

THE CITY OF DURHAM TRUST

c/o Blakett, Hart & Pratt, LLP
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Web site: <http://www.DurhamCity.org>

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

Dear Ms Morina,

DM/22/02283/FPA | Erection of two-storey extension to rear of existing house in multiple occupation (HMO). | 39 Maple Avenue Durham DH1 2HB

The City of Durham Trust objects to this planning application because it falls short of the requirements of County Durham Plan Policy 29, and specifically *All new residential development will be required to comply with the Nationally Described Space Standards (NDSS)*. It also appears not to meet the requirements of Policy 16.3.

Although Spatial Policy have yet to comment on this application, we agree with their comments in respect of application DM/22/02084/FPA and County Durham Plan Policy 29. They said that

The policy states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS), whilst this cannot be insisted on as the development is the conversion of an existing building, it should still be used as a benchmark for providing appropriate and adequate accommodation for future residents within the existing layout. Any additional rooms provided through the extension of the property would need to comply with the NDSS.

We have used the IDOX measuring tool that is part of the online planning portal to measure areas. The gross internal floor area of the proposal is 93m². As this would be a two-storey five-bedroom house, the minimum gross internal floor area required is 110m², so this proposal falls well short.

As there would be five bedrooms at least one of these must be a double or twin (NDSS para 10b) and that room must have a floor area of at least 11.5m². The other bedrooms must have a floor area of at least 7.5m². (NDSS paras 10d and 10c respectively.) There are also minimum width requirements. The largest bedroom is Bedroom 3, which is 9m², and 11.5m² is required. All of the other rooms are less than 7.5m². The whole thrust of Policy 29 is to drive up standards. What is being proposed would be a retrograde step. It should be remembered that a property in use class C4 can change to a C3 as permitted development and, when the University builds the PBSAs set out in Policy 16.2, demand in peripheral areas may fall. Changes should not be made that would render this property as unsuitable for a family home.

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The standards set out in the EHCP comment come from a national document of some age – indeed the figure of 6.51m² minimum floor area is a metrication of 70 square feet. As the Spatial Policy Team point out, Policy 29 and the NDSS will take precedence in this case.

More generally, part (e) of CDP Policy 29 states that *All development proposals will be required to ... provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties.* The objection from the immediate neighbour indicates that this is not the case. Given the neighbour's objection that "it would block natural sunlight from my kitchen windows" the Residential Amenity Standards SPD may be relevant, and in particular its 45° rule.

Apollo Bingo is within 100 metres from the application site, and the application reference DM/21/01611/FPA to build a PBSA has now been approved (the case file now includes the S106 agreement). Consequently the percentage of Class N exemptions should be recalculated to take this unimplemented consent into account.

We would also point out that the primary access route between the new Purpose Built Student Accommodation and the town centre and the university campus will run past the application site. Therefore, although at present less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N), policy 16.3(c) will apply.

Policy 16.3(d) to (g) puts the onus on the applicant to demonstrate that these matters have been addressed satisfactorily. There is no written statement accompanying the application to show that this is the case. The immediate neighbour has raised legitimate concerns as to the design of the extension ("it would block natural sunlight from my kitchen windows") and amenity ("overlooking my garden would be complete lack of privacy as my son has autism this is a big issue").

Furthermore there is no proof that 39 Maple Avenue is currently an HMO, and the evidence points the other way. We have also used the IDOX measuring tool that is part of the online planning portal to measure the existing floor areas. Bedroom 1 has an area of 12.4m², bedroom 2 is 6.3m² and bedroom 3 is 4.0m². Because current standards for HMOs set a minimum floor area for a bedroom of 6.51m², it appears that only bedroom 1 is large enough. It may be that accurate measurements of bedroom 2 would also make it qualify. Bedroom 3 is plainly too small.

An HMO is a building where three or more persons share one or more amenity and comprise two or more households. Even with two usable bedrooms the most probable occupancy would be two people and consequently this property is in use class C3. No evidence has been offered that this house is legally occupied as an HMO.

Consequently we ask you to refuse this application.

Yours sincerely,

JOHN LOWE

Chair, The City of Durham Trust