CITY OF DURHAM PARISH COUNCIL
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23 April 2020

Dear Ms Jennings,

DM/20/00841/FPA: Two storey rear extension and change of use of a 5-bed small HMO (C4) to 7 bed larger HMO (sui generis) 13 Flass Street Durham DH1 4BE

The City of Durham Parish Council's Planning Committee considered this application on 7th April 2020 and agreed to object on the grounds that it is contrary to the NPPF Policy Paragraph 8b, it is contrary to the Interim Policy for Student Accommodation and Examined Policy 16.3 of the County Durham Plan and it is contrary to Saved Local Plan Policy H9. The application should therefore be refused.

The application proposes to extend an existing 5-bedroom C4 HMO into a 7-bedroom sui generis HMO. National Planning Policy Framework paragraph 8b describes the key social objective of the planning system as being to support strong, vibrant and healthy communities; paragraph 62 sets the objective of creating mixed and balanced communities, and paragraph 192 seeks sustainable communities. Communities are people, not buildings, but planning policies have to deal with physical development. An extension as proposed here which increases the number of student bedrooms from 5 to 7 is harmful to the balance, mix and health of the community.

Furthermore, the County 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……..”

The Examination in Public Inspector's comments on the Submitted County Durham Plan Policy 16.3 required the County Council to restore the extensions element of the Interim Policy and therefore this policy must be given significant weight. That is, the restriction that "extensions that result in additional bed-spaces…" must now be taken into account. This application proposes the introduction of additional bed spaces and should therefore be refused.

In particular, within a 100-metre radius of 13 Flass Street the Parish Council understands that 62.5% of the properties are registered as student HMOs. Clearly there are already in excess of the 10% proportion of student HMO properties allowed under the Interim Policy, and therefore the application is contrary to this Policy and should therefore be refused.

Saved Policy H9 of the City of Durham Local Plan 2004 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; ………….”

There is no specific parking provision for this property and thus the application also fails to meet the requirements of Saved Local Plan Policy H9 in terms of privacy and amenity and should therefore be refused.

In conclusion, the Durham City Parish Planning Committee urges that this application be refused because it is contrary to the NPPF Paragraph 8b, to the Interim Policy for Student Accommodation and Examined Policy 16.3 of the County Durham Plan and to the Saved Local Plan Policy H9.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council