

# THE CITY OF DURHAM TRUST

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

c/o Blackett, Hart & Pratt, LLP  
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Durham, DH1 1TH

27 March 2025

Emma Price  
Durham County Council  
Planning Department  
PO Box 274  
Stanley  
County Durham  
DH8 1HG

Dear Ms Price,

## **DM/25/00509/FPA - First To Third Floors 70 Saddler Street Durham DH1 3NP**

*Change of use from C3 and partial change of use from Class E to form a C4 HMO through the incorporation of a third floor room previously used as commercial space.*

This application seeks to create a bedroom with en-suite bathroom plus shared living/dining/kitchen space within the 3<sup>rd</sup> floor of the property and integrate these with the two existing bedrooms on the 1<sup>st</sup> and 2<sup>nd</sup> floors of the property to form a 3 bed HMO in C4 use.

The City of Durham Trust considered the application at its meeting on 18 March 2025 and agreed to object on the basis that it fails against CDP Policy 29 (Sustainable Design).

Policy 29 of the County Durham Plan 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 (in paragraph e.) provide high standards of amenity and privacy*”.

The Trust considers that Durham County Council’s adopted *Standards For Houses In Multiple Occupation – “Shared Houses”* are highly relevant in that respect and should be fully considered in determining whether an application meets the tests of being well designed and providing high standards of amenity.

The Standards state that “*These local adopted standards represent the minimum requirements considered appropriate for this type of accommodation so as to meet the reasonable needs and expectations of the occupiers’ health, safety and welfare requirements*”; and they require (in Part 2, Section 1, Space Standards) that “*All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.3m except in the case of existing attic rooms, which shall have a minimum height of 2.15m*”.

Additionally, Policy 29 requires all new residential development to comply with the Nationally Described Space Standard (NDSS) which requires the minimum floor to ceiling height to be 2.3m for at least 75% of the Gross Internal Area.

The Trust considers that the nature of the development means the whole of it (i.e. including the existing bedrooms) should now be subject to evaluation against the Standards and the NDSS.

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The plans show the new living/dining/kitchen space on the third floor as having a maximum height of 2.12m with four areas failing to reach even this height. Additionally, the new bedroom on the 3<sup>rd</sup> floor has a height of 2.13m and its en-suite has a height of 2.25m. Whilst the common living area may be classed as an attic room because some parts of the ceiling are sloping, the bedroom and en-suite may not. Accordingly, all of the areas on the third floor fail to meet the respective minimum height standards.

On the 2<sup>nd</sup> floor the en-suite bathroom has a height of 2.27m, again failing to meet DCC's minimum standard.

With regards to the NDSS, no areas are provided for any of the usable rooms or circulation areas, and no assessment is offered to demonstrate that the accommodation complies with the overall height requirement. However, based on the information provided on the plans, it appears that only the circulation areas, the 1<sup>st</sup> floor bedroom/en-suite and the 2<sup>nd</sup> floor bedroom have heights of 2.3m or greater; and using the IDOX measurement tool suggests that these areas comprise only 54% of the gross internal area, meaning that the NDSS requirement is also failed.

It is appreciated that the application will not be classed as new residential development, and consequently (as indicated in the proposed Housing Needs SPD) compliance with the NDSS should be regarded as best practice rather than mandatory. However, the extent of the failure to meet this key requirement of the NDSS must surely mean that it cannot simply be set aside. This, coupled with the equally significant failure to meet the Council's own adopted standards, leads the Trust to its conclusion that the application fails to provide high standards of amenity and thereby fails to comply with Policy 29.

For the reasons given above, the Trust therefore requests that the application be refused.

Yours sincerely,

JOHN LOWE

Chair, City of Durham Trust