



**CITY OF DURHAM  
PARISH COUNCIL**

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9 April 2020

Dear Ms Jennings,

**DM/20/00832/FPA | Conversion and extension of the existing garage block to provide a two-storey building accommodating 2No. two-bedroom flats (Use Class C3) | Land Adjacent To The Lodge Laburnum Avenue Durham**

The Parish Planning Committee considered this application on 7<sup>th</sup> April 2020 and agreed to object to this application.

The application site currently forms a detached double garage, parking and garden area associated with the modern detached dwelling known as 'The Lodge' which historically formed the lodge to Byland Lodge, which was constructed in the late 19<sup>th</sup> Century. The site is located within the City of Durham Conservation Area and within a mature residential part of Durham City to the west of the commercial centre. To the north of the site lie residential properties and to the south and east runs a number of Victorian terraces.

This application seeks consent to convert and extend the existing garage block in order to provide a two storey building accommodating 2No. two-bedroom flats (Use Class C3).

The site was recently subject to another planning application (DM/18/00058/FPA) for the creation of a single two storey dwelling (Use Class C4) in 2018 and this was refused by both the Local Planning Authority (March 2018) and subsequently on appeal (appeal ref. APP/X1355/W/18/320110 in June 2018).

Firstly, in applying the requirements of paragraph 11 of the National Planning Policy Framework (NPPF), the Parish Council considers the adverse impacts of this proposal would significantly and demonstrably outweigh the limited benefits.

The Government's Technical Housing Standards entitled 'Nationally Described Space Standards' published in March 2016 sets out minimum space requirements for new dwellings, including flats and bedsits. Whilst this standard has not yet been formally adopted by the County Council it

nevertheless provides guidance in relation to minimum standards set nationally which are being widely adopted by Councils. For a two-bedroom dwelling, the requirement is that at least one of the bedrooms has to be of double size of at least 11.5m<sup>2</sup> and the other can be a single of at least 7.5m<sup>2</sup>. Both bedrooms of the proposed development are 6.7m<sup>2</sup>. Furthermore, there is a minimum gross internal floor area for this specification of 61m<sup>2</sup>, these dwellings are 33.6m<sup>2</sup> each. The floor space provided per unit within the proposal falls extremely short of the minimum standards required by the relevant guidance. This serves to demonstrate the Parish Council's concerns that inadequate space is provided per unit to service the basic amenity needs of potential occupiers and in this regard the proposed development is considered contrary to Policy Q8 of the City of Durham Local Saved Policies (2004) and paragraph 56 of the NPPF. The development is considered to have an adverse impact upon the residential amenity of future residents and should therefore be refused on this basis.

Furthermore, policy E6 of the City of Durham Local Plan requires new developments to preserve or enhance the special character of the Durham City Conservation Area in accordance with the requirements of Sections 66 and 72 of the Town and Country planning (Listed Buildings and Conservation Areas) Act 1990. In addition paragraph 132 of the NPPF requires great weight to be attached to the conservation of a heritage asset (including conservation areas) when considering the impact of a proposal on its significance. The Parish Council considers this proposal, located within the Durham City Conservation Area and in close proximity to the non-designated heritage asset of Byland Lodge, to be in contravention to this policy.

In addition, the applicant's consultant has indicated that these dwellings are aimed at the student market in Durham City. As stated earlier, the previous application for this property was for a one two storey dwelling (Use Class C4) and this has clearly been amended (following refusal) to allow for effectively the same number of occupants in the same unit, albeit in two separate dwellings (Use Class C3). It is the Parish Council's view that the use of these dwellings as student properties, in an area with an already high level of student properties and HMOs, would fail to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix. This is therefore considered to be contrary to policy H13 of the City of Durham Local Plan.

It should also be noted that nearby residents have reported being detrimentally affected by anti-social behaviour attributed to other student properties in this locality. Paragraph 91 of the NPPF aims for policies to "achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion". The Parish Council believes that allowing further student accommodation in this case would only propagate an unbalanced population to the detriment of its character.

Finally, the Parish Council wishes to express serious concern about the impact of the proposed development on the amenity of the neighbouring dwelling of 21 Laburnum Avenue. It should be noted that, in his remarks to appeal APP/X1355/W/18/3201102, the Inspector stated: ***"the scale and bulk of the proposed building's gable elevation and the limited space between it and the opposing gable elevation of No. 21 would fail to ensure adequate daylight and sunlight would be received by the main rooms served by the ground floor windows of No. 21. The proposal would not therefore minimise its impact upon the amenities of occupants of existing adjacent properties and would fail to provide adequate amenity for those occupants, as required by LP policy Q8 and***

*its supporting text. The proposal is thus contrary to LP policy Q8 and the NPPF's aim of creating places with a high standard of amenity for existing and future users".* Whilst it is noted that the scale of the proposed development has been reduced in comparison to that proposed in application DM/18/00058/FPA, the Parish Council does not feel that the applicant has adequately addressed the issues raised by the Inspector in this regard. The Parish Council believes that this application should be refused as it is contrary to Local Saved Policy Q8 and would adversely impact on the living conditions of nearby residents.

We trust that you agree however, if you are minded to approve the application, then we request that it be called to Committee for determination so that we can put our views to Members.

Yours sincerely,

**Adam Shanley**  
**Clerk to the City of Durham Parish Council**