

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 25 July 2012

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APPLICATION REF. NO:	12/00298/FUL
STATUTORY DECISION DATE:	2 August 2012
WARD/PARISH:	NORTHGATE
LOCATION:	75 High Northgate
DESCRIPTION:	Conversion of existing lower ground floor to form self contained flat; insertion of replacement UPVC windows and doors and insertion of a vehicular access within the existing rear boundary wall (as amended by plan received 26 June 2012)
APPLICANT:	Mrs P Burgess

APPLICATION AND SITE DESCRIPTION

The application site is a terraced property within the Northgate Conservation Area. The property has a ground and first floor and also a lower ground floor which contains a bedroom, kitchen, bathroom and lounge internally connected to the upper floors and which was previously used by a family member of the main dwelling. The property has a front garden and rear yard area.

The application site is within a terrace of seven properties which predominately consists of single dwellings but No 79 High Northgate contains nine flats and the Darlington Club and Institute is on the end of the row.

The application is for internal alterations to the building for the conversion of the lower ground floor to a separate self contained one bedroomed flat. The lower ground floor would no longer be internally connected to the upper dwelling and it would be accessed via an existing shared doorway off the rear yard area and also by a new basement level doorway in the front elevation.

The remainder of the property above the proposed flat will remain unchanged and will be a single three bedroomed family dwelling

A new vehicular access with a roller shutter door would be created in the existing rear yard boundary wall to facilitate the creation of two parking spaces in the yard. An amended plan has been submitted to show the location of a shared refuse storage area in the yard.

The property is within the Northgate Conservation Area. An Article (4) 2 Direction has been implemented for the Northgate Conservation Area since 2006 withdrawing permitted

development rights for works to the exterior of buildings which would front a highway, including the insertion of replacement windows. As a result of the Direction this application also includes the insertion of replacement UPVC windows and doors in the rear elevation of the property which fronts the lane, which is classed as a highway.

Officers are aware that the new replacement windows and door openings have already been inserted in the rear elevation and at basement level and that the internal work has also commenced on the lower ground floor flat.

PLANNING HISTORY

None

PLANNING POLICY BACKGROUND

The relevant planning policies are:

National Planning Policy Framework

Borough of Darlington Local Plan 1997

E2: Development Limits

H17: Concentrations of Housing in Multiple Occupations

H18: Houses in Multiple Occupation in other areas

Darlington Core Strategy Development Plan Document 2011

Policy CS1: Darlington's Sub Regional Role and Locational Strategy

Policy CS2: Achieving High Quality, Sustainable Design

Policy CS14: Promoting Local Character and Distinctiveness

Policy CS16: Protecting Environmental Resources, Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

Six letters of **objection** have been received and can be summarised as follows:

- *I oppose more flats in this area. There are too many already causing problems with anti social behaviour, drugs and drink, fly tipping and fires. More flats means parking spaces storage. There are already problems with parking. In a conservation area*
- *The volume of flats in this area has reached saturation point. There are already disputes over parking and access to garages. This is a conservation area which has had much money put into it to improve the North Road corridor into town. Only one house at present is flats on this small block of house. These flats have attracted drug users and dealers (confirmed with Police), anti social behaviour and fly tipping. The surrounding flats in the area are the same. My previous neighbour at No 71, told me he was turned down to make a basement flat separate to his house. No 73 went from multi dwelling and were told they would not be able to revert in future.*
- *I oppose the plans to allow more flats in this area. Due to anti social behaviour, drug and alcohol abuse, overcrowded for parking. The volume of people due to flats is causing all the above problems. This was a decent area and a conservation area*
- *I understand that the intent is to convert the current property into multiple dwellings and I oppose to the due to the already over populated area of High Northgate and Station Road. There are a high volume of flats and bedsits in this area which already attract a*

worryingly high level of anti social behaviour including drug use, drug pushing, in controlled dogs, dog fouling, littering and fly tipping, drunk and disorderly behaviour and vandalism to local properties. Considering the existing issues I would hope that this application to add yet more accommodation of this type is rejected.

- I would like to voice my concerns for yet more flats in our area, which is now highly populated with drug users and alcoholics due to the number of house conversions into flats. I am also led to believe that we were in a conservation area which you were trying to clean up and restore its former looks. This does not constitute turning such lovely houses into flats. There are more than enough flats in this area and I would appreciate your consideration for the now few family homes remaining in this area which will only become more run down if you allow yet more flats. I have been trying to sell my house for four years and due to this problem it has put potential buyers off
- There are many big houses turned into flats in the direct local vicinity of the address and surrounding area that are solely used to rehouse single ex-cons, ex drug users, drug users, alcoholics and very very few family homes and makes this area highly undesirable to live and walk home through from the town. There are many undesirables living in the area already, I understand they need housing but to segregate them together causes more trouble as they often fight and are a temptation to each other for their various vices. Of all the houses in Station Road there appears to be only four family homes and on the stretch of Northgate maybe two. This is not good. I was under the impression that the Council was trying to regenerate this area of the town and I therefore improve it as a place to live and work but I cannot see that this would improve the situation at all. In fact it would make the area worse. There is much drug use and selling in this area and act of police attention. Surely we would be trying to bring back some glory to the famous Darlington Railway area and encourage people to want to come, as it is I am sure they are put off and more flats is definitely something we don't need

Consultee Responses

The **Council's Traffic Manager** has raised **no objections** to the application. He has requested the imposition of a planning condition to ensure that any new garage doors open inwards and not over the public highway

Following the submission of the amended plan, the **Council's Environmental Health Officer** has **no objections** to the development

PLANNING ISSUES

The main issues to be considered here are whether or not the use and associated external alterations to the property are acceptable in the following terms:

Planning Policy
Residential Amenity
Highway Safety
Impact upon the Northgate Conservation Area
Other Matters

Planning Policy

The proposed site is located in the main urban area within the development limits of the Borough identified on the Local Plan Proposals Map (E2). Policy CS1 of the Core Strategy

states that new development in the Borough will be concentrated on sustainable locations within the main urban area where there is actual or potential good accessibility for everybody.

Saved Policy H17 of the Local Plan 1997 states that the sub division of existing dwellings into smaller dwellings of accommodation will not be permitted in an area where there is a high concentration of houses in multiple occupancy.

Saved Policy H18 of the saved Local Plan states that the subdivision of larger dwellings into small dwellings will not be permitted where this will have a material adverse effect on:

1. The quiet and private enjoyment of other dwellings and gardens
2. The adequacy of available off street parking and amenity spaces
3. The free and safe flow of traffic; and
4. The visual and noise characteristics of the surrounding area

The supporting text for Policies H17 and H18 states that areas of high concentration are typically, continuous residential frontages or streets where upwards of a quarter of the original dwellings are in multiple occupation. The terrace which contains the application site is next door to a property converted to nine flats but the number of dwellings which have converted within the terrace is not upwards of a quarter and therefore the site is not considered within an area where there is a high concentration of houses in multiple occupation as defined by Saved Policy H17.

The principle of the conversion is acceptable in general planning policy terms subject to the criteria of Policy H18 being satisfied.

Residential Amenity

The proposed conversion would not result in the insertion of any new window openings and the basement level door in the front elevation is below the level of the front garden and therefore the works would not result in any overlooking or loss of privacy issues.

Officers can confirm that the proposal does not involve the sub division of the whole property into flats. The primary use of the application site would remain as a single dwelling but with one self contained flat at the lower ground level. The concerns that have been raised by the objectors are acknowledged but Officers consider that the creation of one flat would not have a significantly adverse impact upon the characteristics of the surrounding area due to the modest nature of the proposal and overall the proposal would accord with points 1 and 4 of Saved Policy H18 of the Local Plan

Highway Safety

Two parking spaces would be created in the rear yard area, which would be accessed by a new vehicular access off the rear lane. The Council's Traffic Manager has raised no objections to the application. He has requested the imposition of a planning condition to ensure that any new garage doors open inwards and not over the public highway. The proposal would accord with points 2 and 3 of Saved Policy H18 of the Local Plan

Impact upon the Northgate Conservation Area

As the rear elevation of the property fronts the lane, which is a highway, planning permission is required for the replacement windows and doors by virtue of the Article 4 (2) Direction. The openings are of varying sizes and the windows are UPVC casements.

The rear elevation of the building is not highly visible from the lane due to the height of the existing boundary walls and the only clear view is through some wrought iron gates in the boundary wall of No 79 High Northgate. There are neighbouring properties to the west of the site, which also back onto the lane which also have UPVC windows.

The windows in the front elevation of the building were already UPVC and they would remain unaltered. The new basement level door, also UPVC is not very visible from the main road due to the difference in land levels.

Whilst the aim of the Article 4(2) Direction is to encourage the use of more appropriate materials for windows, doors etc to preserve and enhance the character of the conservation area, it is considered that due to the replacement windows being inserted into the rear elevation which is not highly visible from public viewpoints and that there are many other examples of UPVC windows in the locality, the conservation area would not be adversely affected. It is considered that the application accords with the National Planning Policy Framework and Policy CS14 of the Core Strategy

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 principle of the creation of one flat in this location is acceptable in general planning policy terms. The proposal would not have a significant impact upon the neighbouring dwellings or the character of the surrounding area due to the scale of the proposal and the Local Planning Authority is satisfied that sufficient parking has been provided. The external alterations to the building would not have an adverse impact upon the character and appearance of the Northgate Conservation Area and it is considered that the development accords with the following national and development plan policies:

National Planning Policy Framework

Borough of Darlington Local Plan 1997

E2: Development Limits

H17: Concentrations of Housing in Multiple Occupations

H18: Houses in Multiple Occupation in other areas

Darlington Core Strategy Development Plan Document 2011

Policy CS1: Darlington's Sub Regional Role and Locational Strategy

Policy CS2: Achieving High Quality, Sustainable Design

Policy CS14: Promoting Local Character and Distinctiveness

Policy 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. Notwithstanding the details shown on the approved plans, any garage doors inserted into the approved vehicular access in the rear boundary wall shall open inwards and not outwards over the public highway
REASON: In the interests of highway safety
3. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that works are required within the public highway, to create a vehicle crossing, and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mr.S. Pryke 01325 388743) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.