

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01494/FPA
FULL APPLICATION DESCRIPTION:	Two storey rear extension for a house in multiple occupation.
NAME OF APPLICANT:	Miss Anika Sarania
ADDRESS:	16 Whinney Hill, Durham. DH1 3BE.
ELECTORAL DIVISION:	Elvet and Gilesgate
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 16 Whinney Hill, Durham. The property is a semi-detached dwelling in C4 use as a house in multiple occupation and has four first floor bedrooms. The site is located within the Durham City Centre Conservation Area.

Whinney Hill is located within the eastern part of the Conservation Area and is an elevated street climbing steeply from its Old Elvet-Green Lane junction to the north, terminating at the roundabout of Hallgarth Street, Stockton Road, and Shincliffe Road in the south. The area is characterised by inter-war semi-detached housing, originally local authority housing stock providing accommodation for the prison officers at HM Prison Durham which forms an abrupt end to the street. The properties are arranged in short blocks either lining the main street or in cul-de-sacs, and are typical designs of social housing of their time.

The property in question No 16 is positioned on the east side of the street at approximately mid-point forming part of the group of properties in front of Whinney Hill School. The property, like the others, is considered to be of limited interest historically and architecturally, but the overall street plan of varying topography with landscape features combine to generate a good quality distinctively suburban character which positively contributes to the Conservation Area. Furthermore, due to the streets rising nature and designed breaks within the building lines impressive views towards Durham Cathedral can be gained.

2. **PROPOSAL:** The planning application proposes to add a 2.8 metre deep two storey extension on the rear elevation of the property to extend the existing bedrooms but not add any new bedrooms so the number of bedrooms in the property remains 4. At ground floor level the extension is proposed to provide a dining area.

3. The application is brought before the Planning Committee at the request of Cllr David Freeman as residents have concerns that the extension will lead to two additional bedrooms for students and concerns about the impact of student living on the local community.

PLANNING HISTORY

4. 4/07/00721/FPA – Planning permission was refused for the erection of a two storey pitched roof extension to the rear of existing dwelling due to scale of the extension and the overshadowing on the neighbours property.
5. 4/07/00991/FPA - Erection of one and two storey pitched roof extensions to rear of existing dwelling.

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. 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. Part 6 - Wide Choice of High Quality Homes

12. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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. One response was received from Whinney Hill Residents Group. The main concerns raised are:

- a) Although the floor plan shows no increase in bedroom numbers there is likely to be 2 additional bedrooms created to form a 6 bedroom house in multiple occupation.
- b) Although the floor plan appears to be a family house the house is occupied by 4 students. (Planning Officers checked this with the agent and he has confirmed the house is occupied by 4 students as a house in multiple occupation.
- c) High concentrations of students have a detrimental impact on the local environment and social cohesion from additional noise, parties and late night activity. This disturbs residents sleep and enjoyment of their home and garden.
- d) There are elderly, young and working people living in the community that do not wish to be disturbed at night.
- e) Houses on Whinney Hill have restrictive covenants requiring them to be occupied only as family housing.
- f) The proposal is contrary to the Local Plan Policy, the Interim Policy on Student Accommodation and the National Planning Framework.

APPLICANTS STATEMENT:

19. The Agent acting on behalf of the Applicant was invited to submit a statement in support of this application. At the time of report preparation, no statement has been received

PLANNING CONSIDERATIONS AND ASSESSMENT

20. 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

21. 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. In addition paragraph 50 of the NPPF seeks to create sustainable, inclusive and mixed communities.

22. Policy H9 relates to the conversion and alteration 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.

23. An Interim Policy on Student accommodation is a publically available document that has been advertised and available for a year and was adopted by full Council on 13 April 2016 sets. This sets out how the issue of concentration of students will be considered in relation to HMOs in association with Policy H9. It states that in order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, applications for extensions to Houses in Multiple Occupation that result in additional bed spaces will not be permitted if more than 10% of the total number of properties within 100 metres of the application site are already in use as HMOs or student accommodation exempt from council tax charges.

24. Wider concerns over the habitation of property by students raised by the Whinney Hill Residents Group are noted. The application site currently has a C4 house in multiple occupation occupied by 4 students. It is located in a street that has a mixture of C3 dwellings and C4 houses in multiple occupation. Policy H9 seeks to ensure that HMO's will not become concentrated in an area to the detriment of the range and variety of the housing stock. The Interim Policy above expands on the interpretation of the concentration of students to specify it should not be above 10% of the housing stock. In this case the current proportion of student properties is 50%. As such the proportion of student properties is over that specified in the Interim Policy and this application should not increase the concentration of students. The interim policy also specifies that extensions should not result in additional bed spaces. In this case the planning application shows the number of bedrooms remains the same at 4 bedrooms. A condition is therefore proposed that retains the number of bedrooms to 4 in the property.

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

Layout and Design

26. The existing semi-detached dwelling has not been extended and the application adds a 2.8 metre two storey extension onto the rear elevation. The extension is considered to meet the terms of Policy Q9 of the Local Plan in that it is pitched roofed, the design and scale is in keeping with the host property and it is set back from the neighbours property which reduces its impact on the residential amenity of the adjoining semi-detached property.

27. In design terms, in 2007 a 2-storey rear extension was refused due to the harm arising from its unbalanced design where part would have projected outwards beyond the side building line of the host building resulting in a feature out of character within the area and visible from the main street. A revised proposal was then approved for the erection of a part 1 part 2-storey pitched roof extension constructed flush with the side of the property but this has not been built. This current submission essentially maintains the same 2-storey element of the previous approval but extends the single-storey component upwards. This increased scale and massing would still result in an extension with sufficient subordination due to the inclusion of a lower ridge level and inward set from one side so that it would not encompass the entire rear elevation of the property. On the opposite side the extension is in alignment with the side elevation of the property.

28. The proposed extension would incorporate appropriate detailing such as the steepness of the roof pitch, the brick-on-edge banding, and the use of render to the upper floor, while the window sizes and proportions echo those within the main dwelling, and the materials proposed for use are specified to match; as such the design is considered sympathetic and acceptable.

29. In terms of the impact upon the conservation area, the 2-storey extension would be located to the rear of the property which has a good degree of concealment. The side elevation would be visible in the gap between the site and the neighbouring property but there are many similar examples of this in the area, and due to the thoughtful design it would not be considered visually intrusive in the context of the streetscape. The proposed development overall would be considered to make a neutral contribution to the character and appearance of the conservation area and heritage asset. As such the proposal 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

30. The rear extension projects from the property by 2.8 metres with blank elevations on both side elevations and windows in the rear only. The impact on residential amenity is considered to be reasonable with the extension not introducing any overlooking onto the neighbouring property. The extension is set in from the adjoining property at no. 15 and as such the impact on the outlook from the habitable room windows is considered to be acceptable. One issue to note is that no. 17 to the north has two windows on the side elevation of their extension which appear to relate to a bathroom and an additional window into a kitchen. The bathroom is non habitable and the kitchen window has the benefit of a main window to the front and rear of the property. As such no objection is raised on residential amenity grounds.

Highways

31. 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.

Comments on Neighbours Objections

32. The objections raised by local residents are addressed in the main body of the report above. However an additional concern was raised that related to the properties having a covenant on them that prevents them from changing from a family dwelling to a house in multiple occupation. The covenant relates to separate legislation that is not part of the planning system and as such is not relevant to the determination of this planning application. A grant of planning permission would not override any legal covenant.

CONCLUSION

33. In conclusion the planning application proposes an extension that is in keeping with the character and appearance of the Conservation Area. Residential amenity is not considered to be detrimentally affected by the application. In relation to the mix of student houses and C3 properties this application proposes to retain the same number of bedrooms which is 4. As such in accordance with Local Plan Policy C9 and the Interim Policy on Student Accommodation it is considered that providing the number of bedrooms is retained as 4 there should be no additional concentration of students at this property. The application is therefore recommended for approval with a condition that restricts the number of bed spaces within the property to 4.

34. As a result it is considered that the proposed extension 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 10th May 2016 drawing no. R4088-3, R4088-1 and R4088-1 existing and proposed plans, elevations and floor plans and the submitted Heritage Statement.

Reason: To ensure a satisfactory standard of development in accordance with Policy H9, H13, E22, T10 and T1 of the City of Durham Local Plan 2004 and the Interim Policy on Student Accommodation.

3. The number of bed spaces in the property shall not exceed 4.

Reason: In the interests of providing a sustainable, inclusive and mixed community and to control the concentration of students in the Whinney Hill Area in accordance with Paragraph 50 of the NPPF, Policy H9 of the City of Durham Local Plan 2004 and the Interim Policy on Student Accommodation.

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



Planning Services

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Two storey rear extension for a house in multiple occupation.

Comments

16 Whinney Hill, Durham, DH1 3BE

Date July 2016