



**CITY OF DURHAM  
PARISH COUNCIL**

Learning from the past.  
Building for the future.

Ms Lisa Morina  
Planning Development Central/East  
Room 4/86-102  
County Hall  
Durham City  
DH1 5UL

City of Durham Parish Council  
Office 3 D4.01d  
Clayport Library  
8 Millennium Place  
Durham City  
DH1 1WA

25 February 2020

Dear Ms Morina,

**DM/20/00262/FPA: Erection of part two-storey/part single-storey extension at rear of existing small HMO (use class C4), 75 Whinney Hill Durham DH1 3BG**

The City of Durham Parish Council's Planning Committee considered this application at its meeting on 21 February 2020 and agreed to object to the proposal to extend an existing 4 bedroom C4 HMO into a 6 bedroom HMO.

The Parish Council is aware that the Submitted County Durham Plan policy for HMOs sought to drop control over extensions to existing HMOs, and that the Council's Planning Officers have been granting approvals under delegated powers to extensions. However, the County Council itself considers that the Submitted County Durham Plan carries no weight as yet. Furthermore, the County Council has very recently proposed Main Modifications to the Submitted Plan as a consequence of the Examination in Public Inspector's supplementary questions, including restoration of the Interim Policy's restriction on extensions to existing HMOs. This Main Modification is welcomed by the Parish Council, and the County Council's planning officers are now able to resume recommending refusal of extension to existing HMOs in areas where the percentage of HMO properties within 100 metres exceeds 10%.

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 4 to 6 is counter to the aim of fostering a balanced and mixed community. Accordingly, the Interim Policy and Proposed Main Modification rightly oppose extensions to existing HMOs in areas where the 'tipping point' has been reached.

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....."***

This policy has been strengthened in the following Main Modification to the Draft County Durham Plan proposed by the County Council in light of the Independent Inspector's questions at the Examination in Public:

***"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:***

- ***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 licensed HMOs or student accommodation exempt from council tax charges."***

Whilst the County Durham Plan does not yet carry statutory weight, the approved Main Modification does constitute formally adopted County Council policy and is therefore to be afforded the significant weight of being very up-to-date and in response to the Examination in Public Inspector's specific question.

In the case of 75 Whinney Hill, the County Council finds that within a 100 metre radius some 40% of properties are student accommodation exempt from council tax charges. There may be a few other properties that are HMOs but have not claimed Council Tax exemption. Clearly around 75 Whinney Hill there are already well in excess of the proportion of student properties allowed under the Interim Policy and proposed Main Modification strengthened policy.

On the matter of residential amenity, 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; and***

**2. It will not adversely affect the amenities of nearby residents;.....”**

The expansion of 75 Whinney Hill into a six-bedroom student HMO in this area would increase the presence of people whose life-styles are different to year-round residents and so increase the very threat to nearby residential amenity that Part 2 of Saved Policy H9 is designed to prevent. Thus the application is in conflict with Saved Policy H9 of the statutory development plan for the area.

The Parish Planning Committee concludes that this application should be refused as contrary to Saved Policy H9 and the Interim Policy on Student Accommodation and the proposed Main Modification to County Durham Plan Submitted Policy 16.3. We trust that you agree and will decide that the application should be refused. **However, 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