

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/01650/FPA
FULL APPLICATION DESCRIPTION:	Change of use from 6 bed C4 to 9 bed Sui Generis HMO with single storey rear extension
NAME OF APPLICANT:	Mr Jon Yates
ADDRESS:	1 Larches Road Durham DH1 4NL
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Michelle Penman Planning Officer Michelle.penman@durham.gov.uk 03000 263963

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The application site is an unlisted two-storey detached property located on Larches Road, itself positioned within a residential estate to the north-west of Durham City Centre. The dwelling includes a driveway to the front, which is accessed directly from Larches Road, and a generous garden to the rear.
2. The property has been extended previously by way of a two-storey rear extension, new pitched roof, and carport to the side. The front driveway is enclosed by a low brick boundary wall and the rear garden enclosed by a low timber fence and various hedges and other boundary planting. There is also an existing Birch tree in the rear garden which is protected by a Tree Preservation Order.

The Proposal:

3. Planning permission is sought for the change of use of the property from an existing 6-bed HMO (Use Class C4) to a large 9-bed House in Multiple Occupancy (Use Class Sui Generis) to include a single storey rear extension and internal alterations to the ground floor. The size of the extension has been reduced during the application process, resulting in a total of 9 no. bedrooms, and the design amended.
4. The application is being reported to planning committee at the request of Cllr Elizabeth Brown due to the level of objection received to the application that cite several material planning considerations.

PLANNING HISTORY

5. 4/05/01096/FPA Erection of two storey full width extension to rear, new pitched roof to entire dwelling, pitched roof garage to side, and alterations to fenestration of existing dwelling. Approved 20th January 2006.
6. 4/05/00830/FPA Extension of existing dwelling, involving two storey pitched roof additions to side and rear, and raising of overall roof height. Refused 11th October 2005.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

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

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

14. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; 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

15. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
16. 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.
17. 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 to ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
18. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.

19. 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
20. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that 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.
21. Policy 40 (Trees, Woodlands and Hedges) will not permit proposals for new development that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
22. The Council's Residential Amenity Standards Supplementary Planning Document January 2023 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/41575/Residential-Amenity-Standards-SPD-January-2023-/pdf/ResidentialAmenityStandardsSPDJanuary2023.pdf?m=638107754686670000>

Neighbourhood Plan

23. The following policies of the Durham City Neighbourhood Plan (DCNP) are considered relevant to the determination of this application.
24. Policy S1 (Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions) sets out the economic, social and environmental criteria that development proposals will be required to meet.
25. 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.

26. Policy D4 (Building Housing to the Highest Standards) states all new housing, extensions and other alterations to existing housing should 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.
27. Policy T2 Residential Car Parking seeks to ensure that proposed development would be served by sufficient car parking spaces.
28. 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.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. The Highway Authority offer no objection noting that it is considered that the proposal would not be detrimental to road safety and is acceptable from a Highways safety perspective.
30. City of Durham Parish Council object to the application on grounds that the development would result in an overcrowded HMO in a residential area and would be contrary to Policies 29 and 31 of the CDP and Policies S1, H3 and D4 of the DCNP. They also note the number of objections received describing the unkempt appearance and poor management of the property and suggest the development will have an unacceptable impact on residential amenity, does not contribute towards healthy neighbourhoods, and note that no mitigation measures are demonstrated.
31. In addition, the Parish Council initially noted that the Council's HMO Team had objected to the proposals, however, it is noted that this objection has now been withdrawn. The Parish Council were re-consulted on the most recent amended plans, however, no further comments were received.

INTERNAL CONSULTEE RESPONSES:

32. 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 8.5%.
33. HMO Licensing removed their objection to the application, following amendments, and confirmed that a variation to the existing licence will be required prior to the increase in occupiers. All of Durham County Council's relevant published fire safety and amenity standards should also be complied with.
34. Environment, Health and Consumer Protection (Nuisance Action Team) consider that the development is likely to generate additional general noise from comings and goings of occupants. However, is satisfied based on the information submitted with the application that the development is unlikely to cause a statutory nuisance. In terms of the construction phase the officer considers that this is likely to be brief and assuming works are kept within suitable hours, it is not expected that the impact of this phase is likely to lead to a breach of the levels stated in the TANS.

35. Landscape (Trees) are now satisfied with the proposed tree protection drawing and information submitted.

PUBLIC RESPONSES:

36. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. Neighbours and contributors have also been re-consulted on the amended proposals. There have been 38 letters of objection received in relation to the proposals, including from The City of Durham Trust and Mary Kelly Foy MP. The comments are summarised as follows:

- Inaccurate plans and information submitted with application
- Missing floor plans/second floor plan
- Increased noise and disturbance
- Increase in students considered to be inappropriate in this residential location
- Parking and highway safety issues
- Potential anti-social behaviour
- Impact on trees/ birch protected by TPO to rear of property
- Management of rubbish/bins
- Design and scale of extension is unacceptable
- Extension is out of keeping with existing dwelling and other properties/area
- Extension will not enhance Larches Road
- Means of escape inadequate and no natural light to kitchen
- Extension would overlook neighbouring gardens and impact on privacy
- Extension would be overbearing to neighbouring properties
- Intensification of existing use would be detrimental to local community
- Property could be further subdivided
- Poor management of existing property
- Development is contrary to social and environmental objectives of NP
- Extension would have huge impact on neighbouring properties
- Potential disruption to rear access by excessive parking and construction vehicles
- Proposals fails against Policies 16, 29 and 31 of the CDP and Policies S1, H3 and D4 of the DCNP.

37. A number of concerns were initially raised in relation to the accuracy of information submitted with the application, missing second floor plans, and accuracy of details and plans submitted in relation to the protected Birch tree to the rear of the property. However, it is considered that these issues have been addressed.

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:

38. I have asked for an extension at 1 Larches RD where I own a 6 bed house built on a plot which adjoins a piece of land at the back. When 1 Larches was built, the buyers (the original owners) bought 2 plots and kept one as a garden, so the house has a great deal of space at the back.

I asked for a much bigger extension but have compromised as per the council's request. The extension now being asked for is only single storey and still leaves a huge garden at the back of the house.

I am a responsible landlord living locally and rarely have problems from my tenants. Neighbours occasionally contact me; any problem is swiftly dealt with. To be honest, I

have had more problems with neighbours at 1 Larches than with any of the tenants, even to the extent of having to involve the police.

I have full time employees who maintain my properties, so my houses are at least as well kept as others in the street.

PLANNING CONSIDERATIONS AND ASSESSMENT

39. 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, impact on parking and highway safety, and trees.

Principle of Development

40. The proposals relate to the change of use of the property from a small 6-bed HMO (Use Class C4) to a large 9-bed HMO (Use Class Sui Generis), to include a single storey extension to the rear of the property and internal alterations to form 4 no. bedrooms with kitchen/dining/living space to the ground floor. The 4 no. bedrooms to the first floor, with en-suite and bathroom, and 1 no. bedroom to the second floor, with en-suite, will remain unaltered.
41. 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.
42. In addition, 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 and changes of use from any use to an HMO in Sui Generis use will not be permitted if:
- a. Including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);
 - b. there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or
 - c. 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.

43. 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 arrangement 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 application has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.
44. The most recent up to date Council Tax information identifies that within 100m radius of, and including 1 Larches Road, 8.5% of properties are class N exempt properties as defined by Council Tax records. There are no properties with unimplemented consent for the change of use to an HMO within 100m radius and no applications within 100m pending determination. On that basis, the development would be considered to accord with criteria a) and b) of Policy 16(3). The application site is not considered to be on a primary access route between Purpose Built Student Accommodation and the town centre or a university campus and therefore complies with criteria c). The development is therefore considered to be acceptable in principle, subject to further considerations of the proposal against other criteria in Policy 16(3) and other relevant policies.
45. It is acknowledged that objections have been received from local residents raising concerns that the increase in the number of students in this location would be inappropriate and that the intensification of the existing HMO use would be detrimental to the local community. As already discussed, Policy 16(3) relates to extensions to existing HMOs and changes of use to HMOs in a Sui Generis Use and applies the 10% threshold for maximum number of properties being class N exempt properties. As already noted, the application site is already in use as a HMO and given the low level of Class N exempt properties within 100m radius of the site at present (less than 10%), it is not considered that this proposal would be contrary to the NPPF or CDP in this regard.
46. In this instance the development is considered to be acceptable in principle, subject to proper consideration of the material considerations discussed below.

Impact on residential amenity

47. Paragraph 130 of the NPPF requires planning decisions to 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 accord 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. 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.
48. In addition, criterion e) of Policy 29 (Sustainable Design) of the CDP 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, including extensions.

49. The application site is a detached property located within a residential area and there are residential properties on either side and which enclose the rear garden to the north and south. During the course of the application the extension has been reduced in depth and the design amended to address concerns raised. The extension, as amended, would project from the rear of the property by approximately 6.5m and would be 8.1m wide. The approximate height to the eaves would be 2.6m and to the ridge would be 4m. The extension will have a hipped roof with 2 no. rooflights and would be finished in materials to match the existing dwelling.
50. Several objections have been raised by neighbouring occupants in relation to the proposals which consider the rear extension would have an adverse impact on their privacy and amenity. Due to the siting of development, the closest neighbouring properties to the extension are no. 1 Shaw Wood Close to the south-west and no.9 Fieldhouse Terrace to the north-east.
51. The extension will be positioned approximately 1.8m from the boundary with no. 1 Shaw Wood Close, however, due to the scale of the extension and given that the application site is on a slightly lower ground level than the neighbouring property, it is not considered that there would be any significant overbearing impacts on their amenity space. In addition, it is acknowledged that there is an existing hedge on the boundary to provide some screening to the development, which is proposed to be retained, and the proposed hipped roof which slopes away from the boundary, reaching its maximum height of 4m at a distance of approximately 5.8m from the boundary, would also help to soften the impact. There does not appear to be any ground floor windows directly opposite the extension in the neighbouring property to which there could be any amenity issues and the 2 no. windows proposed in the side elevation of the extension would be high-level and obscure glazed to prevent any overlooking.
52. The extension will be positioned approximately 3.8m from the boundary with no. 9 Fieldhouse Terrace. The Council's Residential Amenity Standards SPD (the SPD) recommends minimum separation distances to protect the privacy, outlook and residential amenity of habitable room windows. The extension would appear to be offset from conservatory to the rear of the neighbouring property but would be approximately 13.8m to what is believed to be a habitable room window. Due to the difference in ground levels and existing hedges and foliage to the boundary it is not considered that there would be any direct intervisibility between the habitable room window and proposed French doors in the side of the single storey extension.
53. The SPD recommends a separation distance of 13m between a habitable room window and blank gable elevation where either property is two-storey in height. The distance between the extension and neighbouring property would principally meet that separation distance, however, it is also recognised that the neighbouring property is situated on a slightly lower level than the application site. Paragraph 3.4 of the SPD suggests that where there is a significant change in levels, the minimum separation/privacy distance will increase by 1m for every full 1m that the floor level of the development would be above the affected floor level of the neighbouring property. However, it is considered that the intention of the guidance is to protect existing arrangements in relation to two storey extensions predominantly from overbearing and

overshadowing. Given that the extension is single storey with a hipped roof sloping up and away from the boundary, and that the separation distance exceeds the recommended distance by approximately 800mm, it is considered unlikely that the development would have any significant adverse impacts on the amenity of the neighbouring occupants.

54. Notwithstanding the above, paragraph 3.5 of the SPD also states that it is not intended to apply the above separation/privacy distances rigidly, and there may be instance where these distances can be relaxed; for example, where the impacts on privacy can be reduced. This may occasionally be achieved, using obscure glazing, boundary treatments, restricted openings and directional windows. It is noted that there is existing planting to the boundary which helps to provide privacy between the application site and no. 9 Fieldhouse Terrace, however, it is acknowledged that this is sparse. As such, on that basis, in order to reduce any potential impacts on the privacy of the neighbouring property it is considered reasonable in this instance to attach a condition to secure erection of a suitable boundary treatment between the extension and neighbouring property.
55. There are windows proposed in the rear elevation of the extension to serve 2 no. bedrooms, however, these will face into the rear garden of the application dwelling and it is not therefore considered that there would be any significant impact in terms of overlooking.
56. On balance, subject to conditions, the development is not considered to have any unacceptable impact upon overbearing, overshadowing or loss of privacy as a result of the development, in accordance with Policy 31 of the CDP and the SPD.
57. A significant number of objections have been received in response to the application which raise concerns in relation to an increase in noise, disturbance, and antisocial behaviour which they consider would result from the development. The application site is located within a residential area predominantly characterised by family homes. The impact of the development upon residential amenity is a material consideration in determination of this application. Paragraph 5.158 of the supporting text of Policy 16 recognises that where an area already has exceeded the 10% tipping point, it is considered that there is an existing imbalance between HMOs occupied by students and homes occupied by other non-student residents. This can be to the detriment of the residential amenity of the non-student residents in the area. On that basis, it is recognised that an extension to an HMO which results in additional bedspaces would likely introduce further students into an area where there are already concerns about the impact of the student population on the residential amenity of non-student residents. For this reason, extensions to HMOs to accommodate bedspaces where the 10% tipping point is exceeded will not be supported.
58. The Council's EHO has been consulted on the development and have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). The EHO advised that it is difficult to quantify the potential for noise impact associated with the proposed development as there is no specific guidance or thresholds associated with developments of this nature. However, the change of use proposed will lead to a significant intensification of residential use of the property via the introduction of an increased number of bedrooms/occupants. This will increase the likelihood of general noise, as a result of comings and goings to the property, which may impact on neighbouring residential use. In addition, the EHO confirmed that they have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection

Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

59. While it is also acknowledged that 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. In addition, in this instance it is noted that there is no identified over proliferation of existing HMOs within 100 metres of the application site and the property is already in use as an HMO and would remain so. On that basis and noting that the EHO did not object to the application, it is not considered that the extension to the existing HMO and additional resulting bedspaces would result in a level of cumulative impact that would be significantly detrimental to residential amenity.
60. Concerns have also been raised in relation to the construction phase of the development and access and parking of construction traffic to the rear of the property. Considering the scale of the proposals, the EHO considered this would likely be relatively brief, assuming the works are kept within suitable hours it is not expected that the impact of this phase would likely to lead to a breach of the levels stated in the TANS. A condition will therefore be attached in this regard to protect the amenity of neighbouring occupants. Given the scale of the development it is not considered to be reasonable to require a construction management plan in this instance.
61. In addition, concerns have been raised in relation to the management of rubbish and bin storage at the property. Poor management of rubbish and recycling at HMOs can lead to unattractive frontages, problems with vermin and raise concerns over health and safety. Such issues can affect the amenity of nearby properties and may lead to complaints from neighbouring residents. The applicant has indicated that the bins will be stored under the car port to the side of the property.
62. In relation to the amenity of future occupants of the development, concerns were initially raised by objectors suggesting that the proposal does not demonstrate future occupants will have acceptable living conditions. 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. 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. The applicant has provided dimensions on the amended floor plans and the proposed bedrooms would appear to meet the minimum recommended floor spaces, some of which provide space in excess of the minimum 7.5sq metres per room required by NDSS.
63. 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 9 bedspace, 9 person dwellings. However, as noted by HMO Licensing the applicant will be required to renew their licence due to the increase in the number of bedrooms and, as such, will have to meet nationally set and locally adopted standards as set out within DCC 'Standards for Housing in Multiple Occupation – 'Shared Houses'. While this is outside of the control of planning and subject to separate legislation, nevertheless, it is considered to provide a benchmark to assess the suitability of the accommodation provided. A combined living/dining/kitchen area is proposed within the ground floor of the property, as indicated on the floor plans, which is approximately 39 square metres. The HMO Licensing standards requires a floor area of 21 square metres for such combined accommodation where it is intended to be used by 6-10 persons. As such it

considered that adequate internal space would be provided to serve the proposed increased number of occupants. Furthermore, it is noted that following amendments to the application, the Council's HMO Licensing section withdrew their initial objection.

64. In addition, given the generous garden space to the rear of the property it is considered that sufficient external amenity space exists to serve the inhabitants and in accordance with Policy 16 of the CDP.
65. Taking the above into account, the proposals are considered to comply with Policy 29(e) of the CDP in that it provides a suitable amount of internal and external amenity space to meet the needs of future occupiers and deliver a suitable quality of development in relation to Policies 29(e) and 16 of the CDP and Paragraphs 130 and 174 of the NPPF.

Impact on the character and appearance of the area

66. 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.
67. Policy S1 of the Durham City Neighbourhood Plan requires development proposals, where relevant and appropriate, to conserve, preserve and enhance 'Our Neighbourhood' by harmonising with its context in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping. Policy H3 requires development outside of Conservation Areas, where appropriate and relevant to the area to which the proposal relates, to sustain and make a positive contribution to the character and distinctiveness of the area; use high quality design which contributes to the quality and character of the area; and have scale, massing, form and layout and use materials and finishes appropriate to the context and setting of the area. Policy D4 requires extensions to existing housing to be of high-quality design relating to the character and appearance of the local area and aesthetic qualities.
68. Objections have been received in relation to the scale and design of the proposed extension that is considered would result in overdevelopment of the original dwelling, which it is noted has been extended previously. The character of the surrounding street scene comprises of mainly two storey dwellings; however, they vary in scale, designs and material finishes. There also appears to be a range of different extensions to properties in the vicinity of both two-storey and single-storey scale.
69. In terms of the proposed rear extension, following amendments, the scale has been reduced and the design altered to include a hipped roof, rather than a large flat roof. The extension would be sited to the rear of the property and finished in materials to match the existing. While it is acknowledged that the property has been extended previously and the footprint of the extension is fairly large, nevertheless, it is considered to have an acceptable relationship to the existing dwelling and wider plot. Although it will be slightly visible from neighbouring properties surrounding the site, it would not appear prominent in the street scene and would be considered a subordinate addition to the existing dwelling which would comply with the general design principles as outlined in the SPD guidance.
70. On that basis, it is considered that the development would sustain and conserve the character and distinctiveness of the surrounding area and would harmonise with its

varied context in terms of scale, layout, massing, height and materials. The design is considered to generally reflect that of the existing dwelling and would be finished in matching materials which would be appropriate in terms of the setting of the area.

71. Taking the above into account, the development would be considered to have an acceptable impact, sustaining and conserving the character and appearance of the dwelling and surrounding area and would accord with the aims of Part 12 of the NPPF, Policy 29 of the CDP, and Policies S1, H3 and D4 of the DCNP.

Parking and Highways Safety

72. Policy 16 of the CDP requires new HMOs to provide adequate cycle and car parking, having regard to the council's adopted Parking and Accessibility Supplementary Planning Document (DCC parking standards). 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. 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 Parking standards.
73. A number of objections have been received which raise concerns in relation to the level of parking provision on site to serve the additional occupants and consider that the development could place additional pressure on the existing on-street parking provision and raise pedestrian safety concerns. The application site currently has provision for 3 no. in curtilage parking spaces and these are proposed to be retained.
74. The Highway Authority noted that while DCC parking standards do not contain a standard for a 10-bedroom property, they do contain a standard for 5-bed properties which is 2 no. off-street spaces. Therefore, it can be assumed that a 10-bed property would require 4 off-street spaces. They note that the application form states that 3 spaces are provided, and the applicant has since shown this on the Site Plan. Whilst this provides one space less than otherwise might be considered as required using the methodology above, it is noted that the property falls within a Resident's Permit Parking area, and so would be entitled to a permit to allow parking on street. Therefore, this would compensate for the 1 space shortage in curtilage provision. The increase in the number of bedrooms would not impact on, or increase, the number of permits the property is entitled to. Therefore, on balance, the Highway Authority considered that this proposal would not be detrimental to road safety and so is considered acceptable from a Highways perspective.
75. No details of cycle storage facilities have been provided. However, it is considered that there is adequate external space to accommodate such facilities. Whilst it would have been preferable to have precise details of the specification submitted for consideration of the application there is sufficient evidence to demonstrate suitable provision can be provided. It is therefore considered that a condition requiring the submission of precise details of such storage, to be agreed by the LPA and installed prior to first occupation, would be acceptable in this instance.
76. Concerns have also been raised with regards to occupants of the host dwelling parking to the rear of the site and potentially blocking access to garages on lane to rear of Fieldhouse Terrace. Others have also suggested that occupants have parked their vehicles in the rear garden. As already noted, the proposed level of parking provision

is considered to meet requirements of DCC parking standards and it is not considered that the number of additional residents would lead to significant additional impacts on parking that would sustain a refusal of the application. In addition, there is no suggestion within the application that the rear garden will be used for parking, nevertheless, there is no mechanism of control through the planning system to restrict residents parking in the rear garden.

77. On that basis, it is not considered that the development would result in any unacceptable harm regarding highway safety to a degree that would sustain refusal of the application and the development is therefore considered to accord with the aims of Part 9 of the NPPF, Policies 16 and 21 of the CDP and Policies T2 and T3 of the Neighbourhood Plan.

Trees

78. Policy 40 (Trees, Woodlands and Hedges) of the CDP does not permit development that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts.
79. To the rear of the property within the garden there is a Birch tree protected by a TPO, established hedges, and other planting. Concerns have been received from neighbouring residents in relation to the impact of the development on the protected tree and also in relation to the position of the tree as indicated on the plans.
80. The Council's Tree section were consulted on the development and due to the presence of mature trees and hedges on site they requested additional information be submitted to support the application. During the course of the application a Tree Protection Plan (TPP) and Report have been submitted which shows the area around the Birch to be protected, including details of the root protection area (RPA). Concerns were raised that the position of the tree on the TPP was incorrect, and this has now been amended to reflect the correct position of the tree. The Tree officer has advised that based on the amended plans the incursion into the root protection area of the Birch is minimal and that section 7 & 7.4.2.3 '*New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA*' of British Standards 5837 2012 applies.
81. The TPP also indicates hedgerows to the side and rear boundary will all be protected throughout the construction phase.
82. As such, subject to a condition requiring the protection measures as shown on the TPP to be implemented prior to any construction works being carried out, the development is considered to accord with Policy 40 of the CDP.

CONCLUSION

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 sustain the character and appearance of the surrounding area, would not have any significant adverse impacts parking or highway safety and, subject to condition, the residential amenity of neighbouring occupants and existing trees would be suitably protected. The development would therefore accord with the aims of Parts 9, 12 and 15 of the National Planning Policy Framework, Policies 16, 21, 29, 31 and 40 of the County Durham Plan, and Policies S1, H3 D4, T2 and T3 of the Durham City Neighbourhood Plan.

3. Whilst the concerns raised by the City of Durham Parish Council, City of Durham Trust, Mary Kelly Foy MP and local residents are noted, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application.
4. Considering the above, the application is reported to the Committee with a recommendation to approve the application, subject to conditions.

RECOMMENDATION

That the application be **APPROVED**, subject to the conditions detailed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the 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, 29, 31 and 40 of the County Durham Plan and Parts 8, 9, 12, and 15 of the National Planning Policy Framework.

3. Notwithstanding the approved floor plans as shown on Drawing No. 2176/10/E which illustrates that the dwelling will comprise a total of 9 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 9.

Reason: To protect the residential amenity of future occupants of the development and surrounding neighbouring occupants in accordance with the aims of Policies 29 and 31 of the County Durham Plan.

4. 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.

5. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained (Dwg no. 2176/12-B, received by the LPA 23.04.2023), are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

6. The development hereby approved shall not be occupied until details of all cycle storage compliant with the Council's Parking and Accessibility Standards, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail and the approved provision shall be retained for the storage of cycles at all times for the duration of the use hereby approved.

Reason: To encourage sustainable transport modes of travel in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

7. Prior to first occupation of the development hereby approved details of an appropriate boundary treatment, to be positioned on the boundary between the extension and rear boundary of no. 9 Fieldhouse Lane, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the boundary treatment shall be implemented in accordance with the approved details and maintained and retained in perpetuity.

Reason: To protect the amenity of neighbouring occupants in accordance with Policies 16 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

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

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 (2023)

Durham City Neighbourhood Plan (2021)



<p>Planning Services</p>	<p>1 Larches Road Durham DH1 4NL</p>	
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	<p>Date April 2023</p>	<p>Scale NTS</p>