

# THE CITY OF DURHAM TRUST

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20 April 2023

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

Michelle Hurton  
Durham County Council  
Planning Development  
Central/East Room 4/86-102  
County Hall  
Durham DH1 5UL

Dear Ms Hurton,

## **DM/22/03574/FPA | Erection of 4no. C3 dwellings (Revised and Resubmitted) | Land To The Rear Of 63 Crossgate Durham DH1 4PR**

The City of Durham Trust objects to this planning application because the plans are inaccurate and ambiguous, and because the requirements set out in the County Durham Plan and City of Durham Neighbourhood Plan have not been met..

We have used the IDOX measuring tool on the planning portal to check the drawings for compliance with the Nationally Described Space Standard (NDSS), as is now required by County Durham Plan Policy 29 in the section on buildings. Houses 1, 2 and 3 may meet the standard but House 4 does not.

The floor plans dated 27 February 2023 state that the distance between the inside walls measuring front to back is 7.0m but the IDOX tool gives this as 6.34m. The stated width of 4.8m is however accurate. The consequence is that the measured areas are wrong. The IDOX tool gives the ground floor internal area as 34.47m<sup>2</sup> and the first floor is 30.95m<sup>2</sup> giving a total of 65.42m<sup>2</sup> rather than the claimed 71.50m<sup>2</sup>. We have not included the outside storage which is 1.89m<sup>2</sup> since it is not connected internally to the house, but even if it were this would only raise the internal area to 67.31m<sup>2</sup>.

The NDSS requires a minimum internal floor area of 70m<sup>2</sup> for a two-bedroom two storey house, which is what House 4 is. The applicant appears to have measured the footprint, which includes the external walls, but the NDSS paragraph 8 is quite clear:

The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. The Gross Internal Area should be measured and denoted in square metres (m<sup>2</sup>).

Consequently the dimensions of House 4 do not meet the requirements of CDP Policy 29.

There is a further consequence. All planning approvals issued by the Authority include the condition *The development hereby approved shall be carried out in strict accordance with the*

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*approved plans*. As we have shown, the plans are ambiguous so this condition could not be met.

The minimum internal floor area for a four-bedroom three storey house such as Houses 1,2 and 3 is 103m<sup>2</sup>. However, any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (paragraph 10f of the NDSS). The plans show floor areas exceeding the minimum by either 9m<sup>2</sup> (Houses 1 and 3) or 1.4m<sup>2</sup> (House 2), however it is not clear how much of the floor area on the second floor is above the minimum height.

The description of the proposals is for the *Erection of 4no. C3 dwellings* but the description on the application form omits the use class C3 so we infer this has been added by a Council officer. Neither the Design and Access Statement nor the Heritage Statement mentions an intended use class.

If permission were given for C3 use then none of the four bedroom houses (number 1, 2 and 3) could be used for occupation by unrelated individuals, including students, as this would require a change of use to C4. It seems unlikely that this would be granted, given the existing concentration of student lets within the 100m radius. A proposal for the working men's club immediately adjacent to the application site (ref DM/21/01670/FPA) had an HMO percentage of 54.9% in April 2022 and the percentage for the application site will be similar – certainly well above 10% and below 90%.

No justification has been given for use as an HMO under, for example, CDP Policy 16, so we must assess the houses as C3 family homes. CDP Policy 29 says that *All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents*. This includes the Residential Amenity Standards SPD which was adopted in 2020. That includes these paragraphs on gardens:

**3.8** Developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area.

**3.9** The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9 metres unless site specific circumstances allow for a reduction in size.

There is no mention of a garden in the Design and Access Statement nor is any layout or indeed access shown on the plans. The area that could be a garden slopes steeply and is overlooked by the flats in North Road, and would not be private.

The Residential Amenity Standards SPD also gives minimum privacy distances, which are 21 metres for a 2-storey building (paragraph 3.2) increased by 3 metres for each additional storey (paragraph 3.3) and by 1 metre for every 1 metre that the floor level of the development would be above the affected floor or ground level of the neighbouring property (paragraph 3.4). The

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new houses would be 22 metres from the existing flats on North Road, but stand 5 or 6 metres above them. Clearly this is less than the minimum privacy standards.

We note from the ecological appraisal that the applicant is offering offsite mitigation land at High Shincliffe to compensate for the loss of the trees on the site. No explanation is offered as to why this land, which is over 5km away but apparently near to the applicant's home address, is suitable.

We agree with and support the observations made by the Spatial Policy team. We hope that our comments and measurements will assist you in assessing the criteria that they consider important. We agree with their conclusion that reducing the number of dwellings could achieve a higher quality development. However, we doubt that four bedroom family homes in this location will find anybody to buy or rent them. These houses look like HMOs intended for student occupation but this has not been applied for and if applied for should be refused.

We therefore ask the Authority to refuse this application as it does not meet the criteria in County Durham Plan Policy 29, and the NDSS and Residential Amenity Standards SPD which support that Policy. The documentation supplied with the application is silent on important matters and is also contradictory. Should the applicant attempt to rectify this we ask that you reconsult so that we, and others, may make further comments.

Yours sincerely,

JOHN LOWE

Chair, City of Durham Trust