



Appeal Decision

Site visit made on 6 May 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/X1355/W/25/3360660

9 Station Lane, Gilesgate, Durham DH1 1LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Sugar Tree Limited against the decision of Durham County Council.
 - The application Ref is DM/24/02174/FPA.
 - The development proposed is conversion and subdivision of dwellinghouse (Use Class C3) to form 2 No. apartments (Use Class C3).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal space provision.

Reasons

3. Policy 29 of the County Durham Plan Adopted 2020 (the CDP) states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS)¹. The NDSS indicate that a 1-bedroom, 1-person (1b1p) flat with a shower room set across a single storey should have a minimum gross internal floor area (GIA) of 37 square metres (m²).
4. The appeal proposal would provide a 1b1p flat at ground floor (flat 1) with a GIA of 37m². A 1b1p flat would be provided across both the ground and first floor (flat 2) with an area of 39.43m². Flat 1 would thus be in accordance with the NDSS. However, the NDSS is silent on the minimum GIA that should be provided for a 1b1p 2-storey dwelling with a shower room, and there are no local standards before me for this type of dwelling. Accordingly, whether such a dwelling would provide adequate internal space is a matter of planning judgement.
5. Notably, all other categories of dwellings within the NDSS feature an uplift between the single storey and 2 storey standards for the same number of bedrooms and occupants. This ranges from between 7m² and 10m², and the supporting text to the NDSS indicate that this is to take account of the extra circulation space needed for stairs to upper floors.
6. The Council assessed the internal space that would be provided for flat 2 having regard to the typical requirements of the NDSS in respect of dwellings with more

¹Technical housing standards – nationally described space standard published 27 March 2015

than one storey. I find this to be a reasonable guide in the absence of relevant local or national standards for this specific form of development.

7. In this context, the proposal would fail to provide the additional space typically expected of a 2-storey dwelling. The plans before me show that a proportion of flat 2 would be taken up by the stairwell and associated circulation space, reducing the usable floorspace to less than that of flat 1, which itself is of the minimum size. The restricted size of flat 2 would be most noticeable in the ground floor kitchen, which would be a narrow room with very limited space for overhead cupboards, meal preparation, worktop appliances or any free-standing kitchen items, such as waste bin(s). While future occupiers may spend less time in this room than others, its functionality would still have a bearing on their living conditions.
8. The floor area of the proposed first floor bedroom would be larger than the minimum floor area for a single bedroom set out within the NDSS, and of that provided for flat 1. However, the shape of the room would be somewhat irregular, with a thick wall projecting part way towards the centre of the room. Moreover, part of the room would be contained within the roof space and, though served by a dormer window, would have a lower ceiling height than the rest of the flat. The benefits of the additional floorspace would be more limited.
9. I recognise that the proposal may appeal to young professionals or students and is in an accessible location. However, this does not negate the requirement to provide adequate living conditions, nor would the provision of a shared external garden compensate for inadequate private internal space.
10. I conclude that the appeal proposal would fail to provide adequate living conditions for future occupiers, with particular regard to internal space provision. While the proposal would not technically conflict with the NDSS, it would nevertheless be contrary to the other provisions of Policies 16 and 29 of the CDP, which require the internal design, layout and size of accommodation and facilities to be of an appropriate standard and seek to ensure that all development proposals provide high standards of amenity.

Conclusion

11. The development conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR