

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/21/01918/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Change of use from C3 (dwellinghouse) to either C3 (dwelling house) or C4 (house of multiple occupation).
<b>NAME OF APPLICANT:</b>	Mr Mike Costello
<b>ADDRESS:</b>	8 Laburnum Avenue Durham DH1 4HA
<b>ELECTORAL DIVISION:</b>	Nevilles Cross
<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>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a mid terraced property set over three floors located within the Viaduct area of Durham City Centre. The property sits within the conservation area and also an area subject to an Article 4 Direction which operates to withdraw PD rights for changes of use from C3 dwellinghouse to use as a C4 House in Multiple Occupation (HMO).

#### Proposal:

2. Planning permission is therefore sought for the change of use of the property from a dwelling (use class C3) to either a dwelling (C3) or a HMO (C4). This would essentially allow the proposal to be used as either use over a 10 year period and for the use to change flexibly between the two without the need for any further consents during this period
3. No external alterations are proposed to the property to facilitate the change of use, although some internal alterations are required to create a 5<sup>th</sup> bedroom.
4. The application is referred to the Committee at the request of Cllr Liz Brown who considers the position of Policy 16.3 requires clarity in view of the outcome of a recent appeal decision at a nearby property, 55 Hawthorn Terrace.

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
8. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
9. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
10. NPPF Part 8 Promoting Healthy and Safe 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 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
12. 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.

13. 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.
14. 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.
15. 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:**

16. 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.

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

#### **LOCAL PLAN POLICY:**

##### County Durham Plan

17. Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) seeks to provide a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
18. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development to have regard to Parking and Accessibility Supplementary Planning Document.
19. Policy 29 - Sustainable Design requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.
20. Policy 31 - Amenity and Pollution sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or

cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

21. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

#### Neighbourhood Plan

22. The following policies of the Durham City Neighbourhood Plan are considered relevant to the determination of this application.
23. Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet.
24. Policy T1 Sustainable Transport Accessibility and Design seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
25. Policy T2 Residential Car Parking seeks to ensure that proposed development would be served by sufficient car parking spaces.
26. Policy H2 The Conservation Areas expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.

*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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

27. Highways – No objection
28. City of Durham Parish Council - have raised an objection to the application citing that the proposal is contrary to CDP Policy 16 and that this application must therefore be refused as insufficient evidence has been provided to show hardship/that the property

is no longer viable as a family home. They have commented that should further evidence be submitted by the applicant in support of this assertion, the Parish Council would be happy to consider that further.

#### **INTERNAL CONSULTEE RESPONSES:**

29. Environmental Health (Nuisance) – No objection subject to conditions.

30. HMO Officers – No objection

31. HMO Data – 72% of properties are exempt within 100m.

32. Spatial Policy – The proposal is contrary to policy.

#### **PUBLIC RESPONSES:**

33. The application has been advertised by means of site notice and by notifying neighbouring residents by letter.

34. To date, two letters of objection from one property have been received raising the following concerns:

- The LPA should stop turning family homes into HMOs, Durham has enough of them and does not need anymore.
- Adverse impact to highway safety from increased cars,
- Failure to appropriately dispose of waste and a reduction in the visual amenity of the area as a result of tenants not maintaining the property or its gardens
- Adverse impact from increased disturbance from noise.
- Devaluation of properties and reduced prospect of remaining residents selling their properties should they wish to.
- There is a demand for family homes within the area and properties should be rented to families rather than students/or let as HMOs as a consequence allow families the option to remain in the city.

35. The City of Durham Trust object to the application noting the proposal would result in further imbalance to the detriment of achieving mixed and balanced communities and have an adverse impact on surrounding residential amenity in contravention of paragraph 127 (f) of the National Planning Policy Framework. The remaining percentage of properties that are not exempt from council tax is more than a quarter and those residents should be protected from further student incursions.

36. Four letters of support have also been received with the following comments:

- Policy 16 allows for supporting change of use application where the applicant can provide evidence which confirms that the policy restriction is *causing severe personal hardship*.
- The applicant has spent a number of years to reduce the now severe anti-social behaviour occurring virtually every night bar exam time in parts of Durham City with the Viaduct area including Laburnum Avenue is a particular and intractable blackspot for such behaviour.
- Whilst I have spent considerable effort lobbying for a return to balanced communities, it is evident to me that certain parts of Durham including Laburnum Avenue will see no improvement in quality of life for long term families for a considerable time in the future because of the very high density of students living

there. This area is regarded as a desirable 'party' area by students and deliberately chosen for those seeking that lifestyle.

- Assertion is made that this application should be assessed under part 3 of Policy 16 of the County Durham Plan (CDP) which seeks to promote, create and preserve inclusive, mixed and balanced communities and to protect residential amenity.
- While the student density for this property is not yet at 90%, *the area is already so unbalanced by student occupied properties that the policy objective of achieving a balance is unlikely to be met.*
- Should this application not be granted, it is very unlikely that the house can be sold, and this will have severe financial consequences for the applicant. The decision has already been made by a number of residents that it is now impossible to live there and will continue to be impossible until a large number of the HMO properties have reduced considerably and in this area I would ask that they be supported and shown care for the circumstances that have been thrust upon them.
- Support for the proposal as a remaining resident we have been forced to buy a new home and now face the prospect of trying to sell our property
- There is a proven case of severe personal hardship for the applicant, because the policy restriction on change of use to C4 in his locality would leave him marooned in an imbalanced community where student lifestyles hold sway.

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

37. My name is Mike Costello, and I have lived at 8 Laburnum Avenue in the viaduct area of Durham City for 33 years with my partner Caroline from where we have raised four children.

38. I have already provided an applicant's statement in Appendix 2 of the Design and Access/Heritage statement supporting my application. However, I would like to thank the Committee for enabling me to emphasise these key points.

39. Historical unrelated and uncontrolled HMOs in the vicinity of the property have eroded the area's residential amenity year on year. Many of our friends have moved from the street because of the difficulties they have endured. Living in the property has become intolerable and, regrettably, we have decided that we have to move from this area of the City.

40. Accordingly to the marketing of the property to date, it is improbable that we will sell the property at market value for use as a family home. Those enquiring have been investors hoping to buy the property for let as an HMO. There has been absolutely no interest from families. This is unsurprising as officers tell us **72.7%** of the residential properties in the area are student exempt properties, i.e., HMOs. My home is adjacent to existing HMOs on all sides.

41. Both of my agents attended the Parish Council's meeting about my application. While it appears they could not support the application under rigorous application of the Council's new policy, there did seem to be an acknowledgement that the policy could trap families like ours in areas where there is already a high percentage of HMOs within 100m of the property, because the **90%** threshold of policy is not exceeded.

42. This is why we consider the policy has the inherent flexibility allowing the Council to grant consent for changes of use to an HMO in such circumstances.

43. Regrettably, we do not have the benefit of time or finances to be able to show throughout a year's active marketing that we cannot sell the property as a family

home. However, it is clear from the marketing exercise to date that there is no interest whatsoever, market value or not, to purchase the property as a family home.

44. Accordingly, it is perfectly reasonable for us to ask to change the use of the property to sell as a dual-use, as a family home or an HMO. This strategy will give us the flexibility to sell. It will also allow the Council to impose controls that will minimise the potential for the proposed use of the property to compound the problems caused by the high concentration of HMOs in the area. This is incredibly important to us; to ensure that the remaining families' amenity is not harmed further.
45. There will be very few areas of the City where the **90%** threshold of the policy is exceeded. Suppose the Council robustly defends this threshold without exception. In that case, we will be one of many many families that will be trapped in areas of high concentrations of HMOs, unable to sell our properties, financially disadvantaged and where there is a severe detriment to our everyday family life.
46. I would respectfully ask, therefore, that the Committee either can accept the Council's HMO policy does provide exemptions in its commentary as explained in my supporting documents that would allow it to grant consent OR that the policy is flawed in its drafting and that the material considerations dictate the Council should approve my application as a departure from the Development Plan.

*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>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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47. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The main considerations in regard to this application are the principle of the use in this location, amenity considerations and highways safety, along with any other issues.
48. 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 County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
49. The Local Plan was adopted in 2020 and is up to date. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.

### The principle of development

50. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses within C4 (houses in multiple occupation HMOs). 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. The proposed floor plans submitted with the application indicate that the proposal is such that the development would normally benefit from the provisions contained within the GPDO. However, an Article 4 direction came into

effect on 17 September 2016 withdrawing permitted development rights in this regard and as such a specific planning permission is required.

51. Policy 16 of the County Durham Plan is relevant to this application which relates to student accommodation/HMO's and states that in order to promote, create and preserve inclusive, mixed and balanced communities and protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to:

- a Class C4 (House in Multiple Occupation), where planning permission is required;
- or
- a House in Multiple Occupation in a sui generis use (more than six people sharing)

will not be permitted if:

- a. including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);
- b. there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area;

or

- c. less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus.

52. The most recent up to date Council Tax information identifies that 72% of those properties within 100 metres of the site are currently occupied as student let accommodation and are Class N exempt. Whilst an unimplemented consent has been identified as being located within the 100m area, it is noted that the period of time for implementation of that permission has since expired and as such the permission has lapsed.

53. Policy 16 of the CDP goes on to state that new changes of use from C3 to C4 would not be resisted in areas which already have a concentration in excess of 90% of properties which are council tax exempt (Class N), and where this is having an unreasonable impact on current occupiers, and the conversion of remaining C3 dwellings would not cause further detrimental harm to the residential amenity of surrounding occupants; or

54. Where an existing high proportion of residential properties within the 100 metres are exempt from council tax charges (Class N), on the basis that commercial uses are predominant within the 100 metre area.

55. In the case of the application site the current concentration of 72% of properties as council tax exempt is above the 10% threshold stated in the policy but considerably below the 90% upper threshold. In this context it is not considered that the community has become so unbalanced so as to be overly dominated by HMO properties and as such has not resulted in an unreasonable impact on the current occupier. Therefore,

the proposed change of use fails to accord with the requirements of policy 16 of the CDP.

56. In relation to the upper threshold of 90% Policy 16 states that in some cases owners of Class C3 dwellings may find difficulty in finding a purchaser for continued Class C3 use where the balance of an existing area has shifted towards predominantly HMOs, particularly those let to students, and may therefore wish to change to Class C4/HMO use where continued occupation as a C3 dwelling is no longer feasible/viable. In considering whether to make an exception in such cases the council will have regard to the following:

- the proportion of existing Class N council tax exempt properties within 100 metres of the application site and their impact upon the character of the area in terms of whether such a concentration might be likely to affect the amenity of normal family life;
- there is documented evidence of unsuccessful active marketing of the property as a Class C3 dwelling, with at least one recognised estate agent at local market levels, over a continuous period of at least 12 months; or
- other circumstances where the applicant can provide evidence which confirms that the policy restriction is causing severe personal hardship.

57. In this instance, evidence that the property has been marketed is limited and amounts only to evidence that this was undertaken for a limited period since April 2021. As such, the application does not accord with this criterion of Policy 16. In addition, and as stated above, the percentage of properties exempt within 100m is notably below the 90% threshold and as such this is insufficient to justify any further loss of existing C3 dwellings to C4 HMO.

58. The Council's EHO has been consulted and confirms that there have been a number of noise complaints received by the Council's Environmental Health Section since 2014, although the majority of these occurred within 2015 the remainder were received between 2016 and 2021. Subsequent investigations are understood to have found no evidence of any statutory nuisance with the most recent complaint being closed in June of this year with no further action. Therefore, whilst complaints have been received investigations have not established that any statutory nuisance had occurred. Whilst it is noted that impact upon residential amenity can occur which is not considered a statutory nuisance, it seems that in this instance the issues reported in each case were not significant as no formal noise abatement action was taken. In addition, it is noted that the instances of such complaints have become less frequent more recently. The Environmental Health team therefore consider that insufficient information has been provided to establish that a significant detrimental impact on the applicant's residential amenity has occurred.

59. Notwithstanding the above, the applicant advises that the level of disturbance experienced has been so severe that it has resulted in an adverse impact upon their mental health to the extent that they felt forced to move out of the property and purchase a caravan in which to reside for the majority of the year, using considerable personal savings and a large loan.

60. A Ward Councillor for the area has stated that clarification was required in respect of a recent appeal decision for 55 Hawthorn Terrace APP/X1355/W/20/3253690 which allowed for the change of use from a small HMO to a large HMO. In this instance the Inspector confirmed that the proposal was contrary to policy 16 but stated "I fully acknowledge the merit of seeking to retain C3 properties in the area, which would

support the preservation and/or creation of mixed and balanced communities in line with local and national policy and guidance. However, the proposal would not involve the loss of a residential property in C3 use". Whilst the conclusions of the Planning Inspector in that instance are not disputed the current scheme displays little similar characteristics to that example, noting that in this instance the current proposal would result in the loss of a C3 use. As such little weight can be afforded to that decision.

61. Given the above, it is considered that the principle of the development cannot be supported as the proposal is considered contrary to policy 16 of the County Durham Plan and insufficient information has been received to demonstrate that any of the exception criteria listed in policy 16 apply.

#### Impact on residential amenity

62. Paragraph 127 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. In line with this, CDP Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated. In addition, criterion e) of Policy 29 states that all development proposals will be required to provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
63. In this instance the application site is a mid-terraced two storey property located within a residential area. It is considered that the introduction of a single HMO within this locale is unlikely to have any fundamental impact on the wider population in this regard and any impact could be mitigated through effective management of the property.
64. The Council's Environmental Health Section has been consulted and confirms that the development is unlikely to cause a statutory nuisance and does not raise any objection to the application in this regard given the existing use as a C3 dwelling.
65. He does note however that the demographic which use this type of accommodation are often associated with greater use of the night-time economy and as such an increased level of night-time noise may occur. Notwithstanding this, any disturbance generated by the introduction of small HMO is unlikely to be unduly significant in itself and the impact of the balance of the community has been considered in detail elsewhere. In any event evidence provided in this regard which cites concerns over noise and disturbance is to some degree anecdotal and the EHO notes that the potential for impact is associated with the individuals residing there and as such might differ greatly.
66. One of the proposed bedrooms would be located on the ground floor and may, therefore, be adjacent to a living/dining room in the adjoining house which could lead to a greater impact for the individual residing in that bedroom, as well as leading to complaints against the reasonable use of the neighbouring ground floor. However, the inclusion of a planning condition that requires a sound proofing scheme to be submitted, agreed and subsequently implemented should the application be approved would satisfactorily mitigate any adverse impact in this regard.

67. Policy 16 includes a requirement to ensure that adequate bin storage provision is provided and that other shared facilities are adequate. In this regard it is considered that there is adequate space to provide sufficient bin storage within the site to service demand generated by the number of residents. The HMO officer has noted the need to ensure licencing requirements are met, these changes are achievable and would not themselves be subject to planning control, falling under separate legislation outside of planning.

68. In light of the above the proposal is considered to be acceptable in terms of residential amenity and the proposal is considered to accord with the requirements of policies 16 and 31 of the County Durham Plan and Paragraph 127 of the NPPF

#### Parking, Access and Highway Safety

69. Policy 16 of the CDP states that new HMO's provide adequate parking and access. The proposal is located within a controlled parking zone and as such parking is limited. Objection has been received from residents who are concerned that the proposal would increase the number of vehicles using the area and that this would have a detrimental impact upon highway safety.

70. The proposed change of use would not result in any unacceptable harm with regard to highway safety in accordance with the aims of policy 16 and 21 of the CDP and paragraph 108 of the NPPF.

#### Other Issues

71. Residents have also raised objection to the application citing concern that the proposal would devalue surrounding properties although this is not a material planning consideration to which weight can be attached in determination of this planning application.

#### Conclusion

72. Whilst in terms of residential amenity and highway safety the proposals are deemed satisfactory, the applicant fails to demonstrate compliance with policy 16 of the County Durham Plan. Specifically, that the percentage of HMOs already present in the area is greater than 10% whilst below 90%, and that the change of use of an existing C3 dwelling to HMO would add to the imbalance of the existing community towards being dominated by HMOs. Whilst the applicant's concerns in relation to the ability of the property to be used for the current permitted use as a C3 dwelling are noted, based on the limited information supporting the application to demonstrate this, officers consider that the development would present significant conflict with the requirements of policy 16 of the County Durham Plan and as such is recommended for refusal.

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## **CONCLUSION**

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73. The introduction of an additional C4 house in multiple occupation within this locale would have a detrimental impact upon the range and variety of the local housing mix and community cohesion with the addition of another student HMO within the local area. Therefore, the proposal is contrary to policy 16 of the County Durham Plan and Paragraph 91 of the NPPF.

74. 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.

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## **RECOMMENDATION**

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That the application be **REFUSED**, subject to the reasons detailed below:

1. The proposed conversion the existing Dwelling to either a C3 dwelling or C4 HMO is considered unacceptable being located in an area already identified as exceeding the threshold set out in Policy 16 of the County Durham Plan. The proposals would therefore result in further imbalance in the community thereby being contrary to policy 16 and paragraph 127 (f) of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to refuse 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.) unfortunately, a positive determination was not able to be achieved in this instance.

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## **BACKGROUND PAPERS**

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Submitted application form, plans, supporting documents and subsequent information provided by the applicant  
The National Planning Policy Framework (2018)  
National Planning Practice Guidance Notes  
County Durham Plan  
Statutory, internal and public consultation responses



<p><b>Planning Services</b></p>	<p>Change of use from C3 (dwellinghouse) to either C3 (dwelling house) or C4 (house of multiple occupation) at 8 Laburnum Avenue Durham, DH1 4HA Application Reference: DM/21/01918/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> August 2021</p>	<p><b>Scale</b> NTS</p>