



## Planning Services

# COMMITTEE REPORT

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### **APPEAL UPDATE REPORT**

**Appeal by Mrs Gabrielle Moore  
Site at 24 Nevilledale Terrace, Durham. DH1 4QG.  
Planning Reference- DM/22/00369/FPA**

An appeal was lodged against the Council's refusal of planning permission for the change of use from a 6-bed dwelling (C3) to a small house in multiple occupation (C4).

The application was refused for the following reason:

*The proposed change of use of the existing C3 dwelling to a C4 house in multiple occupation is unacceptable, due to 26.5% of existing properties within 100 metres of the application site already being registered as student lets exempt from Council Tax, and therefore exceeding the 10% threshold set out Policy 16 Part 3 of the County Durham Plan. The proposals would not benefit from any other exceptions within this part of the policy. The proposals would therefore result in further imbalance in the community and have a detrimental impact on quality of life and community cohesion for surrounding residents in contravention of Policy 16, 29 and 31 of the County Durham Plan and paragraphs 92 and 130 of the National Planning Policy Framework.*

The appeal was dealt with via written representations and following their submission and consideration the Planning Inspector concluded that the proposal would cause harm to the character of the street and surrounding area, with particular reference to the balance and mix of housing. In dismissing the appeal the Inspector had regard for Policy 16 of the CDP and the thresholds and exemptions therein.

The appeal was therefore dismissed.

Recommendation:

That the decision be noted.

**Appeal by Mr and Mrs James and Anne Horn  
Site at Greenhills Farm Cottage, Greenhills Farm, Wheatley Hill, Durham.  
DH6 3QS,  
Planning Reference- DM/19/03819/FPA**

An appeal was lodged against the Council's refusal of planning permission for the Construction of two detached dormer dwellings.

The application was refused for the following reasons:

*The proposed development is considered contrary to policy 10 of the CDP in that none of the criteria set out in subsections a) to d) of the policy apply to the development. In particular, it is considered that the development does not relate to a rural land based enterprise which it has been clearly demonstrated is, or has the prospect of being, financially sound or remaining so.*

*The proposal would result in the creation of 2 dwellings in an unsustainable location within the countryside which has poor access to services and facilities and would foster an overreliance on trips by private vehicle contrary to the aims of paragraph 105 of the NPPF and policy 10 of the County Durham Plan.*

*The 2 dwellings would appear visually incongruous and have an unacceptable detrimental impact upon visual amenity and the wider landscape of the locality due to the introduction of piecemeal, suburbanising development and the removal of an existing bund contrary to the aims of policies 10, 29 and 39 of the County Durham Plan and part 15 of the NPPF.*

The appeal was dealt with via written representations and following their submission and consideration the Planning Inspector concluded that development would not be in a suitable location having regard to the spatial strategy for the area and that the proposal would have a harmful effect on the character and appearance of the surrounding area. cause harm to the character of the street and surrounding area.

The appeal was therefore dismissed along with a costs application.

Recommendation:

That the decision be noted.

**Appeal by Mr N Swift of Aztec North  
Site at 9 Station Lane, Gilesgate, Durham. DH1 1LJ.  
Planning Reference- DM/21/00101/FPA**

An appeal was lodged against the Council's refusal of planning permission for the Proposed Extension and Conversion to 2 Apartments.

The application was refused for the following reasons:

*The proposed alterations to the property are considered to be insensitive and harmful to the historic character and appearance of the Non-Designated Heritage Asset, which is deemed to have rarity value. The proposals would therefore adversely impact upon this identified feature of historic interest in this part of Durham City, which in turn would negatively impact on the character of the Conservation Area. As such, the proposals are considered to fail to preserve or enhance the character and appearance of the Durham (City Centre) Conservation Area, contrary to Policies 29 and 44 of the County Durham Plan, Policy H2 of the Neighbourhood Plan and Parts 12 and 16 of the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

*The size of the internal accommodation provided within each of the proposed flats would fall below the minimum required space standards contained within the Nationally Described Space Standards and as such result in a*

*substandard quality of accommodation contrary to the requirements set out in Policy 29 of the County Durham Plan and Part 12 of the NPPF.*

The appeal was dealt with via written representations and following their submission and consideration the Planning Inspector concluded that the proposal would undermine the host property's character and appearance and alter the appearance and prominence of the building causing harm to the character of the wider conservation area.

The refusal reason relating to the NDSS was addressed to the satisfaction of the LPA by the appellant during the appeal therefore this was not considered further as part of the appeal determination.

The appeal was therefore dismissed.

Recommendation:

That the decision be noted.