

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

Amy Beveridge  
Durham County Council Planning Development  
PO BOX 274  
Stanley Co Durham  
DH8 1HG

Dear Ms Beveridge,

**DM/24/02365/FPA | Proposed internal and external alterations including converting storage room into additional bedroom | 1 Cross View Terrace Durham DH1 4JY**

The City of Durham Trust objects to this planning application because it does not meet the requirements of County Durham Plan policies 16, 29 and 31. It also fails to meet the requirements of City of Durham Neighbourhood Plan Policies S1 and D4.

## Fire Safety

Policy 29 states that

All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and:

- a. [...]
- b. create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security;

Supporting paragraph 5.286 says “Spaces should be designed to be accessible and safe to all users...”. It follows that the occupants of the building should be able to escape safely should a fire break out. The document *Fire Safety Standards in Houses in Multiple Occupation* is a relevant local guidance document which we have downloaded from the County Council website<sup>1</sup> and attached for ease of reference.

This document says under *Fire Risk Assessment* on page 6, in bold text, **Bedrooms containing numerous electrical appliances should be considered as risk rooms as should kitchens**. It continues *The protected escape route is designed to allow for residents from all parts of the building to reach the outside without passing through a higher fire risk area.* The only escape route from the proposed new Bedroom 5 is via the kitchen. The same is true of the ground floor bathroom. The most likely place for a fire to break out is in the kitchen, and in that eventuality

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1 <https://www.durham.gov.uk/media/3189/Fire-safety-precautions-for-Houses-in-Multiple-Occupation/pdf/FireSafetyPrecautionsForHousesinMultipleOccupation.pdf>

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the inhabitant of Bedroom 5 would be trapped. On this ground alone the application should be refused.

## **Compliance with the Nationally Described Space Standard**

Policy 29 now requires all new residential development to comply with the NDSS. Adding a fifth bedroom has increased the required minimum gross internal floor area from 97m<sup>2</sup> to 110m<sup>2</sup>. Using the IDOX measuring tool we have measured the gross internal floor area as 103.3m<sup>2</sup>. We have excluded the yard area because this is, of course, external. While we recognise that the drawings and our measurement are subject to some variation, this falls so far below the required standard that we conclude that the proposal does not comply with the NDSS.

Bedroom 3 is stated to have a floor area of 6.6m<sup>2</sup>. This is less than the requirement in the NDSS for a single bedroom, which is 7.5m<sup>2</sup>. We have measured the drawing and the area is 6.42m<sup>2</sup>. This is less than the area required by the Council's space standards for shared accommodation, which is 6.51m<sup>2</sup>.

## **Amenity and Privacy**

Bedroom 5 will have one window, with an area of 1m<sup>2</sup>. This will face, at a distance of 3m across the yard, the back wall of the house, which is 6m high. Even on midsummer's day the sun does not rise that high, so Bedroom 5 will never get direct sunlight.

People gathering in the yard will be able to see directly into Bedroom 5 at a close distance. Their conversations will inevitably carry into that room. Bedroom 5 will have very little privacy. Because this is an HMO, these people will be from different households and not family members.

Policy 29(e) requires developments to *provide high standards of amenity*. Policy 31 states that *Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated*. All of these issues will impact on the occupant of Bedroom 5. This provides a further reason for refusal.

## **Energy efficiency**

Bedroom 5 will have three external walls and a flat roof, and will be permanently in shadow. This will provide a considerable challenge to maintaining it at a comfortable temperature. Its current use as a storage room does not have this requirement. No details have been given of how the room will be heated and insulated. Neighbourhood Plan Policy S1(h) requires the applicant to demonstrate the minimising of energy consumption and carbon emissions. It is not enough to remain silent, there has to be information to show how this objective will be achieved.

Neighbourhood Plan Policy D4 requires all extensions and other alterations to existing housing to be of high quality design relating to: [...] *(g) the improvement of energy efficiency and the reduction of carbon dioxide emissions*. This implements the requirements Neighbourhood Plan policy S1 and County Durham Plan Policy 29(c) to minimise greenhouse gas emissions.

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The applicant has not shown how these requirements will be addressed, so this too is another reason for refusal.

## **Enlargement of an HMO**

1 Cross View Terrace is in an area covered by an Article 4 Direction, so planning permission is required if the criteria in Policy 16.3(a) of the County Durham Plan are met. This states that extensions that result in specified or potential additional bedspaces will not be permitted if 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);

While the HMO percentage for this property has yet to be published, it seems highly likely, given the published postcode percentages, that this number will fall within the range of 10% and 90%, and probably towards the top end. Paragraph 5.160 sets out how the calculation will be done.

As explained in the supporting text at paragraph 5.157, the 10% threshold was derived from section 2 of the 'National HMO Lobby Balanced Communities and Studentification Problems and Solutions', which was published in 2008. The policy approach recognises that it is the cumulative impact of HMOs that has an impact upon residential amenity and can change the character of an area over time. Paragraphs 5.158 and 5.159 give more information.

## **Conclusion**

The foregoing shows how this application fails to meet the requirements of County Durham Plan policies 16.3(a), 29(b), (c) and (e) and 31. The increase in the number of bedrooms results in a failure to meet the NDSS. It also fails to meet the requirements of City of Durham Neighbourhood Plan Policies S1(h) and D4(g).

Any of these would by itself provide a reason to refuse this application, and taken together they make an irrefutable case.

Yours sincerely

JOHN LOWE

Chair