

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** DM/18/01671/FPA

**FULL APPLICATION DESCRIPTION:** Two storey and single storey rear extensions and internal alterations to provide 2no. additional bedrooms to an existing C4 (small HMO)

**NAME OF APPLICANT:** Mr Sanjay Tulsidas  
11 Prospect Terrace

**ADDRESS:** Nevilles Cross  
Durham  
DH1 4JH

**ELECTORAL DIVISION:** Nevilles Cross

**CASE OFFICER:** Michelle Hurton  
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## DESCRIPTION OF THE SITE AND PROPOSALS

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### SITE:

1. The application site relates to a terraced property which has already been converted into a small house in multiple occupation (HMO) located on Neville's Cross Bank. The property currently has three bedrooms with one including a WC and one bathroom including a WC and a shower at first floor level and at ground floor a living room, a kitchen/dining room and a WC.

### PROPOSAL:

2. Full planning permission is sought for the erection of a two storey flat roof and a single storey pitched roof extension to the rear of 11 Prospect Terrace. It is also proposed to amend the internal layout of the property to provide 2no. additional bedrooms to an existing C4 (small HMO).
3. Internally the building is to be reconfigured to allow the creation of a 5-Bed HMO. The property is currently empty because it is being purchased by the applicant for this application. However prior to the property being marketed it was occupied by 3no. unrelated occupants and therefore has an existing C4 use which predates the Article 4 Direction.
4. An article 4 direction is in place in this area that controls further change of use of houses that are in a C3 family house use to a C4 house in multiple occupation.

5. The application is brought before members of the planning committee at the request of Councillor Brown due to concerns raised in relation to the impact on parking and the size of bedroom 2 in relation to minimum space standards in the new HMO regulations which come into force in October 2018.

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## **PLANNING HISTORY**

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6. 4/03/00879/FPA - Erection of two storey pitched roof extension to rear of existing dwelling – Withdrawn
7. 4/05/00497/FPA - Erection of two storey pitched roof extension to rear of existing dwelling - Refused

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

#### *National Planning Policy Framework*

8. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. NPPF Part 6 - Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
11. 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.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### **LOCAL PLAN POLICY:**

#### *City of Durham Local Plan 2004*

12. Policy H9 (*Multiple Occupation/Student Households*) The sub-division or conversion of houses for flats, bedsits or for multiple occupations, or proposals to extend or alter properties already in such use will be permitted provided that adequate parking (in accordance with Policy T10), privacy and amenity areas are provided or are already in existence, it will not adversely affect the amenities of nearby residents, it is in scale and character with its surroundings and with any neighbouring residential property, it will not result in concentrations of sub-divided dwellings to the detriment of the range and variety of the local housing stock and it will not involve significant extensions having regard to Policy Q9, alterations or rebuilding which would unacceptably alter the character or scale of the original dwelling.

13. Policy H13 (*The Character of Residential Areas*) Planning Permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas; or the amenities of residents within them.
14. Policy T1 (*Traffic Generation – General*) The council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
15. Policy T10 (*Parking – General Provision*) Vehicle parking off the public highway in new development or redevelopment should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development. On average, in residential developments, off road provision should not exceed 1.5 spaces per dwelling.
16. Policy Q1 (*New Development – General Principles*) The layout and design of all new development should take into account the requirements of users, incorporating personal safety and crime prevention, the access needs of people with disabilities, the elderly and those with children and the provision of toilet facilities, public seating, and signing where appropriate.
17. Policy Q9 (*Alterations and Extensions to Residential Property*) The design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area. Wherever possible the alteration or extension incorporates a pitched roof, the alteration or extension respects the privacy of adjoining occupiers of the property and the alteration or extension will not create a level of multiple occupation.

#### **EMERGING POLICY:**

18. 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.

*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.durham.gov.uk/media/3396/City-of-Durham-local-plan-saved-policies/pdf/CityOfDurhamLocalPlanSavedPolicies.pdf>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

19. Cllr Brown – Requested that the application be reported to committee, objections raised in relation to the impact on parking and the size of bedroom 2 being only 0.75 sqm over the minimum space standards for a single person as stated in the new HMO regulations which come into force in October 2018.
20. Parish Council – objects to the proposal in relation to the impact on parking and the size of the rooms. The Parish have concerns that the minimum standards for a room being 6.51sqm is not adequate for students given that they will need space to study, therefore they believe a more reasonable room size should be 8sqm.

#### **INTERNAL CONSULTEE RESPONSES:**

21. Highways Section - raises no objections
22. Environmental Health – no objections
23. Houses in Multiple Occupation section – no objection
24. HMO Data – There are 19.3% of properties within a 100m radius of 11 Prospect Terrace which are student properties, including 11 Prospect Terrace.

#### **PUBLIC RESPONSES:**

25. The application was advertised by means of site notice and by neighbour notification to 9 properties.
26. At the time of preparing this report, one letter of objection has been received from The City of Durham Trust.
27. The City of Durham Trust objects on grounds relating to the increased 'studentification' in terms of properties within 100 metres as it is over the 10% of total properties already in use as HMOs or student accommodation exempt from council tax charges from the Interim Policy.

#### **APPLICANTS STATEMENT:**

28. This statement has been prepared on behalf of the Applicant in response to objections received to the proposals. Three objections were received in total, from City of Durham Trust, Councillor Liz Brown and Durham City Parish Council.
29. The City of Durham Trust objected on the grounds that there is more than 10% concentration of student accommodation within 100m radius of the property, and thus the application is contrary to the aims of the Interim Student Policy. However, this property is an existing C4 small HMO, and therefore the concentration threshold placed on change of use applications by the Article 4 Direction do not apply to this development.
30. Councillor Brown has alleged that the dwelling has not been operating as an HMO because there is only one registered occupant of the property for the past 2 years. However, following her allegation, planning enforcement carried out an investigation into the occupation of the dwelling, and were satisfied that they had enough evidence to clarify the use of the property as being within HMO use class.
31. Councillor Brown raised three objections to the development.
32. **Parking.** There is adequate on-street parking to the front of the house. Two additional residents will not generate significant additional traffic. Durham University actively discourages students from bringing cars into the City. The house is located in an area with good public transport links and is within walking distance of the main university teaching sites. Highways have made no objections.
33. **Bedroom size.** Cllr. Brown states that Bedroom 2 is only 0.75m<sup>2</sup> greater than the minimum space requirement of the HMO Regulations coming into force in October 2018. By her own admission, the bedroom size meets the new standard. Bedroom 2 is 7.25 sqm. and exceeds the minimum standard by 5.8%. Durham City Parish Council expressed an opinion that 8m<sup>2</sup> would be a more reasonable floor area for student accommodation. Whilst this may be desirable, it is not a material consideration.

34. **County Durham Plan.** Cllr. Brown contends that the proposal does not comply with Policy 17 of the County Durham Plan, but the CDP is not sufficiently advanced to be afforded any weight.
35. The relevant criteria to be met when assessing a proposal to extend an existing HMO are contained in the Interim Student Policy.
36. **Cycle and Car Parking Provision.** Secure cycle storage is provided in the rear yard in sight of the main living space within the dwelling. The requirements of the County Durham Parking and Accessibility Standards are 1 space per 15 students, and this is easily met by the on-street parking.
37. **Bin Storage.** Adequate space for bin storage exists within the rear yard.
38. **Design of the Extension.** The size of the extension has been designed to respect the amenity of the adjoining neighbours. The dwellings to each side of the property have both been extended beyond the rear elevation of No. 11. The two-storey extension will not project beyond the line of the existing two storey extension to No. 10. The extension adjoining No. 12 is single storey only with a lean-to roof, minimising loss of light to the rear yard area. There are several two storey extensions on the terrace.
39. **Security.** Security of the property will be addressed when preparing the Schedule of Works at detailed design stage.
40. Additional Considerations are that no objections have been received from the Durham Constabulary to indicate that the proposal will have a negative impact on the local community, and that no objections have been received from neighbours.
41. **Conclusion.** The objections received to these proposals cannot be substantiated, and it is hoped that the Committee will consider the application favourably and grant consent to the development.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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42. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
43. The main considerations in regard to this application are the principle of the development, residential amenity, visual amenity, highways and concentration of students.

### **Principle of Development**

44. Policy H9 of the City of Durham Local Plan states that proposals to extend or alter properties which are already an established HMO use class will be permitted provided that there is adequate parking, there is sufficient privacy and amenity areas for occupiers, the proposal would not adversely affect the amenities of nearby residents and the extension would be in scale and character with the host dwelling and surrounding area in compliance with Policy Q9. The various points within Policy H9 are covered in the relevant sections of the report below. The Interim Policy on Student Accommodation includes similar criteria. Subject to satisfactory consideration of the criteria, the proposed development will be considered to comply with Policy H9 and the Interim Policy, and thus be acceptable in principle.

45. The application site is a terraced property located on the west side of Neville's Cross Bank, Durham; the majority of the properties within the street have already been extended varying in style, scale and design. The principle of extending the properties within the area is therefore well established and the proposal is considered to be acceptable in principle in this context.

### **Impact upon residential amenity**

46. In terms of the use of property 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, while Policy H9 relating to multiple occupation also seeks to provide such safeguards. In this regard there is an established use of the property for a small HMO for up to 6 people. The applicant is seeking to increase the number of bedrooms from 3 to 5 and therefore stays within the same C4 use class. However the property could reasonably be reverted back to a family C3 use should this be required in the future.

47. The proposed extension and amendment to the internal layout is to accommodate 2no additional bedrooms within the property. Concerns have been raised in regards to the room sizes being not adequate for students, however each room is over the recommended sizes in the HMO Regulations and therefore the standard of accommodation is considered acceptable in this instance and officers could not justify refusal on this basis.

48. The additional space created by the proposed extension and the reconfiguration of the existing layout has enabled the additional bedroom space to be created without having a detrimental impact on the shared amenity space available for existing and proposed occupiers. On this basis, it is considered that there would be adequate privacy and amenity space to serve each occupier of the property, in accordance with Policy H9 part 1.

49. Policy H9 part 2 states that proposals to extend or alter properties already within HMO use will be permitted provided that it will not adversely affect the amenities of nearby residents. In respect of the proposed extension and the impact upon the current levels of residential amenity it is considered that due to its location and the overall scale of the proposed development that the impact would not have any adverse impacts upon neighbouring occupiers and therefore would not be any residential amenity grounds for refusal of the application.

50. The extension has been designed with solid walls to the side elevations and as such the potential for overlooking at the site would be limited. In terms of overshadowing, it is acknowledged that there would be some overshadowing created to the property located to the north of the site in the afternoon. However there are a variety of projections to the existing extensions along the rear of Prospect Terrace, some similar to what is proposed here, and therefore it is considered an acceptable arrangement. There would be insufficient detrimental impact to justify refusal of planning permission for this reason alone.

51. The application site has been extended in the past with a two storey flat roofed extension which is not full width. It is proposed to infill the gap and project forward of the rear elevation of the existing extension with an overall projection from the existing rear elevation of the host dwelling by 4.6m and a projection from the rear of the existing extension by 2.1m resulting in a full width extension. The property to the north has also been extended in the past with a full width flat roofed extension, the proposed two storey element of the proposal would project past the rear build line of the neighbouring property's extension by 2.49m.

52. In relation to the neighbouring property to the south of the site, the single storey element of the proposed development incorporates a lean to roof line and is proposed to project past the rear build line of their existing extension by 0.8m which is not considered to create adverse impacts on the residential amenity of the neighbouring property.
53. In light of the above considerations and in accordance with Policies H9, H13 and Q9, officers do not consider that the extension would create a situation where the character or appearance of the area or the amenities of residents within them would be significantly compromised. The addition of two bedrooms to change from a 3 bedroom to 5 bedroom house in multiple occupation would involve an increase in the number of occupiers, and a corresponding increase in general activity and comings and goings. However, this is not considered to be at a level that would materially affect the residential character of this area or the amenities of immediate or nearby neighbours, particularly as the property is already operating as a HMO.

### **Impact upon visual amenity**

54. Policy Q9 of the City of Durham Local Plan states that extensions are to appear subordinate to the host dwelling and incorporate pitched roofs wherever possible. The proposed extensions would generate an enlarged property but the increased density of development would not appear overly dominant or be out of character with the host dwelling, surrounding properties, streetscene or wider area, and is considered acceptable.
55. The proposed extension would be two storey and single storey in nature and it would appear subservient to the host property. The materials proposed are appropriate to the existing house, with rendered finish and Upvc windows and doors to match the existing property.
56. It is acknowledged that flat roofed extensions are generally discouraged, however a variety of properties along Prospect Terrace have already been extended in the past with both two storey and single storey flat roofed extensions, the application site included. Against this background, it would be considered unreasonable to refuse planning permission on design grounds.

### **Highways**

57. In respect of highways issues, the Highways Authority have confirmed that they have no objections to the scheme. Concerns have been raised regarding the proposed development having an impact on on-street parking provision. It is acknowledged that the existing on street parking to the front of the property along the A690 stops short of no 11 Prospect Terrace, however the Highways officer is satisfied that the on street parking facilities are close enough to the site that anyone residing at no 11 Prospect Terrace is likely to use them if they have cause to do so and therefore the on street parking weighs in favour of the application.
58. It is not considered that the increase of 2no bedrooms would have a detrimental impact on the existing parking arrangements at the site enough to warrant refusal of the application.
59. Policy H9 part 1 states that adequate parking areas are to be provided or need to already be in existence. Given the location of the property and the comments from the Highways officer it is considered that there is adequate on street parking provision which is acceptable.

60. In this respect no concerns are raised in relation to highway matters at the site, and therefore it is considered that the proposals comply with saved policies H9, T1 and T10 of the City of Durham Local Plan.

### **Concentration of Students**

61. The site is located in an area where the concentration of properties within 100 metres of the site that are occupied as houses in multiple occupation is 19.3%. The house is currently let as a student property already, and the extension will continue the occupation of this property as a student dwelling. Accordingly, the concentration of HMOs remains unaltered by the current proposal. In any event the proposed increase in occupation is considered to be relatively small and would not change the character of the usage or the amenity impacts to a significant degree.

The Interim Policy on student accommodation concentrates on and assess the change in % student occupation within a 100 metre radius. As such this interim policy does not restrict existing student houses from expanding providing there is sufficient amenity space for bin storage etc. In this case the alteration to the property leaves the required space for bin storage/residential amenity within the rear yard area of the property.

62. Environmental health (noise) have raised no objection to the additional bedrooms.

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## **CONCLUSION**

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63. In conclusion it is considered that the proposed development due to its location and overall built form would have a limited impact upon the current levels of visual amenity enjoyed at the site. In relation to impact upon the current levels of residential amenity, it is considered that the proposed development would not have any significant adverse impacts to warrant refusal.

64. The change of use from residential dwelling to operation as a small HMO has already been implemented and the creation of an additional two bedrooms would still fall within the small HMO use class. Given the minimal changes to the property and the small increase in occupancy levels, it is considered that the proposals are acceptable and comply with the relevant Saved Policies of the Local Plan and the Interim Policy on student accommodation.

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## **RECOMMENDATION**

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Recommendation that the application is:

### **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 strict accordance with the approved plans

Location plan Proposed plan & elevations	M14 L(2-)02 Rev A	05/06/18 17/08/18
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Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H9, H13, Q1 and Q9 of the City of Durham Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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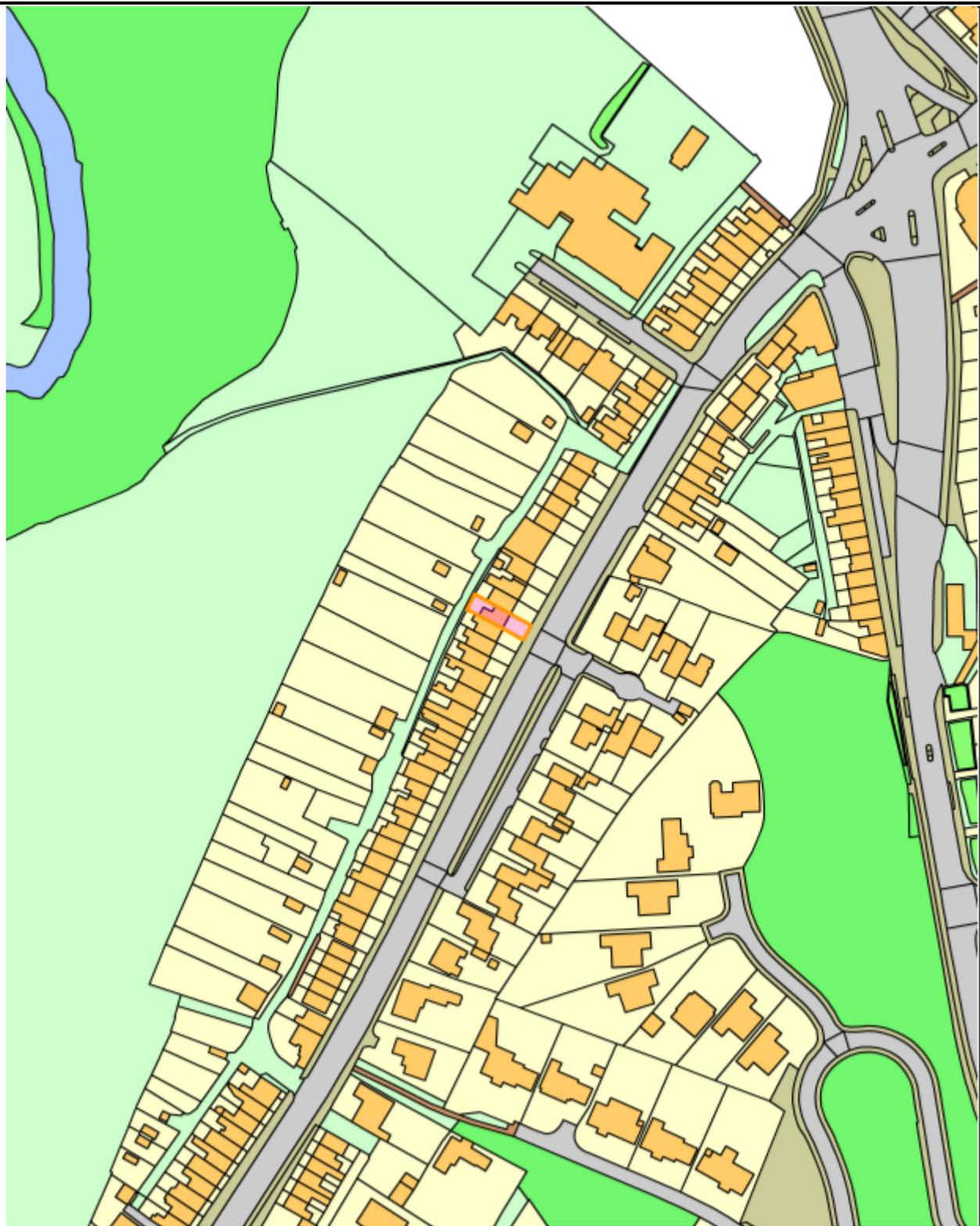
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering 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.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Durham City Local Plan 2004
- National Planning Policy Framework
- Consultation Responses



**Planning Services**

Two storey, single storey rear extensions and internal alterations to provide 2no. additional bedrooms to an existing C4 (small HMO) at 11 Prospect Terrace, Nevilles Cross, Durham, DH1 4JH

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**Comments**

**Date. 11 September 2018 | Scale 1:1250**