

THE CITY OF DURHAM TRUST

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

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4 February 2026

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

Dear Ms. Price,

DM/26/00072/FPA - 55 Bradford Crescent Gilesgate Durham DH1 1HL

Change of use from dwellinghouse (Use Class C3) to a flexible use permission as an HMO (Use Class C4) and a dwellinghouse (Use Class C3) under the provisions of Class V of Part 3 of the GPDO including single storey rear extension, cycle parking and bin storage

The City of Durham Trust has several concerns regarding this application.

Firstly, we note that this is yet another of some 30 approved or current applications in Durham for flexible C3/C4 use of a property. We regard this as a device to achieve widespread permanent exemption from the Article 4 Direction and CDP Policy 16.3.

As stated previously, the Trust believes that there is a clear risk of thwarting the very purpose of the Article 4 Directions through the proposed flexible use permissions. There is no requirement for planning permission to convert a C4 property to a C3 property, so the flexibility being sought here is to be able to switch from C3 to C4 from time to time without needing to seek planning permission each time.

The County Council needs to protect the purpose of the Article 4 Directions and the terms of CDP Policy 16.3 by making it clear that any property granted a flexible C3/C4 use will always be included in the count of Houses in Multiple Occupation and treated as being an unimplemented approved C4 while it is operating for the time being as a C3 property.

Once again, we strongly support the inclusion of a safeguard to this effect in the officers' reports on the cases that have been referred to the County Council's committee, and urge that the same terms are applied in this case should the application be approved.

However, we consider that in any case the application should be refused for the following reasons.

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As the application is for a residential extension involving flexible C3/C4 use, the Nationally Determined Space Standard criteria apply as specified in CDP Policy 29. These require that the property must have at least 1 double (or twin) bedroom with a floor area of at least 11.5m² and a width of at least 2.75m. The only room to satisfy the area condition is Bedroom 3 (12m²), but its minimum width is only 2.15m. The proposals therefore fail to comply with Policy 29.

National legislation requires habitable rooms 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 living/dining/kitchen area is 29.6m², but the measured opening area is only 1m² meaning that the proposals fail to provide the necessary ventilation. The Trust considers that this does 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.

Furthermore, the sole means of escape from the ground floor shower room is via the kitchen, where fire is most likely to occur, and this dangerous arrangement cannot be improved by, for example, the addition of an escape window because there is nowhere to add one. On this basis, the proposals again fail to comply with CDP Policies 29 and 31.

Finally, as a C3 2-bedroom property being extended to 4-bedrooms, one further in-curtilage parking space is required according to the adopted Parking & Accessibility Supplementary Planning Document. The applicant's Planning Statement asserts that *"it is apparent that car usage amongst future residents is likely to be low"*, but this is based on an assumption that only students will be occupying the property. This argument flies in the face of the application seeking not only C4 use but also C3. Accordingly, a further parking space must be provided.

However, properties in Bradford Crescent have no in-curtilage provision, with the result that all parking is on-street including any increases required under the SPD. To date the Highways Department has only considered applications in this vicinity on an individual basis but not in terms of the cumulative impact of so many approvals within the area. To put this in perspective, the number of HMOs approved or currently under consideration within Bradford Crescent alone is 18, with an associated increase of 20 bedrooms most of which require an additional parking space under the SPD. Approval would thus be very likely to add to the very real existing problems of on-street congestion and the inability of refuse collectors to access bins left on the pavement for collection. Consequently, the Trust believes that the proposals contravene CDP Policy 16.3(d) and (e).

In summary, as set out above, the Trust considers that the application fails CDP Policies 16.3, 29 and 31 and should be refused.

Yours sincerely,

JOHN LOWE

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