

THE CITY OF DURHAM TRUST

c/o Blackett, Hart & Pratt, LLP
Aire House
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Durham, DH1 1TH
5 January 2024

Web site: <http://www.DurhamCity.org>

Local Authority Ref: DM/23/00241/FPA

PINS Ref: APP/X1355/W/23/3334353

Deb Smith
3D Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 6PN

Dear Ms Smith

Town and Country Planning Act 1990

Appeal by Mrs Gabrielle Moore

Site Address: 24 Nevilledale Terrace, DURHAM, DH1 4QG

You will have received copies of the Trust's representations on this matter, which were dated 7 March, 21 April, 15 July and 21 September, all 2023. The Trust stands by these and has further comments to make in the light of the Committee decision to refuse, which we consider was the right one, and the appellant's Appeal Statement. Our comments relate to both the Appeal Statement and to the broader relevant factors applying to this matter.

The Appeal Statement

The Statement refers to the "*County Durham Strategic Housing Market Assessment 2019 that forms part of the evidence base for the adopted County Durham Plan*" as justifying the subdivision of this family home into two flats. The SHMA fed into the County Durham Plan, adopted in 2020, and the Plan makes appropriate provision for dwellings of various sizes. The SHMA has done its job and cannot be used in this way.

The applicant states that by converting "an existing six-bedroom terraced property" into two two-bedroom flats there will be a reduction in bedspaces. The same point is made when criticising the City of Durham Parish Council for quoting appeal reference APP/X1355/W/22/3305838. This property has never been lawfully occupied as a six-bedroom property. It was last occupied lawfully as a four-bedroom family home. The long string of unsuccessful planning applications show various attempts to let this property after it was converted to have six bedrooms. In fact two independent flats will generate more disturbance than was the case when this was a four-bedroom family home in use class C3.

The applicant has repeated the point that the Nuisance Action Team has concluded that this development is unlikely to constitute a statutory nuisance. As we said in our letter of 15 July,

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this is a very low standard. Paragraph 5.328 of the County Durham Plan, which follows Policy 31, says

Development proposals will be unacceptable where any resulting noise from new development would constitute a Statutory Nuisance under Part III of the Environmental Protection Act 1990 **or where the noise impacts, although not sufficient to constitute a Statutory Nuisance, would nonetheless have an unreasonable adverse effect on amenity.** [our emphasis]

The letters and emails quoted in Appendix 1 have been selected by the appellant from responses by her current and former tenants, and this should be borne in mind when deciding what weight to give to them. The clause in the tenancy agreement regarding anti-social behaviour is acknowledged but such a clause requires pro-active monitoring. In 2020 24 Nevilledale Terrace was found to be used for large-scale cannabis growing. It was the neighbours, not the appellant, who reported their suspicions to the police.

In the conclusion the Appeal Statement describes the property as high quality residential accommodation. This description cannot be applied to a property where one flat has to carry their rubbish and recycling over 100 metres to the bins, and where the other flat has no letter box, and deliveries, uniquely for the entire terrace, have to be made to the rear of the property.

The conclusion also refers to the "identified growth of Durham University". No evidence is offered for this assertion and in fact the opposite is the case. Our letter of 21 September cited remarks by the senior University representative at the recent meeting of the Durham University / Residents Forum. That has now been confirmed by a page on the University website, reproduced in the Appendix. This confirms that the intake was reduced in 2022 and going forward student numbers will not increase significantly, with more students being in University accommodation.

To spell this out in more detail, the University planned to grow to 21,500 students in the year 2026/27 but the unexpectedly high A-level grades around Covid led to offers having to be honoured that resulted in 22,220 students in 2021/22. The figure for 2022/23 is 1,090 lower at 21,130 students as a result of determined work by the University, This information is in the public domain and available to the Appellant; it demonstrates that the University is working very effectively to stabilise at around 21,500 and that the claim of "identified growth of Durham University" is not correct.

Broader relevant factors

Number 24 sits at the centre of the middle terrace (numbers 18-30) of Nevilledale Terrace, with pedestrian access only at the front and vehicular and pedestrian access at the back. Flat 1 has no door at the front and no letterbox. To deliver a parcel would require a walk of 110 metres (see above) and back again. Flat 2 has to take rubbish to the back of the house. With no access via the ground floor, the shortest route is 110 metres.

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Both of these deficiencies mean that the proposals fail to meet the requirements of County Durham Plan Policies 29 and 31, and Neighbourhood Plan Policies H2 and D4. For detailed reasoning we refer you to our letter of 7 March 2023.

Conclusion

For the above reasons we urge the Inspector to refuse this appeal.

Yours sincerely.

John Lowe
Chair, City of Durham Trust

Appendix

Source: <https://www.durham.ac.uk/news-events/latest-news/2023/10/campaign-launched-to-reassure-students-on-housing-supply/> retrieved 3 January 2024.

Campaign launched to reassure students on accommodation

5 October 2023



We're reassuring students that there is enough student housing to meet anticipated demand in Durham for the next academic year, and we're supporting them to take their time in choosing accommodation.

We've launched an information campaign for students reassuring them that a detailed assessment of the housing market shows that there will be enough student accommodation to meet anticipated demand for the 2024/25 academic year.

As part of the campaign, we've launched an online Housing Hub, with information and resources to support students through the house hunting process.

Working together

Aware that in previous years students have felt pressure to sign increasingly early, over the past year we've worked with City of Durham MP Mary Kelly Foy, Durham Students' Union, letting agents, landlords, City of Durham Parish Council and Durham County Council with the aim of ensuring a student housing market that works for everyone in Durham.

A multi-agency Housing Group has also developed a Student Lettings Code of Practice for landlords and letting agents.

This enables responsible agents and landlords to demonstrate their commitment to putting student welfare at the heart of their practices.

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Student numbers

In the period to 2019, we grew our student numbers, in a carefully planned and managed way, focusing on certain key departments.

Our intake was higher than anticipated in 2020 and 2021 due to unexpected shifts in A-level grading, but we responded by reducing our intake for 2022.

Earlier this year we undertook a refresh of our ten-year Strategy.

This reaffirmed that we would manage student intake and accommodation mindful of its impact on Durham City.

In coming years, we will not grow our student numbers significantly, but will diversify its social and international mix.

We remain committed to our collegiate model under which most first-year undergraduates live in University accommodation, and we're aiming that 40-45% of our students will live in University-owned or -managed accommodation by 2027.

Find out more

- More information on the University Strategy Refresh is available [here](#)
- Browse our Housing Hub [webpages](#)
- Learn more about the [Student Lettings Code of Practice](#)