake quarterly property inspections and also aim to be on very good terms with all neighbours, both local and landlord/student. As a local agent they aim to support the local environment for everyone and come down as hard as they can on the rare times the students misbehave.

45. All Harringtons houses require their student tenants to have parental guarantors who we also call if there are problems with neighbours, which are incredibly rare. They also have contact numbers for all the local college reps as well as the Durham University Community Liaison Officer and the Durham Constabulary's Police University Liaison Officer to make sure that pressure is put on the students to behave in every way possible. They also give these last two contact details out to any neighbour who complains, so they have direct access to this information too. They also send the students Moving In letters with a large amount of information on how to live in a house and the local environment including what days to put the bins out etc. and also send the students Moving Out letters which explain how to dispose of your rubbish at the end of the tenancy.

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

46. 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 character of the surrounding conservation area and heritage assets, residential amenity, highway safety and concentration of students.

Principle of Development

The Development Plan

47. 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 (CDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the CDLP was adopted in 2004 and was intended to cover the period to 2006 and, whilst the NPPF advises at Paragraph 213 that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF, it is considered nonetheless that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. In such circumstances the weight to be afforded to existing Local Plan policies should depend upon their degree of consistency with policies of the NPPF.

48. In consideration of the above, saved policy H9 relating to multiple occupation and student accommodation is directly relevant to the proposal as it deals with alterations and extensions to existing properties already in HMO use. This policy is considered consistent with the NPPF, as it is up to date and not time limited and can therefore be afforded full weight in the decision-making process. Paragraph 11 of the NPPF is not engaged.

49. Policy H9 of the City of Durham Local Plan states that proposals to extend or alter properties which are already an established HMO use class will be permitted provided that there is adequate parking, there is sufficient privacy and amenity areas for occupiers, the proposal would not adversely affect the amenities of nearby residents and the extension would be in scale and character with the host dwelling and surrounding area in compliance with Policy Q9. The various points within Policy H9 are covered in the relevant sections of the report below. The Interim Policy on Student Accommodation includes similar criteria. However the Interim policy goes further than policy H9 as it states that extensions that result in additional bed spaces will not be permitted if more than 10 per cent of the total number of properties within 100 metres of the application site are already in use as HMOs.
50. In consideration of the above, the proposals are considered to accord with policy H9 which is permissive in principle of extensions to properties already in C4 use. However when assessed against the Interim Policy, which seeks to curtail extensions and creation of bed spaces, the proposals are contrary, particularly as the percentage of properties within the 100 metres radius of the application site equates to 36.5 per cent. It must be noted however that the proposed extension would not impact on the percentage of properties in HMO status as the application site already falls within this category. On this basis, the proposal would equate to one additional bedroom creating a 5-bed HMO over a 4-bed HMO and in consideration of this, the proposals do not offend against the aims and objectives of the interim policy which seeks to maintain an appropriate housing mix by assessing the change in the percentage of housing in student accommodation within a 100 metres radius. The addition of one additional bed space to an existing C4 property does not undermine this principle. It must also be noted that the interim policy is not part of the adopted development plan and therefore less weight must be afforded to it as a result and in the event of conflict with save local plan policies, those policies must prevail.
51. Furthermore, a recent 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 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. In terms of the extension itself, it is noted that a number of properties have been similarly extended. The principle of extending the properties within the area is therefore well established. The proposal is therefore considered acceptable in principle in this context.
53. Accordingly, it is considered that the proposal complies with policy H9 and whilst there is some conflict with the strict wording of the interim policy, that is not sufficient to justify refusal of the application especially in light of the guidance on that policy which has been provided by the recent appeal decision.

Impact on heritage assets and the character of the surrounding Conservation Area

54. Local authorities have a duty to preserve or enhance the Conservation Area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Local authorities also have a duty under Section 66 of the same legislation to pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
55. Policies E22 and E23 of the Local Plan reflect these legislative requirements and are also deemed to be consistent with the NPPF. Within the policies there is a requirement that development be refused where it would detract from the character of the area or the setting of a listed building and that all development should be sensitive in terms of siting, scale, design and materials, reflecting where appropriate existing architectural details. In addition the policy requires that trees, hedgerows, views and undeveloped areas which contribute to the character or appearance of the area should be protected.
56. The Hallgarth is located within the eastern part of the designated conservation area within a back land location between Hallgarth Street to the west, HMP Durham and Whinney Hill to the north, and surrounded to the south and east by the dense residential properties in the upper part of Whinney Hill and Hallgarth View. The Hallgarth consists of a small group of modern terraced properties and flats constructed on the site of the former Hallgarth Farm in the early 1970's, the surviving remnants being the Farmhouse and the group of listed barns across the road at Durham Prison Officers Club (grade II and II* listed). The modern residential properties are of no historic interest and little merit architecturally, consequently their contribution to the surrounding designated conservation area is considered to be neutral, at best.
57. Design and Conservation provided comments on the proposals, stating that ordinarily this form of extension, full height and full width with limited subordination, would not be considered an appropriate design in a conservation area location. However the form, scale, massing and design is commensurate with extensions approved to the rears of a number of the neighbouring properties for example at nos. 4, 14, 20, 30, 32. As a consequence there is an established pattern development within this part of the city centre as a result of which the extensions would not appear incongruous in the streetscene. These were accepted because of the geometric simplicity in relation to the host building and due to impacting on modern properties in the localised context of a modern housing estate of neutral character.
58. The extension would be largely hidden from the main historic streets forming the focus of this part of the conservation area and would not be considered a harmful introduction into the setting of the grade II and II* Durham Priory Farm buildings at Durham Prison Officer Club, 30 metres to the north of the site. This is due to it being viewed in conjunction with the neighbouring extension of the same design and there is a clear and very differing character at The Hallgarth that sets it apart from the listed group. There would be an absence of intervisibility between the site of the extension and the listed buildings along Hallgarth Street meaning it would have a neutral impact within their settings.

59. In terms of policy Q9, this states that extensions are to appear subordinate to the host dwelling and incorporate pitched roofs wherever possible. The proposed extension would result in an enlarged property but the increased size would not appear overly dominant or be out of character with the host dwelling, surrounding properties or the immediate streetscene and is considered to accord with the policy in this regard, although not entirely in accordance with other aspects of Q9.
60. In respect of the above and in the context of the statutory duties and relevant policies E22 and E23 and policy H9 the proposals are considered to be compliant with these policies. In respect of policy Q9, it is considered that it would be partially compliant but would be unreasonable to refuse planning permission on design grounds.

Impact on residential amenity

61. Local plan policy H9 states that extensions should not adversely affect the amenities of nearby residents. The dwelling is already an established C4 use and the proposal to increase the number of bedrooms from four to five would not alter the C4 designation in this case. The dwelling would therefore continue as a small HMO and it is not considered that the addition of a single bedroom to enlarge the HMO use would be sufficiently detrimental to the amenities of neighbouring residents. One objection was received from a neighbouring resident raising issues regarding noise and parking in the area with additional concerns regarding rat infestations. It is accepted that occupants of HMOs differ in their activities and general movements from that expected of family homes, and depending on individuals involved, these activities can cause levels of disturbance that create negative impacts on non-HMO residents. However it would be difficult to demonstrate any proliferation of these disturbances to the addition of a single bedroom in an established HMO or indeed sustain a refusal in this case, on that basis.
62. Environmental Health were consulted for their views in terms of noise impacts and raised no objections based on the scheme proposed.
63. In terms of the impact of the extension upon neighbouring amenity of nos. 6 and 10 The Hallgarth, from assessing the site, it appears that no. 6 would be most directly impacted by the extension due to an existing two storey extension at no. 4. However the proposed extension would be adjacent to a high level obscure glazed window associated with a bathroom and in this respect would not impact on outlook. The window associated with the habitable room of no. 6 is adjacent to the extension at no. 4 and whilst this will have had an impact on their outlook, the proposed extension at no. 8 will have a lesser impact given its distance from this window. Some degree of overshadowing would be experienced by neighbouring residents but being located on the north elevation it is not expected to be detrimental to their amenities. The proposed single storey element of the extension would not extend further out than the existing out building, meaning the impacts of this built arrangement are already experienced by residents at no. 6 and the small increase in height associated with the mono pitched roof would not be sufficiently detrimental to warrant refusal. Some loss of outlook would be experienced by no. 10 on its east side due to the two storey extension and additional single storey element but reasonable outlook would be retained towards the north east, north and west. Overall, whilst the extension is large and covers the whole width of the house, the impacts on neighbouring residents are not considered harmful to the extent that a refusal on these grounds could be sustained.

64. In light of the above considerations and in consideration of policies H9 and Q9, it is not considered that the proposed extension and resultant additional bedroom would create a situation that would significantly compromise the amenities of residents within the area. Whilst the additional bedroom may result in increased activity, this is not considered to be at a level that would materially affect the residential character of the area or amenities of the nearby neighbours, particularly as the property already operates as a HMO.

Highway Safety and Access

65. Saved local plan policy T1 requires that the council should not grant planning permission for development that would generate traffic which would be detrimental to highway safety and have a significant effect on occupiers of neighbouring properties.

66. By reason of the layout and location of the site, it would not be possible to include off road parking for the development. The Council's Highways team considered this fact and accepted that in curtilage parking could not be achieved, but further acknowledged that the city centre location of the application site would mean that no parking provision would be required from a highways standpoint. The applicant has been advised that no parking permits to park within the Durham City controlled Parking Zone would be given in any case.

67. The lack of parking provision, whilst not ideal, is not considered a sufficient ground for refusal of planning permission, and in many respects, such a circumstance would be more likely to deter car owners from inhabiting the property as well as encourage sustainable transport choices in accordance with policy T10. The proposals are considered acceptable in this regard.

CONCLUSION

68. In conclusion, the proposed development would not result in an increase in HMOs in the area as the property currently operates as a small C4 HMO. In this regard the proposal does not run contrary to the principles associated with the Interim Policy as the housing mix would remain unaltered. The small increase in occupancy levels is not considered detrimental to the wider amenities of the area, and the proposed extension by reason of its design and scale is considered acceptable, not causing undue harm to the surrounding heritage assets or neighbouring amenity. The proposals are considered to comply with relevant saved policies of the local plan and 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.

69. The proposal has generated public interest, with letters of objection submitted from residents, the City of Durham Parish Council and the City of Durham Trust. 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 following approved plans and documents:

Site location plan no 1042-02 received 2/11/2018

Proposed plans, elevation and section no. 1042-03 received 15/11/2018

Reason: To define the consent and ensure a satisfactory form of development is obtained.

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

Reason: To ensure that a satisfactory form of development is obtained in the interests of visual amenity of the Durham City Conservation Area accordance with the provisions of policies E6, E21, E22 and Q8 of the Durham City 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

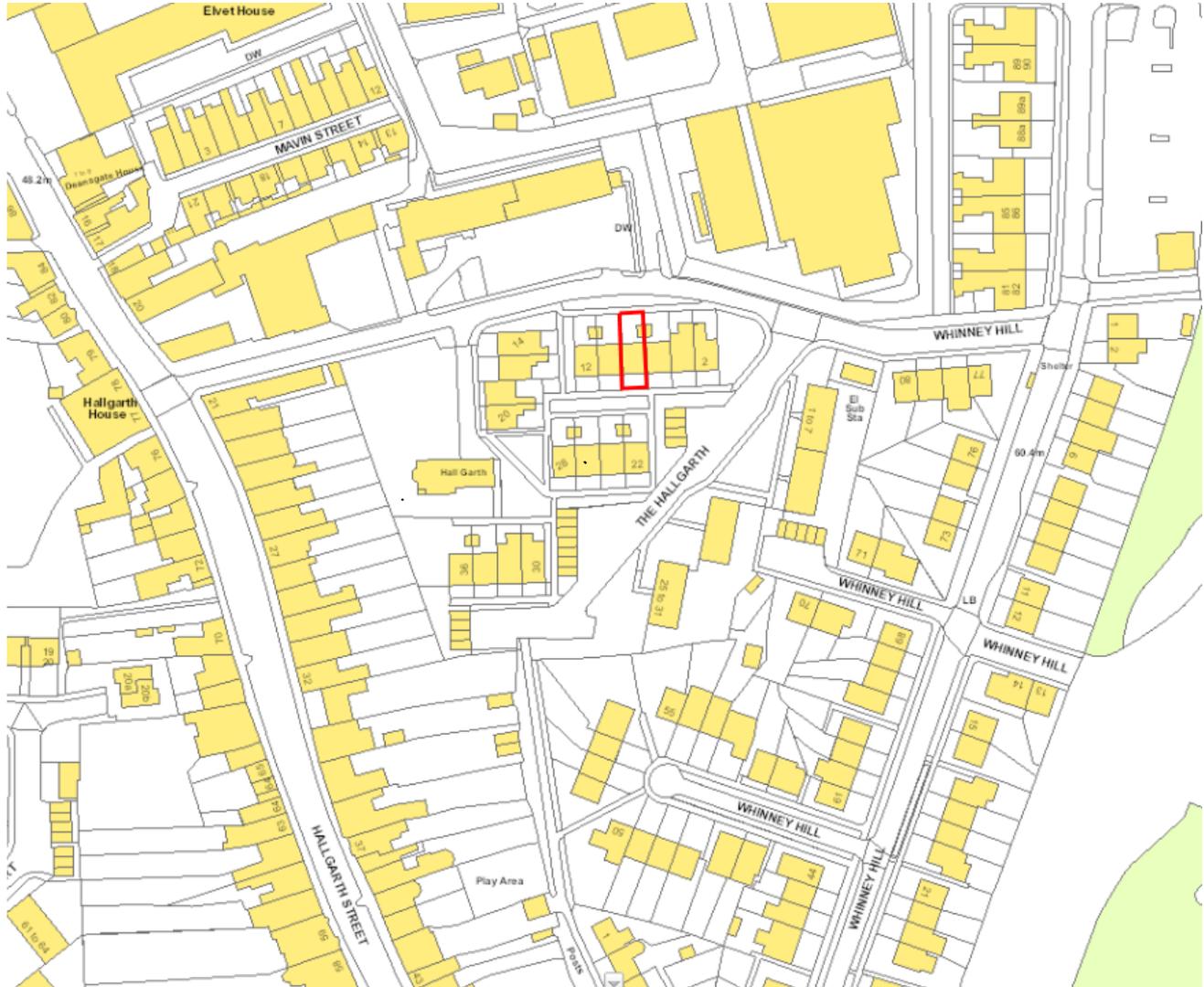
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham Local Plan

Statutory, internal and public consultation responses



Planning Services

2 storey extension at rear of C4 property, including internal alterations at 8 The Hallgarth Durham.

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Comments

Date 15 January, 2019

Scale NTS