

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/23/02725/FPA
FULL APPLICATION DESCRIPTION:	Change of use from dwellinghouse (Use Class C3) to house in multiple occupation (HMO) (Use Class C4)
NAME OF APPLICANT:	Mr Richard Watters
ADDRESS:	4 Monks Crescent Gilesgate Durham DH1 1HD
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Michelle Hurton Planning Officer Michelle.hurton@durham.gov.uk 03000 261398

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a two-storey semi-detached property located within Monks Crescent, Gilesgate which is a residential housing estate to the east of Durham City Centre.
2. The property has an integrated garage to the side and access to the rear garden is via a gate located to the side of the garage. The front lawn is enclosed with a low brick boundary wall and the rear garden is enclosed with timber fencing. The property is framed to all sides by residential dwellings.

The Proposal

3. The application seeks planning permission for the conversion of the property from a dwellinghouse (Use Class C3) to a small House in Multiple Occupancy (Use Class C4). Works to facilitate the conversion are wholly internal and externally the dwelling would remain fundamentally unaltered, with the exception of minor works predominantly to the rear and an extension to the existing drive to accommodate an additional 2 vehicles.
4. The application is reported to planning committee at the request of Belmont Parish Council who consider the application raises issues relating to the over proliferation of HMO properties in a residential area, the transient nature of the occupants, increased car ownership and that there is no need for further student accommodation in the city. They consider that these issues are such that they require consideration by the committee.

PLANNING HISTORY

5. None relevant to the current application.

PLANNING POLICY

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.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

15. 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

16. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
17. 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.
18. 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.

19. 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.
20. 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
21. 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.
22. Policy 35 Water Management states that all new development should adopt the hierarchy of preference in relation to surface water disposal.
23. Policy 36 Disposal of Foul Water states that all new development should adopt the hierarchy of preference.
24. 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

25. There is not a Neighbourhood Plan relevant to the determination of this application.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. The Highway Authority raises no objection to the application following receipt of an amended site layout plan showing the widening of the driveway to accommodate a

total of three in curtilage parking spaces to the front and removing the proposed use of unbound gravel to permeable block paving.

27. County Councillors Eric and Lesley Mavin object to the application due to the increase in HMOs within the area and the detrimental impact is having on residents, occupants will be transient residents not likely to integrate well with existing residents, HMO properties are in a state of disrepair and unkept having a detrimental impact on the value of other houses, issues with noise and anti-social behaviours, occupants keeping unsociable hours and being generally disturbing a quiet respectful area
28. Belmont Parish Council objects to the application due to the over proliferation of HMO properties in what is a residential area, the transient nature of the occupants, an expected increase in car ownership and that there is no need for additional student accommodation.

INTERNAL CONSULTEE RESPONSES:

29. 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 1.2%, there are two unimplemented consents within the 100m radius being 5 and 9 Monks Crescent. Accounting for one unimplemented consent the percentage figure would be 2.4% and accounting for two unimplemented consents the percentage figure would be 3.6%.
30. HMO Licensing have confirmed that the property will not need to be licensed following completion of the works and advise how to comply with the relevant fire safety, amenity and space standards.

PUBLIC RESPONSES:

31. The application was advertised by way of site notice and neighbour notification letters were sent to nearby properties. Seven letters of objection have been received in response. Reasons for objection are summarised as:
 - Impact upon existing residential amenity in that the proposal would adversely impact upon neighbouring properties from increased noise and disturbance, living directly opposite with a view into a bedroom.
 - Impact upon parking and highway safety, specifically that the site would increase number of cars parking in the street.
 - Impact upon social cohesion in that the introduction of an additional HMO would imbalance the community to the extent that there would be an over proliferation of this type of accommodation in the locality forcing families out of residential areas which is evidenced by properties being put up for sale since numbers 5 and 9 Monks Crescent got permission to become HMOs.
 - There are too many student properties in the street.
 - Impact on the Character and Appearance of the area, specifically that landlords of HMO properties neglect the gardens and parking spaces of the properties, bins are not pulled in attracting vermin to the area and properties become looking deteriorated.
 - Mental health issues arise as residents living near HMOs fear noise, loss of neighbours and devaluation of properties.

- HMOs bring in transient dwellers who do not become part of the community.
- Properties within the street are being put up for sale due to number of HMOs in the street
- Covenant on properties stating dwellings should remain as family homes

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:

32. Durham University is a member of the Russell Group of leading research intensive universities with continued strong demand for places to study at the university. The adopted County Durham Plan recognises that Durham University is a major asset to the city, shaping the built environment, contributing to the cultural and heritage offer, developing highly skilled individuals as well being a major employer and a purchaser of local goods and services.
33. The Durham University Strategy 2017-2027 sets out clear goals to deliver world class research, education and a wider student experience and it is clear that the provision of a sufficient range and supply of high quality affordable and accessible residential accommodation options that meet the current and future aspirations of the student population will be key to supporting the wider student experience and the overarching strategic objectives of Durham University.
34. The County Durham Plan acknowledges that students make up a significant proportion of the term time population of the City contributing greatly to its culture, economy and vibrancy. However, it is also recognised that there can be adverse impacts on the amenities of residents in areas where student HMOs are dominant. Whilst the concerns of local residents and other third parties in relation to the impact of the proposals on the character of the area and residential amenity are acknowledged, the property lies within an area where significantly less than 10% of properties are Class N exempt. This 10% threshold is set out within the adopted County Durham Plan as the 'tipping point' whereby an imbalance between HMO properties and non-student properties could occur to the detriment of residential amenity.
35. Accounting for the current application and other recent approvals, only 3.6% of properties within a 100m radius would be Class N exempt and, having regard to guidance contained within the Council's own adopted Development Plan, it is clear that the proposals would not unacceptably undermine the character of the area or residential amenity given the 10% 'tipping point' is not close to being breached in this location. Furthermore, a robust student management plan will be put in place and occupants will also be subject to the University's code of conduct and associated disciplinary procedures for any breaches. It should also be acknowledged that students seeking properties on the outskirts of the city are generally looking for a quieter residential environment and tend to be a different demographic than those students who may look to live within the Viaduct area or other more central locations close to the City Centre nightlife. On this basis, the applicant remains firmly of the opinion that the proposed small HMO would not generate levels of noise and disturbance and general activity that would unacceptably impact on neighbouring residents in the locality. The proposed HMO will also be served by sufficient levels of car parking and will not give rise to any unacceptable impacts on the local highway network, with no objections raised by the Council's Highways Department and also

satisfies the other relevant policy requirements of Part 3 of Policy 16 and the wider County Durham Plan.

36. The current application would therefore fully accord with the requirements of Policy 16 of the adopted County Durham Plan delivering high quality student accommodation and supporting the provision of accommodation options to support the identified growth of Durham University, which is a key objective of the adopted Development Plan. The application proposals therefore represent an entirely acceptable form of development in this location that would fully accord within the adopted County Durham Plan and there is no justifiable basis for refusing planning permission in this instance.

PLANNING CONSIDERATIONS AND ASSESSMENT

37. 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

38. The proposal relates to the change of use from a residential dwellinghouse (Use Class C3) to a 4-bed HMO (Use Class C4).
39. 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.
40. In addition, Policy 16, Part 3 of the CDP is also 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 House in Multiple Occupation in Class C4 or a sui generis use (more than six people sharing) will not be permitted if:
 - a. including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);
 - b. there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or

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

41. 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.

42. It is noted that objections have been received from neighbouring residents, local Councillors and Belmont Parish Council raising concern that the proposed change of use would result in the over proliferation of HMOs in the area given the number of HMO properties within Monks Crescent at present, and that this would unbalance the community. They also consider that the applicant has not demonstrated any need for additional student accommodation of this type in this location. In addition, concerns have also been raised regarding how the HMO data is collected and the methodology used in Policy 16, Part 3 of the CDP. With regard to the latter, it is noted that the policy and the methodology contained within it was considered sufficiently accurate and robust during the examination in public of the CDP in 2020. The policy has proven to be sufficiently robust in this regard and the Council has successfully defended several appeals against refusal of similar changes of use where these were in clear conflict with the policy.

43. 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 4 Monks Crescent, 1.2% of properties would be class N exempt as defined by Council Tax records. However, there are two previous planning permissions relating to No's 5 and 9 Monks Crescent for the change of use from C3 to C4 capable of implementation which if effected, would increase the percentage of properties within 100m to 3.6%. As this concentration would be below the 10% threshold stated in the CDP, the development can be considered to comply with policy 16, Part 3, criteria a) and b) (criteria c) not being relevant) and is acceptable in principle, subject to further consideration of the proposal against other criteria on Policy 16, Part 3 and the impact of the proposal upon residential amenity and highway safety.

44. It is noted that objections have also been received citing that the application fails to demonstrate need for accommodation of this type in this location, and that there is a perceived surplus of student accommodation within Durham City generally. Whilst these points are noted, there is recognition that market forces will, in the main, deliver the level of student accommodation required without resulting in a significant oversupply of accommodation, particularly in relation to HMOs which in most cases if not occupied as such, can be occupied again as family homes with limited internal reconfiguration. Notwithstanding this, it nevertheless remains that whilst Part 2 of policy 16 requires an application for PBSA to demonstrate need (along with a number of other requirements) this is not mirrored in Part 3 of the policy which relates to applications for changes of use to HMO and is the part of the policy which is relevant to the current 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 and that as

there is no policy basis for the applicant to demonstrate need, the lack of any specific information within the application with regards to need can be afforded only very limited weight.

45. 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 post development, should permission for the current change of use be granted the aims of Paragraph 62 would be met.
46. Objections have been received citing that the development would have an adverse impact upon social cohesion and unbalance the community to the extent that there would be an over proliferation of this type of accommodation in the locality forcing families out of residential areas which is evidenced by properties being put up for sale since numbers 5 and 9 Monks Crescent were granted planning permission for change to small HMOs (Use Class C4). 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 seeks to strike an appropriate balance through the 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. 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. Furthermore, existing residents selling their own properties and impact upon property values are not material planning considerations which can be taken into account.
47. Taking account of the above it is considered that the principal of development is acceptable, and the proposal would accord with the requirements of Policy 16 of the CDP and Paragraph 62 of the NPPF in this regard.

Impact on residential amenity

48. 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.
49. In this instance the application site is a semi-detached dwelling located within a residential area and as such the nearest residential property adjoins the application site to the north-west, with further residential properties to all sides. In nearly all cases

those responding to the application in objection cite concerns around increased noise, and fear of noise, disturbance and antisocial behaviour as a result of the development and this includes the Local Councillors for the division and Belmont Parish Council. In addition, concerns have been raised that the owners/occupiers of the property adjacent to the site will have direct view into the ground floor bedroom of the proposed HMO.

50. The development would fall within the thresholds associated with Council's Technical Advice Notes (TANS) relating to noise. 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 in terms of comings and goings at 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 personal habits of the individuals residing there and as such, might differ greatly.
51. 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 the application. In most cases it is held that changes of use from C3 dwellinghouses to HMO use can be adequately mitigated to within acceptable levels subject to planning conditions. Where an HMO is proposed within a residential area with an existing high proliferation of HMO accommodation, the cumulative impact of an additional HMO in this context has been considered to have a detrimental impact upon residential amenity from increase in noise and disturbance sufficient to sustain refusal of planning permission. The LPA has refused several previous planning applications in this regard and proved successful in defending those at appeal. However, in this instance it is noted that there is no identified over proliferation of existing HMOs within 100 metres of the application site, and as such it is not considered that the introduction of a single additional HMO in this location would result in a level of cumulative impact that would be detrimental to residential amenity.
52. Notwithstanding the above, it is considered that the applicant provides an effective plan as to how the property would be managed and confirmed within the supporting planning statement, that the property would be appropriately maintained by J W Wood Student Letting, who are a well-established student accommodation letting agent within Durham City and that requirements will be included within tenancy agreements around noise and anti-social behaviour with appropriate penalties should these be breached. The submission, agreement and implementation of precise details of a management plan can be secured through planning condition should the committee be minded to grant planning permission. Therefore, subject to the inclusion of a planning condition in this regard, the development is considered to accord with the requirements of policies 16 and 31 of the CDP.
53. Furthermore, the applicants have confirmed that the property will meet all relevant safety standards with gas and electrical safety certificates, as well as mains linked smoke detectors. The windows and doors will be fitted with locks and the property lies within a residential estate with street lighting for natural surveillance from surrounding properties. Therefore, providing safe and secure accommodation in accordance with policy 16 Part 3 criteria g.
54. The scheme proposes a new bedroom at ground floor level which would replace part of the existing lounge/dining area. As the property is a semi-detached dwelling, the adjoining property would be of a handed design and therefore the ground floor bedroom would be adjacent to a lounge/dining area in the adjoining house which could lead to a greater impact for the individual residing in this bedroom, as well as

potentially leading to complaints against the reasonable use of the neighbouring ground floor.

55. The Council's EHO has advised that should the bedroom be subject to appropriate sound insulation this would mitigate any adverse impact in terms of the transfer of noise. The proposed floor plans indicate that the party wall at both ground and first floor will be upgraded with Gyplyner Independent wall lining or similar to meet the required mitigation to which the Council's EHO raises no objection. As such, a condition could be attached to planning permission requiring the sound proofing measures described in the application to be installed (i.e. the Gyplyner wall lining) or similar - which meets the requirements of Approved Document E (Resistance to the passage of sound) of the Building Regulations 2004 (As Amended) prior to the first use of the property as a small HMO.
56. In relation to concerns that the occupiers of the property opposite No. 4 Monks Crescent would have direct views into the proposed bedroom at ground floor level it should be noted that the separation distance between the two properties is a pre-existing and well-established arrangement and the views would be a similar arrangement to those at first floor level. Both the bedroom and lounge are considered to be habitable rooms and there would not be any greater impact in this regard. In any event it is noted that minimum separation distance of 21 metres as contained within the SPD would be achieved.
57. In light of the above, the development is not considered to have any unacceptable impact upon overbearing, overshadowing or loss of privacy as a result in accordance with policy 31 of the CDP and the relevant SPD.
58. The property includes adequate external space to accommodate sufficient bin storage facilities as shown on the proposed site layout plan which will be located within the garden area that extends to the south-east of the property and therefore accords with criteria e) of Part 3 to Policy 16. In addition, noting the extent of the garden area contained within the curtilage it is considered there is sufficient external amenity space to serve the inhabitants and as in accordance with policy 16 of the CDP.
59. In relation to internal space 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.
60. 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. 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.
61. In the original submission of the scheme the ground floor bedroom did not meet the minimum NDSS requirements. Consequently, the applicant has amended the scheme altering the internal layout and relocating an internal wall. This has increased the

footprint of the bedroom in question from approximately 7.3sq metres to 7.63sq metres. As such this now complies with minimum NDSS and Licencing Requirements, although it is noted the property would not require a licence. All of the bedrooms now meet the minimum requirements of the NDSS being in excess of the required 7.5sq metres per room.

62. 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 4 bedspace, 4 person dwellings. However, it does include standards in relation to 4 bedspace 5 person dwellings and it is noted that this requires an overall area of no less than 97sq metres. As already noted, whilst the rigid application of NDSS is not considered appropriate for the reasons outlined above the proposed change of use would provide adequate internal space delivering approximately 85sq metres of total internal floorspace.
63. In light of the above, the proposal is 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 policy 29(E) of the CDP policy 16 of the CDP and Paragraphs 130 and 174 of the NPPF.

Impact on the character and appearance of the area

64. 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.
65. Neighbouring residents have raised objections to the proposed development stating that a HMO's will have a negative impact on the residential housing estate, stating that HMOs are not adequately maintained and that students are short term occupiers with no stake in local community.
66. It is noted that limited external alterations are proposed to facilitate the change of use comprising solely of the removal and replacement of the rear window within the integral garage to a smaller obscurely glazed window and the remaining area will be blocked up with brick. This is considered acceptable in principle and similar to other works undertaken at properties in the locality subject to the inclusion of a planning condition which requires materials used to match the host property.
67. The character and appearance of the surrounding area incorporates two storey and single 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. With regard to concerns that the general appearance of the property would deteriorate as a consequence of the proposed use there is no evidence that this would occur, and the applicant has reiterated that the property would be appropriately maintained. There is also separate legislation which relates to untidy land and buildings for such matters which the Councils can utilise to resolve any issues should they arise.
68. 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.

69. 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

70. 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.
71. Objections have been raised by concerned residents and Belmont Parish Council that the development would increase the number of cars parking in the street.
72. The Highway Authority offers no objection to the application and does not consider there would be any adverse impact in terms of highway safety as a result of the proposals. They have assessed the proposal against the requirements of the current DCC parking standards and advised there is requirement for additional in curtilage parking provision and this has been reflected in an amended site plan, showing the provision of a total of 3no off street parking spaces which complies with the requirements of the Council's relevant Supplementary Planning Document.
73. With regard to concerns that the development would increase the presence of parked vehicles within surrounding streets, it is noted that given the increase of in curtilage parking as described above, the proposed use would not increase on street parking to an extent that it would adversely impact upon existing network capacity. In instances where vehicles presently obstruct the adopted footway this is subject to legislative control via the Highways Act and cannot be afforded weight in determination of this application.
74. Cycle storage is shown as provided within the existing garage and its provision is a requirement of criteria (d) of Part 3 to Policy 16 of the CDP. As such it is considered appropriate to include a planning condition should permission be granted to secure provision of the cycle storage prior to first occupation and retention whilst the property is in use as a small HMO.
75. Therefore, notwithstanding the concerns raised by residents and the Parish Council in relation to parking and access it is not considered that the development would 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

76. Objections have been raised regarding the proposed change of use resulting in the devaluation of properties. Further concerns have been raised regarding people selling their properties due to the HMOs in the area resulting in them being pushed out of the area. Devaluation of properties itself is not a material planning consideration and the issue of noise and social cohesion has been discussed elsewhere in this report. It is therefore considered that the proposed change of use to a small HMO should not result in mental health issues arising.
77. Objections have been raised that the property developers for the dwellings included a covenant on the dwellings stating that they are to remain as family homes. Covenants are not material planning considerations and therefore cannot be taken into consideration during the assessment of the application.

CONCLUSION

78. 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.
79. When assessed against other policies of the County Durham Plan relevant to the application, it is considered that the introduction of a small HMO in this location would not unacceptably imbalance the existing community towards one dominated by HMOs, 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.
80. 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, 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.

Public Sector Equality Duty

81. 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.
82. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

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. Prior to first occupation of the property for the use hereby approved, the party wall with No. 2 shall be upgraded with Gyplyner Independent wall lining or alternative that accords with the requirements of Approved Document E (Resistance to the passage of sound) of the Building Regulations 2004 (As Amended),.

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, removal of waste generated by the development and cycle storage.

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.

7. The cycle storage provision shown on the proposed site plan (Drawing No. 1360-04 REV C received 04 December 2023) shall be available for use prior to the first use of the property as a small HMO (Use Class C4) and shall thereafter be retained for use at all times whilst the property is occupied as a small HMO.

Reason: To promote sustainable modes of transport in accordance with policies 6 and 16 of the County Durham Plan.

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 (2023)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Durham County Council Residential Amenity Standards SPD (2022)

Durham County Council Parking and Accessibility SPD (2023)



Planning Services

DM/23/02725/FPA Change of use from dwellinghouse (Use Class C3) to small house in multiple occupation (HMO) (Use Class C4) at 4 Monks Crescent Gilesgate Durham DH1 1HD

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Date 09 January 2024

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