

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/21/02447/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of an extension to the rear of the property and internal reconfiguration of lower ground floor and ground floor of existing HMO (C4 Use Class).
<b>NAME OF APPLICANT:</b>	Mr Robin Durie
<b>ADDRESS:</b>	50 Hawthorn Terrace Durham DH1 4EQ
<b>ELECTORAL DIVISION:</b>	Neville's Cross
<b>CASE OFFICER:</b>	Michelle Penman Planning Officer Michelle.penman@durham.gov.uk 03000 263963

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site comprises a mid-terrace three-storey property on Hawthorn Terrace, to the west of Durham City Centre and lies within the Durham City Conservation Area. The property is surrounded by residential properties and fronts Hawthorn Terrace which is accessed from the A690. There are parking bays for permit holders located along the terrace to the front of the property. A conservatory has been erected to the rear of the property previously and there is also a modest yard.
2. The property is currently in use as a 5-bedroom student House in Multiple Occupation (HMO), therefore falling with a C4 use class.

#### The Proposal

3. Planning permission is sought for a two-storey rear extension to allow internal reconfiguration of the lower ground and ground floors of the property. Originally the proposals included a full height rear extension with dormer windows and the creation of an additional bed space. However, during the application process the proposals were amended to remove the net increase in bedspaces and due to concerns raised regarding design and impact of the development on the conservation area.
4. The application is referred to Planning Committee at the request of the City of Durham Parish Council who consider the proposal to be contrary to relevant local plan policies, in particular Policies 29 and 31 of the County Durham Plan and the adopted Residential Amenity SPD (2020).

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## **PLANNING HISTORY**

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5. 4/86/0779/FP - Conservatory extn. & new wall to rear yard. Approved 17.10.1986.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

#### National Planning Policy Framework

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. 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.
8. 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.
9. 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
10. 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.
11. 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.
12. 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:**

13. The Government has consolidated several 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; historic environment; design process and tools; determining a planning application; healthy and safe communities; neighbourhood planning; noise; and use of planning conditions.

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

## **LOCAL PLAN POLICY:**

### The County Durham Plan

14. 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 to ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
15. 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 should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Delivery Plan.
16. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards
17. 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 they 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 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.
18. 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

19. The following policies of the Durham City Neighbourhood Plan are considered relevant to the determination of this application.
20. 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.
21. Policy D4 (Building Housing to the Highest Standards) seeks to ensure that all new housing, extensions and other alterations to existing housing must be of a high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and the improvement of energy efficiency and the reduction of carbon dioxide emissions.
22. 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.
23. Policy T2 Residential Car Parking seeks to ensure that proposed development would be served by sufficient car parking spaces.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

24. DCC Highway Authority– raised no objection to the proposals noting that the property is located within a highly sustainable location within the City Centre and within the Controlled Parking Zone.
25. City of Durham Parish Council - objected to the original proposals, for erection of a full height extension with additional bedrooms proposed, on the grounds that the proposals would result in further imbalance to the community and would breach the standards (separation distances) laid down in the Residential Amenity Standards SPD, contrary to Policy 16(3), 29, and 31 of the CDP and paragraph 127 (f) of the NPPF.
26. Following amendments to the proposals, which included a reduction in the height of the rear extension, the PC wished to maintain their objection on the grounds that the amended application would still breach the standards in the SPD and Policy 29 of the CDP. However, they acknowledged that the application no longer proposes an additional bedroom and therefore removed their objection on those grounds

27. It is also noted that the PC initially referred to the public representation submitted as being received from the occupants of 9 John Street to the rear of the application site, however, the objection came from no. 7 John Street.

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

28. DCC Design and Conservation Section - objected to the original proposals on the grounds that the development would cause harm to the character and appearance of the conservation area. However, following amendments to the proposals and a reduction in the scale of the rear extension the proposals were considered to be generally acceptable from a design perspective.
29. DCC HMO Data Section - confirm that within a 100m radius of, and including 50 Hawthorn Terrace, 66.7% of properties are Class N exempt student properties as defined by Council Tax records. There are 144 properties within 100m of the application site and 96 currently benefit from a Class N exemption. The application site currently benefits from this exemption.
30. DCC HMO Licencing Section - commented that the dwelling will be capable of forming a 6-bed licensable house in multiple occupation. However, they have provided advice and guidance to assist the applicant in ensuring compliance with all relevant amenity and fire safety standards relating to a licensed HMO of this type. However, it is noted that upon amendment to the scheme which removed the proposed additional bedspace, these comments are no longer relevant.
31. Environmental Health (Nuisance Action Team) Section - are not aware of any statutory nuisance matters to date that have been raised concerning the premises. As such, subject to a suitable condition in relation to the construction phase, the information submitted demonstrates that the application complies with the thresholds stated within the TANS which would indicate that the development will not lead to an adverse impact and is unlikely to cause a statutory nuisance.

#### **PUBLIC RESPONSES:**

32. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. Neighbours have also been re-consulted on the amended proposals. Two letters of objection were received in relation to the original proposals from The City of Durham Trust and one member of the public. The comments are summarised as follows:
- bedroom 3 is below HMO licensing standards so proposals technically seek an increase in two bedrooms.
  - no heritage statement/section provided within D & A Statement.
  - the application appears to meet the requirements of clauses (d) to (g) of Policy 16.
  - the D & A Statement is inaccurate and interprets Policy 16 incorrectly.
  - crime statistics outlined in D & A Statement do not present the full picture.
  - applicant is glossing over the cumulative effect of increasing number of bedrooms.
  - the design of the proposed extension fails, and the infill breaks the important roofline
  - it is contrary to County Durham Plan Policy 16.3 and none of the exceptions apply.
  - it fails to recognise the extent of anti-social behaviour in this area.
  - it is poorly designed and certainly not fit for this conservation area.
  - it would compromise the privacy of existing residents.
33. Following receipt of amended plans the Trust was re-consulted and wished to maintain their objection on the grounds that the amended proposals would still fail to meet the SPD requirements in terms of separation distances and impacts on residential

amenity. However, they acknowledged that following amendments no additional bedrooms are proposed and so their arguments in relation to Policy 16(3) are no longer relevant.

34. An objection was also received from the resident of no. 7 John Street who raised concerns in relation to the impact of the development on the privacy and amenity of neighbouring occupants, overlooking of neighbouring bedroom windows, the impact on the balance of the community, anti-social behaviour and noise impacts which would be exacerbated by the proposals. Following amendments to the application no further public representations were received.

*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/simpleSearchResults.do?action=firstPage>*

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

35. None provided.

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### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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36. 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. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, the impact on the character of the Durham City Centre Conservation Area, impact on residential amenity, and impact on parking and highway safety.
37. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up-to-date local plan for the area along with the Durham City Neighbourhood Plan, which is also now adopted, both are the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP and NP. Paragraph 11(d) of the NPPF is not engaged.

#### Principle of Development

38. The property in question is currently in use as a small 5-bed HMO (C4 Use Class) which are defined as 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. Originally, the proposals included an increase in bed spaces. However, following amendments to the application no additional bed spaces are now proposed. The property will remain in C4 use and as such this application does not propose any material change in the use of the property.
39. Part 3 of Policy 16 (Houses in Multiple Occupation) of the CDP is of most relevance to the proposal and seeks to promote, create and preserve inclusive, mixed and balanced communities and protect residential amenity. The policy states that applications for extensions that result in specified or potential additional bedspaces will not be permitted if 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).

40. The proposals as originally submitted included the construction of a full height extension with dormer window to the rear of the dwelling, to facilitate internal alterations to the existing accommodation and provide an additional bedroom, taking the total to six bed-spaces. However, during the application process the proposals were amended and consequently no additional bedrooms are now proposed. The proposals, as amended, will facilitate improvements to the existing layout of the lower ground floor to provide open plan kitchen and living area with shower room and utility, and the size of the 2 no. bedrooms to the ground floor with addition of shower space. In addition, no alterations are now proposed to the first floor which continue to provide 3 no. existing bedrooms and shower room.
41. Concerns were initially raised regarding the potential for the property to be altered later to provide additional bedspaces. Part 3 of Policy 16 refers to the creation of potential additional bed spaces which is explained further in the supporting text at paragraph 5.159. This confirms that Policy 16 not only applies to extensions to an HMO to provide for additional bedspaces, but also to extensions which result in additional floorspace which means the property could be reconfigured to accommodate additional bedroom space. In this context, even if the extended part of the property is not intended to accommodate a bedroom or bedrooms, if a proposed extension would enable an internal reconfiguration of the property with the result of the creation of additional bedroom or bedrooms, then the policy would apply. The text goes on to explain that in determining whether an extension is of a scale such that a property may be reconfigured to accommodate additional bedspaces, the council will have regard to evidence such as the Nationally Described Space Standard which sets out bedroom sizes and which provides a guide to the interpretation of this policy.
42. The plans as amended have been carefully scrutinised and it is not considered that there is scope to provide any additional bedspaces. As shown on the original plans, now superseded, at ground floor level when alterations are made to provide 3 no. bedrooms, they would not meet NDSS requirements in terms of room widths. This was also raised with the applicant prior to them submitting the current amended plans. The lower ground floor is intended to be amended to provide an open plan kitchen and living space with shower and utility rooms. However, the overall footprint will not be increased. In addition, no alterations are proposed to the existing first floor which accommodates 3 no. bedrooms. On that basis, the proposed extension is unlikely to allow an additional bedspace and student to reside in the property. Nevertheless, a condition is proposed which restricts the number of bedspaces within the property to no more than 5. This approach has been applied by the Planning Inspectorate in allowing a previous appeal against the council's decision to refuse planning permission for the change of use from C3 dwelling to C4 HMO at No. 1 Wearside Drive, Durham. Subject to the inclusion of a planning condition in this regard the development would not lead to additional bedspaces or the potential for additional bedspaces in accordance with the aims and objectives of Policy 16 of the CDP.
43. Noting that the proposal would not result in any additional bedspaces or the potential for additional bedspaces, it is not considered that the requirements of Policy 16 criterion d) to g) apply in this instance and the development is acceptable in principle subject to proper consideration of the material considerations discussed below.

#### Impact on the conservation (CA) area and world heritage site (WHS)

44. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in discharging their planning responsibilities an LPA must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

45. Part 16 of the NPPF requires local planning authorities, in determining planning applications, to take account of the desirability of sustaining and enhancing the significance of heritage assets and Part 12 states good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
46. Policy 44 Historic Environment (Conservation Area) of the CDP states development proposals should respect and reinforce the established positive characteristics of the area in terms of appropriate design. Whereas Policy 29 (Sustainable Design) states all development proposals will be required to contribute positively to an areas character, identity, heritage significance and townscape, and that extensions and alterations to residential property should ensure the development is sympathetic to the existing building and the character and appearance of the area in terms of design, scale, layout, roof design and materials.
47. Policy H2 (The Conservation Areas) of the Durham City Neighbourhood Plan (DCNP) seeks to ensure that proposals within the Durham City Conservation area sustain, conserve, and enhance the significance of the Conservation Area. In addition, Policy D4 (Building Housing to the Highest Standard) seeks to ensure that all new housing, extensions and other alterations to existing housing must be of a high-quality design.
48. The property is unlisted but is located within the western part of Durham City Centre Conservation Area. This area is characterised by tight-knit intimate Victorian terraced streets in grid patterns with connecting back lanes and are important components of the townscape of the city representing its 19th/20th century residential expansion. In this respect, the subject property forms an integral part of an important terrace which first appears on the 3rd edition Ordnance Survey map circa 1898 and was one of the first terraces to be constructed in this part of the city. Hence it contributes positively to the character and appearance of the surrounding conservation area and its significance as a designated heritage asset.
49. The rear street elevation taken in its entirety has been unsympathetically altered and extended over time that has weakened its historic character and integrity. That said, Nos. 48, 49, 50 and 51, display a different rhythm of built form to the rest of the terrace. They have repeated projecting cat-slide offshoots and recessed "nooks" that are consistent across this grouping, marginally disturbed by poor quality modern one storey infill additions, but overall, the legibility of this distinctive pattern of rear development remains strong that is important to conserve.
50. The Design and Conservation officer was consulted on the application and commented that there is a well-established planning history within Hawthorn Terrace for extending the properties to the rears and there are many examples of existing rear extensions within the surrounding streets, so extending the subject property in principle is not opposed. However, the Conservation officer considered that the size, scale and design of the development as originally proposed paid no regard to the character of the area and would cause minor and localised harm to the character and appearance of the conservation area.
51. Following amendments to the proposals the Conservation officer was re-consulted and considered that the revised proposals to have overcome the main concerns. The scale of the extension has been reduced by omitting the first-floor that will retain the recessed nook above, the principal roof form, and the preserved repetitive character to the rear of this group of terraced properties. The extension is more comparable to the neighbouring extensions, appearing far less discordant than the original proposal in this respect. It would then be considered that when compared to the existing single storey conservatory, of lower quality, there would be an aesthetic benefit. The officer



did also suggest that the extension should be set back from the main rear element to provide a visual break. However, the current scheme does not include such a setback and it was not considered that the development as proposed would be so harmful to sustain refusal of the application in the event that the applicant was unwilling to make that alteration.

52. Policy H2 of the Durham City neighbourhood plan is clear that it requires proposals to sustain and enhance the conservation area and provides a set of criteria to consider in this regard. For the reasons discussed above, it is considered that the development would sustain and provide an enhancement to the rear elevation in terms of replacing the existing low-quality conservatory with a higher quality extension that will preserve the character of this group of terraced properties.
53. In terms of the overall design of the development, the extensions would be sited to the rear of the property and would not therefore appear prominent in the street scene. The extensions would be subordinate to the host dwelling and would comply with the general design principles as outlined in the SPD guidance.
54. Taking the above into account, it is considered that the amended proposals would to some extent enhance, the character, appearance, and significance of the conservation area. Therefore, the development would accord with the aims of Sections 12 and 16 of the NPPF, Policies 29 and 44 of the CDP, Policy H2 of the DCNP and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact on residential amenity

55. Paragraph 126 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users.
56. Policy 31 of the CDP 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. Proposals will also need to demonstrate that future occupiers of the development will have acceptable living conditions.
57. 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. Policy 29 also requires that all development proposals will have regard to supplementary planning documents, which includes the council's Residential Amenity Standards Supplementary Planning Document (SPD) referred to in Paragraph 5.303 of the CDP. This sets down standards for alterations, extensions and distances between new dwellings.
58. Concerns have been raised by the Durham City Parish Council, the City of Durham Trust and a local resident in relation to the impact of the proposed development on the amenity and privacy of existing neighbouring properties and their occupants. It is suggested that the separation distance between the proposed rear elevation of the application dwelling and rear elevations of the properties in John Street opposite would fall below the required distances as set out within the Council's adopted Residential Amenity SPD.
59. The SPD guidance suggests that between main facing elevations, containing window/s serving habitable rooms, a distance of 21m between two storey dwellings and 18m between bungalows is recommended. The distance between the proposed rear extension and rear elevation of the neighbouring property opposite, 9 John Street,

is approximately 14 metres which falls below the recommended distances. To the ground floor of 9 John Street is a narrow lounge window and to the first floor is a bedroom window. There is also a dormer window located in the roof which serves an additional bedroom in the roof space. Due to the scale and position of the lounge window in 9 John Street, together with existing boundary treatments and walls, it is not considered that the proposed extension would result in a significant overlooking impact.

60. With regards to the proposed extension there will be a first-floor window serving the existing bedroom which will be brought closer to the rear elevations of those properties at John Street due to the depth of the extension matching that of the existing ground floor element. It is noted that the first-floor elements of both dwellings are comparable in terms of levels and therefore there would be some potential for intervisibility between the application site and No. 9 John Street. However, it is noted that there has been no objection received from the occupiers of this property which is understood to be in use as a C4 HMO. Objection has been received from the resident at No. 7 John Street who raises concerns in relation to a subsequent loss of privacy. However, it is noted that given the orientation of the properties in question which are offset, any intervisibility would not be direct.
61. Notwithstanding the above, paragraph 3.5 of the SPD confirms that it is not intended to apply the standards rigidly and distances may also be relaxed having regard to the character of an area. Shorter distances than those stated above could be considered in those urban areas typified by higher densities. It will however be important to ensure that the amenity of existing residents is not significantly impacted upon. Following a site visit by the case officer it is noted that the properties in this terrace have been extended at two storey height in an identical manner to the proposed and appear to contain habitable room windows. This area is characterised by tight-knit terraced streets and, as such, it is considered that there is an established character in Hawthorn Terrace which presents separation distances below those outlined within the SPD as commonplace.
62. Based on the above, it is therefore considered that while the proposed separation distance would fall below those recommended in the SPD, on balance, it is considered that these distances are acceptable, due to the general character of the built form in this area. It is also noted that no. 9 John Street has a dormer window serving a bedroom in the roof space and therefore there is already an established degree of mutual overlooking. On balance, it is not therefore considered that the development would result in any significant adverse impacts on the amenity and privacy of neighbouring residents to warrant refusal of the application in this instance.
63. In relation to the amenity of future occupants of the development, compliance with the requirements of the governments Nationally Described Space Standards is relevant in assessing the suitability of internal space provided in the context of policy 29(e) of the CDP. This requires new development to provide high standards of amenity and privacy. NDSS is a government introduced nationally prescribed internal space standard which was created with the aim of improving space standards within new residential development across all tenures. Following the proposed alterations to the lower ground floor and ground floor, the development would still meet the minimum recommended floor spaces while providing improvements to the quality of the accommodation provided.
64. Other concerns were initially raised in relation to potential noise and anti-social behaviour that could be generated by the development. The property is a mid-terraced property located within a residential area and is already in use as an HMO, as such the existing use is already noise sensitive. Following amendments to the scheme no

specified or potential bedspaces are proposed and therefore in respect of the elements that are subject to consideration in this application, namely the rear extension to improve the existing accommodation, it is not considered that this would amount to any additional increase in noise and the concerns initially raised are therefore no longer considered to be relevant.

65. In summary, the proposals have been assessed against SPD guidance and although do not fully comply with recommended privacy distances, it is not considered that the proposals would be unacceptably harmful in terms of the amenity and privacy of neighbouring occupants. In addition, the development would improve the quality of accommodation currently provided and would therefore provide a high standard of amenity for future occupants. On that basis, the proposals are considered to accord with the aims of Part 15 of the NPPF and Policies 29 and 31 of the CDP.

### Parking and Highways Safety

66. The property is located within a highly sustainable location within the City Centre and within the Controlled Parking Zone. There are also double lines to prevent illegal parking. Colleagues in DCC Highways Development were consulted on the proposals and initially requested details of cycle parking to be submitted to the LPA.
67. Since the proposals, as amended, do not include any additional specified or potential bedrooms, as already noted the criteria in Policy 16 is no longer relevant. On that basis, the development would not result in any unacceptable harm regarding highway safety and would therefore accord with the aims of Part 9 of the NPPF, Policy 21 of the CDP and Policy T2 of the Neighbourhood Plan.

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## **CONCLUSION**

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1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
2. In summary, following amendments to the scheme, the principle of development is considered to comply with Policy 16 of the CDP and the criteria therein. The extension would be considered to a degree enhance, the character and appearance of the Durham City Centre Conservation Area. The development would therefore accord with the aims of Section 72 of the Listed Building Act, Parts 12 and 16 of the National Planning Policy Framework, Policies 16, 29 and 44 of the County Durham Plan, and Policy H2 of the Durham City Neighbourhood Plan.
3. While the development would not entirely comply with guidance within the Council's Residential Amenity SPD, on balance, taking account of the character of the area it is not considered that the development would result in significant adverse impact on the amenity of neighbouring occupants to a degree that would warrant refusal of the application in this instance. There would also be no impact on parking or highway safety in this instance. As such, the development would accord with the aims of Parts 9 and 15 of the NPPF and Policies 21, 29 and 31 of the CDP.
4. Whilst the concerns raised by the City of Durham Parish Council, City of Durham Trust, and local resident are noted, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application.
5. Considering the above, the application is reported to the Committee with a recommendation to approve the application, subject to conditions.

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## **RECOMMENDATION**

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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 16, 29, 31 and 44 of the County Durham Plan.

3. Notwithstanding the approved floor plans as shown on Drawing No. 101 Rev C which illustrates that the dwelling will comprise a total of 5 bedspaces upon completion of the works hereby approved, no further works or internal room subdivisions shall take place that would result in the creation of additional bedspaces in excess of a total of 5.

Reason: To protect the residential amenity of surrounding occupiers and the balance of the community in accordance with the aims of policies 16, 29 and 31 of the County Durham Plan.

4. 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 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

5. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 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 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.)

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## **BACKGROUND PAPERS**

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

Statutory, internal and public consultation responses

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Residential Amenity Standards SPD (2020)

Durham City Neighbourhood Plan (2021)



<p><b>Planning Services</b></p>	<p>50 Hawthorn Terrace Durham DH1 4EQ</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. 100049055 2005</p>	<p>Erection of an extension to the rear of the property and internal reconfiguration of lower ground floor and ground floor of existing HMO (C4 Use Class).</p>	
	<p><b>Date</b> October 2022</p>	<p><b>Scale</b> NTS</p>