

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

10<sup>th</sup> January 2024

Clare Walton  
Durham County Council  
Planning Development  
County Hall  
Durham DH1 5UL

Dear Ms Walton,

## **DM/23/03526/FPA 4 Back Mount Joy Durham DH1 3AZ**

*Single storey rear extension*

1. The Trust objects to this application based on the extra bedroom in a rental property, poor design, and negative impact on the Conservation Area.

### **Context**

2. Mount Joy Crescent, adjacent to the property, is an important local heritage asset, part of the important Hallgarth Street historic route. The insertion of Back Mount Joy semi-detached houses has impacted on the rear of the Crescent which has very constricted rear space.

The HMO data reveals that 31%, 25 out of 81 properties, within 100m of this property were Class N exempt. Six out of the 7 properties in the post code on Back Mount Joy are Class N exempted from Council Tax. Locally, the intensity of student occupation across Mount Joy Crescent and Back Mount Joy is considered to be a problem. The back lane servicing Mount Joy Crescent and Back Mount Joy shows signs of extensive external bin storage. The applicant does not live at the address. The applicant makes no reference to HMO status and the Trust has not found any reference on the planning portal. An issue arises because the property is covered by the Durham City HMO Article Four Direction and whether permission has been obtained or is needed for a change from Class 3 dwellinghouse to Class 4 HMO use.

### **Proposals and Impact**

3. The heritage statement submitted fails to identify fully the context of the building. This is a failure against planning policy.

The proposal reduces the already restricted garden space to the rear of the Mount Joy Crescent and Back Mount Joy properties. This is not a positive enhancement and has some negative impact. The proposal is for uPVC windows and roofing in Marley concrete tiles – misreferenced as ‘slate.’ The low pitch of the roof may preclude use of slate. This falls below the quality required in the conservation area.

The proposal is for another bedroom on the ground floor replacing the living room in an already small three-bedroom property. The Trust considers this to be a typical configuration found in

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HMO properties. As such it represents an increase by one bedroom and fails against County Durham Plan (CDP) Policy 16.3a. It is an example of *'extensions that result in specified or potential additional bedspaces and changes of use from any use.'*

## **Conclusion**

4. The Trust concludes that the overall impact of these proposals is negative, contrary to the CDP HMO policy and that the application should be refused.

*(The policies the Trust considers that the proposals fail against are listed in the following appendix.)*

Yours sincerely,

John Lowe,  
Chair, City of Durham Trust

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## Appendix - Policies

The Trust considers that the proposals fail against the following planning policies:

### County Durham Plan

#### **Policy 16 Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation**

##### **3. Houses in Multiple Occupation**

In order to promote create and preserve inclusive, mixed, and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to: a Class C4 (House in Multiple Occupation), where planning permission is required; or a House in Multiple Occupation in a sui generis use (more than six people sharing) will not be permitted if:

- a. 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)

### **Policy 29 Sustainable Design**

- a. The proposals fail to contribute positively to an area's heritage significance and townscape.

### **Policy 44 Historic Environment**

#### **Conservation Areas**

- f. The proposals fail to demonstrate understanding of the significance, character, appearance and setting of the conservation area and how this has informed proposals to achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness and the conservation or enhancement heritage assets.
- h. The proposal fails to show respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including, features, materials, and detailing).

### **Durham City Neighbourhood Plan**

#### **Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions**

The proposal fails because it does not:

- c) Harmonise with its context in terms of scale, materials, and soft landscaping.
- d) Conserve the significance of the setting, character, local distinctiveness, and the contribution made to the sense of place by Our Neighbourhood's designated and non-designated heritage assets.

### **Policy H2: The Conservation Areas, Durham City Conservation Area**

The development proposals negatively affect the Durham City Conservation Area by not taking into account, and meeting, the following requirements:

- a) Sustaining and enhancing the historic and architectural qualities of buildings; and
- g) protecting important views of the Durham City Conservation Area from viewpoints within the Conservation Area; and
- j) Having, materials and detailing appropriate to the vernacular, context, and setting; and
- k) Using high quality design sympathetic to the character and context of the local area and its significance and distinctiveness.

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