

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

Kelly Scott  
Durham County Council Planning Development  
PO BOX 274  
Stanley Co Durham  
DH8 1HG

Dear Ms Scott,

**DM/25/00159/FPA | Change of use from dwellinghouse (Use Class C3) to a small house in multiple occupation HMO (Use Class C4) including extension of driveway, cycle parking and bin storage | 38 Goodyear Crescent Sherburn Road Estate Durham DH1 2EB**

The Trust objects to this planning application because it fails to meet the requirements of County Durham Plan Policy 29 in several important ways.

## **The existing building**

We have measured the gross internal floor area of the building using the online IDOX tool. Each floor is 38.8m<sup>2</sup>, giving a total floor area of 77.6m<sup>2</sup>, which we shall round up to 78m<sup>2</sup> to allow for possible slight measuring errors. There are three bedrooms, but bedroom 2 at 5.8m<sup>2</sup> is below the minimum area of both the NDSS and the HMO standards. As a two-bedroom two storey house this would meet the NDSS (minimum floor area of 70m<sup>2</sup>) except that the largest bedroom is slightly too small (10.1m<sup>2</sup> vs 11.5m<sup>2</sup>). As a three-bedroom house it is already below the minimum required gross internal floor area of 84m<sup>2</sup>, with an undersized bedroom.

Our conclusion from this is that there is no scope to increase the number of bedrooms without also increasing the gross internal floor area, which is not being proposed.

## **The proposal**

The final Housing Needs SPD will, we understand, be approved shortly. We have referred to the latest draft (February 2024) which has been used in other recent planning applications. When the SPD is approved we shall if necessary revise this objection.

The proposal is for a five-bedroom, two storey, dwelling combined with a change of use from C3 to C4. The flowchart in paragraph 6.6 of the draft SPD (Figure 1) indicates that the NDSS does not apply but would be a guide to best practice. We contend that the relevant part is the sentence towards the end of paragraph 6.7:

For conversion from another use class to C4/Sui generis then NDSS would be applied and planning conditions can be added to prevent increases in the number of tenants within HMOs, which can help to prevent subdivision and reductions in internal space standards.

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The minimum gross internal area for a property of the size of this proposal is 110m<sup>2</sup>. The proposed area is 78m<sup>2</sup>, 32m<sup>2</sup> or 29% short. This is so far short of the standard that the application must be refused.

We would also point out that Paragraph 10(b) of the NDSS requires at least one double bedroom, and paragraph 10(d) requires this to have a floor area of at least 11.5m<sup>2</sup>. The largest bedroom in the proposal has a floor area of 10.1m<sup>2</sup>.

The HMO Consultation Sheet prepared by the Senior EHO says

For a 5 person HMO, the WC should be situated in a room separate from the bath or shower room. This is considered achievable without excessive cost or significant reduction of usable room floor space.

Here, the WC is provided in the only bathroom. The applicant has not advanced any exceptional circumstances why this should be allowed, so the proposal does not meet the Council's Standards for Properties in Multiple Occupation.

CDP Policy 29 begins

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

The NDSS and the Council's Standards for Properties in Multiple Occupation are relevant local guidance documents, and the Housing Needs SPD will be fully relevant once adopted. Part (e) of Policy 29 requires high levels of amenity and privacy, and these are not provided in the proposed development which will be cramped and lack adequate toilet facilities.

## **Parking arrangements**

The proposal for enough parking to accommodate three cars is contingent on the proposal for five bedrooms being approved. As that should be refused, it follows that the proposed additional hard standing should fall. We would however point out that at present the property does not appear to have a drop kerb. The proposal to remove part of the boundary fence implies that a wider or relocated pavement crossing is proposed, though the application is unclear on this point. The crossing would be very close to a traffic light at the junction of Cuthbert Avenue and the A181 and this may affect the location of any drop kerb.

There are four buses an hour into Durham from a bus stop only 70m away from this property. Consequently the location would be classed as "accessible" in the terms of the Parking and Accessibility SPD. It is also very close to the cycle route down Bent House Lane which allows reasonable access to the university as well as the town centre. In these circumstances we consider that the existing parking arrangements do not need adding to.

The four houses at 37 to 40 Goodyear Crescent are set at 45° to the roads and create an entrance to Cuthbert Avenue and the estate beyond. With their front gardens they

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complement each other. Providing car parking on one of these gardens will break the symmetry. Under *Extensions And Alterations* Policy 29 reads

Proposals for alterations and extensions to residential property and development associated with the incidental enjoyment of a dwelling, should ensure the development is sympathetic to the existing building(s) and the character and appearance of the area in terms of design, scale, layout, roof design and materials.

This proposal fails against that part of Policy 29.

## **Conclusion**

For all the above reasons we consider that this planning application should be refused due to multiple failures against County Durham Plan Policy 29.

Yours sincerely,

**John Lowe**

Chair, City of Durham Trust