

# THE CITY OF DURHAM TRUST

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Phone (0191) 386 2595  
Email: [chair@durhamcity.org](mailto:chair@durhamcity.org)  
Web site: <http://www.DurhamCity.org>

c/o Blackett, Hart & Pratt, LLP  
Aire House  
Mandale Business Park  
Belmont  
Durham, DH1 1TH  
17 November 2021

Dear Ms Morina,

**DM/21/03227/FPA 1 St Cuthbert's Place North Road Durham DH1 4NQ**

*Change of use of grass verge to garden area new vehicular access and reinstate property boundary to rear of existing garage.*

The Trust wishes to comment on this application in relation to the principle of ownership and use of the shared cycleway/footpath for vehicle access.

**Context**

The rear of the property forms the boundary to the main road access into Durham city centre and lies opposite the County Council's flagship office development at Aykley Heads. The shared access off the service road forms part of the proposed network serving the new development and is important for future sustainable transport.

**Proposal**

The proposal is to enclose an area of public use under County Council management adjacent to the former A1 route. It is an area of unclear ownership. Access would be formed for a new drive into the rear of the property from the existing dropped kerb allowing pedestrian and cycle access from the service road. This will be a third vehicle access serving the property. There is an existing drive access and separate garage access from the frontage on North Road. The new rear boundary is a dwarf wall and railing with no screening.

**Comment**

The Trust acknowledges that this is not a planning issue, but raises concern about the principle of annexation of land in public use. Failure to have previously registered land should not lead to private use of that land without careful consideration of the consequences, especially when the land has been continuously under public use and maintenance for a long period. As a planning issue, careful consideration of how the proposal will work with landscape treatment of the road corridor is needed. The Trust draws attention to the importance of this route and its proximity to the Council's own major Aykley Heads office redevelopment.

A further concern for the Trust is the use of the shared footpath/cycleway for vehicle access and the additional paving over of a grass verge. The latter is an increasing problem and is of general concern. The Trust suggests that the issues of a third vehicle access to the property and the potential for conflict with other users of the new access are considered as part of the officer's recommendation.

Yours sincerely

John Lowe,  
Chair, City of Durham Trust