

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/15/00187/FPA & DM/15/00188/FPA
FULL APPLICATION DESCRIPTION:	Change of use C4 student HMO to 7 bed sui generis student HMO, demolition of rear extension and erection of rear extension.
NAME OF APPLICANT:	Dr W Pollard
ADDRESS:	No's 4 and 16 Wynyard Grove, Gilesgate, Durham, DH1 2QJ
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Laura Martin, Planning Officer 03000261960 Laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. **SITE:** The application sites are 4 and 16 Wynyard Grove which are Victorian terraced properties, utilized as student accommodation providing 6 bedrooms in each. The sites sit within the Durham City Centre Conservation Area.
2. **PROPOSAL:** The planning application proposes to change the use of each property from class C4 HMO (6 beds) to Sui Generis HMO (7 beds). The works would also involve the demolition of an existing rear extension and the erection of a new rear extension. This would house bedroom 2 at ground floor level. Two separate applications are being considered, but are presented together in this joint report as the planning issues are the same and because of the close proximity of the sites.
3. The applications are brought before members of the Planning Committee at the request of Cllr Bill Moir.

PLANNING HISTORY

4. Whilst there is no planning history for the two application sites there are other approval of a similar nature within the vicinity under the following references:-
5. 7 Wynyard Grove DM/14/03219/FPA- Change of use from class C4 HMO (6 beds) to sui generis HMO (7 beds) and 20 Wynyard Grove DM/14/03220/FPA- Change of use from class C4 HMO (6 beds) to sui generis HMO (7 beds)

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning

policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles' .
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
9. The following elements of the NPPF are considered relevant to this proposal;
10. *NPPF Part 7 – Requiring Good Design.* 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.
11. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance

12. LOCAL PLAN POLICY:

Policy E6: Durham (City Centre) Conservation Area.

Policy E22: Conservation Areas.

Policy H9 (Multiple Occupation/Student Households)

Policy H13 (Residential Areas – Impact upon Character and Amenity)

Policy Q9: Alterations and extensions to residential property.

Policy T1: Highway Safety.

13. Emerging policy

The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. However, the Inspector's Interim Report following stage 1 of the Examination process, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. The Council is currently considering the options available and in light of this it is considered that no weight should be afforded to the CDP at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

14. City of Durham Trust- Object to the applications and advise that the applications are considered to be contrary to policy.

INTERNAL CONSULTEE RESPONSES:

15. Design and Conservation- Raises no objections to either scheme
16. Environmental Health Noise Team- raises no objections
17. Highways Section- Raises no objections to either application

PUBLIC RESPONSES:

18. The application was advertised by means of a Press and Site notice and by letter to neighbouring properties within the area. No letters of representation have been received in respect of either application.

APPLICANTS STATEMENT:

19. The current uses of the dwellings are as C4 student accommodation houses No. 4 is a 4 bedroom terraced student dwelling and No.16 is a 3 bedroom terraced student dwelling.
20. The proposed extensions will allow for the ground floor to include 2 bedrooms, along with a new shower room and shared kitchen/dining/living space. Internal alterations to the first floor provide an extra 1 bedrooms and a new staircase leading to a loft conversion. The new loft will contain 2 extra bedrooms with a shared bathroom. These facilities will meet and exceed the standards required by the Environmental Health. The properties will be correctly licensed and run by a reputable landlord and agent combination. The buildings generally maintenance and appearance will be improved and the safety and comfort of the students greatly improved.
21. The apparatus for the protection of life will be brought to and exceed current requirements will full fire alarms and escape lighting included. The quality of the accommodation for the occupants will also be greatly improved and brought to modern expected standards
22. The proposals have been examined by the conservation officers and have generated no objections, but some minor points of comment that have been implemented in revised proposals.
23. Permitted Development rights were confirmed by the Planning Inspectorate that "*Houses in Multiple Occupation, including those which fall within Class C4 can benefit from the permitted development rights granted to dwellinghouses by the GDPO*". This was confirmed under advice produced by the Planning Inspectorate for use by its Inspectors – 15 January 2014
24. A simple modification to the proposals to remove the bedroom at ground floor in the rear extensions will reduce the properties to fall back under C4 and thus benefit from the Permitted Development rights expressed above. This approach was full tested and discussed with Durham City Planners with the conversion of 7 & 20 Wynyard Grove in 2014 now approved and in use. These were then later further extended to achieve the same result as the current proposal under DM/14/03219/FPA and DM/14/03220/FPA respectively.
25. The property is well served by public transport and is on a major public transport network route into the city. The properties are a mere 50 meters away from the bus stop into the city named Gilesgate Moor Sherburn Road End. This stop is served by 4 regular routes numbered 20, 20a, 64 and 265 with frequency every 20 minutes on one of those routes alone. Only marginally further to the A181 a further bus stop is served by routes 22, 24, 24x and 208 at similar frequencies, thus residents will never be short of a bus service into the city. Residents will be made fully aware that the properties have no parking facilities at all; this fact is advertised in the rental particulars of the dwelling. Use of cycles and public transport will be promoted by the landlord.

26. Given the amount of student properties on Wynyard Grove (23 out of 24) and the fact these two properties are already student rentals citing Over Studentification seems somewhat a mute point.
27. Given that the properties are away from the recognised City Centre student areas and into the Gilesgate area, thus reducing pressure on city centre housing studentification, it could be expected that applications further afield would be encouraged. That would seem to be the point or the natural outcome of the emerging policy limiting amount of student properties street by street. The student area will expand if their housing need is to be met.
28. It could also be argued therefore that intensifying the bedroom numbers in single dwellings safely actually reduces pressure on other housing stock. The 14 students accommodated by these two applications could either be housed in these two dwellings or spread over 4 or 5 dwellings left in standard 3 bedroom configurations.
29. Whilst citing the emerging policy for numbers of student housing its noted that the council plan has recently been rejected, its therefore unclear how much weight can actually be put the this new policy.
30. The actual difference between a PD solution and a COU application is we would argue de-minimis, of little or no significance to the outcome, harm or amenity to local residents.

The above 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 <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

31. 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 in this instance relate to the principle of development, layout and design and highway safety.

Principle of Development

32. Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
33. Policy H9 relates to the conversion of houses for multiple occupation. It states that such development will be permitted provided that adequate parking, privacy and amenity areas are provided, provided it will not adversely affect the amenities of nearby residents, provided it is in scale and character with its surroundings, provided it will not result in concentrations of sub divided dwellings to the detriment of the range and variety of the local housing stock and provided it will not involve significant extensions or alterations.
34. Wider concern over the habitation of property by students is noted, although no comments have been received from nearby residents in relation to these applications. It is acknowledged that students may have different lifestyles to other residents on the street. In relation to the C4 use class which both properties current fall under they would be capable of providing up to 6 bedrooms without the need for further planning consent. Therefore the increase in occupancy at the properties by one person, in Officers opinion would not be significantly noticeable and would not have any noticeable or tangible detrimental impact on the balance of accommodation in the street scene or existing residents within the street. Yard areas are provided of

a standard size reflective of this type of property for external amenity with a kitchen/lounge and dining room providing internal amenity space.

35. On this basis, the principle of the proposals is considered to be acceptable and in accordance with local policies.

Layout and Design

36. In relation to the proposed demolition works, outbuildings can be of some interest as they were once a common feature to the rear of the Victorian terraced properties throughout the conservation area, many of which have already been lost to development. In this particular case the historic and aesthetic merits of the existing outbuildings are not considered to be sufficient to insist upon their retention, and the removal would not be to the detriment of the terraces or conservation areas significance.
37. The replacement extensions would be comparable to the structures they would replace with only a slight increase in footprint and they would be located in the same position which is appropriate. They would be subservient to the host properties and of a simple mono pitched design again reflective of the existing outbuildings. In wider terms, the rear of the street is visible from the main street frontage along Gilesgate but it is negatively affected by a number of modern rear extensions which vary in heights, roof forms and materials. These, along with insensitive alterations to the host buildings, combine to generate a highly altered rear historic street scene of limited aesthetic quality. As a result the proposed extensions would easily be absorbed into the existing rear built forms without detriment to the character or appearance of the locality. Furthermore, the proposals would satisfy the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by preserving the character and appearance of the Conservation Area.

Highways

38. Whilst there is no on-site parking in association with the properties they are located as such to have excellent access to public transport and are within walking distance of the city centre itself. The Highways Section has raised no objections in relation to either application and as such no concerns are raised in this respect.

CONCLUSION

39. In conclusion it is considered that due to both properties currently operating under a C4 use class they already have the potential to operate with 6 bedrooms. As such it is considered that the introduction of a seventh bedroom at both properties would not be significantly noticeable and would not have any noticeable or tangible detrimental impact on the balance of accommodation in the street scene or existing residents within the street.
40. In relation to the impact upon the designated Conservation Area due to the amount of changes and extensions which have already taken place in the rear yard areas to both properties the proposed extension would easily be absorbed into the existing rear built forms without detriment to the character or appearance of the locality.
41. As a result it is considered that the proposed changes of use would not adversely impact upon the current levels of amenity enjoyed at the site or upon the designated

conservation area and as such it is considered the development is in accordance with National and Local Planning Policy.

RECOMMENDATIONS

That the application **DM/15/00187/FPA** be **APPROVED**

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Drawing No. 838-01 and 838- 02A

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E6, E22, H9, H13, Q9 and T1 of the City of Durham Local Plan 2004.

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STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

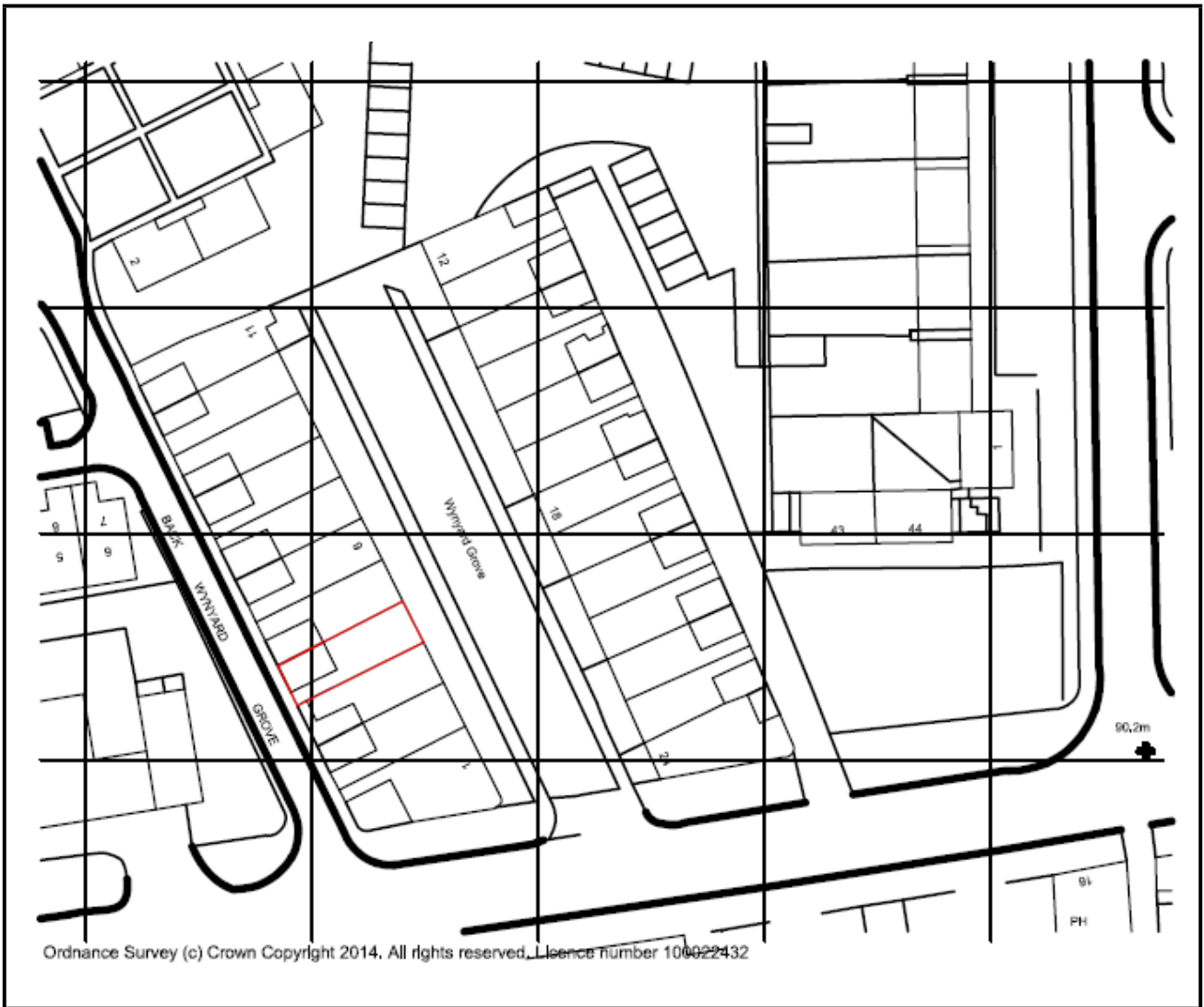
Submitted application forms, plans supporting documents and subsequent information provided by the applicant.


The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

City of Durham Local Plan 2004

Statutory, internal and public consultation responses



 <p>Durham County Council</p> <p>Planning Services</p>		
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	<p>Date 10th March 2015</p>	



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Planning Services

Change of use C4 student HMO to 7 bed sui generis student HMO
 demolition of rear extension and erection of rear extension at
 16 Wynyard Grove, Gilesgate,
 Durham

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Date
10th March 2015