

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS SUB-COMMITTEE

COMMITTEE DATE: 3 June 2009

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APPLICATION REF. NO:	09/00206/FUL
STATUTORY DECISION DATE:	10 June 2009
WARD/PARISH:	HARROWGATE HILL
LOCATION:	446 North Road
DESCRIPTION:	Subdivision of dwelling house to form 2 no. self-contained apartments
APPLICANT:	Mr Andi Vasiliou

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the subdivision of the application property into two self-contained apartments. No external alterations are proposed to the property other than an alteration to the rear boundary wall to provide vehicular access to the rear yard.

The application property is a mid-terraced property located on the east side of North Road. It currently provides four bedrooms over two storeys, with a yard area to the rear. The proposed conversion would create a one-bedroom flat on the ground floor and a two-bedroom flat on the first floor. The properties would be accessed via a shared entrance off North Road although the ground floor flat would also have an access from the rear yard. Provision for bin storage is made in the rear yard.

A Design and Access Statement has been submitted with the application.

PLANNING HISTORY

There is no planning history relating to this property.

PLANNING POLICY BACKGROUND

The following policies of the Borough of Darlington Local Plan 1997 are relevant to consideration of the application:

H12 – Alterations and Extensions to Existing Dwellings
H18 – Houses in Multiple Occupation in Other Areas
T24 – Parking and Servicing Requirements for New Development

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been received which raise the following issues:

- *Noise and disturbance caused by conversion works is of concern;*
- *Parking is already causing trouble to residents already living along this part of North Road. The proposal will result in more cars trying to fit into an already limited space;*
- *This part of North Road is already congested with parked cars and at peak times it is sometimes necessary to park in other streets. Adding more dwellings would only add to this problem;*
- *The proposed apartments may not sell as well as they would if it was marketed as a family house meaning it would stand empty or be let off to unsuitable tenants;*
- *Two separate apartments would mean two lots of noisy families which would disturb my peace with more comings and goings than necessary;*
- *The creation of apartments would devalue my property;*
- *The plans show bathrooms located next to kitchens which I believe is not permitted;*
- *Any major building works on adjoining walls could cause my walls and ceilings to crack;*
- *The mess caused by demolition and the vehicles needed to complete such work would be unbearable and would cause mess and disturbance to all near neighbours;*
- *Do not think there is enough room in the property to make two good apartments;*
- *The owners of the property intend to sell the property after completion so any inconvenience will not be felt by them;*
- *A self-contained flat on the first floor of the property, on the same level as the sleeping quarters of the neighbouring properties, would increase the amount of noise on this level;*
- *These houses have been kept as family houses and are still mostly occupied by families. We believe this should be maintained to preserve the good community spirit being created on this row. There are already enough properties for sale and rent in this area for anyone wishing to move here and Darlington as a whole seems to have a surplus of flats and luxury apartments for sale and rent;*
- *If the flats are to be let we are concerned as to who they may be leased to;*
- *There are no other houses in this area that have been converted to flats and I feel that this could set a precedent in the future thus exacerbating parking problems;*

PLANNING ISSUES

The main planning issues to be considered in the determination of the application are:

- Planning Policy
- Highway Safety
- Impact on Residential and Visual Amenity
- Other Issues Raised by Objectors

Planning Policy

Local Plan Policy H18 (Houses in Multiple Occupation in Other Areas) states that the subdivision of large dwellings into small dwellings, dwellings unsuitable for single family occupation, or non-residential buildings in residential surroundings will not be permitted where such a proposal would have an adverse effect on the quiet and private enjoyment of other dwellings and gardens; the adequacy of available off-street parking and amenity spaces; the free and safe flow of traffic and the visual and noise characteristics of the surroundings.

The supporting text to the policy further advises that smaller dwellings, with a floor area of under 115 m², are normally only considered suitable for single family occupation and subdivision will not normally be permitted. Based on the plans submitted with the application, the dwelling has a floor area of approximately 140 m² and is therefore considered suitable for conversion, in principle, subject to consideration of the following development control matters:

Highway Safety

Local Plan Policy T24 (Parking and Servicing Requirements for New Development) requires that new development should provide safe space for vehicle parking within the site. The application proposes that a single parking space will be provided within the rear yard area of the property for the development. The Council's Highway Engineer has considered the application and advises that on-street parking is available on North Road to the front of the property and that provision is to be made for parking in the rear yard. While some concern has been expressed regarding an up and over door opening directly onto the highway to the rear, there are numerous other garages in the vicinity of the site that have similar doors. He also advises that the proposal will result in an overall reduction in the number of bedrooms at the property from four to three and as such the level of parking provision is acceptable for the proposed use. Subject to a condition requiring the provision of cycle parking, no highway objection is raised.

Impact on Residential and Visual Amenity

Policy H18 (Houses in Multiple Occupation in Other Areas) states that such proposals should not have an adverse impact on the quiet and private enjoyment of other dwellings and gardens or the visual and noise characteristics of an area and should provide adequate amenity spaces. Proposed external alterations are limited to a modest alteration to the rear boundary wall and as such the proposal would not materially affect the external character and appearance of the application property or the wider streetscene. Provision is to be made within the rear yard area for the storage of bins and bicycles.

No new window openings are proposed in the property and the proposal will not therefore give rise to any overlooking or loss of privacy to neighbouring properties. While concerns have been expressed regarding additional activity levels associated with the proposed apartments, it is not considered that the net addition of one further dwelling would adversely impact upon the living conditions of neighbouring properties so as to warrant refusal of the application on this basis. While the Building Regulations would require soundproofing between the two apartments, the Regulations would be unlikely to require any sound attenuation measures to protect the dwellings either side from noise arising from the proposed apartments. As such a planning condition is recommended. The Council's Environmental Health Officer has suggested an hours of operation condition regarding construction activities to protect the amenities of the neighbouring properties during the construction period. The proposal is not therefore considered to harm the living conditions of neighbouring properties.

Other Issues Raised by Objectors

Concern has been expressed regarding the impact of the development on property values and to whom the properties may be let. However neither of these matters is a planning matter which can be taken into account in determining the application. There is no evidence to suggest that the resulting apartments would be let to anti-social tenants and it would therefore be unreasonable to refuse this application on such grounds. The physical impact of the building works on adjoining properties would amount to a civil matter. It is not considered that the development would lead to an undesirable precedent, each application being considered on its own merits.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

The proposed subdivision is considered acceptable in this location by virtue of the fact that it would not have an adverse impact on the character or amenity of the area, or on the living conditions of the occupants of neighbouring properties. The proposal does not raise any issues in respect of highway safety. The proposal is therefore considered to comply with Policies H12 (Alterations and Extensions to Existing Dwellings), H18 (Houses in Multiple Occupation in Other Areas) and T24 (Parking and Servicing Requirements for New Development) of the Borough of Darlington Local Plan 1997.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3
2. B5
3. Prior to the first occupation of the apartments hereby permitted a scheme for the provision of secure cycle parking within the rear curtilage of the property shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking shall be provided in accordance with the approved details prior to the first occupation of the apartments and thereafter be so maintained.
REASON – To ensure adequate provision of cycle parking on the site.
4. Prior to the commencement of the development, a scheme for protecting existing residential properties either side of the application property from noise arising from the apartments hereby approved shall be submitted to, and approved by the Local Planning Authority, in writing, and any works which form part of such a scheme shall be completed prior to any part of the development being first occupied or used.
REASON - To ensure satisfactory environmental conditions for the occupiers of the proposed residential accommodation.

SUGGESTED REASONS FOR GRANTING OF PLANNING PERMISSION

The proposed subdivision is considered acceptable in this location by virtue of the fact that it would not have an adverse impact on the character or amenity of the area, or on the living conditions of the occupants of neighbouring properties. The proposal does not raise any issues in respect of highway safety. The proposal is therefore considered to comply with Policies H12 (Alterations and Extensions to Existing Dwellings), H18 (Houses in Multiple Occupation in Other Areas) and T24 (Parking and Servicing Requirements for New Development) of the Borough of Darlington Local Plan 1997.

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that contact must be made with the Assistant Director: Highways and Engineering (contact Mrs P Goodwill 01325 388760) to discuss naming and numbering of the development.