



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/02164/FPA
Full Application Description:	Single storey rear extension to existing small HMO (Use Class C4) (description amended)
Name of Applicant:	Mr Peter Robson
Address:	3 Lawson Terrace Durham DH1 4EW
Electoral Division:	Neville's Cross
Case Officer:	Michelle Penman (Planning Officer) Tel: 03000 263963 Email: michelle.penman@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a two-storey mid-terrace property at Lawson Terrace within a residential area to the west of Durham City Centre. The property is also within Durham City Conservation Area.
2. The property fronts on to the public footpath and highway to the south-west and includes a small, enclosed yard to the rear. The property is currently in use as a 5-bedroom House in Multiple Occupation (HMO) falling within Class C4 of the Town and Country Planning (Use Classes) Order.

The Proposal

3. The application relates to the erection of a single storey rear extension to increase the floorspace of the existing kitchen/dining/living room.

4. Permitted development rights relating to alterations to the roof and the rear elevation have been removed through Article 4 Direction and as alterations to these elements of the existing dwelling require planning permission.
5. Whilst the application initially included conversion of existing attic space to use as habitable accommodation (achieved via installation of 4 no. rooflights) the application has since been amended to remove this element. This application therefore relates solely to the erection of the single storey rear extension.
6. The application is being reported to Central and East Planning Committee at the request of the City of Durham Parish Council on the grounds of impacts on the conservation area and residential amenity.

RELEVANT PLANNING HISTORY

7. The following planning applications are relevant to the current application:

DM/24/00121/FPA Change of use of existing small 5-bedroom (C4) House in Multiple Occupation (HMO) to a large 7-bedroom (Sui generis) HMO with rear dormer extension and installation of roof lights. Refused 20th May 2024.

4/12/00976/FPA Two-Storey Rear Extension and New Window Opening to Front Elevation. Approved 18th January 2013.

PLANNING POLICY

National Policy

8. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
9. *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.
10. *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.

11. *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.
12. *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.
13. *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.
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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
15. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

National Planning Practice Guidance:

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: historic environment; design process and tools; determining a planning application; healthy and safe communities; natural environment; noise; and use of planning conditions.

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

Local Plan Policy:

The County Durham Plan (CDP)

17. *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.
18. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
19. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
20. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.
21. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

22. *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.
23. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

Supplementary Planning Documents

24. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
25. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

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

Neighbourhood Plan:

26. The application site is located within the Durham City Neighbourhood Plan area.
27. *Policy D4 (Building Housing to the Highest Standards)* requires extensions and other alterations to existing housing to be of high quality design relating to: the character and appearance of the local area, aesthetic qualities, external and internal form and layout.
28. *Policy S1 (Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions)* requires all development proposals to demonstrate certain principles including: harmonising with its context in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping; and conserving the significance of Our Neighbourhood's designated and non-designated heritage assets.
29. *Policy H2 (The Conservation Areas)* requires development proposals within or affecting the setting of the Durham City Conservation Area to sustain and

enhance its significance as identified within the Conservation Area Appraisals and meet certain other requirements.

30. *Policy T2 Residential Car Parking* provides several criteria relating to proposal which have an impact on car parking.
31. *Policy T3 Residential Storage for Cycles and Mobility Aids* states that new residential development proposals for new build or changes of use should provide storage facilities for cycles and, where appropriate, mobility aids.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

32. *Highway Authority* – raise no objection and confirm that there would be no material impact on the local road network.
33. *City of Durham Parish Council* – objected to the original proposals, which included a single storey rear extension and loft conversion with installation of 4 no. rooflight, on grounds of impacts on the conservation area as a result of proposed unsympathetic alterations; impacts on the amenity of future occupants in terms of lack of outdoor space and non-compliance with NDSS requirements; and impacts on neighbouring amenity due to overlooking. They considered the development to be contrary to CDP Policies 16, 29, 31 and 44, DCNP Policy H2 as well as NDSS and the Council's adopted RASSPD.

Following amendments to the scheme which removed the proposed loft conversion element including rooflights, and escape window to proposed bedroom 5, the Parish Council were reconsulted and maintain their objection for the reasons stated above.

Internal Consultee Responses:

34. *Design and Conservation* – raise no objections, following amendments to the scheme to omit the loft conversion.
35. *Ecology* – following amendments to the scheme and having reviewed information and photographs of the site raise no objections, provided an informative is attached to any consent granted in relation to bats.
36. *HMO Data* – confirm that within a 100m radius of, and including No. 3 Lawson Terrace, 71.5% of properties are Class N exempt student properties as defined by Council Tax records. The application site currently benefits from this exemption.

Public Responses:

37. The application has been advertised in the local press (Northern Echo), by site notice and individual notification letters sent to neighbouring properties.
38. A total of 3 letters of objection have been received including representation from the City of Durham Trust.
39. The trust objected to the application citing a perceived adverse impact to the character and appearance of the conservation area due to inappropriate insertion of rooflights and alterations to fenestration, unacceptable reduction to the amount of private amenity space available within the rear yard, adverse impact to residential amenity resulting from a failure to meet NDSS standards and DCC standards for HMOs.
40. One of the objections received from an adjacent resident raised objection on the grounds of a lack of clarity in supporting information and proposed plans, and concerns relating to the proximity of the extension to a neighbouring property, concerns around the safety of the future occupants, adverse impact from overlooking, concerns around means of escape, a lack of sufficient gap between the extension and adjacent property which they consider would be harmful to drainage, ventilation and future maintenance.
41. As noted the application was subject to amendment and further comments were received from the local resident in response. They raised further objection to the application on grounds of the proximity of the extension to the neighbouring property and concerns around drainage, potential damp and vermin issues. Concerns were also maintained around the emergency escape window to bedroom 5 and overlooking of the neighbouring property.

Elected Members

42. No comments from Councillors received.

The above is not intended to repeat 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/search.do?action=simple&searchType=Application>

Applicants Statement:

43. I have applied for planning permission to extend the kitchen by 3 metres long and approximately 5 metres wide.

I have made all of the changes to the plan as requested by the planning department and this has satisfied them to the point that they have requested that the plan be withdrawn from your committee as the planning department is minded to pass the modified plan.

I believe that the committee has looked at a plan which shows development in the roof space for a bedrooms while one of the existing bedrooms is shown as a new bathroom.

All development of the roof void has been removed and only planning applied for is the extension of the kitchen which will enhance the living conditions of the tenants by giving them a brand-new kitchen and more living room area.

I have done this to enhance the living of my tenants and with only the number of tenants allowed in my existing HMO license.

In order to address the concerns of my next door neighbour regarding the party wall who was concerned that I was intending to build on it I have instructed my architect to inset the extension wall by 100mm, also the rainwater outlet is to be run on a gutter on my existing extension wall.

The fear that unsightly pipework for the drains has been overcome by laying the drains under the extension concrete slab and then connecting to the existing drains.

I am sure that my next door neighbours fears are well intentioned, but even if this is a party wall I would have been allowed to build on my half of it but in order to act in a reasonable manner I have inset my extension wall by 100mm.

I do however have concerns that this party wall is in an unsafe condition and should be attended to in order to avoid any accidents and to this end I will contact my neighbour to confirm who is responsible for maintaining this unsafe wall in a good condition.

As a good landlord of many years, I have always attended to the upkeep of my properties and firmly believe that my tenants have the right to live in well maintained houses with good decoration and furniture.

I believe that as a good landlord I should and do provide reasonably priced accommodation of a high standard and I would have expected the committee to applaud such sentiments.

PLANNING CONSIDERATION AND ASSESSMENT

44. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
45. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.

46. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Impact on Residential Amenity, Impact on the Character and Appearance of the Area, Ecology and Biodiversity Net Gain and Parking and Highways Safety.

Principle of Development

47. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and Durham City Neighbourhood Plan is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
48. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
49. The proposals relate to the erection of a single storey extension to the rear of the property to extend existing kitchen/dining/living space. As already noted, the proposals initially included conversion of the loft and installation of roof lights, however, the scheme was amended during the course of the application with these elements removed.
50. CDP Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan which are within the built-up area provided it accords with all relevant development plan policies and, among other criteria: is compatible with use on adjacent land; is appropriate in scale, design etc. to character of the settlement; it is not prejudicial to highway safety; and provides access to sustainable modes of transport. The site is not allocated but is located within the built-up area and is therefore considered to accord with the aims of Policy 6, subject to consideration of other relevant policies.
51. In addition, CDP Policy 16.3 (Houses in Multiple Occupation) is also potentially relevant to the proposal and relates to the extensions and alterations to HMOs. 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. 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.

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

- d. the quantity of cycle and car parking provided has regard to the Council's adopted Parking and Accessibility Supplementary Planning Document (SPD);
- e. they provide acceptable arrangement for bin storage and other shared facilities and consider other amenity issues;
- f. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and
- g. the application has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.

53. Paragraph 5.158 of the supporting text of Policy 16 states that where an area already has exceeded the 10% tipping point, it is considered that there is an existing imbalance between HMOs occupied by students and homes occupied by other non-student residents, which can be to the detriment of the residential amenity of the non-student residents in the area. On this basis it is recognised that an extension to an HMO which results in additional bedspaces and therefore potentially accommodates more students would introduce further students into an area where there are already concerns about the impact of the student population on the residential amenity of non-student residents. For this reason, extensions to HMOs to accommodate bedspaces where the 10% tipping point is exceeded will not be supported.

54. Paragraph 5.159 goes on to explain that the policy also applies to extensions which result in additional floorspace which means the property could be reconfigured to accommodate additional bedroom space. In this context, even if the extended part of the property is not intended to accommodate a bedroom or bedrooms, if a proposed extension would enable an internal reconfiguration of the property with the result of the creation of additional bedrooms, then the policy would apply.

55. The most recent up to date Council Tax information identifies that within 100m radius of, and including 3 Lawson Terrace, 71.5% of properties are class N exempt properties as defined by Council Tax records. The application site

currently benefits from this exemption. This is a significant proportion and clearly in excess of the 10% and therefore any additional bedrooms or floorspace that would result in potential additional bedspaces would be contrary to CDP Policy 16.

56. As already discussed, the application initially included conversion of the existing loft through installation of rooflights along with a single storey rear extension and wider reconfiguration of the property. Although the number of bedrooms would remain the same post reconfiguration, the site is located within an area where the 10% tipping point has already been exceeded and concerns were raised that the proposed new bathroom could potentially be retained as a bedroom thereby delivering additional bedrooms. As such, it was considered that the proposed extensions could therefore result in 'potential' additional bedspaces which would conflict with Policy 16.
57. The proposals were subsequently amended to omit the loft conversion but retain the single storey extension to the kitchen/diner. The LPA is satisfied that the revised arrangement would not deliver additional bedspaces or the potential for additional bedspaces and as such Part 3 of Policy 16 of the CDP is not considered relevant in the determination of this planning application.
58. In light of the above the development is considered to accord with Policy 6 of the CDP and is acceptable in principle subject to further considerations of the proposal material planning considerations discussed below.

Impact on Residential Amenity

59. NPPF paragraph 130 requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
60. CDP Policy 31 (Amenity and Pollution) displays broad accord with the aims of Paragraph 130 in this regard and sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Policy 29 (e) (Sustainable Design) states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
61. The application site is a mid-terraced property located within an existing residential area. Concerns have been raised regarding the proximity of the single storey rear extension to the neighbouring property, adverse impacts from overlooking, and a lack of adequate external amenity space. Concerns were initially raised in relation to the quality of the internal accommodation to be provided, having regard to Nationally Described Space Standards requirements and the Council's HMO standards, however, the proposals now relate solely to the single storey extension to the kitchen/dining/living area so NDSS standards

are not considered relevant given the proposal does not propose any material change in use or any net increase in the number of residential units.

62. The Council's Residential Amenity Standards SPD (2023) promotes high quality amenity and design standards and is primarily linked to CDP Policy 29. In relation to rear single storey extensions, it acknowledges that such extensions can create a particular impact on attached neighbours if the extension is located along the shared boundary. It is suggested that a solution to reduce the potential impact of an extension along a shared boundary is to reduce the length of the projection of the extension from the house to 3.0m.
63. The extension would be positioned on the boundary with no. 2 Lawson Terrace and to the northwest. It would have a lean-to style roof, rising away from the boundary and would measure approximately 3 metres in depth, 2 metres in width, 2.6 metres to the eaves and 3.2 metres in height overall. The existing boundary wall is approximately 1.8 metres high and the side wall of the extension would project around 0.7 metres above this. It is acknowledged that the extension would be more visible from the neighbouring property and would appear slightly more prominent than the existing arrangement. However, given the scale of the proposed extension in the context of the existing two-storey extension to the property and those in the surrounding area, and taking account of the area which is characterised by tight-knit terraced properties, it is not considered that the development would have a significant adverse impact on the amenity of the neighbouring property and their occupants.
64. The proposals initially included the installation of a new emergency first-floor escape window to the side elevation of the rear two-storey projection. However, this was subsequently removed via amendment to the application, and this is considered to adequately addresses concerns related to that element.
65. Concerns have also been raised in relation to the reduction in the amount of usable outdoor amenity space that would be retained for future occupants. However, it is noted that the depth of the rear single storey extension has been slightly reduced and it is considered that, on balance, sufficient amenity space would be retained post development and is an arrangement mirrored in terraced properties both in this part of the city centre and beyond.
66. Taking the above into account, the proposals are considered to provide a suitable quality of development in terms of residential amenity, and there would not be any significant adverse impacts to neighbouring occupiers from overlooking, overshadowing or loss of light or privacy in accordance with CDP Policies 29 and 31, Policy D4 of the DCNP and NPPF Part 15.

Impact on the Character and Appearance of the Area

67. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in discharging their planning responsibilities an LPA must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

68. NPPF paragraph 203 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Whereas 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.
69. CDP Policy 16 (f) requires the design of any extension to be appropriate in terms of the property itself and the character of the area and Policy 29 requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features. Policies 44 (Historic Environment) requires development to sustain the significance of designated and non-designated heritage assets and contribute positively to the built and historic environment.
70. Durham City Neighbourhood Plan (DCNP) Policy S1 requires development proposals, to conserve, preserve and enhance 'Our Neighbourhood' by harmonising with its context. Policy H2 requires proposals within or affecting the setting of the Durham City Conservation Area to sustain and enhance its significance. 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.
71. The proposals, as amended, relate to the construction of a single storey rear extension which would be finished in materials to match the existing property and will include a lean-to style roof.
72. The application property is considered a non-designated heritage asset, located within the designated heritage asset of Durham City Conservation Area. The site is also in an area controlled by an Article 4 (2) Direction. The locality is characterised by tightly knit Victorian residential terraces that share several characteristics including scale, simplistic house plans, strong building lines and uniformity. Lawson Terrace is a typical example of a late Victorian terraced street that characterises, and contributes positively to, the western part of Durham City Centre Conservation Area.
73. The Council's Design and Conservation officer was consulted on the proposals and commented that the development proposal is restricted to the rear and therefore the street frontage, which best displays the terraces heritage values, remains unaltered. They consider that the combination of the existing later two-storey mono-pitched roof extension with the proposed new one-storey lean-to extension is a common arrangement within this part of the conservation area.
74. With regards to the rear extension, the officer advised that the proposal would be assimilated within the back street environment, where there is a range of extensions of different forms, scales and massing evident above the rear boundary walls, and therefore would not result in any harm. They initially raised concerns with the number of roof lights proposed and requested details of the

style, however, these have now been omitted from the scheme which the officer welcomed, on the basis that the roof would be preserved.

75. Taking the above into account, the development would be considered to be appropriate to the existing property and in the context of the character of the surrounding area and would conserve the significance, character and appearance of the designated heritage asset. The development is therefore considered to accord with NPPF Sections 12 and 16, CDP Policies 16, 29 and 44, DCNP Policies S1, H2 and D4 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Ecology and Biodiversity Net Gain

76. NPPF Part 15 promotes the conservation and enhancement of the natural and local environment and minimising impacts on and providing net gains for biodiversity.
77. CDP Policy 41 (Biodiversity and Geodiversity) states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. In relation to protected species and their habitats. Policy 43 relates to protected species and seeks to prevent adverse impacts upon them.
78. Following amendments to the proposals, omitting the proposed works to the main roof, and submission of additional information the Council's Ecology section were consulted and confirmed that it's unlikely any potential bat roosts will be impacted and therefore an informative attached to any consent granted, regarding bats, would be sufficient in this instance.
79. From the 2nd of April 2024 the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications unless falling under one of the listed exemptions. This application was valid from the 19.08.2024 but is exempt from the legal requirement to deliver biodiversity net gains of at least 10% as the proposed development would impact less than 25m² of habitat.
80. Taking the above into account, the development would be in accordance with NPPF Part 15 and CDP Policies 41 and 43.

Parking and Highways Safety

81. Policy 21 of the CDP 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 accordance with NPPF Part 9 which promotes sustainable transport.
82. Policies T2 and T3 of the DCNP relate to development which would have an impact upon parking and new residential development respectively. In this case as the proposal now relates solely to a single storey rear extension to increase

the footprint of the existing kitchen, it would not have any impact upon parking and would not result in new residential development. As such, there is no conflict with either policy.

83. As already discussed, following amendments to the scheme the number of bedrooms would remain unchanged from the existing arrangement and therefore it is not considered reasonable to seek additional bin storage or car or cycle parking given the development would not result in any increased demand in this regard. The Local Highway Authority confirmed that as the number of bedrooms would remain at five, there would be no material impact on the local road network as a result of the change and, on that basis they raise no objections.
84. The development is therefore considered to accord with NPPF Part 9, CDP Policy 21, DCNP Policies T2 and T3 and the DCC Parking Standards SPD.

Other Matters

85. Concerns have been raised in relation to the proximity of the extension to no. 2 Lawson Terrace and potential for the development to result in future drainage and vermin issues. The applicant has confirmed that no guttering or drainage will overhang the boundary and whilst the matter is considered a civil issue between the parties involved the applicant has nevertheless updated the proposed floor plans to show the position of internal appliances which would drain water to provide some assurance/clarity.

CONCLUSION

86. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
87. In this instance, following amendments to the scheme, it is concluded that the principle of development is considered acceptable and relates to a modest extension to a property which has an existing use as a HMO and would not result in either additional bedspaces or the potential for additional bedspaces. Consequently, the requirements of policy 16 of the CDP are not relevant.
88. When assessed against other relevant policies of the County Durham Plan, subject to suitable conditions, the development would not be considered to result in any unacceptable impacts upon the amenity of existing or future occupants, it would conserve the significance, character and appearance of the conservation area and the property itself as a Non Designated Heritage Asset and would have no harmful impacts on highway safety or ecology.
89. The development is therefore considered to accord with the aims of Policies 6, 16, 21, 29, 31, 41, 43 and 44 of the County Durham Plan, Policies D4, S1 and

H2 of the DCNP, Parts 8, 9, 12, 15 and 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

90. Whilst the concerns raised by the City of Durham Parish Council, City of Durham Trust and local residents are noted, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application.

Public Sector Equality Duty

91. 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.
92. 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 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 29, 31 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework.

3. 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 and 44 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan (2020)

- o Residential Amenity Standards SPD (2023)

- o Parking and Accessibility SPD (2023)

Statutory consultation responses

Internal consultation responses

External consultation responses



Planning Services

Single storey rear extension to existing small HMO (Use Class C4) (description amended)

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Comments

Date: 6.1.2025