

# THE CITY OF DURHAM TRUST

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Web site: <https://durhamcity.org/>

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

4 February 2026

Michelle Penman  
Durham County Council  
Planning Department  
PO Box 274  
Stanley  
County Durham  
DH8 1HG

Dear Ms. Penman,

**DM/26/00137/FPA - 23 Mistletoe Street Durham DH1 4EP**

*Two storey rear extension to existing small HMO*

The City of Durham Trust has reviewed this application and wishes to object on the basis that the proposals fail to comply with Policies 16, 29 and 31 of the County Durham Plan.

As a starting point, the Trust has evaluated the existing layout of the property and the claim that this is presently a 4-bedroomed HMO. Bedroom 2 on the first floor measures only 5.23m<sup>2</sup> in area, some 20% less than the minimum 6.51m<sup>2</sup> required by national guidance and the Council's mandatory Standards for Houses in Multiple Occupation (which apply to all HMOs whether licensable or not). This room should not, and must not, be occupied as a bedroom. The Trust considers that currently the property can only legitimately be regarded as a 3-bedroomed HMO.

As a result, the proposal to create a 4-bedroomed HMO increases the number of bedspaces by one. Given that the reported percentage of Class N exemptions within the 100m radius is 79.2%, the application is clearly not compliant with Policy 16.3(a) of the County Durham Plan (CDP).

Policy 16 also requires that the quantity of cycle and car parking application has regard to the Council's adopted Parking & Accessibility Supplementary Planning Document (SPD), and requires that the application provides acceptable arrangements for bin storage. None of these required details is provided within the application, thus again failing Policy 16.

Policy 29 of the CPD requires all new residential development to comply with the Nationally Described Space Standards (NDSS). The adopted Housing Needs SPD provides the following clarification in relation to HMOs: *"The Council considers that the NDSS, as best practice, will ensure that development provides adequate amenity standards in line with Policy 16, Policy 29 and Policy 31"*. The NDSS requires a minimum gross internal floor area of 84m<sup>2</sup> for a two storey 3-bedroom 4-person property and 97m<sup>2</sup> for a 4-bedroom-5-person property. An interpolated figure for 4-bedrooms and 4-persons would require some 90m<sup>2</sup>; however, the property measures only 79m<sup>2</sup> failing to meet even the lower NDSS requirement. Such a significant

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shortfall in area means that the proposals cannot be considered to achieve anything like best practice, and therefore fail Policies 16, 29 and 31 as described by the SPD.

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Policy 29 also requires all development proposals to achieve well designed buildings, provide high standards of amenity and consider the health impacts and the needs of future users. Paragraph 5.303 specifically requires that *“A high quality built environment should consider the amenity of both existing and future residents and consideration should be given to matters of privacy, outlook, natural lighting, ventilation, as well as local climatic conditions.”*

Policy 31, meanwhile, requires that *“Development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions.”*

National legislation and the Council’s HMO Standards require habitable rooms to have an area of clear glazing equivalent in total to at least 1/10th of the floor area of the room; and to have ventilation direct to open air with openings equivalent to at least 1/20th of the total floor area of the room. The combined kitchen/lounge has an area of 21.33m<sup>2</sup> but the only window to the room measures a mere 0.7m<sup>2</sup> glass area and 0.9m<sup>2</sup> ventilation area – thus failing to comply with either requirement.

Furthermore, the combined kitchen/lounge (a significant source of fire risk) is completely open plan with the ground floor hallway and stairwell, utterly compromising safe means of escape from the bedroom on the ground floor and the three bedrooms on the first floor.

The Trust considers that these significant failings do not accord with the well-designed buildings required by CDP Policy 29 (especially as defined in paragraph 5.303) or the acceptable living conditions that CDP Policy 31 seeks.

In summary, as set out above, the Trust considers that the application comprehensively fails CDP Policies 16.3(a), (d) and (e); 29(e); and 31 and consequently should be refused.

Yours sincerely,

JOHN LOWE

Chair, City of Durham Trust  
[chair@durhamcity.org](mailto:chair@durhamcity.org)

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