



Durham City Neighbourhood Planning Forum,  
The Miners' Hall,  
Redhills,  
Durham,  
DH1 4BD

Our Ref: 17/310/GJS

11<sup>th</sup> December 2017

Dear Sir / Madam,

**RE: REPRESENTATIONS TO THE DURHAM CITY NEIGHBOURHOOD PLAN CONSULTATION DRAFT (NOVEMBER 2017) ON BEHALF OF HOPE ESTATES**

We are writing on behalf of Hope Estates to make representations on the consultation draft of the Durham City Neighbourhood Plan (November 2017). These representations relate solely to draft Policy D2 '*Student Accommodation in Houses in Multiple Occupation (HMO)*'. Hope Estates were established in 1990 and provide high quality student accommodation in both Durham and Stockton-on-Tees. The company manage over 100 properties in the local area, the majority of which are located within the Neighbourhood Plan Area. Hope Estates are therefore one of the largest student accommodation providers in the City.

Draft Policy D2 of the Neighbourhood Plan suggests that, in order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, development proposals for new build HMOs, extensions that result in additional bed spaces and a change of use from any use to Class C4 (HMO) or large HMO (*sui generis*) will not be permitted if more than 10% of the total number of properties within 100m of the application site are already in use as HMOs or student accommodation exempt from Council Tax charges or the student population exceeds 20% of the total population of that area. The draft policy also outlines a number of development management considerations that will be applied to such proposals, including cycle parking, bin storage, design and security.

It is noted that the draft wording of Policy D2 broadly reflects that proposed by the Neighbourhood Planning Forum on behalf of various local amenity and community groups as part of the consultation on Durham County Council's Interim Policy on Student Accommodation. A copy of the consultation response dated October 2015 is enclosed at **Appendix 1** and sets out the following suggested additions and omissions to the draft policy (suggested additions highlighted in green and omissions in red):

*'In order to promote sustainable, mixed and balanced communities and maintain an appropriate housing mix in accordance with Paragraph 50 of the National Planning Policy Framework and Paragraph 21 of the Planning Practice Guidance, the following policies will apply.'*

Gateway House, 55 Coniscliffe Road, Darlington, Co. Durham, DL3 7EH

**PART A: HMOs**

*Applications for new build and extensions to Houses in Multiple Occupation (both C4 and sui generis) and changes of use from any use to:*

- a Class C4 (House in Multiple Occupation), where planning permission is required; or
- a House in Multiple Occupation in a sui generis use (more than six people sharing)

*will not be permitted if more than 10% of the total number of properties within 100 metres of the application site are already in use as licensed HMOs or student accommodation exempt from Council Tax charges, or the population exceeds 20% of the total population in that area.*

*In all cases proposals will only be permitted where:*

- a. the quantity of cycle and car parking provided is in line with the County Council's adopted Car Parking and Accessibility Standards relevant saved policies from the City of Durham Local Plan, the Council's Parking and Accessibility Guidelines and the relevant institution's restrictions on students' cars: and
- b. they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues in line with relevant saved policies E22 and H9 from the City of Durham Local Plan; and
- c. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area in accordance with relevant saved polices H2, H7, H8, H9, H13, Q1-Q17, E3, E6, E14, E16-18, E21-24 and E26 of the City of Durham Local Plan.

*However, such changes would not be resisted in the following circumstances:*

- d. Where an area already has such a high concentration of HMOs that the conversion of remaining C3 dwellings will not cause further detrimental harm; or
- e. Where the remaining C3 dwellings would be unappealing and effectively unsuitable for family occupation.

*Changes of use from an HMO to C3 will be supported, including policies and initiatives outside of the Plan that can bring funding and other measures to assist the re-balancing of neighbourhoods.'*

Whilst the suggested amendments were viewed as 'important omissions and additions' by the Neighbourhood Planning Forum, it is important to acknowledge that they were not subsequently adopted in full by Durham County Council, most notably the suggested omission of the policy provision that such changes will not be resisted where an area already has such a high concentration of HMOs that the conversion of remaining C3 dwellings will not cause further detrimental harm. National Planning Practice Guidance (PPG) recognises that, where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place, the qualifying body and the Local Planning Authority (LPA) should discuss and aim to agree the relationship between policies in:

- The emerging Neighbourhood Plan;
- The emerging Local Plan;
- The adopted Development Plan

They should also pay appropriate regard to national policy and guidance. Draft Policy D2 of the Neighbourhood Plan clearly departs from the adopted Interim Policy on Student Accommodation in a number of key areas, most notably the omission of Part A(c) of the Interim Policy, which confirms that new build HMOs and changes of use will not be resisted where an area already has such a high concentration of HMOs that the conversion of remaining C3 dwellings will not cause further detrimental harm. The Interim Policy has been adopted relatively recently following an extensive public consultation exercise and the policy approach has been endorsed by independent Inspectors in determining planning applications for HMOs in the City in the intervening period. In particular, we would make reference to a recent appeal decision relating to the creation of 1 No. HMO in Use Class C4 at Peartree Cottages, High Wood View, Durham (APP/X1355/W/16/3165827) and a copy of the appeal decision is contained at **Appendix 2**. It was established that 61.8% of properties within 100m of the appeal site were in use as HMO's and student accommodation, and, in the context of such a high concentration of HMO and student accommodation, the Inspector concluded that '*the effect of one additional HMO would be negligible*' (ELG Planning emphasis) and that the proposal would not conflict with Part 6 of the NPPF with regard to the creation of sustainable, inclusive and mixed communities and the maintenance of an appropriate housing mix.

Moreover, Paragraph 4.59 of the County Durham Plan Issues & Options (May 2016) stated '*given the extensive public consultation and responses received, we propose to incorporate the interim policy on student accommodation in the Plan.*' There is therefore an extremely strong likelihood that the wording of the adopted Interim Policy on Student Accommodation will be incorporated into the draft County Durham Local Plan and will give rise to a clear conflict between draft Policy D2 of the Neighbourhood Plan and the corresponding policies of the County Durham Local Plan. PPG highlights that it is important to minimise any conflict between policies in the Neighbourhood Plan and emerging Local Plan because S.38(5) of the Planning & Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

Accordingly, it is clear that there is a very real prospect that draft Policy D2 will be superseded by the corresponding policy of the new County Durham Local Plan once adopted, which is extremely likely to follow the wording of the adopted Interim Policy on Student Accommodation. It is noted that Paragraph 4.153 of the draft Neighbourhood Plan contends that Policy D2 incorporates '*minor but vital improvements*' to the Interim Policy on Student Accommodation, however, we would reiterate that the Interim Policy was subject to extensive public consultation prior to adoption and the general policy approach allowing further HMOs in areas where there is already a high concentration has been endorsed by independent Inspectors through recent S.78 Planning Appeals. It is therefore apparent that the adopted Interim Policy on Student Accommodation provides an appropriate mechanism to deliver the key objective outlined within the draft Neighbourhood Plan of addressing the imbalance towards student accommodation back to a sustainable, balanced community.



Draft Policy D2 and, in particular, the omission of the adopted policy provision confirming that new build HMOs and changes of use will not be resisted where an area already has such a high concentration of HMOs, is unduly restrictive and is highly likely to be overridden by the new County Durham Local Plan in due course. On this basis, we would strongly urge the Neighbourhood Planning Forum to revise draft Policy D2 to reflect the wording of the Durham County Council's adopted Interim Policy on Student Accommodation, which remains an appropriate mechanism to achieve the Neighbourhood Plan's stated objectives in relation to student housing.

We trust that this information is of assistance and would request that we are kept updated on progress with the preparation of the Neighbourhood Plan. Should you have any queries in respect of this matter please do not hesitate to get in touch.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Gary Swarbrick".

Gary Swarbrick

**Associate**

cc.      Hope Estates



## Appendix 1

Neighbourhood Planning Forum Consultation Response on  
Interim Policy on Student Accommodation (October 2015)

# DURHAM COUNTY COUNCIL CONSULTATION ON AN INTERIM POLICY ON STUDENT ACCOMMODATION AND ARTICLE 4 DIRECTION IN DURHAM CITY, OCTOBER 2015

Response by the Durham City Neighbourhood Planning Forum  
and amenity and community groups in Durham City

---

The Durham City Neighbourhood Planning Forum and local amenity and community groups (see list below) welcome the County Council's response to their suggestion for an Interim Policy on Student Accommodation, accompanied by an Article 4 Direction.

We present our views below, first on the draft interim policy itself, then on background text, thirdly on the Article 4 Direction and finally on some related matters.

We would be glad to be involved in finalising the policy following the period of public consultation, particularly in providing clarification on the choice and precise wording of criteria by which development proposals will be assessed.

Durham City Neighbourhood Planning Forum  
Crossgate Community Partnership  
Elvet Residents' Association  
Sidegate Residents Association  
Whinney Hill Community Group  
St Nicholas Community Forum  
Nevilles Cross Community Association  
Sheraton Park Residents' Association  
City of Durham Trust  
Friends of the Durham Green Belt  
Durham Bicycle Users' Group

## **PROPOSED INTERIM POLICY**

The County Council has adopted nearly all of our proposed interim policy and background text, and this is most welcome, but there are important omissions and additions. In the amendments we propose below, **green** text is our previously suggested insertions (updated where appropriate); **red** text is text we suggested should be deleted (again, updated where appropriate). Each amendment is numbered and explained after the policy and background texts. Reference is made to the relevant saved policies of the City of Durham Local Plan 2004; these will remain in force until replaced by the adopted County Durham Local Plan, and are set out for ease of reference in full as Annex 1.

### **Policy 32: Houses in Multiple Occupation, Student Accommodation and Purpose Built Student Accommodation**

**In order to promote sustainable, mixed and balanced communities and maintain an appropriate housing mix in accordance with Paragraph 50 of the National Planning Policy Framework and Paragraph 21 of the Planning Practice Guidance, the following policies will apply.(1)**

#### **PART A: HMOs**

**Applications for new build and extensions to Houses in Multiple Occupation (both C4 and sui generis) and changes of use from any use to:**

- a Class C4 (House in Multiple Occupation), where planning permission is required; or

- a House in Multiple Occupation in a *sui generis* use (more than six people sharing)

will not be permitted if more than 10% of the total number of properties within 100 metres of the application site are already in use as licensed HMOs or student accommodation exempt from Council Tax charges, **or the population exceeds 20% of the total population in that area.**(2)

In all cases proposals will only be permitted where:

- a) the quantity of cycle and car parking provided is in line with **the County Council's adopted Car Parking and Accessibility Standards relevant saved policies from the City of Durham Local Plan, the Council's Parking and Accessibility Guidelines** and the relevant institution's restrictions on students' cars (3); and
- b) they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues in line with relevant saved policies E22 and H9 from the City of Durham Local Plan (4); and
- c) the design of the building or any extension would be appropriate in terms of the property itself and the character of the area in accordance with relevant saved polices H2, H7, H8, H9, H13, Q1-Q17, E3, E6, E14, E16-18, E21-24 and E26 of the City of Durham Local Plan.(5)

**However, such changes would not be resisted in the following circumstances:**

- d) Where an area already has such a high concentration of HMOs that the conversion of remaining C3 dwellings will not cause further detrimental harm; or
- e) Where the remaining C3 dwellings would be unappealing and effectively unsuitable for family occupation. (6)

Changes of use from an HMO to C3 will be supported, including policies and initiatives outside of the Plan that can bring funding and other measures to assist the re-balancing of neighbourhoods.

## PART B: PURPOSE BUILT STUDENT ACCOMMODATION

When considering proposals for new, extensions to, or conversions to, Purpose Built Student Accommodation (PBSA) the Council will consult with key stakeholders in accordance with Appendix A of the Statement of Community Involvement.

Any proposal will be required to demonstrate:

- (a) that there is a need for additional student accommodation. Developers should demonstrate what specific need the proposal is aimed at and why this need is currently unmet ;
- (b) It would not result in a negative impact on retail, employment, leisure, tourism or housing use or would support the Council's regeneration objectives ; and
- (c) partnership working with the relevant education provider.

Proposals for new development will not be permitted unless:

- 1) The development is **on or adjacent in close proximity** (7) to an existing university or college academic site, or hospital and research site; **and**
- 2) the design and layout of the student accommodation and siting of individual uses within the overall development are appropriate to its location in relation to adjacent neighbouring uses **in accordance with relevant saved polices Q1-**

**Q17, E3, E6, E14, E16-18, E21-24 and E26 of the City of Durham Local Plan(5).**

The aim is to ensure that there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the street-scene either from the proposed development itself or when combined with existing accommodation; **and**

- 3) the design meets the appropriate criteria for student living accommodation as set out in the Building Regulations (5); and
- 4) the internal design, layout and standard of accommodation and facilities is of a high specification **in accordance with relevant saved polices Q1-Q17, E3, E6, E14, E16-18, E21-24 and E26 of the City of Durham Local Plan(5); and**
- 5) the impacts from occupants of the development will not have an unacceptable impact upon the amenity of surrounding residents in itself or when considered alongside existing and approved student housing provision. A management plan appropriate to the scale of the development shall be provided. Implementation of the management plan will be controlled through the use of planning conditions or an appropriate legal agreement; **and**
- 6) the quantity of cycle and car parking provided is in line with **the County Council's adopted Car Parking and Accessibility Standards relevant saved policies from the City of Durham Local Plan, the Council's Parking and Accessibility Guidelines** and the relevant institution's restrictions on students' cars; and
- 7) it has been demonstrated to the local planning authority that the proposals are deliverable. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that PBSA will be delivered on the site within five years. Sites with planning permission will be considered deliverable until permission expires.

Where appropriate, proposals in accordance with the above requirements should contribute to the re-use of listed buildings, heritage assets and other buildings with a particular heritage value.

---

(1) *The movement of this phrase from Part A to the beginning of the policy ensures that it applies to Part B on PBSAs as well.*

(2) *The criterion of a 20% population tipping point is, quite rightly, in the Council's background text (paragraph 10) but has been missed out of the policy.*

(3) *This is an interim policy and so, in the absence of an adopted County Durham Local Plan, it contains references to the Saved Policies of the City of Durham Local Plan 2004. When the County Durham Local Plan is finally adopted it will, we anticipate, include a final version of this strategic policy in which references to the saved policies are replaced by references to its equivalent development management policies. However, in respect of car parking and accessibility, the County Council in 2014 adopted revised Car Parking and Accessibility Standards and therefore it is those standards rather than Saved Policies T10, T11 and T20 of the City of Durham Local Plan 2004 that will be applied. It should be noted that the policies for a minimum requirement of cycle parking at residential properties were omitted in 2014. A minimum cycle parking requirement (of one space per 2 students) at HMOs would be a worthwhile addition to the above policy.*

(4) *Saved Policy E22 states*

*The Council will seek to preserve or enhance the character or appearance of the conservation areas within the City of Durham by:*

1. *Not permitting development proposals which would detract from the character or appearance of the conservation area or its setting. All development proposals*

- should be sensitive in terms of siting, scale, design and materials, reflecting, where appropriate, existing architectural details;*
2. [not relevant]
  3. [not relevant]
  4. *Requiring a sufficient level of detail to accompany applications for development to enable an assessment to be made of its impact on the conservation area.*

*Arrangements for bin storage etc will need to be set out in order to comply with point 4, and point 1 requires them to be acceptable.*

*(5) Again important to specify the relevant Saved Policies, such as Q1 and Q2 that deal with the access needs of people with disabilities. Compliance with Building Regulations regarding disabled access is vital and deserves inclusion somewhere, notably on PBSAs (see Annex 2).*

*(6) We asked for these words to be deleted from the background text, which they have been, but they have now been introduced into the policy. They MUST be removed altogether; they represent a policy of abandonment of whole streets, whereas in future the balance could change for the better, for example as a higher percentage of students live in Colleges which is the University's aim. We recognise that the market value of a dwelling within a street almost entirely given over to HMOs/PBSAs will be higher if allowed to be converted to an HMO but we consider that the NPPF policy of creating balanced and sustainable communities should take precedence and be upheld.*

*(7) The phrase "in close proximity" is open to very wide interpretation. Our phrase is much clearer and much more effective in resisting PBSAs that, by their very nature, have an overwhelming impact on residential areas.*

## **BACKGROUND**

We have only three comments on the text that provides the background and reasoning for the policy, as follows.

(1) Paragraph 2: we propose the following green addition and red deletion.

The University set out in the Residential Accommodation Strategy (2012) its ambition to increase student numbers in the City from 13,500 to 15,300 by 2020 (a 13% increase over 6 years) but it also intends to increase the percentage residing in purpose built student accommodation (controlled by the University) from 43% to 50% and has an aspiration eventually to achieve 70%. These figures were revised in early 2015 as part of an annual planning process. The number of students based in Durham (as opposed to Queen's Campus, Stockton), in 2014/15 was 13,482 and is projected to rise to 13,841 in 2019/20, an increase of 359. The University does not have a figure for planned student numbers beyond 2019/20, but rolling the growth figures forward gives an indicative figure of about 18,000 in the year 2030. From September 2015 there will no longer be a financial penalty if a university exceeds its planned undergraduate student numbers. The actual extent of growth of Durham University will be dependent upon the capacity of research and teaching facilities that develop. These figures were revised in early 2015 as part of an annual planning process. The number of students based in Durham (as opposed to Queen's Campus, Stockton), in 2014/15 was 13,482 projected to rise to 13,841 in 2019/20. As part of this process it was noted that of the 13,482 students in 2014/15, 6,392 were accommodated by the University leaving 7,090 to be housed elsewhere. The Council's Council Tax data, relating to the academic year 2013/14, indicates that there were approximately 6,300 students living in student exempt properties within the DH1 postcode area. The Council Tax data identifies properties where the only occupants are students. Whilst this data reflects different reporting periods, it suggests that some students are living outside of University

accommodation or HMOs. It may be that these students are living at home, in mixed households (student and non-student) or outside the DH1 postcode area.

(2) Paragraph 23: We greatly welcome the proposed Article 4 Direction. It would be useful to extend the wording to control extensions to and internal subdivisions of existing HMOs. The area to be covered will need to be reviewed in the course of time. If the boundary is too small there will be the boundary-jumping problems identified in the Council's evidence paper accompanying this consultation. We have previously argued that the proposed Article 4 Direction should cover the whole of the un-parished area of Durham City. In fact, it might need to cover the whole of the built-up area, as in the exemplar case of Manchester. We would be happy to discuss this with the Council.

(3) The evidence paper: the evidence paper is in our opinion burdened with misrepresentations too numerous to be all corrected here. We offer three examples that display chronic ignorance about the situation in Durham City on issues that cause much stress:

- Pages 15/16 on noise nuisance: the paper relies on data from the Council's Environment Protection Team showing only 38 noise complaints directly related to HMOs in Durham City over the 55 month period 1st April 2011 to 31st December 2014. For those who live in the historic part of Durham city the notion that there is on average less than one noise problem per month is surreal. We and the Police know that on any given Wednesday night in term-time there are severe noise incidents. Good evidence is readily available: at the city centre Police and Community Together meeting on Wednesday 21st October 2015 the Police reported that there had been 27 harassment-by-noise recorded incidents at specified addresses (which are almost all HMOs) in the Claypath/Viaduct/Elvet area just in the four weeks 21st September to 20th October 2015. It is unhelpful for the Council's evidence paper to play down the problem by ignoring the primary source of recorded noise nuisance by which residents' lives are blighted to the point of desperation.
- Page 18 states that students are encouraged not to bring their cars with them, and goes on to say that Durham University requires that students who live within the designated area of Durham City must obtain a University Motor Licence. Both statements are entirely out-of-date and wrong.
- Page 20 - paragraph 3.21: the evidence paper asserts that the University has a range of powers to deal with student bad behaviour. This is not correct. The University has only the most limited powers of control over non-academic issues; incidents have to be reported to the Police, and it is for the Police to act upon them.

There is so much that is weak, equivocal, unconvincing and just plain wrong in the evidence paper that it might have been written deliberately to invite a successful legal challenge. We would be more than willing to assist in a re-draft.

## **REGULATION 7 DIRECTION**

The failure to proceed with a Regulation 7 Direction is unacceptable. It is evident right now across the city that the voluntary code is not preventing student to-let boards appearing in early October. Despite being notified with photographic proof, the Council cannot take enforcement action because, under a voluntary scheme, putting up these boards is not illegal.

The parallel with Article 4 Direction is telling - until this July's very welcome change of heart, the Council had always resisted the case for introducing an Article 4 Direction. Similarly,

the former City Council always said that there was nothing it could do about the conversion of family houses to student HMOs and, again, the County Council's welcome decision to introduce an effective policy on student accommodation shows that it can be done. A Regulation 7 Direction can and should now be made to tackle the degrading adverse impact of streets full of to-let boards on the environment and amenity of the heart of Durham city.

Alongside the making of a Regulation 7 Direction there will need to be an appropriate investment in the enforcement resources of the Council. We fully recognize the appalling pressures caused by budget cuts but without adequate enforcement capacity much of the care taken over policy wording and over conditions on approved developments will be wasted.

## **ADDITIONAL LICENSING SCHEME**

The evidence paper provides a disturbing picture from surveys of the extent to which existing HMOs are damp, too small, electrically unsafe, etc. For example, 41% were assessed as having significant problems with respect to evidence of smoke alarm checks, and over half (55%) of surveyed dwellings required a fire door to be fitted to the kitchen. The external appearance of HMOs, satisfactory arrangements for waste disposal and controlling noise nuisance, i.e. management issues, are significant concerns for permanent residents of the city but unsurprisingly only 2% of landlords thought this was the case.

The measures being taken by the County Council under the Landlord Accreditation Scheme are welcome so far as they can have effect. It is noteworthy that landlords who have not volunteered to join the scheme will find that some of their properties will be inspected. This pro-active approach is to be applauded. We propose that the existing Scheme should be extended to include requirements that the external appearance and garden of the property is maintained to an acceptable standard, and that satisfactory arrangements for waste disposal are provided (again, the Council's positive interventions on problems such as wheelie-bin overflows attracting vermin are welcome). However, an Additional Licensing Scheme to augment the Mandatory Scheme so that all private HMOs are required to obtain a license would not just help neighbourly harmony and the appearance of the city but also and even more importantly help to prevent another predictable tragedy.

---

**ANNEX 1****RELEVANT SAVED POLICIES OF THE CITY OF DURHAM LOCAL PLAN 2004****E3 World Heritage Site - Protection**

Durham Cathedral and Castle World Heritage Site and its setting will be protected by:

1. Restricting development to safeguard local and long distance views to and from the cathedral and castle and Peninsula in accordance with policies E1, E5, E6, E10, E23 and E24; and
2. Applying policies E1, E5, E6, E10, E21, E22, E23 AND E24 relating to green belt, landscape setting, conservation areas, listed buildings, and archaeological remains; and
3. Seeking the conservation and management of buildings, archaeological remains, woodland and open spaces which make up the world heritage site and its setting.

**E6 Durham City Centre Conservation Area**

The special character, appearance and setting of the Durham (city centre) conservation area will be preserved or enhanced by:

1. Encouraging all proposals for new building to:
  - (a) exhibit simple, robust shapes, have a clear predominance of wall surface over openings and be restricted to a limited range of external materials; and
  - (b) have simple traditional roofs which do not create long or continuous ridge or eaves lines and which do not include reflective surfaces such as glass; and
  - (c) reflect a quality of design appropriate to the historic city centre; and
  - (d) use external building materials which are the same as, or are sympathetic to the traditional materials of the historic city or an individual street; and
  - (e) fragment proposals for large buildings into blocks of visually smaller elements in a way which is sympathetic to the historic city centre.
2. Not granting planning permission for development or demolition which would damage the historic profile of buildings running from the South Bailey, Through North Bailey, Saddler Street, The Market Place And Claypath.
3. Applying conservation area policy E22, and shop front policies Q11 and Q12.

**E14 Existing Trees and Hedgerows**

In considering proposals affecting trees and hedgerows the council will:

1. Not permit development which would result in the loss of ancient woodland; and
2. Designate tree preservation orders as necessary; and
3. Require development proposals to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible, and to replace trees and hedgerows of value which are lost; and
4. Require a full tree survey to accompany planning applications when development may affect trees inside or outside the application site.

**E16 Nature Conservation – the natural environment**

The council will protect and enhance the nature conservation assets of the district by:

1. Requiring development proposals where appropriate, outside sites specifically protected for their nature conservation importance to:
  - (a) identify any significant nature conservation interest that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest; and
  - (b) as far as possible avoid any unacceptable harm to nature conservation interests as a result of the development; and
  - (c) provide mitigation measures to minimize unacceptable adverse effects on identified nature conservation interests that cannot be avoided.
2. Including compensation measures to offset any harm to identified nature conservation interests which cannot be completely avoided or mitigated; and
3. Seeking to enhance the nature conservation value of the district through the creation and management of new wildlife habitats and nature conservation features in development schemes and in the management of existing areas of open space.

**E17 Sites of Special Scientific Interest**

Development that is likely to adversely affect a designated or notified site of special scientific interest or national nature reserve either directly or indirectly will only be permitted if it can be demonstrated that:

1. The proposal is of over-riding national importance; and
2. The development cannot be located elsewhere; and
3. Remedial measures are taken to minimize the adverse effects associated with the scheme and

commensurate efforts are made to compensate for any unavoidable damage by appropriate habitat creation.

#### **E18 Sites of Nature Conservation Importance**

The council will seek to safeguard sites of nature conservation importance including regionally important geological and geo-morphological sites (rigs). Development which would be detrimental to their nature conservation interest will not be permitted unless it is demonstrated that:

1. The benefits from the development outweigh the nature conservation interest of the site; and
2. There are no alternative suitable sites for development elsewhere in the county or region as appropriate; and
3. Commensurate measures are taken to minimize the adverse effects associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement in the vicinity to compensate for any unavoidable damage.

#### **E21 Historic Environment**

The council will preserve and enhance the historic environment of the district by:

1. Requiring development proposals to minimize adverse impacts on significant features of historic interest within or adjacent to the site; and
2. Encouraging the retention, repair and re-use of buildings and structures which are not listed, but are of visual or local interest.

#### **E22 Conservation Areas**

The council will seek to preserve or enhance the character or appearance of the conservation areas within the City of Durham by:

1. Not permitting development proposals which would detract from the character or appearance of the conservation area or its setting. All development proposals should be sensitive in terms of siting, scale, design and materials, reflecting, where appropriate, existing architectural details;
2. Not permitting the demolition of buildings which contribute to the area's character. Permission for the demolition of any significant building will not be granted until a detailed scheme for appropriate redevelopment of the site has been approved;
3. Protecting trees, hedgerows, landscape features, views and undeveloped areas which contribute to the character or appearance of the area and its setting;
4. Requiring a sufficient level of detail to accompany applications for development to enable an assessment to be made of its impact on the conservation area.

In addition the council will also implement schemes for the enhancement of conservation areas where appropriate and as resources permit.

#### **E23 Listed Buildings**

The council will seek to safeguard listed buildings and their settings by:

Only permitting alterations and extensions to listed buildings which are sympathetic in design, scale, and materials;

Not permitting alterations to architectural or historic features which adversely affect the special interest of a listed building, including internal features and those within the curtilage of the building;

Not permitting total or substantial demolition of a listed building;

Not permitting development which detracts from the setting of a listed building.

#### **E24 Ancient Monuments and Archaeological Remains**

The council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ, and where preservation in situ is not justified by:

1. Ensuring that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose such remains exist whose extent and importance is not known, pre-application evaluation or archaeological assessment will be required; and
2. Requiring, as a condition of planning permission, that prior to development an appropriate programme of archaeological investigation, recording and publication has been made, in cases where the preservation in situ of archaeological remains is not justified.

In the event of archaeological remains being discovered once development has commenced, the council will seek to ensure that adequate opportunity is made available to investigate and record such discovery.

#### **E26 Historic Parks and Gardens**

Planning permission for development at the following parks and gardens of historic or landscape value will only be granted provided the proposal:

1. Would not otherwise detract from the enjoyment, layout, design, character, appearance or setting

- of the park or garden; and;
2. Would not involve the loss of features considered to form an integral part of the special character or appearance of the park or garden.

Brancepeth/Holywell  
 Old Durham Gardens  
 Elemore –  
 Pittington Hill  
 Eshwood  
 Bearpark  
 Croxdale  
 Coxhoe Hall  
 Botanic Gardens  
 Sherburn Hospital  
 Burn Hall  
 Ushaw  
 Flass Hall  
 Sniperley  
 Crook Hall  
 Ramside  
 Mount Oswald  
 Finchale  
 Kepier Hospital

## **H2 New Housing in Durham City**

New housing development comprising: windfall development of previously developed land; and conversions will be permitted within the settlement boundary of Durham City. Provided either that the site is included in policy H1, or that:

1. The proposal does not contravene policies E3, E5 and E6, and the site is not allocated or safeguarded for an alternative use; and
2. The development accords with policies Q8, R2, T10, and U8A.

## **H7 City Centre Housing**

The Council will encourage new housing development and conversions to residential use on sites within or conveniently close to the city centre provided:

1. There is no conflict with any other policy or proposal of this plan, particularly those relating to the conservation area or world heritage site, and
2. It is in scale and character with its surroundings.

## **H8 Residential Use of Upper Floors**

The use of upper floors of shops and commercial premises for residential purposes will be permitted provided that:

1. It does not give rise to conflict with existing uses in the area; and
2. It does not adversely affect the character or visual appearance of the surrounding area; and
3. It does not involve significant extensions, alterations or rebuilding which would unacceptably alter the character or scale of the original building.

## **H9 Multiple Occupation/Student Households**

The sub-division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that:

1. Adequate parking (in accordance with policy T10), privacy and amenity areas are provided or are already in existence; and
2. It will not adversely affect the amenities of nearby residents; and
3. It is in scale and character with its surroundings and with any neighbouring residential property; and
4. It will not result in concentrations of sub-divided dwellings to the detriment of the range and variety of the local housing stock; and
5. It will not involve significant extensions having regard to policy Q9, alterations or rebuilding which would unacceptably alter the character or scale of the original building.

## **H13 The Character of Residential Areas**

Planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

## **Q1 General Principles – Designing for People**

The layout and design of all new development should take into account the requirements of users. It will be expected to incorporate the following as appropriate:

1. Personal safety and crime prevention; and
2. The access needs of people with disabilities, the elderly and those with children; and
3. The provision of toilet facilities, public seating, and signing where appropriate.

## **Q2 General Principles – Designing for Accessibility**

The layout and design of all new development should take into account the requirements of users. It will be expected to embody the principle of sustainability and to incorporate the following as appropriate:

1. Measures to minimise conflict between pedestrians, cyclists and motor vehicles; and
2. Measures to meet the requirements of public transport services and users; and
3. Satisfactory means of access and manoeuvring for vehicles servicing the development; and
4. Provision of car and cycle parking in accordance with policy T10; and
5. Provision of parking space for vehicles used by people with disabilities close to entrances of buildings open to the public; and
6. Effective access at all times for emergency vehicles; and
7. Traffic calming measures.

## **Q3 External Parking Areas**

External parking areas provided as part of a new development should be landscaped, adequately surfaced, demarcated, lit and signed. Large surface car parks should be sub-divided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.

## **Q4 Pedestrian Areas**

Pedestrian areas and public spaces should be laid out and designed with good quality materials in a manner which:

1. Reflects the character of the streetscape; and
2. Seeks to achieve a co-ordinated approach to paving, street lighting, signs, street furniture, road crossing points and landscaping; and
3. Has regard to the general principles of design set out in policies Q1 and Q2.

## **Q5 Landscaping – General Provision**

All new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.

## **Q6 Landscaping – Structural Landscaping**

All new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.

## **Q7 Layout and Design – Industrial and Business Development**

The siting, design and external appearance of all new industrial and business development will be required to:

1. Be of a standard appropriate to the designated area within which it is located; and
2. Have regard to policies Q1 and Q2.

## **Q8 Layout and Design – Residential Development**

The layout of new residential development will be required to:

1. Have a clearly defined road hierarchy which should be designed to exclude through traffic, excluding cyclists and public transport, and incorporate appropriate traffic calming measures; and
2. Provide adequate amenity and privacy for each dwelling, and minimise the impact of the proposal upon the occupants of existing nearby and adjacent properties; and
3. Provide adequate areas of safe, accessible and attractive open space in accordance with policy R2; and
4. Provide all services underground; and
5. Have well designed means of enclosure; and
6. Take into account the need to retain existing features of interest within the site including trees and hedgerows; and
7. Be appropriate in scale, form, density and materials to the character of its surroundings; and
8. Have regard to the principles of energy conservation set out in policy U14; and
9. Have regard to policies Q1 and Q2; and
10. Make the most efficient use of the land.

## **Q9 Alterations and Extensions to Residential Property**

Proposals for alterations and extensions to residential property will be permitted provided that:

1. The design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area; and
2. Wherever possible the alteration or extension incorporates a pitched roof; and
3. The alteration or extension respects the privacy of adjoining occupiers of property; and
4. The alteration or extension will not create a level of multiple occupation contrary to policy H9.

#### **Q10 Dormer Windows**

Proposals for dormer windows will be permitted provided that:

1. Roof spaces have adequate existing headroom for a habitable room without further extension; and
2. Window design bears a relationship to existing fenestration and materials match the existing property; and
3. It is in proportion with the existing building as a whole and the roof in particular; and
4. The design incorporates a gabled, hipped or 'catslide' roof and is positioned well below the ridgeline; and
5. It does not result in any loss of privacy for surrounding properties.

#### **Q11 Shopfronts – Provision of New**

New shopfronts will be permitted provided that they respect the scale, proportion, materials and character of the building and the area in which they are located.

#### **Q12 Shopfronts – Retention of Existing**

Existing shopfronts which have a distinctive character and quality and make a contribution to the street scene should be retained.

#### **Q13 Satellite Dishes**

Planning permission will be granted for satellite dishes on residential and other buildings, where it is required, provided that:

1. There is no adverse visual impact on the building and existing street scene;
2. There is no adverse visual impact on the character of conservation areas contrary to policies E6 and E22;
3. There is no visual impact on the setting and appearance of a listed building contrary to policy E23;
4. There is no adverse impact on the amenity of neighbouring buildings; shared systems should, wherever possible, be installed on buildings containing more than one dwelling or business.

#### **Q14 Security Shutters**

Planning permission for the installation of roller shutters will only be granted if the proposal does not have an adverse impact upon:

1. The appearance of the building to which they are attached or;
2. The character and appearance of the area in which they are located.

#### **Q15 Art in Design**

The council will encourage the provision of artistic elements in the design and layout of development. Due regard will be made in determining planning applications to the contribution they make to the appearance of the proposal and the amenities of the area.

#### **Q16 Advertisements – General Criteria**

Advertisement consent will be granted for non-illuminated and illuminated signs provided that their size, design, materials, colouring, and in the case of illuminated signs, on commercial premises for appropriate uses and particular opening hours, their form of illumination would not be detrimental to visual amenity or highway safety.

Particular attention will be paid to the impact of advertisements upon the character and setting of listed buildings and the character and appearance of conservation areas in accordance with policies E6, E22 and E23.

#### **Q17 Advertisements – Hoardings and Panels**

Advertisement consent will only be granted for hoardings and large advertising panels when they are not located:

1. Within or on the edge of the open countryside;
2. Within conservation areas;
3. In the vicinity of listed buildings;
4. In predominantly residential areas or near housing;
5. On blank walls adjacent to, or sites clearly visible from, the main radial routes into the city and rail corridors;
6. On a site where the advertising would be detrimental to visual amenity or have an adverse effect on highway safety.

## ANNEX 2

### Accessibility standards for Purpose Built Student Accommodation

This annex sets out why the Interim Policy on Student Accommodation needs to require that PBSAs meet the accessibility standards set out in the Building Regulations.

Section 7 of the NPPF is headed *Requiring Good Design*. Relevant paragraphs are:

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
57. It is important to plan positively for the achievement of high quality and **inclusive design** [our emphasis] for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF's glossary defines **inclusive design** as

Designing the built environment, including buildings and their surrounding spaces, to ensure that they can be accessed and used by everyone.

City of Durham Saved Policy Q1 reads:

The layout and design of all new development should take into account the requirements of users. It will be expected to incorporate the following as appropriate:

1. Personal safety and crime prevention; and
2. The access needs of people with disabilities, the elderly and those with children; and
3. The provision of toilet facilities, public seating, and signing where appropriate.

The Building Regulations set out standards for the design and construction of buildings. While these can and do go into a level of detail that is not required in planning applications, they do set out some high level requirements including those for accessibility in student accommodation.

Paragraph 0.16 of *Approved Document M of the Building Regulations* says

Purpose-built student living accommodation, including that in the form of flats as defined in regulation 2(1), should be treated as hotel/motel accommodation in respect of space requirements and internal facilities (see 4.17 to 4.24).

Regulation 2(1) says

"flat" means separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally;

Paragraphs 4.17 to 4.23 deal with the design considerations to make sleeping accommodation convenient to all, but particularly wheelchair users. In particular paragraph 4.21 says "Wheelchair users should also be able to visit companions in other bedrooms..." This would imply that for a multi-storey building there must be lifts capable of taking wheelchair users.

Paragraph 4.24 at sub-paragraph g requires that **at least one wheelchair-accessible bedroom is provided for every 20 bedrooms, or part thereof**.

The other sub-paragaphs include requirements for minimum widths of doorways and various required clearances.

These are objective standards, and any planning application that falls short of them cannot be said to exhibit good design and should be refused. It makes sense to set out these requirements in the Interim Policy as:

- this should ensure that developers will follow them;
- it will allow planning officers to apply these standards rather than have objectors

- make the case on each application; and
- it will avoid applications being passed only for the plans to be rejected at the building control stage.



## Appendix 2

Pearmtree Cottages Appeal Decision (APP/X1355/W/16/3165827)



## Appeal Decision

Site visit made on 27 February 2017

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16<sup>th</sup> March 2017

**Appeal Ref: APP/X1355/W/16/3165827**

**Peartree Cottages, High Wood View, Durham DH1 3FL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Eric Clark (Hedley Park Developments Ltd) against the decision of Durham County Council.
- The application Ref DM/16/01467/FPA, dated 5 May 2016, was refused by notice dated 8 July 2016.
- The development proposed is described as 'Extension to be added to the property and alterations made to the existing building.'

### Decision

1. The appeal is allowed and planning permission is granted for a house in multiple occupation (HMO) dwelling (Use Class C4) to side of existing HMO with internal alterations to existing premises at Peartree Cottages, High Wood View, Durham DH1 3FL in accordance with the terms of the application, Ref DM/16/01467/FPA, dated 5 May 2016, subject to the conditions set out in the Schedule to this Decision.

### Procedural Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises a separate dwelling. The Council's decision notice describes the development as "Erection of house in multiple occupation (HMO) dwelling (Use class C4) to side of existing HMO with internal alterations to existing premises" and I note that the appellant has used this description in the appeal statement. I have based my decision upon this revised description of development, as neither of the parties would be prejudiced or caused any injustice by me taking this course of action.

### Main Issues

3. The main issues are:
  - (a) Whether the proposed development would preserve or enhance the character or appearance of the Durham City Centre Conservation Area;
  - (b) The effect of the proposed development upon the living conditions of the occupants of neighbouring residential properties on Boyd Street and High Wood View with particular regard to outlook and privacy, and upon the living conditions of occupants of the existing and proposed

- development at Peartree Cottages with particular regard to outdoor amenity space; and
- (c) The effect of the proposed development upon housing mix with particular regard to the concentration of houses in multiple occupation in the area and the effect on the range and variety of the local housing stock.

## **Reasons**

### *Policy*

4. Policies E6 (Durham City Centre Conservation Area), E22 (Conservation Areas) and Q8 (Layout of new residential development) of the City of Durham Local Plan (the Local Plan) are relevant to the consideration of the appeal proposal. Despite the age of these policies they remain consistent with the historic environment, design and amenity protection aims of the National Planning Policy Framework (the Framework) and as such I have accorded them full weight. Other relevant material considerations include Durham County Council's Interim Policy on Student Accommodation (the Interim Policy), the Framework and the Planning Practice Guidance (the PPG).
5. With regard to the 3 main issues set out above, the Council's second and third reasons for refusal make reference to conflict with Local Plan Policy H9. However, this policy relates to the sub-division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use. The appeal scheme relates to the erection of a new separate dwelling falling within Use Class C4, and therefore I do not consider that the provisions of this policy are relevant to the proposed development. Accordingly, I have not had regard to Local Plan Policy H9 in the determination of this appeal.
6. In the first reason for refusal, in respect of the effect of the appeal proposal upon the living conditions of the occupants of neighbouring residential properties, the Council refers to conflict with Local Plan Policy Q9. This policy relates to proposals for alterations and extensions to residential property whereas the proposed development is a new separate dwelling. As such, I find that the provisions of Local Plan Policy Q9 are not relevant to the appeal proposal and therefore I have not had regard to it in considering the second main issue.

### *Character and appearance*

7. The appeal site is situated between High Wood View and Boyd Street within the Durham City Centre Conservation Area (the Conservation Area). The surrounding area is characterised by the dense built form of the 2 storey Victorian terraces to the north and south, softened by the greenery within St Oswald's Cemetery to the east.
8. The site was formerly occupied by a workshop building dating from the same period as surrounding terraces. This was demolished to make way for a new pair of dwellings (Use Class C4) known as 1 and 2 Peartree Cottages, a modest single storey development with accommodation within the roof space which appears subordinate to the neighbouring larger scale terraces. The Council states that the appeal site holds no value in terms of the historic layout of the area or in the understanding of how the area has developed, and confirms that its significance is drawn purely from its location within the designated area to

which its contribution is considered neutral. Based upon the evidence before me and my observations on site, I have no reason to take a different view.

9. It is proposed that an additional dwelling, also in Use Class C4, would be erected adjoining the existing western elevation. The proposed development would reflect the existing building's subordinate scale, simple form, design and fenestration pattern and restrained palette of traditional materials. Many of the terraced properties in the surrounding area have accommodation within their substantial steeply pitched roofs, and the appeal proposal would reflect this established built form. Moreover, the uniform appearance of the proposed development, which would continue the front and rear building line, eaves and ridge line of the existing building, would echo the strong building and roof lines of adjacent terraces.
10. The site is screened by the surrounding densely packed development and high boundary treatment. As a result, the appeal proposal would only be partly glimpsed from the access road between 7 and 8 High Wood View and from adjoining back lanes.
11. For the reasons set out above, I conclude that the proposed development would have a neutral effect on the significance of the designated heritage asset and would therefore preserve the character and appearance of the Durham City Centre Conservation Area. As such, the appeal proposal would accord with the design and heritage conservation and enhancement aims of Policies E6 and E22 of the Local Plan and Parts 7 and 12 of the Framework.

#### *Living conditions*

12. The rear elevations of neighbouring terraces to both the north and south face the appeal site. The proposed development would adjoin the northern boundary of the site, running parallel to the terrace on Boyd Street with a back lane in between. The houses at 11 and 13 Boyd Street each have 2 storey offshoots at the rear with habitable room windows at first floor level which overlook the site. These windows would be situated in fairly close proximity to the appeal proposal. However, no habitable room windows are proposed in the rear elevation or rear roof slope, thereby protecting the privacy of neighbouring occupiers. The subordinate single storey scale of the proposed development, with the pitched roof sloping away from the northern boundary, would ensure that it would not appear overbearing or have an adverse effect upon outlook from Nos 11 and 13.
13. The appeal site increases in depth at its western end. Therefore, the spacing between the proposed development and the terrace on High Wood View to the south would be considerably greater than the spacing that exists between Nos 1 and 2 and the eastern end of the terrace. A number of habitable room windows are proposed on the front elevation of the building. These would look towards the rear of the terrace on High Wood View. However, the spacing between the buildings, the difference in levels between the respective sets of first floor windows and the screening on the boundaries would protect the privacy of occupants, and the subordinate scale and recessive roof form would prevent an overbearing effect or loss of outlook.
14. I do not have full details of the scheme relating to land to the south of Oakfield Crescent. However, with regard to the application of distance standards, I note that the Inspector in that case found that each situation should be considered

on its own merits and in relation to the specific relationship between the windows of the buildings. I agree. I am required to reach conclusions based on the individual circumstances of this appeal, and have done so. I therefore afford this matter little weight.

15. Turning to the matter of outdoor amenity space to serve both the existing and proposed development on the appeal site, I observed during my site visit that the external area is laid to hard surfacing and gravel and appeared to be used solely for car parking rather than providing any amenity function for occupants of Nos 1 and 2. I note that the Council has no objection to the proposed car parking arrangements, and adequate space would be provided for bin storage within the appeal site. Moreover, an additional area of soft landscaping is proposed adjacent to No 1, which would serve to increase the amenity function of the site, and the remaining outdoor space would be more generous than that which exists within the curtilages of neighbouring terraced properties.
16. For the reasons given above, I conclude that that proposed development would not have a harmful effect upon the living conditions of the occupants of neighbouring residential properties on Boyd Street and High Wood View with particular regard to outlook and privacy, or upon the living conditions of occupants of the existing and proposed development at Peartree Cottages with particular regard to outdoor amenity space. Therefore, the appeal proposal would accord with the design and amenity protection aims of Local Plan Policy Q8 and Part 7 of the Framework.

#### *Housing mix*

17. The Interim Policy states that in order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, applications for, among other things, new build Houses in Multiple Occupation (both C4 and *sui generis*) will not be permitted if more than 10% of the total number of properties within 100m of the application site are already in use as HMOs or student accommodation exempt from council tax charges.
18. The submitted evidence demonstrates that 61.8% of properties within 100m of the appeal site are in use as HMOs or student accommodation and, in the area immediately surrounding the site, this figure is considerably higher. In the context of such a high concentration of HMO and student accommodation, I consider that the effect of one additional HMO would be negligible. Such circumstances are recognised in Part A(e) of the Interim Policy, and I have not been provided with any evidence to demonstrate what harm would arise from the proposed development in terms of the concentration of HMOs. Moreover, the appeal proposal would create a new dwelling within Class C4 rather than result in any change to the existing housing stock.
19. Whilst I note there is an Article 4 Direction in Durham City which withdraws permitted development rights in respect of changes of use from Class C3 to Class C4, this does not relate to new development. Accordingly, I have given this matter little weight.
20. For the reasons set out above I conclude that the proposed development would not have a harmful effect upon housing mix with particular regard to the concentration of houses in multiple occupation in the area and the effect on the range and variety of the local housing stock. Therefore, the appeal proposal would not be contrary to the overall aims of the Interim Policy or Part 6 of the

Framework with regard to the creation of sustainable, inclusive and mixed communities and the maintenance of an appropriate housing mix.

### **Conditions**

21. I have considered the Council's suggested conditions against the tests set out within paragraph 206 of the Framework and the advice provided by the PPG, and have amended them where necessary in order to meet these tests.
22. I have imposed a condition specifying the relevant drawings as this provides certainty. In order to ensure the suitable appearance of the development, I have imposed a condition relating to materials. I have imposed a condition restricting the times at which construction activities can be undertaken to protect the living conditions of neighbouring residents. A condition restricting permitted development rights in relation to the introduction of habitable room windows in the north elevation of the development is necessary in order to preserve the privacy of the occupants of neighbouring residential properties.

### **Conclusion**

23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*CL Humphrey*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site location plan
  - Drawing No 887 - 01 Existing Floor Plans, Site Plan and Elevations
  - Drawing No 887 - 02 Proposed Floor Plans
  - Drawing No 887 - 03 Proposed Floor Plans, Site Plan and Elevations
- 3) Demolition or construction works and associated deliveries audible at the site boundary shall take place only between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 4) Notwithstanding the approved plans, prior to the commencement of any superstructure works on site, details and samples of the materials to be used in the construction of the external surfaces of the walls and roof of the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The development hereby permitted shall be carried out and thereafter retained in accordance with the approved details and samples.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no habitable room windows shall be introduced into the north elevation of the development hereby permitted.