

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 November 2012

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APPLICATION REF. NO:	12/00581/FUL
STATUTORY DECISION DATE:	2 November 2012
WARD/PARISH:	NORTHGATE
LOCATION:	120 Gladstone Street and 3 Thornton Street
DESCRIPTION:	Erection of roof coverings over existing rear yard to create storage area for retail shop (revised application) (as amended by plans received 18 October 2012)
APPLICANT:	Mr Mohammed Suddin

APPLICATION AND SITE DESCRIPTION

The application site is situated on the corner of Gladstone Street and Thornton Street. The premises are a retail shop with two flats above (accessed by No 3 Thornton Street). There is currently a rear yard area with access onto a back lane. This section of Gladstone Street contains a number of commercial premises but Thornton Street and the neighbouring streets which lead off Gladstone Street are predominately residential, consisting of terraced dwellings with rear yards,

This yard was recently covered and used for the storage of food without the benefit of planning permission. The yard covering was a mix of timber and polycarbonate sheeting. A planning application (reference number 12/00363/FUL) was submitted to the Local Planning Authority to cover the yard, not with the materials that had been used, but to replace them with metallic sheeting and to have two raised mono pitched tiled roofs to allow air circulation. This application was refused (See Planning History) and the covering was subsequently removed.

This is a revised application to cover the yard with a flat roof constructed from timber covered with Bitumen roof felt. A mono pitch tiled roof would be constructed on the boundary wall with the rear lane, above the existing roller shutter door. A section of the yard, near to the rear door of the premises, would remain uncovered.

PLANNING HISTORY

07/00863/CU In October 2007 planning permission was REFUSED for the erection of ground floor extension to existing retail shop and change of use of first floor to residential flat and change of use of adjoining house ground floor to shop. An appeal was ALLOWED in July 2008

10/00810/FUL In may 2011 planning permission was GRANTED for a change of use of ground floor of No 3 Thornton Street to retail use; erection of single storey extension to the of No 120 Gladstone Street and conversion of first floor of both properties to TWO flats

12/00363/FUL In July 2012 planning permission was REFUSED for the erection of roof coverings over existing rear yard to create storage area for retail shop. This application was refused for the following reasons:

- *In the opinion of the Local Planning Authority the proposed development would have an adverse impact upon the character and appearance of the locality by virtue of its design and it would be contrary to Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011.*
- *In the opinion of the Local Planning Authority, the proposed development would be imposing and overbearing when viewed from No 3 Thornton Street and it would be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011.*

PLANNING POLICY BACKGROUND

The following policies are considered to be relevant

Borough of Darlington Local Plan 1997

E38 – Alterations to Business Premises

Darlington Core Strategy Development Plan Document 2011

CS2 (Achieving High Quality, Sustainable Design

CS16 (Protecting Environmental Resources, Human Health and Safety)

RESULTS OF CONSULTATION AND PUBLICITY

Three letters of objection have been received and the concerns can be summarised as follows:

- *It will impose on existing residential properties and the owners of No 120 Gladstone Street are untidy. Any previous building work they have undertaken is shoddy*
- *The first application for the premises to be turned into a shop was to have a single extension which has been done. They were told they could not change the front of the house so I don't see why the back of the house should be different. This is supposed to be a residential area not a shopping area. There is also more rubbish in the back lane so making a storage area will just make it worse*
- *The application states that the purpose of the covered yard is for deliveries and security. Does this mean that the roof covering is necessary to avoid deliveries being left in the back land to avoid being stolen or damaged? In which case why does this yard need to be covered for such temporary storage provision? There is no assurance that this covered area will not be used as a food store and therefore vulnerable to vermin and pests which was a concern with the previous application*
- *From what I can see from the back lane of No 3 Thornton Street, the condition of the boundary wall does not look good, especially towards the top where the bricks look loose. This is the area which will take the weight of the mono pitched roof and this will be clad with concrete tiles which I believe are very heavy*

- *The timbers for the flat roof appear to be attached by metal plates at intervals along the boundary wall. If the weight of this causes any damage to the boundary wall who will be liable to make this good? The weight is already increased since the height of the boundary wall has been built up*
- *I am not clear whether the rainwater drainpipe will be situated on the boundary wall or on No 120 Gladstone Street? It is on the boundary wall, the drainage should not cause any nuisance to the adjoining residential property*
- *The flat roof appears to slope from both the back of No 3 Thornton Street and the new pitched roof towards a drainage channel in the middle of the roof which will drain into rainwater pipe. This seems fraught with difficulties because of getting the slope right and also because water will collect there and this could shorten the life of the roof. This type of roof has a relatively short life and is prone to water collecting, which causes it to sag and deteriorate very quickly*
- *Noise from deliveries and commercial activity of the shop is an intrusion into an area where all the surrounding property is people's homes. There are other shops on Gladstone Street but they do not directly back onto people's back yards but are separated by a back lane. This activity deprives people of the ability to enjoy their property in peace.*
- *Allowing such an intrusion could set a precedent for similar developments*
- *Darlington's Sustainable Community Strategy "One Darlington Perfectly Placed" has the overarching aim that no one should be disadvantaged by where they live. The nuisance caused by noisy commercial activities adjoining a residential area is stressful and could affect the health and well being of surrounding residents*

Consultee Responses

The Council's Traffic Manager has **no objections** to the proposed development

The Council's Environmental Health Officer has raised **no objections** to the proposed development

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed development would be acceptable in the following terms:

Residential Amenity

Visual Appearance and Character of the Area

Highway Safety

Residential Amenity

The neighbouring property, No 5 Thornton Street, has a rear yard and the height of the boundary wall between the two properties has been increased so that it is now approximately 2.4m high. The property has a two storey rear extension and a detached outbuilding. A ground floor kitchen window and a first floor bathroom window in the south facing elevation of the extension directly overlook the application site. A dining room and a bedroom window in the rear elevation of the main dwelling overlook the yards.

The flat roof would be attached to a number of walls plates down the length of the boundary wall with its overall height below that of the wall itself. The mono pitch roof would be approximately one metre (at its highest point) above the existing boundary wall. It is considered

that the proposed works would not be visually intrusive when viewed from the neighbouring windows or rear yard.

The cover would provide shelter when deliveries occur at the rear of the premises. The applicant has been made aware by the Council's Environmental Health Officers that the covered yard must not be used for the storage of food or the preparation or packaging of food.

The proposed structure would be exempt under Building Regulations but the applicant would need to ensure that the works are carried out correctly and in accordance with the submitted plans, if planning permission is granted. Officers should state that any damage caused to the existing boundaries walls outside of the ownership of the applicant would need to be considered and resolved through civil proceedings.

The roof has been designed to incorporate drainage measures to ensure that rainwater does not run off onto the neighbouring property. These measures include utilising the existing rainwater goods within the application site and having a slight fall in the roof design. As the whole of the yard is not covered, rainwater would also run off directly into the application site.

Visual Appearance and Character of the Area

The yard has access directly onto the rear lane via an existing roller shutter door. The neighbouring dwellings which also back onto the same rear lane have either single pedestrian or double vehicular gates in their yard walls. The heights of the yard walls differ, especially at the yards which have outbuildings.

The proposed flat roof would be set below the existing boundary wall and the proposal involves the erection of a mono pitch tiled roof on the yard wall adjacent to the rear lane which gives the appearance of an outbuilding when viewed from the lane. It is considered that the proposal would not have an adverse impact upon the appearance and character of the locality

Highway Safety

The Council's Traffic Manager has raised no highway objections

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

It is considered that the proposed works by reason of its size, position and appearance will not cause significant harm to the character and appearance of the host building or the surrounding area. The roof covering has no significant impact in terms of loss of daylight or sunlight to adjoining dwellings. The proposal does not adversely affect car parking provision on the site nor impact on highway safety. No issues are raised in relation to crime prevention. The proposal is considered acceptable in the light of the following development plan policies:

Borough of Darlington Local Plan 1997

E38 – Alterations to Business Premises

CS2 (Achieving High Quality, Sustainable Design
CS16 (Protecting Environmental Resources, Human Health and Safety)

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS;

1. A3 – Implementation Limit (Three Years)
2. B4 – Details of Materials (Samples)
3. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

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