



**CITY OF DURHAM
PARISH COUNCIL**

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11 January 2021

Dear Ms Morina

DM/20/03455/FPA: Change of use from dwelling to three flats (use class C3) including internal alterations, dormer windows in roofspace to rear, rooflight to front and fenestration changes, 64 Gilesgate Durham DH1 1HY

The City of Durham Parish Council Planning Committee considered the above application at its meeting held on 8 January 2021 and resolved to offer the following comments drawn from the policies of the County Durham Plan.

In July 2020 an application from the same applicant was refused on the grounds that *“The proposed change of use of the existing dwelling to C4 HMO is unacceptable due to being located in an area already identified as exceeding the threshold set out in the Interim Policy on Student Accommodation. The proposals would therefore result in further imbalance to the detriment of achieving mixed and balanced communities and have a detrimental impact on surrounding residential amenity in contravention of Policy H9 and H13 of the City of Durham Local Plan, the Interim Policy on Student Accommodation and paragraph 127 (f) of the National Planning Policy Framework.”*

The applicant is now describing his scheme as C3 residential instead of C4 HMO. It is also noteworthy that the property immediately to the rear of 64 Gilesgate is 9 Station Lane, which the same applicant sought a month earlier to convert from a 1 bedroom house to a three-bedroom HMO, and that too was refused as contrary to the policy on student accommodation in areas where already the threshold is already exceeded.

The current proposal is described as the conversion of a three-bedroom (but two-bedroom according to the submitted drawings) home into three flats with a total of five bedrooms. This would be achieved by internal rearrangements and alterations including two dormer windows and a roof-light in the loft, together with the lowering of the first floor ceiling. The resulting flats have some awkward features. The ground floor two-bedroom flat from the submitted plans would be equipped with three sets of toilets, but on the other hand the only toilet on the first floor is the one in the bedroom 2 *en suite*. The first floor bedrooms would be very small even after the

removal of the chimney breast and “excess” wall. The bedroom in the loft would have no daylight other than from the small roof-light, which the Council’s Design and Conservation Team are recommending be removed. Also, the only shower is in the first floor flat. (It is not clear whether the areas marked off in the *en suites* are meant to be showers, but they are narrower than anything in the B&Q catalogue. If they are meant to be baths, two of the four are not long enough, again referring to the B&Q catalogue). Finally, as no cross-sections are provided, there is no indication of which part of this bedroom offers at least 1.5 metres of headroom as required by the Nationally Described Space Standard (NDSS).

The standard requires that a dwelling with two or more bed-spaces has at least one double (or twin) bedroom; that in order to provide two bedspaces a double (or twin bedroom) has a floor area of at least 11.5m²; and that any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage. This proposal includes two flats each with two bedrooms and so both flats should have a double or twin bedroom of at least 11.5 m². The ground floor bedroom 1 appears to be less than this minimum, and the first floor bedrooms 1 and 2 are 10.13 m² and 10.06m² and so are below the minimum. The loft bedroom may fail to achieve the minimum floorspace with 1.5 metre headroom.

The applicant seems to be aware that his proposals do not comply with the NDSS. His Planning Statements says:

4.9 It is noted that the proposed residential units are modest in size, however, the units provide all the necessary facilities for day-to-day living and are intended to provide affordable rental accommodation for (but not limited to) young people seeking such accommodation in close proximity Durham City Centre. The size of the units is also comparable to similar forms of accommodation approved elsewhere in the City. It is noted that Policy 29 of the adopted County Durham Plan confirms that new residential development will be required to comply with the Nationally Described Space Standards However, in order to allow for an appropriate transition period, Policy 29 confirms that the NDSS will only be applied to outline or full applications approved one year after the Plan is adopted and, given this transition period has not yet ended, any concerns in relation to the size of the individual units would not form a reasonable basis for the refusal of planning permission

However, what the NDSS does is to add an extra layer, and quantify the standards. But Policy 29 begins:

“All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and: [...]

e. provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties;...”

It is our view that this application does not provide high standards of amenity and privacy. The lack of adequate showering or bathing facilities fails the amenity test. The fact that the occupants of bedroom 1 in the first floor flat will have to go through bedroom 2 to reach the toilet fails the privacy test.

Durham City Neighbourhood Plan D4: Building Housing to the Highest Standards states that:

“All new housing, and extensions and other alterations to existing housing, should be of high quality design relating to: a) the character and appearance of the local area; and b) aesthetic qualities; and c) external and internal form and layout; and d) functionality; and e) adaptability; and f) resilience; and g) the improvement of energy efficiency and the reduction of carbon dioxide emissions. New residential development should meet the Building for Life 12 standards provided for in County Durham Building for Life Supplementary Planning Document (2019).”

The internal form and layout, and the functionality of the proposed alterations, are all sub-standard and fail parts (c) and (d) of Neighbourhood Plan Policy D4.

The Parish Council considers that the division of this building into three flats is a fiction and points to the fact that there is only one shower as proof. In practice it can only function as, and will be, a house in multiple occupation and should be assessed against County Durham Plan Policy 16.3, which should lead to its refusal. In any case we are opposed to the possibility of this being more student accommodation in an area where some 58% of properties are Class N Student accommodation exempt from Council Tax.

We therefore urge the Council to refuse the application as it fails the requirements of County Durham Plan Policies 29 and 16.3 and Durham City Neighbourhood Plan Policy D4.

We trust that you will decide to refuse the application but, if you are minded to approve it, we ask that it be referred to the Committee so that we may put our concerns to Members.

Yours sincerely,

ADAM SHANLEY

Clerk to the City of Durham Parish Council