

# THE CITY OF DURHAM TRUST

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c/o Blackett, Hart & Pratt, LLP  
Aire House  
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Belmont  
Durham, DH1 1TH  
24 November 2020

Dear Ms Morina,

**DM/20/03214/FPA 51 Whinney Hill Durham DH1 3BD**

*Erection of part two-storey/part single-storey extension at side, single-storey extension to rear and internal alterations to existing dwelling (Use Class C4),*

The City of Durham Trust wishes to object this application.

It is concerned about the extent of these proposals in a relatively closely developed street of small units. This concern was reflected in the County Council consideration of the similar application of this property - DM/19/000649/FPA which had been refused and the subsequent appeal dismissed. It is also concerned at the intensification of HMO's within the area.

The grounds for the Trust's objection are:

The Adopted County Durham Plan Policy 16.3 on Student Accommodation states that:

*"In order to promote create and preserve inclusive, mixed an balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both C4 and sui generis), extensions that result in specified or potential additional bed-spaces [.....] will not be permitted if: including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);"*

Within 100 metres of 51 Whinney Hill the percentage of student lets is 48.1%, well over the threshold beyond which extensions to HMOs resulting in specified or potential additional bed-spaces are unacceptable. It also means that 51.9% of the residential properties are occupied by non-students and therefore the locality is not so far down the 'studentification' path to enable the Council to protect this balanced community. Indeed, the applicant seeks to create the impression that the area is already well down that path by quoting post code percentages, despite the rejection of that approach by the appeal Inspector on the previous application at this address.

This automatically raises the question of whether the application is for the same number of bed-spaces as already exist at the property or has the intended potential for providing additional bed-spaces.

The Planning Statement accompanying this application in para 2.6 states that *"The property is already a use class C4 House in Multiple Occupation for 6 residents. The current proposal is for 6 occupants with an amended layout, no increase from the original."* However, para 2.18 of the same Statement says *"It should be acknowledged that, as detailed within Section 4, the proposed increased in occupancy of the property (the Trust's emphasis) can be achieved*

# THE CITY OF DURHAM TRUST

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utilising permitted development rights. Should the current application be unsuccessful, the applicant will seek to deliver an extension to the property utilising permitted development rights ***to achieve the proposed increase in occupancy.***” (the Trust’s emphasis). It would appear that the applicant has a possible intention to increase the number of occupants, which County Plan Policy 16.3 opposes.

The related consideration is whether there is potential for additional bed-spaces. The Appeal Inspector’s report on the previous application considered this and decided to give weight to this potential in dismissing the appeal. The same applies in this revised application for the same property. Indeed, paragraph 5.159 in the County Plan deals with the possibility that although an application isn’t explicitly for extra bedspaces in an existing HMO, the fact that it will increase the floor area significantly allows for this possibility and therefore it needs taking into account.

In relation to the design, the planning officer’s report and the Appeal Inspector’s report on the previous application were both critical of the design and impact of the extensions proposed. The Inspector concluded: *“I find that the proposed development would cause harm to the character and appearance of the host dwelling, in particular with regard to bulk, scale and design. It would therefore fail to accord with Policy H9 and Q9 of the City of Durham Local Plan 2004 (LP) which seek to ensure that proposals for the extension of dwellings and HMOs protect the scale and character of the original building. Finally, I find that the proposal conflicts with the advice set out in Paragraph 127(b) of the National Planning Policy Framework (the Framework) that new development should be visually attractive and well designed.”*

The Trust considers that the current application also proposes a side and rear extension whose scale is too large-scale and too bulky and not compliant with the advice in NPPF paragraph 127(b). The street is formed from closely packed small units offering little spacing between them except on the corner plots. This is essential to be retained to avoid increasing the negative impact on the Conservation Area.

Given the current position on planning policy adoptions it is the policies of the Adopted County Durham Plan and increasingly the Durham City Neighbourhood Plan that are material.

- County Durham Plan policy 29 states in the relevant part that: *“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: (a) contribute positively to an area’s character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and (e) provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties.”*
- Policy 29 continues that *“Extensions and Alterations: Proposals for alterations and extensions to residential property, and development associated with the incidental enjoyment of a dwelling, should ensure the development is sympathetic to the existing building(s) and the character and appearance of the area in terms of design, scale, layout, roof design and materials.”*

# THE CITY OF DURHAM TRUST

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The proposal does not meet the requirements of Policy 29. The applicant's Planning Statement in para 4.24 states that the design approach that has been adopted and the impact of the proposed development on the character and appearance of the Conservation Area are explained in a separate Design and Access Statement. However, as this document is apparently not on the

Planning Portal it is impossible to assess the explanation. The Trust disputes the potential for this design to be considered beneficial.

The Durham City Neighbourhood Plan, although ignored by the applicant, has relevant policies that now carry significant weight, thanks to the Decision Statement issued by the County Council on 30 July 2020.

Policy S1 of the Durham City Neighbourhood Plan addresses '**Sustainable development requirements of all development and redevelopment sites including all new building, renovations and extensions**'. Criterion (m) states "*Securing a design and layout which is capable of reducing crime and/ or the fear of crime, as well as respecting privacy of, and visual impact on, occupiers of neighbouring properties*". The proposed side extension at 51 Whinney Hill fails to respect the privacy of and visual impact on neighbouring properties.

Neighbourhood Plan D4 is 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.*" The proposals do not meet these requirements.

Given the HMO and design concerns, the Trust objects to this application.

Yours sincerely

John Lowe

Chair, The City of Durham Trust