

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 4 June 2008**

**Page**

---

<b>APPLICATION REF. NO:</b>	<b>08/00280/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>29 May 2008</b>
<b>WARD/PARISH:</b>	<b>CENTRAL</b>
<b>LOCATION:</b>	<b>1 Eskdale Street, DARLINGTON</b>
<b>DESCRIPTION:</b>	<b>Conversion of existing first floor offices to form 4 No. residential apartments (amended plans received 28 April 2008)</b>
<b>APPLICANT:</b>	<b>MR IAN LEAFE</b>

---

**APPLICATION AND SITE DESCRIPTION**

The application site is located close to the edge of the town centre within a two storey former office block with ground floor warehouse positioned at the end of a mainly residential terrace on the junction of Eskdale Street with Larchfield Street. A back lane separates the terrace from a similar terrace of Victorian dwellings to the south in Napier Street. To the east, across Larchfield Street, is located the Telephone Exchange.

Planning permission was granted on 7 March 2008 (08/00036/CU) to convert the ground floor warehouse to a retail shop. This application would seek to utilize the upper floor of the premises for use as four (4) self-contained one bedroom apartments. Access to the flats from the street would be via an existing ground floor access facing onto Eskdale Street providing, via an upper floor landing, access all flats.

Alterations to the external appearance of the building would comprise the re-design of some of the upper storey windows, the provision of a double hipped pitch roof to the rear of the building to match that on the front and some alterations to the existing window openings to the rear elevation facing onto the back lane. Two of the three existing windows facing onto the back lane and the rear elevations of dwellings in Napier Street, serving the bedroom and dining areas of apartment 2, will be recessed by 1 metre from the main rear elevation of the building and redesigned with smaller side openings to avoid direct overlooking of nearby dwellings. The third rear elevation window serving the kitchen and lounge of apartment 1 would be obscure glazed.

There is no provision on site for off street parking. However, a residents parking scheme operates in the area.

## **PLANNING HISTORY**

08/00036/CU - Planning permission was granted in 87 March 2008 for the change of use of the ground floor of the building from warehouse use to a retail use,

96/00782/CU - Planning permission was granted on 18 March 1997 for the change of use of the property from a warehouse and offices to provide 6 residential flats.

## **PLANNING POLICY BACKGROUND**

The following policies of the Borough of Darlington Local Plan are considered to be relevant:

T24 - Parking and Servicing Requirements for New Development

H3 - Location of New Housing Development

H4 - New Housing Development In and Around Town Centre & Other Centres

H11 - New Housing Design

### **Government Guidance**

PPS1 - Delivering Sustainable Development

PPS3 - Housing

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **Neighbours:**

Three letters have been received from local residents objecting to the proposal on the following grounds:

- *Overlooking and loss of privacy between the upper floor of the proposed development and properties in Eskdale Street;*
- *Overlooking and loss of privacy between the upper floor of the proposed development and properties in Napier Street;*
- *Lack of adequate fire escape provision;*
- *Devaluation of surrounding property values;*
- *Lack of available on-street parking in the area;*
- *Concern that soundproofing between the development and adjoining dwellings would be inadequate.*

## **PLANNING ISSUES**

This proposal would introduce a residential use to the upper floor of this commercial site located in the mixed commercial and residential district in the vicinity of Duke Street just off the town centre. Duke Street links directly into the town shopping centre which is within a short walking distance from the site. There is also easy access to local shops and community facilities such as doctor's surgeries, which are all located nearby. The flats will also be of a size that will be suitable for the provision of affordable housing for the needs of smaller households, the elderly and those with disabilities. In this respect the proposal will satisfy the criteria contained within Policy H3 and particularly Policy H4 with regard to the provision of new housing in or around the town centre.

Additional pressure to on-street parking is a concern expressed by some nearby residents. The Highways Officer advises that there is a residents parking scheme in operation in the area and raises no objection on this basis. In addition, the site does satisfy the criteria on sustainability contained within PPS3, particularly paragraph 38, in being a location where mobility is not car dependent, close to the town centre and with easy access to public transport routes and other local facilities. Whilst on street parking problems are recognised as a local issue, the close proximity of the site to local services, public transport routes and town centre allows for consideration of low car ownership occupation and this can be further encouraged by the provision of cycle storage proposed on the site which can be secured by an appropriate condition to any planning permission granted.

The proposal would utilise the site for 4 flat dwellings contained within the upper floor of a mid 20th century building formerly used as offices. The main structure of the building, with the exception of the addition of a hipped pitch to part of the roof to match that existing on the majority of the building and some alterations to upper floor windows to maintain the privacy of nearby dwellings, would remain essentially the same and consistent in terms of its presence within the street scene. The established character of the area would be maintained consistent with the requirements of Policy H11 in respect of a conversion that would relate well to its surroundings.

At present, the distance between the rear elevation windows of the building and rear elevations of the nearby dwellings in Napier Street across the back lane is 11 metres. This would be deficient in protecting the privacy of nearby dwellings in respect of the view from the existing windows to the rear. In order to prevent direct overlooking from the proposed development, amended plans indicate that two of the windows facing directly onto the back lane would be recessed into the building by 1 metre, reduced in size, positioned at high level and obscure glazed. Opening side windows would be positioned into the two recesses formed, orientated at 90 degrees to the horizontal formed by the main elevation of the building so as not to face directly onto either the back lane or rear windows in Napier Street. The third window opening onto Napier Street would serve a kitchen area and be totally obscure glazed. The only additional window opening proposed for this rear elevation would be high level obscure glazed and fixed. In addition, on the front elevation, one of the main upper floor windows facing onto Eskdale Street and serving a bathroom would be reduced in size and obscure glazed

The amendment and alterations to window design would therefore significantly reduce the opportunity for overlooking of rear courtyards and rear windows to dwellings in Napier Street when compared with the current window configuration and use of the upper floor for offices. A condition requiring the maintenance of obscure glazing in the windows indicated where it would be used can be made conditional to any planning permission that may be granted.

Existing windows on the front elevation will be retained with one serving a bathroom obscure glazed. Distances between the upper floor front windows and front windows of dwellings positioned opposite and across Eskdale Street will be some 12m. Though this would usually be considered to be deficient in modern developments, this level of separation is indicative of Victorian terrace street patterns and reflects the existing interface distances between main living room windows across the street along the whole length of Eskdale Street. As the upper storey of this building was previously used as offices with an open view of the street, the proposed use of the site would not increase the level of overlooking experienced by dwellings across the street and in any case, the interface distance matches that between dwellings elsewhere in the street. On balance, there would be no material increase in the loss of amenity enjoyed by residents across the street from the development.

Guidance contained within paragraph 40-41 of PPS3 emphasises the effective use of land for the provision of housing and states that at least 60% of new housing should be provided on previously developed land including buildings that are vacant or derelict. Guidance contained within paragraph 46 of this document, in respect of the efficient use of land requires consideration of the current and future levels of accessibility, particularly with regard to public transport accessibility; and characteristics of the area including the current and proposed mix of uses. On balance, the proposal will result in an efficient use of the site with the potential for overlooking of neighbouring dwellings considerably reduced and with no material visual impact upon either the local street scene or the residential amenity of the area in accordance with the requirements of Policy H11 of the Local Plan.

## **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 utilisation of this building for residential use would be acceptable in this location by reason that it would not have an adverse effect upon either the character of the residential amenity of the area. The proposal does not raise any issues in respect of highway safety or crime prevention. The proposal is therefore considered to comply with the relevant policies in the development plan and Government Policy Guidance as set out below:

T24 - Parking and Servicing Requirements for New Development

H3 - Location of New Housing Development

H4 - New Housing Development In and Around Town Centre and Other Centres

H11 - New Housing Design

## **Government Guidance**

PPS1 - Delivering Sustainable Development

## **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Three Years)
- 2) B5 Detailed Drawings (Accordance with Plan)
- 3) B4 Details of Materials (Samples)
- 4) Notwithstanding the details shown on the approved plans, details of secure cycle storage and parking area on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The cycle store and details shall be provided in accordance with the approved details prior to the first

occupation of the flats and shall not be altered or removed without first obtaining the express written consent of the Local Planning Authority.

REASON - To ensure that cycle provision is provided on the site in accordance with the requirements of saved Policy T24 of the Borough of Darlington Local Plan.

- 5) The windows formed in the rear elevation facing across the back lane onto the rear elevations in Napier Street ( as indicated by the amended elevation drawing 10A received by the Local Planning Authority on 28 April 2008) and the single window on the front elevation facing onto Eskdale Street as indicated in the submitted elevation drawing, 08, shall be obscure glazed, hinged to open inward, and shall not be replaced or repaired other than with obscure glazing.

REASON - In order to maintain the residential amenity of neighbouring dwellings by the prevention of overlooking in accordance with the requirements of saved Policy H11 (Design and Layout of New Housing Development) of the borough of Darlington Local Plan

### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The application site lies within development limits identified in the development plan. The design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal accords with the relevant policies in the development plan set out below:

**Borough of Darlington Local Plan 1997**  
EP7 - Office/Business Park Development

### **INFORMATIVE**

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