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26 June 2019

Dear Mr Dalby,

DM/19/01720/FPA: Erection of two storey side extension to C4 (House in Multiple Occupation) dwelling, 77 Whinney Hill, Durham DH1 3BG

The City of Durham Parish Council's Planning Committee considered this application at its meeting on 21 June 2019 and agreed to object on the following grounds.

The Council's Interim Policy on Student Accommodation states in the relevant section:

"HMO

In order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, applications for new build Houses in Multiple Occupation (both C4 and sui generis), extensions that result in additional bed-spaces, and changes of use from any use to:

- **a Class C4 (House in Multiple Occupation), where planning permission is required; or**
- **a House in Multiple Occupation in a sui generis use (more than six people sharing)**

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.

In all cases proposals will only be permitted where:

- a) The quantity of cycle and car parking provided is in line with the Council's adopted Parking and Accessibility Guidelines and:**
- b) They provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues; and**
- c) The design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and**
- d) The applicant has shown that the security of the building and its occupants has**

been considered along with that of other local residents and legitimate users.”

Within 100 metres of 77 Whinney Hill the percentage of student HMO lets is at least 70%. Thus the area is very significantly in excess of the limit of 10% set by the Interim Policy. The great need is for new dwellings to be in Class C3 for families. In the case of No 77 Whinney Hill the applicant has previously attempted to gain planning permission for an adjoining two double-bedroom C3 dwelling using that argument. Now, following refusal of that application and defeat on appeal, he is attempting the same two double-bedrooms scheme but as an extension to his four bedroom C4 property to create a six-bedroom C4 property. The proposal is contrary to the Interim Policy and should be refused.

Saved Policy H9 of the City of Durham Local Plan 20014 states that:

“The sub-division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that:

- 1. Adequate parking (in accordance with policy T10), privacy and amenity areas are provided or are already in existence; and**
- 2. It will not adversely affect the amenities of nearby residents; and**
- 3. It is in scale and character with its surroundings and with any neighbouring residential property; and**
- 4. It will not result in concentrations of sub-divided dwellings to the detriment of the range and variety of the local housing stock; and**
- 5. 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 building.”**

The creation of a six-bedroom student HMOs capable of accommodating ten to twelve student occupants is in direct conflict with the NPPF and Durham County Council’s objectives and policies to promote create and preserve inclusive, mixed and balanced communities and to protect residential amenity. It fails Saved Policy H9.

It is also important to note that the Inspector, in dismissing the appeal against refusal of the preceding application, states that corner plots such as this site have side gardens which contribute to the character of the area; that the proposal would reduce the area of side garden to an extent which, in combination with the scale and massing of the dwelling, would appear visually incongruous and harmful; and that it follows that the proposal would detract from the character and appearance of the Durham City Conservation Area and therefore would not comply with Saved Policy E22. The Parish Council considers that these same issues apply to the present proposal which in effect attaches the rejected separate dwelling onto the existing C4 property.

In conclusion, the Parish Planning Committee urges that this application should be refused as contrary to Saved Policy H9 and the Interim Policy on Student Accommodation. **Should you be minded to approve this application, we would wish this application to be called to Committee so that we can put our case to Councillors.**

Yours sincerely,

ADAM SHANLEY

Clerk to the City of Durham Parish Council