THE CITY OF DURHAM TRUST

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18 November 2026

Mr David Richards
Durham County Council
Planning Department
PO Box 274
Stanley
County Durham
DH8 1HG

Dear Mr Richards,

DM/26/02777/FPA - Magdalene Heights, Gilesgate, Durham, DH1 1SY

Conversion of a C3 dwelling within an existing C3 & C4 mixed use building to 2 No. C3 apartments.

The City of Durham Trust objects to this application on the basis that it does not comply with Policies 16, 29 and 31 of the County Durham Plan or Policy T3 of the Durham City Neighbourhood Plan.

Policy 16 / Policy T3
The proposal to create 2no. 2-bedroom flats is very likely to appeal to the student population, especially given the location of the property and its co-location with existing HMO and PBSA accommodation. As has already been established in the case of similar proposals at 18 Boyd Street (DM/25/03505/FPA) and 60 Dragonville (DM/25/03604/FPA), it is therefore appropriate to assess the proposal against Policy 16(2) even though it is not developed specifically as PBSA.

Criterion a) of this Policy requires that the applicant must demonstrate a need for additional student accommodation of this type in this location; however, no evidence has been provided to that effect.
Criterion b) requires consultation with the relevant education provider pursuant to the identified need, which again the applicant has failed to demonstrate.
Criterion h) requires that the quantity of cycle and car parking provided has regard to the Council's Parking and Accessibility Supplementary Planning Document (SPD). This would require the provision of 4 in-curtilage car parking spaces, 1 EV charging point (given that a new residential unit is being created) and secure, covered and enclosed storage for 4 cycles. None of this detail has been provided.
Finally, criterion i) requires that the applicant has shown that the security of the building and its occupants has been considered, but this has not been demonstrated either.

As a result of these failures and omissions, the application comprehensively fails to comply with Policy 16 of the CDP and , in respect of cycle parking, Policy T3 of the Neighbourhood Plan.

Policy 29

Policy 29 requires all new residential development to comply with the Nationally Described Space Standard (NDSS). Given that two residential properties are being created from the conversion of the single existing dwelling, it is reasonable to suggest that the NDSS must apply to this application. Para 10 i) of the NDSS requires that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. The newly created first floor flat is housed entirely within a pitched roof, but no sections or height lines are provided with the application. Until such information and necessary calculations are provided, it is not possible to demonstrate that this condition is met and that the upper flat complies with the NDSS.

Policy 29 also requires development proposals to achieve well designed buildings and to provide high standards of amenity and privacy. Both bedrooms in the ground floor flat are en-suite, but no separate WC is provided for the use of guests or tradespeople. This means that visitors to the flat can only gain access to a toilet via one of the bedrooms, thus compromising occupants' privacy. The Trust is strongly of the opinion that this lack of amenity and privacy is at odds with item 6 of the 'Places and Spaces' section of Policy 29 (which requires that private and communal amenity space is well-defined, defensible and appropriate in its design, size and location to the needs of its users) and consequently fails to comply with the Policy.

Policy 31

By the same token, Policy 31 requires the application to demonstrate that future occupiers of the proposed development will have acceptable living conditions. As before, the Trust would argue that the proposed arrangement of the ground floor flat will lead to unacceptable living conditions for its occupants and therefore fails to comply with the Policy.

For the reasons set out above, the Trust objects to this application and requests that it be refused.

Yours sincerely,

Allan Gemmill
Chair, City of Durham Trust
trust@durhamcity.org

The Trust, founded in 1942, is a Charitable Incorporated Organisation, registered as a charity, No. 502132.
Registered Office: c/o BHP Law, Aire House, Belmont, Durham, DH1 1TH