

THE CITY OF DURHAM TRUST

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

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

30 July 2024

David Richards
Planning
PO Box 274
Durham County Council
Stanley
County Durham
DH8 1HG

Dear Mr Richards,

**DM/24/00770/FPA: Single storey rear extension to create 1no 2 bedroom dwelling, new vehicle access and the installation of new perimeter fencing at a height of 1.8 metres
2 Palmers Close Church Street Head Durham DH1 3DN**

The Trust submitted an objection to application number DM/24/00770/FPA on 9 July 2024 (copy attached for convenience). In that objection we pointed out the many confusions, including the conflicting descriptions of the development, and suggested that a definitive application should be invited.

We are grateful to you for following-up on our suggestion, and we now see on the Portal that the application form has been amended to say that the application is “*to extend 2 Palmers Close at the rear to create a new dwelling, featuring two en-suite bedrooms and a combined living/dining/kitchen area suitable for rental accommodation. The application includes modification of the kerb to facilitate off-street parking and the installation of new perimeter fencing at a height of 1.8 meters.*” (note that the applicant’s misspelling of ‘metres’ has not been amended).

For the avoidance of any doubt and to prevent any misunderstanding that might have arisen if we had not spotted the amended submission, the Trust re-affirms its objection of 9 July 2024 for all the reasons set out in that letter regarding negative impact on Palmers Garth, Church Street Head, the Conservation Area, and the WHS, together with the very probable creation of student accommodation.

Further, the Trust has now seen that three internal consultees have objected, as follows.

(1) Design & Conservation have objected in relation to the proposed opening in the front garden wall. They say “*The proposed driveway opening in the front (south east) boundary would be harmful. The linear nature and enclosed character of the street is created and reinforced by boundary treatments at the back of the footways and despite being a dense urban street it has a leafy character. The low stone wall and high hedgerow in front of the property is an integral part of the street scene, and creating a large opening for vehicle*

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access would degrade that character, failing to conserve or enhance the character and appearance of the surrounding conservation area.”

The Trust endorses this objection on the grounds that it renders the proposal as contrary to **County Durham Plan Policy 44** and **Durham City Neighbourhood Plan Policy H2**.

(2) The County Council’s Highways Development Management Team say that the proposal in its current form is not acceptable in highways terms; the application is not in accordance with the 2023 Parking and Accessibility SPD, and the applicant needs to demonstrate that he can provide the 4 off street spaces required to serve the uses proposed for the site before the Highway Authority can support the application.

The Trust commends the Highways Team for upholding the **2023 Parking and Accessibility SPD** but would point out that the Team have not questioned the proposal to create a dropped kerb at the existing bus stop point. This aspect of the application needs to be assessed as, on the face of it, having cars attempt to drive through a bus queue is not acceptable.

(3) The Ecology Team point out errors in the **BNG calculation** and they object that there is a biodiversity net loss of -80% when it should be a gain of +10% at least.

The Trust welcomes this objection but suspects that the net loss calculated by the Ecology Team does not take into account the extra 4 off-street parking spaces that the Highways Development Management Team is requiring.

Accordingly, the Trust considers that both the Highways Team and the Ecology Team should be re-consulted to address these two points.

It would also be prudent to notify other objectors that amended documents have been submitted and now constitute the definitive proposals.

Yours sincerely,

Sue Childs,

Vice-Chair, City of Durham Trust

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9 July 2024

David Richards
Planning Development Central/East
Room 4/86-102
County Hall
Durham City
DH1 5UL

Dear Mr Richards,

**DM/24/00770/FPA: Single storey rear extension to create 1no 2 bedroom dwelling, new vehicle access and the installation of new perimeter fencing at a height of 1.8 metres
2 Palmers Close Church Street Head Durham DH1 3DN**

The Trust objects to this major extension and new vehicle entrance. The proposals will have an adverse impact on Palmers Garth, Church Street Head, the Conservation Area and potentially the World Heritage Site (WHS). Adding a further dwelling to the existing building in the configuration proposed is very likely to prove attractive as student accommodation.

The locational context for this proposal is Church Street Head and its range of different buildings and building periods and styles. As the building backs onto Palmers Garth, it also relates closely to that space. Palmers Garth is important to the WHS because it offers two footpath routes down to the Riverbanks and a view of the Cathedral (see photographs below). It is certainly significant to the setting as greenspace beyond the Peninsula and river gorge that has remained undeveloped. It is part of the WHS setting and should also be under consideration in relation to WHS boundary expansion. This is in order to answer ICOMOS criticisms relating to development and protection of the gorge in Durham that were issued in response to the previous bid for WHS expansion.



View to the rear of the existing building (building outlined in red)

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View of Cathedral over Palmers Garth

The current building is a modest single-storey building surrounded by a hedge. The combination of the two is appropriate to its greenspace setting at present. The more relaxed character of this is in contrast to the terrace opposite but appropriate to the greenspace. The hedging continues along the boundary to Palmers Garth greenspace used as a playing field.

The building and garden are small, and the proposed extension to form a separate dwelling is a substantial intrusion into the garden space. This is a very visible negative change given its context. The extension will remove garden space, add to the existing building's mass **and** forcing it into the view from the rear. This is inappropriate backland development which is opposed in County Development Plan Policy 6b.

There is some risk that in erecting a new fence and altering the rear hedge it will reduce the screening to the rear. Although the two trees proposed for removal are relatively minor, currently they add to the general character of the surrounds to Palmers Garth greenspace. There seems no clear justification for their removal.

The proposal shows in each of the proposed extension's bedrooms a bed, en-suite facilities, a wardrobe and a desk. The existing building is also shown with one en-suite bedroom and two single bedrooms, all with desks. The various Design and Access Statements describe the proposed extension as follows:

"Each bedroom is comfortably sized to fit either a small double bed or single bed, desk, and wardrobe, and each has en-suite facilities"

In the Trust's view this appears to be very likely to be student accommodation. The proposed extension to the existing property creates what is in effect a PBSA and should be assessed as contrary to Policy 16.2 of the County Durham Plan.

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Indeed, understanding what the application intends is hindered by the different descriptions of it. The application form describes the development as:

“Application for the change of use and alteration of the number of dwellings from one dwelling (C3) to three dwellings, each featuring two bedrooms and combined living/dining/kitchen areas suitable for rental accommodation. The application encompasses a single-storey extension at the rear, modification of the kerb to facilitate off-street parking at the back of the property, and the installation of new perimeter fencing at a height of 1.8 meters.” The mis-spelling of ‘metres’ is the applicant’s, not the Trust’s.

In contrast, the application title on the Portal is for

“an extension to create one two-bedroom dwelling.”

Turning one dwelling into three dwellings is different to creating one dwelling. This confusion by the applicant over what is intended, including the submission of differing versions of drawings and Design and Access Statements, suggests that a definitive application should be invited.

The parking arrangements are also confused. The Design and Access Statement dated 19 March shows three car parking spaces, whereas the later Statement dated 8 May shows only one. Furthermore, no EV charging points are indicated (of which 2 would be required) and there is no provision for secure cycle storage.

Forming the car park space(s) will necessitate removal of a substantial section of the front wall and hedge, negatively impacting on the character of the building and street. If three spaces were to be added as the original proposal submitted it would radically alter the appearance of the building, removing all of the garden area.

The Trust therefore objects on the basis of negative impact on Palmers Garth, Church Street Head, the Conservation Area, and the WHS, together with the very probable creation of student accommodation.

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 6

Development on Unallocated Sites

The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are within the built-up area; will be permitted provided the proposal accords with all relevant development plan policies and:

- b. does not contribute to inappropriate backland development.

This proposal constitutes inappropriate development.

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).

Policy 45 Durham Castle and Cathedral World Heritage Site

The Durham Castle and Cathedral World Heritage Site is a designated asset of the highest significance. This development affects the World Heritage Site and its setting and fails to:

- c. Protect and enhance the immediate setting and an important view into the site.

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:

- 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 H1: Protection and Enhancement of the World Heritage Site

The development proposals within the Durham Cathedral and Castle World Heritage Site should sustain, conserve, and enhance its Outstanding Universal Value and support the current adopted management plan.

The development proposal is within the Parish area and fails to sustain, conserve and enhance the setting of the World Heritage Site:

- e) There was no assessment of how the development will affect the setting of the World Heritage Site, including views to the World Heritage Site; and

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f) The proposals fail to protect an important view.

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:

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