



**CITY OF DURHAM
PARISH COUNCIL**

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Building for the future.

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5 May 2020

Dear Ms Morina,

**DM/20/00996/FPA: Change of Use from existing 6 bed small HMO (use class C4) to 7 bed large HMO (use class sui-generis) including erection of single-storey extension to rear, new window to gable elevation and rooflights to accommodate a loft conversion,
35 Hawthorn Terrace Durham DH1 4EL**

The City of Durham Parish Council considered this application at its meeting on the 1st May 2020 and it was decided to object to it on the following grounds.

The Interim Policy on Student Accommodation is quite clear regarding extensions and bedroom additions to HMOs. It accords with the objectives of the National Planning Policy Framework contained in Paragraphs 8b, 62 and 192 and states that:

“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 [...] 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.”

We note that the County Council has now proposed a Main Modification to Policy 16.3 of the County Durham Plan, to add the words that have been underlined in this extract:

“In order to promote create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to:”

The following has been added to the supporting text:

“...it is recognised that an extension to an HMO which results in additional bed spaces and therefore accommodates more students would introduce further students into an area where there are already concerns about the impact of the student population on the residential amenity of non-student residents. For this reason, extensions to HMOs to accommodate bed spaces where the 10% tipping point is exceeded will not be supported. This policy would apply to extensions to an HMO to provide for additional bedspaces, but also to extensions which result in additional floorspace which means the property could be reconfigured to accommodate additional bedroom space. In this context, even if the extended part of the property is not intended to accommodate a bedroom or bedrooms, if a proposed extension would enable an internal reconfiguration of the property with the result of the creation of additional bedroom or bedrooms then the policy would apply. In determining whether an extension is of a scale such that a property may be reconfigured to accommodate additional bedspaces, the council will have regard to evidence such as the Nationally Described Space Standard which sets out bedroom sizes and which provides a guide to the interpretation of this policy.”

This confirms that the approach of the Interim Policy is now re-affirmed by the County Council, following a period when regrettably the County Council had ceased to apply the extensions element of the Interim Policy because of a few lost appeals.

Consistent with this re-affirmed position, the applicant's proposal to extend this 6 bedroom property into an 8 bedroom property was refused in February 2020. Although the current application seeks to extend to 7 rather than 8 bedrooms, the submitted Planning Statement continues to show 8 bedrooms.

The percentage of student accommodation within 100m of this site is around 70%, well over the policy limit of 10%, and therefore this application should be refused.

The Parish Council Planning Committee also feel that the two loft bedrooms will not provide the minimum amount of bedroom space with appropriate headroom, required by legislation and by the Council's own HMO officer, nor does the proposed new shower room.

The proposed ground floor provision of a kitchen, a dining room and a lounge could readily enable the lounge to become a bedroom to re-create the refused 8 bedroom scheme without a further planning application.

The Committee has also noted the intention to use uPVC units within the new window space in the gable end. Hawthorn Terrace lies within the Durham City Conservation Area and Saved Policy E22 part 1 states *“All development proposals should be sensitive in terms of siting, scale, design and materials, reflecting, where appropriate, existing architectural details”*. The use of uPVC units in this area is therefore contrary to Saved Local Policy E22 and should not be permitted.

Finally the Committee adds that the amount of space left in the environs of this property after the extension has been built does not in our opinion allow for sufficient amenity for proposed 7 residents in accordance with Saved Policy H9.

In summary this application fails to meet the requirements of the National Planning Policy Framework Paragraphs 8b, 62 and 192, the Interim Policy on Student Accommodation, the Council's latest Main Modification to the Examined County Durham Plan, and Saved Local Plan Policies E22 and H9. The Committee commends the refusal of the previous application here and considers that the current application should be also refused.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council