

Durham County Council
Planning Development
County Hall
Durham
DH1 5UL

City of Durham Parish Council
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8 Millennium Place
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16 October 2019

Dear Ms Hurton,

Planning Application DM/19/02988/FPA | Single storey extension to rear and internal alterations to create 2no additional bedrooms within C4 property (6 bedrooms altogether) | 11 Juniper Way Durham DH1 4GZ

The City of Durham Parish Council considered this application at its meeting on 10 October 2019 and decided to object to it for the following reasons:

We have considered the comments made by the Spatial Policy Team, and in particular the statement that

Applying the Interim Policy, the percentage of HMOs within 100m of the application site is 67.3% of properties which are student properties as defined by Council Tax records. On this basis the proposal would be contrary to the Interim Policy. However, the Interim Policy notes that there may be some cases where localised communities are already so imbalanced that the policy objective of protecting a balance is unlikely to be achieved. This issue has been considered by Inspectors as part of recent appeal decisions, and it has been indicated that a level of 61.8% or above is deemed to be the point at which an area is already imbalanced. This is an issue that the case officer should bear in mind whilst considering the context and character of the site and likely cumulative impacts of the development in this location.

The recent appeal decision referred to with the 61.8% level of student accommodation was for 1 and 2 Peartree Cottages, High Wood View, Durham DH1 3FL, reference DM/16/01467/FPA. The relevant paragraph (18) in the appeal decision says

The submitted evidence demonstrates that 61.8% of properties within 100m of the appeal site are in use as HMOs or student accommodation and, *in the area immediately surrounding the site, this figure is considerably higher* [our emphasis]. In the context of such a high concentration of HMO and student accommodation, I consider that the effect of one additional HMO would be negligible.

The statement that appears to have swung the Inspector's mind is that from the Appellant, in the comments under the heading Paragraph 7.11 on page 3 of their final comments:

As highlighted in the appeal statement of case a significant physical barrier exists between the housing area within which the appeal site sits and the distinctly separate housing area to the north east which contains low levels of student accommodation. The inclusion of housing within that distinctly separate north eastern area which falls within 100m of the

appeal site does not provide an accurate or relevant figure for consideration of this proposal. As previously highlighted within the appeal statement, when properly considered in the context of the area surrounding the appeal site it is clear that effectively the area has near 100% student accommodation presence and in this respect the provision of one additional dwelling for this purpose cannot be considered to have any material impact on the character or amenity of the area.

It is plain that the Inspector's decision in this case relies heavily on the particular geography of this site and must not be used as a precedent when deciding other applications. The advice from Spatial Policy is wrong in saying that 61.8% is a tipping point, and correct in identifying that with 67.3% of student properties the proposal would be contrary to the Interim Policy.

In the case of 11 Juniper Way there are approximately 150 dwellings within 100 metres of the site and so roughly 50 of these are occupied by permanent residents and 100 by students. The area does not exhibit the "near 100%" concentration observed in High Wood View. The permanent residents residing near 11 Juniper Way need the protection afforded by the Interim Student accommodation Policy and we urge you to refuse this application.

Yours sincerely,

ADAM SHANLEY
Parish Clerk