

# THE CITY OF DURHAM TRUST

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

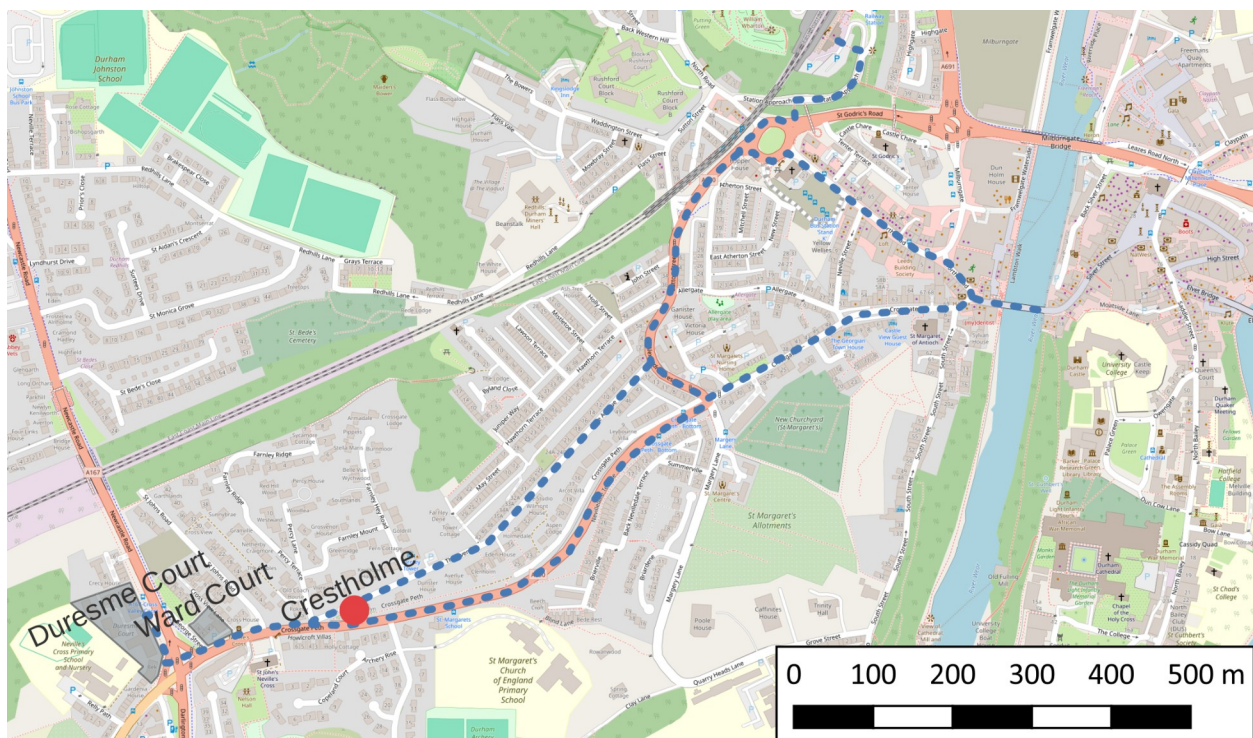
David Richards  
Durham County Council Planning Development  
County Hall  
Durham DH1 5UL

Dear Mr Richards,

## **DM/24/00110/FPA | Change of use from C3 dwelling to C4 HMO | Crestholme The Avenue Durham DH1 4DX**

The City of Durham Trust asks the Authority to refuse this planning application because the introduction of a house in multiple occupation located on a primary access route from two existing PBSAs to the town centre and university campus locations would result in the further imbalance of the community resulting in a detrimental impact on the surrounding residential amenities through further noise and disturbance in contravention of Policies 16 and 31 of the County Durham Plan, and paragraph 135 (f) of the National Planning Policy Framework.

Crestholme sits at the top of The Avenue in a wedge-shaped plot next to its junction with the A690 Crossgate Peth. Two PBSAs, Duresme Court and Ward Court housing 313 students, lie to the west near to the traffic lights at Neville's Cross. The route from these PBSAs to the town centre is via the A690 to its junction with The Avenue where there are two possibilities, passing either side of Crestholme (see map). Both of these are primary routes to the town centre.



Background map data from OpenStreetMap - [openstreetmap.org/copyright](https://openstreetmap.org/copyright)

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In his supporting letter the applicant's agent quotes CDP Policy 16, part 3, paragraphs a, b and c in support of his case. Given the reported figure of 7.3% Class N exempt student properties we do not dispute that the application complies with criteria a and b. However, considering criterion c, Crestholm is in a residential area since there are 41 residential properties within 100 metres of the application site, and it has primary routes to the town centre passing to either side. These are also the routes to University departments on the peninsula and on New and Old Elvet. It therefore does not meet criterion c and the application should be refused on that ground.

Paragraph 5.164 of the CDP describes the impact that student populations returning to and from and accessing PBSA through a predominantly residential area can impact upon residential amenity. It also makes it clear that there can be several primary access routes between PBSA and the town centre or a university campus.

Paragraph 135 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. In line with this, CDP Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment.

The cumulative impact on amenity arising from further community imbalance due to the introduction of an HMO, together with the adjacent primary access routes, will adversely impact on the amenities of neighbouring properties and is therefore not in accordance with paragraph 135 of the NPPF nor policies 16 and 31 of the County Durham Plan.

We have also looked at whether the proposal meets the Nationally Described Space Standard<sup>1</sup> and the Council's own Standards for Houses in Multiple Occupation<sup>2</sup>. Unfortunately this has not been possible because this property has a steeply sloping roof into which the first floor is built, so its floor area is considerably less than that of the ground floor. There is no cross-section, and the plans do not indicate where the ceiling is high enough for the floor area to count.

Specifically, the Council's Standards for HMOs require

Attics, basements or similar rooms, shall have a minimum height of 2.15m over an area of the floor equal to not less than half of the area of the room, measured on a plane 1.5m above the floor. The area of any part of the floor space over which the vertical height of the room is, by reason of a sloping roof or ceiling, reduced to less than 1.5m shall be excluded from the calculation of the floor area of that room. (*emphasis in the original document*)

There is a requirement in the NDSS for a two-storey dwelling with four bedrooms and housing six people (4b6p) to have a minimum gross internal floor area of 106m<sup>2</sup>. The area looks to be approximately this amount but without accurate plans it is not possible to say whether this requirement has been met.

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<sup>1</sup> [https://assets.publishing.service.gov.uk/media/6123c60e8fa8f53dd1f9b04d/160519\\_Nationally\\_Described\\_Space\\_Standard.pdf](https://assets.publishing.service.gov.uk/media/6123c60e8fa8f53dd1f9b04d/160519_Nationally_Described_Space_Standard.pdf)

<sup>2</sup> <https://www.durham.gov.uk/media/3192/Standards-for-shared-houses/pdf/DCCStandardsforSharedHouses.pdf>

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On the ground floor, the dining room has an area of 8m<sup>2</sup> but the Council's Standard requires a minimum of 10m<sup>2</sup> in cases such as with this house where the kitchen, dining room and living room are separate. There are other requirements regarding for example natural lighting.

The applicant has not demonstrated that the requirements of Policy 29 of the County Durham Plan have been met, and this would be a further reason to refuse this application.

However, the principal reasons that this application should be refused are its failure to comply with the requirements of Policies 16 and 31 of the County Durham Plan, as set out in the opening paragraph.

Yours sincerely

JOHN LOWE

Chair