



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/01143/FPA
Full Application Description:	Change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) including alterations to rear conservatory, raising of roof height of two-storey side extension, alterations to door and window openings, and formation of car parking area to front
Name of Applicant:	Sugar Tree Limited
Address:	29 Hawthorn Crescent, Gilesgate Moor, Durham, DH1 1ED
Electoral Division:	Belmont
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises a four bed detached dwelling located within a residential estate at Hawthorn Crescent in Gilesgate. The Crescent is accessed from Willowtree Avenue at two separate points and leads to the cul-de-sacs of Aspen Close and Cedar Close.
2. The property features a short front garden with a planted shrub area bounded by a low red brick wall adjacent to an existing concrete driveway leading to a garage with a bedroom above. To the rear the dwelling features a small conservatory featuring elevations comprising vertical glazing sitting above a brick wall and a triangular shaped garden bound by mature hedging to either side which can be accessed along the side of the property by a gate. The land slopes up towards the south.

The Proposal

3. The application seeks full planning permission to change the use of the property from a C3 dwellinghouse to a five bed C4 house in multiple occupation (HMO). The application also seeks consent for various physical development, including to increase the height of the first floor over the garage by approximately 600mm, to replace the existing glazed frame and roof of the conservatory with red brick and an insulated roof, and the installation of replacement doors and windows to the rear kitchen, utility room, and shower room. Permeable block paving is also proposed to be laid across the front garden to facilitate an extended car parking area, with the brick wall along the front boundary to be removed and replaced with two brick pillars either side of a gate.
4. The application is being reported to the Central and East Area Planning Committee at the request of Belmont Parish Council on the grounds of residential amenity and the inadequacy of the highway to cope with additional parked cars.

RELEVANT PLANNING HISTORY

5. There is no relevant planning history relating to this site.

PLANNING POLICY

National Policy

6. A revised National Planning Policy Framework (NPPF) was published in December 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
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 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 Page 73 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; noise; public rights of way and local green

space; planning obligations; 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 (CDP)

15. *Policy 6 (Development on Unallocated Sites)* states the 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.
16. *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.
17. *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 Parking and Accessibility Supplementary Planning Document.
18. *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.
19. *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.

20. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
21. Residential Amenity Standards SPD (2023 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
22. Parking and Accessibility SPD (2023 Adopted Version) – Provides guidance on parking requirements and standards.

<https://www.durham.gov.uk/cdp>

Neighbourhood Plan:

23. The application site is located within the Durham City Neighbourhood Plan area.
24. *Policy S1 (Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions)* sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to Conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.
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 high-quality

design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and improvement of energy efficiency and the reduction of carbon dioxide emissions.

27. *Policy T1 (Sustainable Transport Accessibility and Design)* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design.
28. *Policy T2 (Residential Car Parking)* supports developments with or impacting on car parking provided car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off-street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character. The policy supports the use of car clubs. Should the parking demand require parking controls these will need to be funded through developer contributions.
29. *Policy T3 (Residential Storage for Cycles and Mobility Aids)* requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

30. *Belmont Parish Council* – Object to the application on the grounds of the loss of a C3 dwellinghouse, the poor maintenance of HMO's adversely affecting the visual amenity of the surrounding area, that the use of the property as a HMO would generate additional waste and noise which adversely affects the amenity of neighbouring residents, that clusters of HMO's generate noise in the street, the transient nature of the student population which does not benefit the area, that it is unclear how much in-curtilage car parking space the property would be served by, and that there is an oversupply of student accommodation relative to the University's intake projections for the next three years but a need for affordable family housing. Also question the methodology of Policy 16 of the County Durham Plan.
31. *Highways Authority* – Raise no objections to the application advising that whilst there is no scope to increase the existing driveway length to allow for 90 degree spaces the applicant is able to create two x 45 degree spaces while also retaining the existing garage.

Internal Consultee Responses:

32. *HMO Data* – Confirm that the proportion of residential properties within a 100m radius of, and including, the application site that are exempt from Council Tax is 5.6% (5 out of 90 residential properties).
33. *Environmental Health Nuisance Action* – Raise no objections to the application, subject to sound proofing measures being installed to the ground floor bedroom and a condition to restrict construction working hours.
34. HMO Licensing – Confirm that the property would be licensable as an HMO and provide guidance on the licensing requirements.

Public Responses:

35. The application has been advertised by way of individual notification letters sent to neighbouring properties. 10 letters of objection, including one from Councillors Eric and Lesley Mavin, have been received raising the following concerns:

Community Cohesion and Residential Amenity

- The proposal would unbalance the area through the introduction of additional student residents,
- The loss of a family home,
- The introduction of additional students would result in an increase in noise from comings and goings, including from late night taxis, that would adversely affect residential amenity,
- The cul-de-sac is a quiet area with many young families and elderly residents,
- Concerns over the doors to the rear and the potential to increase the number of bedspaces in the future,
- Concerns over how the prevention of adverse impacts could be guaranteed.

Character and Appearance of the Area

- The proposed alterations appear out of character with the surrounding area,
- The front garden containing various plants would be removed to provide additional car parking space.

Highways Issues

- The property is served by an insufficient amount of in-curtilage car parking space,
- The proposed use would lead to an increased demand for car parking resulting in increased on-street parking, noting the presence of a nearby school,

Other Matters

- There are poor public transport connections to local shops,
- There is already a poor broadband connection in the area and the introduction of an HMO would put pressure on this.

Concerns Raised which are not Material Planning Considerations

- The lack of need for further HMO's many of which remain empty,

- The proposal would impact on property values, with concerns raised by different residents that prices would be lowered due to prospective owners not wanting to live near an HMO and increased due to interest from student landlords thereby pricing local people out,
- Concerns over landlords not maintaining the property,
- Considers that the proposal would not provide any benefits to the Council or the community.

Applicants Statement:

36. The current application proposals involve the change of use of an existing dwellinghouse (Use Class C3) to a 5-bedroom HMO (Use Class C4) within an area where less than 10% of properties within a 100m radius are Class N exempt. The proposed development will deliver high quality HMO accommodation operated by one of the largest student landlords in the City to meet the needs of students seeking such forms of accommodation.
37. The proposed HMO would deliver safe and secure accommodation that meets the standards of the well-established accreditation scheme supporting the provision of a range of high quality student accommodation options to meet the needs of students studying at the university, whilst ensuring that there will be no unacceptable impacts on highway safety, community cohesion or the amenity of non-student residents due to the limited size of the proposed HMO, the management arrangements that will be in place and the fact that there is not an existing overprovision of student properties in the immediate locality given the 10% threshold has not been breached. The application proposals therefore fully comply with Policy 16(3) and other relevant policies of the County Durham Plan (CDP).
38. We acknowledge the continued concerns over the need for further student accommodation and the impact of such forms of development on community cohesion and residential amenity. However, there is no requirement to consider need under the provisions of Policy 16(3) and recent appeal decisions, including at 41 Fieldhouse Lane and 58 Bradford Crescent, have found concerns over community cohesion and residential amenity to be largely unfounded having regard to the provisions of the relevant policies of the adopted CDP. The appeal decision at 58 Bradford Crescent is particularly pertinent lying approximately 500m to the east of the current application property and owned by the same applicant. The appeal was ultimately dismissed due to a proposed bedspace within the property not complying with Nationally Described Space Standards (NDSS), however, in relation to other key considerations and concerns cited by local stakeholders and also by Members in refusing planning permission, the Inspector concluded as follows:
- The proposal would retain an appropriate mix of housing in the area and would accord with Policy 16 of the CDP in respect of this issue;
 - The proposal would be acceptable in terms of parking and highway safety and would accord with Policy 16 of the CDP;
 - Several properties in the area display small window stickers and lettings boards bearing the name of student letting agents, indicating that they

were HMOs. However, the properties otherwise bore limited indication of such use, and appeared externally similar to the majority of other properties in the area. The proposal would be appropriate in terms of its effect on the character and appearance of the area.

- The proposal would not adversely affect the living conditions of nearby occupiers and would accord with Policies 16, 29 and 31 of the CDP, which together seek for development to provide high standards of amenity and security, and to avoid unacceptable impacts on health, living and working conditions.

39. The current application proposals comply with NDSS, which was the sole reason for the appeal at 58 Bradford Crescent being dismissed. The wider conclusions drawn by the Inspector in relation to housing mix and community cohesion, highways; impact on the character and appearance of the area; and impact on residential amenity can evidently be applied equally to the current application proposals and it is evident that there is therefore no reasonable basis to refuse planning permission for 29 Hawthorn Crescent on the basis of the findings of the previous Inspector. The application proposals fully accord with the relevant policies of the adopted Development Plan and planning permission should therefore clearly be granted.

PLANNING CONSIDERATION AND ASSESSMENT

40. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, the Impact upon Residential Amenity, the Character and Appearance of the Area, and Highways Safety and Parking.

Principle of Development

41. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses falling within Class C4 (houses in multiple occupation - HMOs). HMO's are small, shared houses occupied by between three and six unrelated individuals, as their only or main residence and who share basic amenities such as a kitchen or bathroom. The proposed floor plans submitted with the application indicate that the proposal is such that the development would normally benefit from the provisions contained within the GPDO. However, an Article 4 Direction is in effect in this area and withdraws such permitted development rights and so planning permission is required.
42. County Durham Plan (CDP) Policy 6 relates to the development of sites which are not allocated in the Plan or a Neighbourhood Plan. The supporting text to the policy advises that the policy sets out the circumstances where such opportunities for development will be acceptable and makes reference to conversions to accommodate new uses.

43. Policy 6 is permissible to development on unallocated site where they are either within the built-up area or outside the built up area but well related to a settlement, 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. In this instance, the application site is not allocated for a specific use and is located within the residential built up area of Gilesgate.
44. Part 3 of CDP Policy 16 relates to the conversion of residential dwellings to HMOs and is the main policy which this application needs to be assessed against. The Policy states that in order to promote, create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and Sui Generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to a Class C4 (House in Multiple Occupation), where planning permission is required, 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.
45. In addition to the above, applications will only be permitted where:
- a. the quantity of cycle and car parking provided has regard to the Council's adopted Parking and Accessibility Supplementary Planning Document (SPD);
 - b. they provide acceptable arrangement for bin storage and other shared facilities and consider other amenity issues;
 - c. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and
 - d. the application has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.

46. It is acknowledged that objections have been received from local residents raising concerns that the proposed development would result in an over proliferation of HMOs in the area, thereby unbalancing the community, and that there is no requirement for additional HMOs in this area. There is also concern that the methodology used in CDP Policy 16 (3) is flawed and does not accurately reflect the number of HMOs in the area.
47. Whilst the concern in relation to the use of Council Tax Exemption Data is noted, it is the case that all properties registered as class N exempt within a 100m radius of the property are captured within the data collection, and this information is gathered twice a year. Policy 16 uses a 100m radius for the purposes of assessing compliance and does not refer to individual streets or postcode areas. The policy gives a standard and consistent approach to assess applications for HMOs and, together with the methodology contained within, was considered sufficiently accurate and robust during examination in public of the CDP in 2020, with the existing policy subsequently included within the adopted CDP. The Policy has proven 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.
48. The most recent up to date Council Tax information identifies that within 100m radius of, and including 29 Hawthorn Crescent, 5.6% of properties are class N exempt properties as defined by Council Tax records, which would equate to 5 out of 90 residential properties. This percentage would therefore fall below the 10% threshold. There are no properties with an unimplemented planning permission to be converted to a HMO within the 100m radius. 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. On that basis, the development would be considered to accord with criteria a), b) and c) of Policy 16(3) and is therefore considered to be acceptable in principle, subject to further considerations of the proposal against the remaining criteria of Policy 16(3) and other relevant policies in the CDP.
49. NPPF Paragraph 63 advises 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 fewer 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 63 would be met.
50. Objections have been received suggesting that there is no requirement for an additional HMO, with the applicant failing to demonstrate need for accommodation of this type in this area, and that there is a surplus of student accommodation within the city. 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,

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.

51. Notwithstanding this, it remains that whilst Part 2 of CDP 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 CDP Policy 16 and that the lack of any specific information within the application with regards to need, is not sufficient to sustain refusal of the application in this instance.
52. There have been four relevant recent appeal decisions relating to applications to change the use of a C3 dwellinghouse to a small HMO (C4). These relate to 5 Lyndhurst Drive (DM/23/01167/FPA), 33 St. Bede's Close (DM/23/01442/FPA), 58 Bradford Crescent (DM/23/02700/FPA), and 4 Monks Crescent (DM/23/02725/FPA).
53. 5 Lyndhurst Drive, 33 St. Bede's Close, and 4 Monks Crescent were all three bed dwellings sought to be converted to a four bed HMO where the proportion of student properties following the conversion within a 100m radius would have been 9%, 6.9%, and 3.2% respectively. Each of the appeals were dismissed.
54. In relation to 5 Lyndhurst, the Inspector concluded that "*whether or not there is a need for further student accommodation will be dictated by market forces. If the HMO is not ultimately used as such, it does not preclude it being occupied again in the future as a family home*". In relation to 4 Monks Crescent, the Inspector concluded that "*because the proposal is not for purpose-built student accommodation, the issue of need is not a consideration in this case.*"
55. 58 Bradford Crescent was a two bed dwelling sought to be converted to a four bed HMO, including through the erection of a single storey rear extension, where the proportion of student properties within a 100m radius, including the host property following its conversion, was 9.4%. The Planning Inspector concluded that the proposal would be acceptable in terms of its effect on housing mix, parking and highway safety, the character and appearance of the area and the living conditions of nearby occupiers. However, they considered that it would fail to provide suitable living conditions for the future occupiers, particularly in relation to the bedroom proposed to be created on the ground floor within the extension which would have fallen significantly short of the minimum width of 2.15m set out by the Nationally Described Space Standards. On this basis, the appeal was dismissed.
56. Therefore, in all four cases the proportion of student properties within a 100m radius, including the host property following its conversion, was below the 10% threshold and in each case the Inspector concluded the proposed use as a small C4 HMO would not harm the community cohesion of the area or the living conditions of nearby residents. These appeal decisions are material considerations in the determination of this application.

57. This application would similarly see the conversion of a C3 dwellinghouse to a small C4 HMO. Whilst the proposals would see the number of bedrooms increased from four to five rather than two or three to four, this is not considered to have a materially greater impact upon the community cohesion of the area than the cases discussed above given the low proportion of student properties in the local area (below the 10% threshold), as defined by the 100m radius.
58. A concern has been raised over the potential to increase the number of bedspaces within the property in the future. In this regard, planning permission is sought to change the use of the property to a small HMO (Use Class C4) which would allow the property to be occupied by up to six unrelated individuals. The proposals would see the creation of a fifth bedroom and a condition to restrict the number of bedrooms to five is recommended, in line with a condition used by the Inspector when allowing the appeal at 4 Monks Crescent.
59. In summary, objections have been received citing that the development would have an adverse impact upon social cohesion and unbalance the community. NPPF Paragraph 63 considers the need to create mixed and balanced communities and this is reflected in the requirements of Part 3 of CDP Policy 16 which includes a threshold of no more than 10% of properties being in HMO use. As 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 County Durham Plan 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.

Impact upon Residential Amenity

60. CDP Policy 29 e) seeks to ensure development provides high standards of amenity and privacy, and minimises the impact of development upon the occupants of existing adjacent and nearby properties.
61. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
62. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
63. The property is a detached property in a suburban location. It is acknowledged that a number of objections have been raised in relation to the cumulative impacts of the proposed development, together with existing HMOs in the surrounding Gilesgate area.
64. The Council's Environmental Health Officer (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 Technical Advice Notes (TANs). The EHO note that although the proposed use would not represent a more sensitive receptor, the source of noise could be greater from the use of the property as an HMO rather than single dwelling due to the increase in household numbers and activity to and from the property. The demographic that uses 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.

65. The application site is located within a residential area that is predominantly characterised by family homes and the impact on residential amenity is a material consideration in the determination of this application. 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. However, in this instance it is noted that there is no identified over proliferation of existing HMO's within 100m 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.
66. This view is supported by the three aforementioned appeal decisions. Specifically in relation to 5 Lyndhurst, the Planning Inspector considered that the experiences and perception of HMOs are largely anecdotal and the poor experiences arising from other HMOs does not indicate that this will be exacerbated if the appeal were to be allowed. They also noted that the issues raised [noise, disturbance and antisocial behaviour] are not a predictable consequence of HMOs as opposed to single occupation dwellings, but rather a matter of individual behaviour and suitable management.
67. In relation to 33 St. Bede's Close, the Planning Inspector concluded that the proposed use would not harm the living conditions of nearby residents with regards to noise and disturbance. Specifically, the Inspector noted that, "*As a four bedroom house, No.33 would suit a family of 4 - 6 people. A family of this size would generate comings and goings on a daily basis, although this would probably vary, depending on the ages of any adults and children living there*".
68. Concerns have been raised by residents over what measures could be put in place to guarantee that no adverse impacts on their living conditions would arise as a result of the use of the property as an HMO.
69. In this regard, the application is supported by a Student Management Plan which includes general management details for the property. The occupants would be expected to agree to these details by signing the tenancy agreement and if consistently breached the landlord would be able to terminate the tenancy agreement. One such requirement is that tenants are not to make any noise that is audible from outside of the property between the hours of 11pm and 7am. A condition is recommended to secure adherence to this Plan to help

reduce any potential impacts on the amenities of the residents living in the surrounding area.

70. The EHO officer also notes that a bedroom is proposed to be created on the ground floor adjacent to the open plan lounge / kitchen / dining room which may lead to a greater impact on the individuals residing in that room from noise when the rooms are in use. On that basis, the EHO recommended that a scheme of sound proofing measures could be implemented to mitigate any harm. A plan showing the location and specification details of the partition walling to be created to divide these rooms has been submitted and the EHO has indicated their satisfaction with this. Accordingly, a condition is imposed to secure the installation of the partition prior to the first occupation of the bedroom.
71. All of the bedrooms would be of a size complying with the gross internal area set out by the Nationally Described Space Standards (NDSS).
72. In terms of the physical development proposed, the raising of the height of the first floor over the garage by approximately 600mm and the replacement of the existing glazed frame and roof of the conservatory with red brick and an insulated roof, would not adversely affect the living conditions or amenity of any neighbouring resident in terms of visual dominance or overshadowing. The first floor windows within the existing bedroom 4 over the garage would be retained, with this room to be subdivided into a bedroom and a shower room. These windows would continue to look out onto the side elevation of 27 Hawthorn Crescent and would not result in an increased level of overlooking or loss of privacy.
73. The installation of larger windows to the open plan lounge to the rear of the property would not allow increased views into any neighbouring garden, with the rear garden of the host property benefitting from mature hedging along its boundaries. The windows to be replaced in the rear elevation serving the utility room and bedroom 5 would be of a similar size to the existing, with the purpose behind this being to reposition them higher up within the elevation in response to the increased internal floor level. The glazed elevations of the conservatory would be replaced with a greater amount of brickwork than currently exists so would also not have any impact on the privacy of neighbouring residents.
74. Criterion b) of Part 3 of Policy 16 requires the provision of acceptable arrangements for bin storage and other shared facilities. The existing patio area within the rear garden is proposed to be extended to accommodate a space for bins to be stored. This would be located adjacent to the gate that can be accessed from the side of the property to allow the easy manoeuvre of bins to and from the kerb on collection day. These details are considered to be appropriate and a condition is recommended to secure the provision of the bin storage area prior to the first occupation of the property as an HMO.
75. Criterion d) of Part 3 of Policy 16 also requires the applicant to show that the security of the building and its occupants has been considered, along with that of neighbouring local residents. In this regard, the submitted Planning Statement confirms that the property would be managed by an experienced

student landlord, with all gas and electricity standards to be met along with the requirements of the HMO license. Therefore, the application is considered to fulfil the requirements of this criterion.

76. Taking the above into account, the proposals are considered to provide a suitable quality of development for future occupants, and it is not considered that there would be any significant adverse impacts on neighbouring occupants that would sustain refusal of the application in this instance, in accordance with Policies 16, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.

Character and Appearance of the Area

77. CDP Policy 16 Part 3 f) states that changes of use from C3 dwellinghouses to C4 HMO's will only be permitted where the design of the building or any extension would be appropriate in terms of the property itself and the character of the area. In addition, criterion c) of Part 3 of Policy 16 requires the design of the building or any extension to be appropriate in terms of the property itself and the character of the area, with criterion a) of CDP Policy 29 requiring all development to contribute positively to an area's character.
78. Policy S1 of the Durham City Neighbourhood Plan (DCNP) also requires development proposals to conserve, preserve and enhance 'Our Neighbourhood' by harmonising with its context. Policy H3 requires development to sustain and make a positive contribution to the character and distinctiveness of the area; use high quality design; 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.
79. Given the minor nature of the alterations, it is not considered that there would be any detrimental impact on the character and appearance of the property or surrounding area.
80. The raising of the height of the first floor over the garage by approximately 600mm would not have a material impact on the character and appearance of the surrounding area.
81. The laying of permeable block paving to extend the front driveway could be achieved under permitted development. Other properties on Hawthorn Crescent have undertaken similar works and the loss of the area planted with shrubs is not considered to adversely affect the character and appearance of the area.
82. The alterations to the conservatory, replacement windows, cycle store and extended patio area to accommodate bins would all be located to the rear of the property where they would not be widely visible from public areas.
83. Residents have raised concerns that HMOs are often poorly maintained which adversely affects the visual amenity of the surrounding area. When considering

the appeal relating to 58 Bradford crescent, the Inspector considered the following:

84. *34. Interested parties have raised concerns that properties occupied as HMOs in the area are easily identifiable as such. It is argued that factors including poorly maintained properties and gardens, and an increased prevalence of litter and rubbish in their vicinity, contribute to adverse effects on the character and appearance of the area.*
85. *35. At my visit I observed several properties in the area displaying small window stickers and lettings boards bearing the name of student letting agents, indicating that they were HMOs. However, the properties otherwise bore limited indication of such use, and appeared externally similar to the majority of other properties in the area.*
86. Considering the above, the application does not warrant refusal on these grounds.
87. Taking the above into account, the proposed development is considered to have an acceptable impact, sustaining and conserving the character and appearance of the dwelling and the surrounding area, according with the aims of CDP Policies 16 and 29, DCNP Policies S1, H3 and D4 and Part 12 of the NPPF.

Highway Safety and Car Parking

88. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision.
89. In addition, CDP Policy 16 Part 3 d) states that changes of use from C3 dwellinghouses to C4 HMO's will only be permitted where the quantity of cycle and car parking provided has regard to the Council's adopted Parking and Accessibility Guidelines.
90. DCNP Policy T2 supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets. DCNP Policy T3 requires residential development including change of use to seek to provide storage facilities for cycles which should meet DCC Parking standards.
91. The NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 115 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
92. The property currently benefits from a driveway leading to a garage. The driveway is 4.35m long, which is short of the required 5.5m. The garage measures 2.26m wide by 5.5m long, which is short of the 3m by 6m required

by the Council's Parking and Accessibility SPD. The application proposes to increase the width of the driveway from 3.2m to 11m through the removal of the low brick wall and by replacing the area planted with shrubs with permeable block paving. These works could be achieved under permitted development. Whilst the host property features a relatively short frontage which restricts the length of its driveway, this is also the case for numbers 18, 20, 27, and 31 which also front onto Hawthorn Crescent at the point at which it connects from Willowtree Avenue and before it curves round to connect to Cedar Close.

93. The proposal would see the creation of two 45 degree car parking spaces. The Highways Authority recognise that whilst this is not ideal there is no scope to increase the existing driveway length to allow for 90 degree spaces. The existing garage is also proposed to be retained.
94. The Council's adopted Parking and Accessibility SPD 2023 requires three off-street parking spaces for both four and five bedroom dwellings. As such, even though the proposal would generally be expected to provide three spaces, so too would the existing dwelling. Given that the existing dwelling does not provide any car parking spaces of a sufficient size to meet the standards of the SPD, that the proposed additional bedroom would not require the provision of additional in-curtilage car parking spaces, and that the proposal would improve the current arrangement by creating two 45 degree spaces, the proposed arrangement is considered to be acceptable in this instance. It should be noted that the Inspector took a similar view when considering the appeal relating to 58 Bradford Crescent which did not benefit from any in-curtilage car parking space.
95. A widened dropped crossing would be required for the proposed parking spaces which would require the applicant to enter into a S184 agreement with the Local Highway Authority. If the application were to be approved, an informative could be added to the decision notice to remind the applicant of their responsibilities in this regard.
96. The SPD goes on to state at paragraph 4.17 that "*Where garages are not provided, secure parking suitable for a cycle, mobility scooter or motorbike be provided instead. The storage space should be around 2x2m or allow sufficient space for four cycles*". An enclosed cycle storage shelter measuring 2m by 2.4m and capable of accommodating four bicycles is proposed to be provided within the rear garden, replacing the existing shed. This could be reached via the side gate to avoid needing to take cycles through the house. This arrangement is considered to be acceptable and a condition is recommended to secure the provision of the bin storage area prior to the first occupation of the property as an HMO.
97. Therefore, the application accords with CDP Policies 16 and 21, Part 9 of the NPPF, and the Council's adopted Parking and Accessibility Standards SPD 2023.

Other Matters

98. A concern has been raised that there are poor public transport connections from the property to local shops. In this regard, criterion f) of CDP Policy 6 is permissible towards the development of unallocated sites where it would have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. The site is approximately 1km or a 14 minute walk from the Tesco Extra located within the Dragonville retail park which is identified as a District Centre by CDP Policy 9 and the property is already in use as a dwellinghouse where residents would travel to local shops. The proposal is considered to accord with criterion f) of Policy 6.
99. A concern has been raised that there is already a poor broadband connection in the area and the introduction of an HMO would put pressure on this. The application relates to an existing dwellinghouse and according to Ofcom superfast broadband is available in the postcode area serviced by Openreach, with Ultrafast Full Fibre Broadband planned to be introduced by December 2026. Therefore, no concerns are raised in relation to the property not being served by a high speed broadband connection.

CONCLUSION

100. In summary, it is considered that the principle of development is acceptable in planning terms and would accord with the aims of CDP Policies 6 and 16 subject to appropriate planning conditions described within the report and listed below.
101. When assessed against other relevant policies of the County Durham Plan it is not considered that the proposed small HMO in this location would unacceptably imbalance the existing community, nor would it result in any unacceptable impact upon the amenity of existing or future occupants 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 and Parts 9, 12 and 15 of the NPPF.
102. In addition, it is also considered that the development would have an acceptable impact on the character and appearance of the area and would, on balance, have an acceptable impact on residential amenity and highway safety in accordance with the aims of Policies 16, 21, 29 and 31 of the County Durham Plan, Policies S1, H3, D4, T1, T2 and T3 of the Durham City Neighbourhood Plan, and Parts 2, 4, 8, 9, 12, and 15 of the National Planning Policy Framework.

Whilst the concerns raised by Belmont Parish Council and local residents are noted, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application. The application is considered to accord with the relevant policies of the County Durham Plan, and with no material considerations to indicate otherwise the application is reported to the Committee with a recommendation to approve the application, subject to conditions.

Public Sector Equality Duty

103. 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.
104. 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 accordance with the following approved plans:

Location Plan 1400-01
Existing and Proposed Site Plan 1400-04
Proposed Floor Plans and Elevations 1400-03 A

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 18, 21, 29 and 31 of the County Durham Plan, Policies S1, H3, D4, T1, T2, and T3 of the Durham City Neighbourhood Plan, and Parts 2, 4, 5, 8, 9 and 12 of the National Planning Policy Framework.

3. 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 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 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.

4. Prior to first occupation of the small HMO (Use Class C4) hereby approved, the 2 no. car parking spaces as indicated on the Existing and Proposed Site Plan 1400-04 shall be constructed and made available for use. Thereafter they shall not be used for anything other than the parking of private motor vehicles.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan, Policy T2 of the Durham City Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.

5. The covered cycle store shown on the Existing and Proposed Site Plan 1400-04 shall be installed prior to the first use of the property as an HMO. Thereafter, the cycle store shall be retained for the lifetime of the development.

Reason: To encourage sustainable transport modes of travel in accordance with Policies 16 and 21 of the County Durham Plan, Policy T3 of the Durham City Neighbourhood Plan, and Part 9 of the NPPF.

6. The bin storage area comprising an extended patio area as shown on the Existing and Proposed Site Plan 1400-04 shall be created prior to the first use of the property as an HMO. Thereafter, the bin storage area shall be retained for the lifetime of the development.

Reason: To provide an appropriate location for bins to be stored in accordance with Policy 16 of the County Durham Plan.

7. The GypWall Resilient internal partition shown and detailed on the Proposed Floor Plans and Elevations drawing 1400-03 A shall be installed in accordance with the details included on this drawing prior to the first occupation of the ground floor bedroom. Thereafter, the internal partition shall be retained for the lifetime of the development.

Reason: To protect the occupant of the ground floor bedroom from noise generated from the use of the adjacent open plan lounge / kitchen / dining room in accordance with Policies 29 a) and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

8. The Student Management Plan submitted with the application shall be implemented in its entirety and retained for the lifetime of the development.

Reason: In the interests of residential amenity of existing and future neighbouring occupants in accordance with Policies 16, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

9. The development hereby approved shall not be subject to further works or internal room subdivisions that would result in the property containing more than 5 bedrooms.

Reason: To protect the living conditions of neighbouring occupiers in accordance with Policies 16, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Residential Amenity Standards Supplementary Planning Document 2023
Parking and Accessibility Standards Supplementary Planning Document 2023
Statutory consultation responses
Internal consultation responses



<p>Planning Services</p>	<p>Change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) including alterations to rear conservatory, raising of roof height of two-storey side extension, alterations to door and window openings, and formation of car parking area to front</p>	
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	<p>Date: 1st July 2024</p>	