

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/22/02364/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Change from dwellinghouse (C3) to small house in multiple occupation (C4) including conversion of the garage into a habitable room and single storey extension to rear
<b>NAME OF APPLICANT:</b>	Ms Gabrielle Moore
<b>ADDRESS:</b>	1 St Monica Grove Crossgate Moor Durham DH1 4AS
<b>ELECTORAL DIVISION:</b>	Neville's Cross
<b>CASE OFFICER:</b>	Michelle Hurton Planning Officer <a href="mailto:Michelle.hurton@durham.gov.uk">Michelle.hurton@durham.gov.uk</a> 03000 261398

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a two-storey semi-detached property located within St Monica Grove, Crossgate Moor which is a residential housing estate set back towards the east from the A167. The majority of the houses within the estate have been subject to some means of extension previously.
2. The property has a single storey garage to the side and a porch to the front. The front lawn is enclosed with a low brick boundary wall with pillars and the rear garden is enclosed with timber fencing.

#### The Proposal

3. The application seeks planning permission for the conversion of the property from a C3 residential dwellinghouse to a C4 small house in multiple occupation to include the conversion of the garage into a habitable room and the erection of a single storey extension to the rear.
4. The application is being reported to planning committee at the request of the Durham City Parish Council who consider the application raises issues relating to noise, community imbalance, residential amenity, flood risk and parking access and highway safety issues which require consideration by the committee.

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## **PLANNING HISTORY**

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5. DM/16/00961/FPA - Erection of part two-storey extension/part single-storey at side/rear of dwelling. – Approved 05<sup>th</sup> May 2016

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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 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 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.

13. NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
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. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

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

##### The County Durham Plan

17. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
18. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change

implications; makes use of previously developed land and reflects priorities for urban regeneration.

19. Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) seeks to provides 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.
20. 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 Deliver Plan.
21. 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
22. 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.
23. Policy 35 Water Management states that all new development should adopt the hierarchy of preference in relation to surface water disposal.
24. Policy 36 Disposal of Foul Water states that all new development should adopt the hierarchy of preference.
25. The Council's Residential Amenity Design Guide (SPD) which provides detailed guidance in relation to extensions and other works to dwellinghouses to ensure that these do not have an adverse impact upon the host dwelling, the character of the wider area and residential amenity.

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

## **NEIGHBOURHOOD PLANNING POLICY**

Durham City Neighbourhood Plan

26. The following policies of the Durham City Neighbourhood Plan (DCNP) are considered relevant to the determination of this application.
27. Policy S1 (Sustainable Development Requirements of all Development and Re-development 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
28. Policy H3 (Our Neighbourhood Outside the Conservation Areas) requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.
29. Policy D4 (Building Housing to the Highest Standards) states all new housing, extensions and other alterations to existing housing should be of 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 improvement of energy efficiency and the reduction of carbon dioxide emissions.
30. New residential development should meet the Building for Life 12 standards provided for in County Durham Building for Life Supplementary Planning Document (2019)
31. 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, impact and design
32. Policy T2 (Residential Car Parking) supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character. The policy supports the use of car clubs. Should the parking demand require parking controls these will need to be funded through developer contributions.
33. Policy T3 (Residential Storage for Cycles and Mobility Aids) requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development

<https://www.durham.gov.uk/media/36020/Durham-City-adopted-neighbourhood-plan/pdf/DurhamCityNeighbourhoodPlan.pdf?m=637630042066500000>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

34. The Highway Authority raises no objection to the application.
35. Durham City Parish Council objects to the application with regard to parking, increase in traffic, loss of garden to driveway has the possibility to increase local flooding risk in conflict with policy 35, loss of amenity to neighbouring properties, noise, rubbish and that there is already sufficient accommodation to meet 2026/27 target number of students.

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

36. Environment, Health and Consumer Protection (Nuisance Action Team) raise no objection to the application subject to the inclusion of conditions relating to construction works, the proposed bedrooms being adequately insulated, and a management plan being submitted.
37. HMO Data have confirmed that the percentage of properties within the 100m radius of and including the application site that are exempt from Council Tax is 6.9%.
38. HMO Licensing have confirmed that the property will need to be licensed following completion of the works due to the property forming a 5-bedroom, 2 storey house in multiple occupation.

#### **PUBLIC RESPONSES:**

39. The application was advertised by way of site notice and neighbour notification letters were sent to nearby properties. Twenty-seven letters of objection have been received and one letter of representation.
40. Objections received from nearby residents are with regard to:
  - Residential Amenity in that the proposal would adversely impact upon neighbouring properties from increased noise, potential double occupancy in the bedrooms proposed, no sound proofing, overshadowing, loss of light and loss of privacy as a result of the extension, the bedrooms fail to meet NDSS Standards.
  - Highway Safety specifically that the site does not include sufficient parking, would result in the loss of on street parking and increase traffic congestion, that the property is on a stretch of road with poor visibility, increase of accidents in an area with high level of children and young people crossing the road given the presence of local schools.
  - Social Cohesion specifically that the introduction of a HMO would imbalance the community, that the property will be empty for long periods eroding the local community and that house prices are rising, and young families are being pushed out of the area
  - Contrary to Policy 16 in that the 10% threshold has been met, the calculation does not include HMO's just outside the 100m radius which would be within 100m upon completion of the extension, there is no need for additional student housing in the area which already has PBSAs and HMOs, that St Monica Grove is a primary route into the city.
  - The HMO data does not appear to capture properties that are occupied during university term time.

- The bedrooms are suitably sized for 2 occupants which would lead to 12 persons living in the property, would this then be a sui-generis and not C4.
- Adverse impact from increased volume of waste/recycling
- Loss of council tax income
- Some neighbours did not receive the neighbour notification listed on the public access pages of the Council's Website.

*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:**

- 41.1 Monica Grove was granted permission for a large 2 storey extension back in 2016. That planning application lapsed and when asking for the same extension recently this was refused. I have asked for a very small extension each end of the garage and have requested to convert the garage into a bedroom. This would have very little effect on the neighbouring houses.
42. I have asked to be allowed to use the house as an HMO. I am a responsible landlord living locally and rarely have problems from my tenants. Neighbours occasionally contact me, any problem is swiftly dealt with, I have also had neighbours contact me to tell me how helpful their student neighbours have been (offering to shop when the neighbour was unwell during covid for example). I have full time employees who maintain my properties so my houses are at least as well kept as others in the street.

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### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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43. 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, impact on the character and appearance of the area, impact on residential amenity and community balance/social cohesion, impact on highway safety and other matters.

#### **Principle of the Development**

44. 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 extensions would normally benefit from the provisions contained within the GPDO if the overall projection of the single storey extension was reduced by 400mm. With regard to the proposed use, an Article 4 direction came into effect on 17 September 2016 withdrawing permitted development rights for change of use from C3 to C4.
45. Policy 6 (Development on Unallocated Sites) of the County Durham Plan (CDP) supports development on sites not allocated in the Plan or Neighbourhood Plan, but

which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

46. In turn, Policy 16 Part 3 is relevant which relates to the conversion of houses for multiple occupation. The policy states that in order to promote, create and preserve inclusive, mixed and balanced communities and to 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:
47. 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.

In addition to the above applications will only be permitted where:

- d. the quantity of cycle and car parking provided has regard to the council's adopted Parking and Accessibility Supplementary Planning Document (SPD);
- e. they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues;
- f. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and
- g. the applicant has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.
48. It is noted that objections have been received from neighbouring residents raising concern that the proposed change of use would result in the over proliferation of HMOs in the area where they feel the 10% has already been met therefore unbalancing the community and that the applicant has not demonstrated any need for accommodation of this type in this location. Concerns regarding how the HMO data is collected have also been raised stating that properties occupied during term time do not appear to be captured in the data. All class N exempt properties are captured within the data collection, itself taken using council tax records twice a year and this method was considered sufficiently accurate and robust during examination of the CDP and upheld in relation to subsequent appeal decisions.
49. The most recent up to date Council Tax information identifies that if planning permission was granted for the change of use of the dwellinghouse into a small HMO that within 100 metre radius of, and including 1 St Monica Grove, 6.9% of properties are class N exempt properties as defined by Council Tax records. There is however



a pending planning application being considered for number 3 St Monica Grove, which if permission was granted for that application, would increase the percentage figure to 8.6% although it should be noted that this is pending application and cannot be afforded weight in the determination of this application but has been noted in objection by residents. As this concentration would be below the 10% threshold stated in the CDP and is not located on a route between a PBSA and university campus or town centre, the development can be considered acceptable in principle, subject to further consideration of the impact of the proposal upon residential amenity and highway safety.

50. It is noted that objections have been received citing that the application fails to demonstrate need for accommodation of the type proposed within this location and that there is a perceived surplus of student accommodation within the city. However, it is noted that demonstration of need is not a requirement of Part 3 of Policy 16 of the CDP. Whilst Part 2 of the policy does require an application to demonstrate need this relates to consideration of new PBSAs and not HMOs and as such is not relevant in the determination of this application. For that reason it is considered that the proposal would accord with the requirements set out in Part 3 of Policy 16 of the CDP.
51. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Given that less than 10% of properties within 100m of the application property are Class N exempt and this would remain the case should permission for the current change of use be granted the aims of Paragraph 62 would be met.
52. Objections have been received citing that the development would have an adverse impact upon social cohesion and unbalance the community. Paragraph 63 of the NPPF considers the need to create mixed and balanced communities and this is reflected in the requirements of Part 3 of policy 16 which includes a threshold of no more than 10% of properties being in HMO use. As already noted above, in light of the low level of Class N exempt properties within 100m radius of the site at present, it is not considered that this proposal would be contrary to the NPPF or CDP in this regard.
53. Concerns have been raised regarding St Monica Grove being a primary route into the city. Whilst St Monica Grove may present a possible route into the city this is not considered a primary route between a PBSA and University building or Town Centre location and therefore criteria c of part 3 of policy 16 is not relevant in this instance.
54. Objections have been raised that a number of HMOs fall just outside the 100m radius, which, once the extension has been built, would bring these into the 100m radius therefore taking the percentage over the 10% threshold. For the purposes of assessing compliance with policy 16 the 100m distance is taken from the properties Basic Land and Property Unit point which is a unique address point given to each property and as such erection of the extension as proposed would not materially alter the 100m radius for the purposes of policy 16.

### **Impact on residential amenity**

55. Paragraph 130 of the NPPF requires that planning decisions create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and

resilience. Policy 31 (Amenity and Pollution) of the CDP displays broad accordance with the aims of paragraph 130 in this regard and 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.

56. In this instance the application site is a semi-detached property located within a residential area and as such the nearest residential properties adjoins the application site to the east with further residential properties to the north, east, west and south. The neighbouring resident has raised concerns regarding additional noise from the property as a result of the proposed change of use and that there would be issues with waste management.
57. The Council's EHO has been consulted and confirmed that the development would fall within the thresholds associated with Council's TANS. They have noted that although the use is not a change of use to a more sensitive receptor, the source of noise could be greater from the HMO use than a single dwelling. This is due to the increase in household numbers and activity to and from the property. The demographic that 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. However, it is anecdotal as the potential for impact is associated with the individuals residing there and as such might differ greatly. The EHO also notes that two bedrooms will be on the ground floor with bedroom five being adjacent to a living/dining room in the adjoining house which could lead to a greater impact for the individual residing in bedroom five, as well as leading to complaints against the reasonable use of the neighbouring ground floor.
58. Notwithstanding the above, the EHO noted that should the bedrooms be adequately insulated this would mitigate any adverse impact in terms of the transfer of noise. As such a condition could be attached to planning permission requiring a sound proofing scheme to be submitted to and agreed by the LPA and thereafter implemented prior to first occupation of the development and retained at all times whilst the HMO is in use as such.
59. The EHO has also requested that the applicant provides an effective plan detailing how the property would be managed, the submission, agreement and implementation of this can be secured through planning condition should planning permission be granted.
60. It is noted that the application site is located within a residential area predominantly characterised by small family homes. However, noting that there is no identified over proliferation of HMO properties within 100 metres of the application site, it is not considered that the introduction of a single small HMO in this location would result in a level of cumulative impact that would be unacceptably detrimental to residential amenity. Whilst it is noted that tenants would likely change on a yearly basis this is unlikely to have any adverse impact capable of sustaining refusal of the planning application. Consequently, the development is considered to accord with the requirements of policies 16 and 31 of the CDP.

61. Objections have been received from neighbouring residents regarding the proposed extensions not meeting the required separation distances between habitable room windows and not meeting the design RAS SPD guidance and consider the development would result in overshadowing, loss of light and loss of privacy. The scheme has been amended upon initial submission and it is now considered that there would not be any adverse impacts upon the residential amenity of nearby residents and as such those concerns raised are not sufficient to sustain refusal of the application. Specifically, the separation distances would now be met and the rear extension would meet the 45 degree rule.
62. The property includes adequate space to accommodate bin and cycle storage facilities within the rear garden area which has a bike shed of sufficient size to store 6 No. bikes. Furthermore, there is adequate indoor and outdoor shared amenity space which complies with policy 16 of the CDP.
63. The Nationally Described Space Standards (NDSS) is a government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Evidence compiled during formulation of the County Durham Plan identified that many new homes in the county were being built below NDSS and that this was having an impact on the quality of life of residents. As a result, Council determined that it was necessary to introduce the NDSS in County Durham with the aim of improving the quality of new build development coming forward.
64. It is noted that the current application relates to a change of use to a property already in residential use and as such would not result in any net increase in the number of residential units. In addition, it is also noted that planning permission for that change is only required as a result of the Council removing permitted development rights for changes of use from C3 to C4 small HMOs, with the aim of maintaining balanced community across the city and nearby villages. Consequently, the rigid application of these standards is not considered appropriate to the current application. Nevertheless, it remains that the NDSS is a relevant measurement against which to assess the suitability of internal space provided within all residential development in the context of policy 29(e) of the CDP which requires new development to provide high standards of amenity and privacy.
65. With regard to the above, it is noted that all of the bedrooms would meet the minimum requirements of the NDSS being in excess of the required 7.5sq metres per room. As such these are considered to provide an acceptable amount of internal space in accordance with policy 29(e) of the CDP. With regard to the total overall internal space provided across the dwelling as a whole it is noted that the NDSS does not provide guidance specifically relating to 5 bedspace, 5 person dwellings. However, it does include standards in relation to 4 bedspace 5, 6, 7 or 8 person dwellings or a 5 bedspace 6, 7 or 8 person dwellings. As already noted, whilst the rigid application of NDSS is not considered appropriate in this instance for the reasons outlined above it is noted that the proposed change of use would meet the requirements therefore would comply with policy 29(e) of the CDP in this respect.
66. It is therefore considered that the proposal would accord with the requirements of policy 16 of the CDP and Paragraphs 130 and 174 of the NPPF.

### **Impact on the character and appearance of the area**

67. Paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve,

and that good design is a key aspect of sustainable development, creating better places in which to live and work. Policy 29 of the CDP requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

68. Neighbouring residents have raised objections to the proposed development stating that a HMO's will have a negative impact on the residential housing estate, HMOs are not adequately maintained and that students are short term occupiers with no stake in local community. Further objections have been raised regarding the proposed extension not meeting the Residential Amenity SPD (RAS SPD) given that the two-storey extension would be more than half the width of the original house and that the first floor element is not set back by 1m.
69. The proposed scheme when originally submitted was for the change of use of the property and erection of a two-storey extension to the side which projected past the rear build line with a single storey extension. Due to the proposed extensions not meeting the RAS SPD amendments were sought which sought the first floor element of the two storey side extension being omitted from the scheme.
70. The proposed scheme now seeks to change the use of the existing garage into a habitable room, which would incorporate changing the existing garage door for a window which would fit in with the character and appearance of the host dwelling and a single storey extension to the rear. Given the changes to the scheme, the proposal now accords with the RAS SPD.
71. The character and appearance of the surrounding area incorporates two storey semi-detached properties. There is a variety of boundary treatments within the local vicinity of the site and there is a difference in opening styles.
72. It is therefore considered that the proposed development would fit with the character and appearance of the area and would not have a detrimental impact on the appearance of the wider streetscene.
73. Taking the above into consideration, it is considered that the proposed development would accord with Policy 29 of the CDP and Part 12 of the NPPF.

### **Highway Safety and Access**

74. Policy 16 of the CDP requires new HMO's to provide adequate parking and access and Policy 21 states that new development should ensure that any vehicular traffic generated can be safely accommodated on the local and strategic highway network. This displays broad accord with paragraph 110 of the NPPF which requires new development to provide safe and suitable access to the site. Policy T2 (Residential Car Parking) of the DCNP supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. In turn, Policy T3 (Residential Storage for Cycles and Mobility Aids) of the DCNP requires residential development including change of use to seek to provide storage facilities for cycles which should meet DCC standards.
75. The Highway Authority has raised no objection to the application and considers the scheme acceptable from a highway safety perspective subject to the applicant entering into a S184 agreement with the local highway authority to provide a widened dropped vehicular crossing to serve the increased parking provision proposed. An informative in this regard could be attached to planning permission if granted.

76. Objections have been raised that the development does not propose any additional parking provision despite resulting in two additional bedrooms at the property, that the property is located in close proximity to the junction with the A167 and on a stretch of road which has poor visibility due to being close to a blind bend and cars parked on the street. Concern is also raised that the widened vehicular crossing would reduce the amount of parking within a street where this is already an issue, and that children and young people walk to school using this route and risk of accidents would increase as a result.
77. The amount of in-curtilage parking proposed is in accordance with the Council's parking and accessibility standards and is therefore acceptable in this regard. Whilst the widened vehicular crossing would sterilise some on-street parking this would be limited and would not have any detrimental impact upon highway safety.
78. Therefore, it is considered that the development is acceptable and would not have a detrimental impact upon highway safety sufficient to sustain refusal of the application. In light of the above, it is considered that the development would accord with the aims of policy 16 and 21 of the CDP and paragraph 110 of the NPPF.

### **Other Matters**

79. Objections have been received regarding the size of the bedrooms being big enough to accommodate two people in each room, therefore resulting in 12 people making the property a sui-generis use rather than a C4. The application submitted is for a small HMO and must be considered on this basis. Any intensification of the use to accommodate more than 6 unrelated individuals would be subject to planning control and itself require planning permission to change from C4 to sui-generis.
80. Objections have been raised regarding the proposed change of use resulting in the loss of council tax from the class N exemption from student occupiers, that house prices are rising and young families are being pushed out of the area. House prices itself is not a material planning consideration and the issue of social cohesion has been discussed elsewhere in this report.
81. Objections have been raised in relation to the impact that the loss of green space from the proposed extension would have upon surface water flooding at the junction with the A167. Whilst these concerns are noted the footprint of the building is limited and unlikely to have any notable impact in surface water flooding within the locality. Notwithstanding the above it is noted that the surface water generated by the proposal would be discharged to soakaway which accords with the hierarchy of preference contained in policies 35 and 36 of the CDP and that the precise means of disposal would be subject to legislative control via building regulations.
82. One resident has raised objection that they did not receive a notification letter despite stated as being included in the neighbour notification list appearing on the public access pages of the Council's website. Whilst that is noted, it would appear that all other neighbour notification letters were received without issue and the application was also advertised by means of the posting of a site notice adjacent to the application property and in this regard the Council exceeded the minimum statutory requirements as contained in the Town and Country Planning (Development Management Procedure) Order. The resident affected was aware of the application and has made representations which have been considered in the formulation of the recommendation detailed below so has not been prejudiced in any way.

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## CONCLUSION

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83. In summary, it is considered that the principle of development is acceptable in planning terms and would accord with the aims of policies 6 and 16 of the CDP subject to appropriate planning conditions described within the report and listed below.
84. When assessed against other policies of the County Durham Plan relevant to the application, it is considered that the introduction of a single small C4 HMO in this location would not unacceptably imbalance the existing community towards one dominated by HMOs, and nor would it result in any unacceptable impact upon the amenity of existing or future residents through cumulative impact from an over proliferation of HMOs or highway safety in accordance with policies 6, 16, 21, 29 and 31 of the County Durham Plan or parts 9, 12 and 15 of the NPPF.
85. In addition it is considered that on balance the development is acceptable in that it provides appropriate levels of amenity space for residents, protects the privacy and amenity of existing and future residents whilst also being acceptable in terms of highway safety and flooding, in accordance with Policies 6, 16, 21, 29, 31, 35 and 36 of the County Durham Plan, Policies S1, H3, D4, T1, T2 and T3 of the Durham City Neighbourhood Plan and Parts 2, 4, 8, 9, 12 and 15 of the National Planning Policy Framework.

### Public Sector Equality Duty

86. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
87. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions:

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 Policies 6, 16, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 8, 9, 12 and 15 of the National Planning Policy Framework.
3. No development shall commence until a scheme of sound proofing measures shall be submitted to and approved in writing by the local planning authority. The aim of the scheme shall be to ensure that the noise insulation of walls, floors, windows, roofs

between the adjoining properties shall be sufficient to prevent excessive ingress, egress of noise sufficient to achieve the following noise levels;

- o 30 dB LAeq 8hr in all bedrooms during the night-time (2300 - 0700)
- o 45 dB LAm<sub>ax</sub> in bedrooms during the night-time.

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To protect residential amenity in accordance with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

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 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

5. Notwithstanding the details submitted within the application the development shall not be occupied until a detailed strategy of precise management methods, approaches and techniques for the operation of the site has been submitted to and agreed in writing by the Local Planning Authority. The strategy shall include measures of CCTV coverage, 24-hour security or warden presence, student warden schemes or other management operations, a scheme for the storage and removal of waste generated by the development.

Thereafter the development shall be implemented in accordance with the agreed details, with adherence to the agreed management scheme in perpetuity.

Reason: In the interests of reducing the potential for harm to residential amenity, anti-social behaviour or the fear of such behaviour within the community having regards Policies 29 and 31 of the County Durham Plan

6. 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)

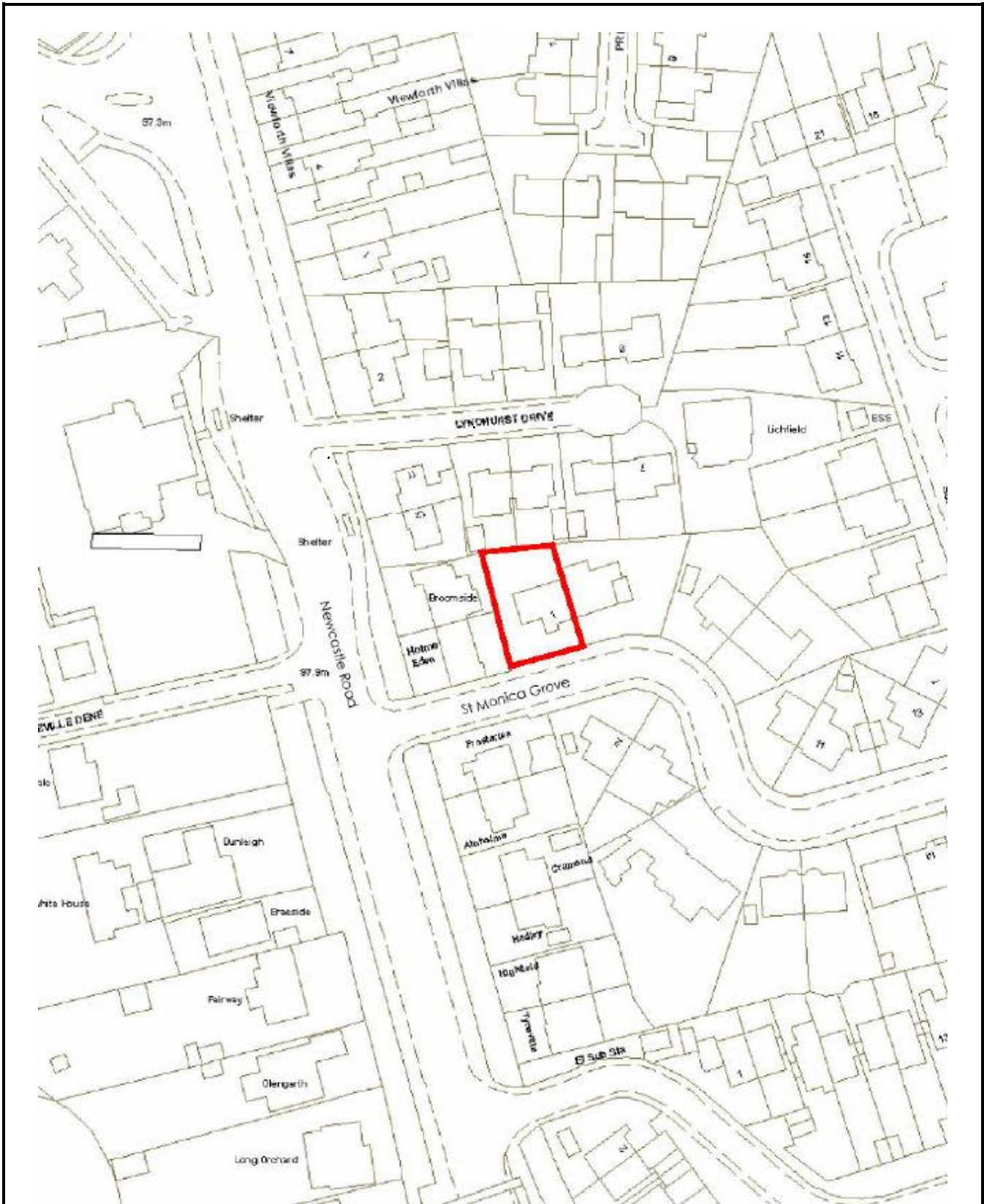
National Planning Practice Guidance Notes

County Durham Plan (2020)

Durham City Neighbourhood Plan (2021)

Residential Amenity Standards SPD (2023)





**Planning Services**

DM/22/02364/FPA Change from dwellinghouse (C3) to small house in multiple occupation (C4) including conversion of the garage into a habitable room and single storey extension to rear at 1 St Monica Grove Crossgate Moor Durham DH1 4AS

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**Date** 14 February 2023

**Scale** NTS