

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/15/03887/FPA
FULL APPLICATION DESCRIPTION:	Change of use and extension from C3 dwelling to 7 bedroom sui generis student HMO with internal alterations, conversion of loft space, and single storey rear extension.
NAME OF APPLICANT:	Dr W Pollard
ADDRESS:	17 Wynyard Grove, Gilesgate, Durham, DH1 2QJ
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Susan Hyde, Planning Officer, 03000 263961 susan.hyde@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

- 1.SITE: The application site relates to 17 Wynyard Grove, a Victorian terraced property which is a C3 dwelling house with two bedrooms. The site is located within the Durham City Centre Conservation Area.
2. PROPOSAL: The planning application proposes to change the use of a C3 dwelling with 2 bedrooms to a Sui Generis HMO (7 beds). The works would also involve the demolition of an existing rear extension and the erection of a new single storey rear extension. The property is proposed provide 2 bedrooms at ground floor level, 3 bedrooms at first floor level and 2 bedrooms at second floor level.
3. The application is brought before members of the Planning Committee at the request of Cllr Moir and Cllr Conway for the reason of the size of the expansion of the property and because two other properties in the street have had a similar application agreed recently.

PLANNING HISTORY

4. Whilst there is no planning history for the application site there are other approvals 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)
6. 20 Wynyard Grove DM/14/03220/FPA- Change of use from class C4 HMO (6 beds) to sui generis HMO (7 beds)
7. 4 Wynyard Grove DM/15/00187/FPA- Change of use from class C4 HMO (6 beds) to sui generis HMO (7 beds)

8. 16 Wynyard Grove DM/15/00188/FPA- Change of use from class C4 HMO (6 beds) to sui generis HMO (7 beds)

PLANNING POLICY

NATIONAL POLICY

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.

8. 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'.
9. 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.
10. The following elements of the NPPF are considered relevant to this proposal;
11. 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.
12. 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

County Durham Plan:

13. 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. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

LOCAL PLAN POLICY:

14. 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.

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:

15. County Highway Officer- Raises no objections to the application.

INTERNAL CONSULTEE RESPONSES:

16. Design and Conservation- Raises no objections to the proposal subject to conditions.

17. Environmental Health Noise Team- raises no objections

PUBLIC RESPONSES:

18. The application was advertised by means of a Press and Site notice and by letter to neighbouring properties within the area. Two responses were received.

19. City of Durham Trust- Object to the application but note that this is the last house on the street not occupied as a student house in multiple occupation and as such seeking a refusal on this application would be like closing the stable door after the horse has bolted.

20. Durham Constabulary do not object but express concern about the adverse effect a concentration of HMO's can have on a community. They note that they have received numerous complaints about parking by Wynyard Grove residents.

21. The Police also comment that the average HMO tenant tends to be short-term and as a consequence does not have the same commitment to the community. He comments this is particularly the case when the HMO is student accommodation which stands empty for several months a year. He notes that this can lead to a breakdown in community cohesion which leads to an increased demand on Police services.

APPLICANTS STATEMENT:

22. To the best of our knowledge, this is the last C3 dwelling on Wynyard Grove therefore property is unlikely to attract a C3 family household, the lack of garden amenity and adequate family parking would also be factors against its future use as a viable family home. Furthermore the significant modernisation needed to bring it current modern living standards is financially significant. This is therefore in line with the interim policy on student conversions namely: e) *Where the remaining C3 dwellings would be unappealing and effectively unsuitable for family occupation.*

23. Given the amount of student properties on Wynyard Grove (23 out of 24) citing Over Studentification seems somewhat a mute point. The interim policy states : *d) Where an area already has such a high concentration of HMOs that the conversion of remaining C3 dwellings will not cause further detrimental harm* This stated policy is entirely relevant to this application.

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. This approach was full tested and discussed with Durham City Planners under previous applications DM/14/03219/FPA, DM/14/03220/FPA, DM/15/00187/FPA and DM/15/00188/FPA. Therefore 4 dwellings already exist on Wynyard Grove with the exact same conversion operated by the same applicant. 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.

25. The design of the extension is appropriate in terms of the property itself and the character of the area in accordance with relevant saved policies of the City of Durham Local Plan. The property is well served by public transport and is on a major public transport network route 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.

PLANNING CONSIDERATIONS AND ASSESSMENT

26. 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, residential amenity and highway safety.

Principle of Development

27. Policy H13 of the City of Durham Local Plan 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.

28. 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.

29. Wider concern over the habitation of property by students raised by the Police and the Durham City Trust is noted, although no comments have been received from nearby residents in relation to these applications. It is also acknowledged that students may have different lifestyles to other residents in the area. The application site currently has a C3 dwelling house use class and is the last C3 use on the street with all the other properties being occupied as C4 houses in multiple occupation or sui generis houses in multiple occupation with more than 6 people living together with communal facilities. Officers' opinion is that the balance on this street has already been lost. Therefore the increase in occupancy of one additional property to a sui generis use 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.

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

Layout and Design

31. The existing single storey extension on the rear elevation is a timber construction and is not a traditional extension to the property. As such the Conservation Officer raises no objection to the loss of this extension.

32. The replacement single storey extension would be comparable to the structure it would replace with only a slight increase in footprint and it would be located in the same position which is appropriate. It would be subservient to the host property and of a simple mono pitched design again reflective of the existing outbuildings in the street. The materials also match the existing property. In wider terms, the rear of the street is visible from the main street frontage along Gilesgate but it is already negatively affected by a number of modern rear extensions which vary in heights, roof forms and materials. These, along with the existing 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 single storey extension 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.

Residential Amenity

33. The proposal is to alter the existing two bedroom property to a seven bedroom property with communal facilities. It is currently permitted development to alter a C3 house to a C4 house for up to 6 people to live with communal facilities and the applicant has included a supporting statement to explain that if planning permission was refused he would implement this permitted development right. An article 4 direction is currently out for public consultation to restrict the permitted development right to change from a C3 use to a C4 use and this restriction of the use class could be implemented from September 2016. Although the alteration from 2 bedrooms to seven is an increase in five bedrooms this is accommodated internally within the existing host dwelling and a single storey extension. The standard of accommodation provided is similar to that provided in the 4 properties detailed in the planning history on this street and the existing window to window space about dwellings arrangement is not altered. As such residential amenity will not be detrimentally affected in this way. The change from two bedrooms to seven bedroom will lead to more comings and goings from the property. However the dwelling is now located in a street with similar HMO properties and so the level of additional disturbance is likely to be similar to the way adjacent properties are occupied. As such the impact on residential amenity in this location is not considered to be materially different to neighbouring properties.

Highways

34. Whilst there is no on-site parking in association with the property, it is in a location that has excellent access to public transport and within walking distance of the city centre itself. The Highways Section has raised no objections to the application and as such no concerns are raised in this respect.

CONCLUSION

35. In conclusion it is considered that due to the location of this property being on Wynyard Grove where the proportion of student properties on the street is almost 100% that the balance of this street to student properties has been lost. As such it is considered that the introduction of a further student property would not have any noticeable or tangible detrimental impact on the balance of accommodation in the street scene.

36. 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 the proposed extension would easily be absorbed into the existing rear built forms without detriment to the character or appearance of the locality.

37. As a result it is considered that the proposed change 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.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions/reasons

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 shall be constructed in strict accordance with the approved plans validated on the 17th December 2015 drawing no. 888-01 and 888-02 existing and proposed plans, elevations and floor plans.

Reason: To ensure a satisfactory standard of development in accordance with Policy H13, E22 and T1 of the City of Durham Local Plan 2004

3. Notwithstanding the submitted details the roof lights shall be conservation style roof lights.

Reason: To ensure a satisfactory standard of development in the Conservation Area in accordance with Policy E22 of the City of Durham Local Plan 2004.

4. Before the development commences full details of the proposed alterations to the windows on the rear elevation and any amendments to the gutters and downpipes shall be submitted to the Local Planning Authority and approved in writing. The submitted details shall include details of the materials, design, colour and finish. The windows, gutters and downpipes shall then be implemented in accordance with the agreed details.

Reason: In the interests of visual amenity in the Conservation Area in accordance with Policy E22 of the City of Durham Local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application 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



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Planning Services

Change of use and extension from C3 dwelling to 7 bed sui generis student HMO with internal alterations, conversion of loft space and single storey rear extension.

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Comments

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