



## Appeal Decisions

Site visit made on 10 November 2008

by **J S Deakin FRICS**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
12 November 2008

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### Appeal Ref: APP/N1350/A/08/2080693 5 Whessoe Road, Darlington DL3 0QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Henry Kenyon against the decision of Darlington Borough Council.
- The application Ref 08/00267/FUL, dated 28 March 2008, was refused by notice dated 1 July 2008.
- The development proposed is refurbishment of Unit 5 and change of use from commercial to domestic.

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### Appeal Ref: APP/N1350/A/08/2080685 7 Whessoe Road, Darlington DL3 0QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Henry Kenyon against the decision of Darlington Borough Council.
- The application Ref 08/00388/CU, dated 2 May 2008, was refused by notice dated 16 June 2008.
- The development proposed is refurbishment of Unit 7 and change of use from commercial to domestic.

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### Appeal Ref: APP/N1350/A/08/2080945 8 Whessoe Road, Darlington DL3 0QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Henry Kenyon against the decision of Darlington Borough Council.
- The application Ref 08/00450/CU, dated 21 May 2008 was refused by notice dated 14 July 2008.
- The development proposed is refurbishment of Unit 8 and change of use from commercial to domestic.

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### Preliminary Matters

1. Each of the appeal proposals is the same; the issues and arguments are also the same and I therefore deal with them as one.

### Decisions

2. I dismiss all the appeals
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## **Main Issues**

3. I consider that the main issues are: (i) the effect of the conversions on the vitality and viability of the North Road District Centre; and (ii) whether the proposed residential units would provide satisfactory living accommodation.

## **Reasons**

### ***Vitality and viability of the District Centre***

4. The units are within a terrace of similar properties which were originally built as houses. There are approximately 28 commercial premises in the terraces fronting Whessoe Road. The units are occupied by a wide variety of commercial and retail traders. The three appeal properties are unoccupied. It is not clear exactly how many other units are empty but the great majority of properties appear to be occupied and trading. I saw no 'For Sale' or 'To Let' boards on any premises. The properties, and the immediate surrounds, appear to be reasonably well maintained and there is no indication of any general dereliction or problems with empty units.
5. In June 2008, the Council stated that the Economic Regeneration Team had received 7 enquiries for small workshop units. It is said that there are no other units of between 400 and 700 sq.ft. available in Darlington. In my opinion, these units are important in providing accommodation for new small businesses.
6. The appellant's agent says that the units have been empty for a long period and have been the subject of a ten month marketing exercise that has failed to produce any firm commercial interest in letting. However, no details of the marketing exercise have been presented to me. There are a number of reasons why properties may not let, apart from a lack of prospective tenants. These reasons may include the rent asked, the terms of the lease, condition of the property etc. In this case, I consider that there is no firm and clear cut evidence to indicate a lack of demand for this type of commercial unit on Whessoe Road.
7. Piecemeal conversion of individual units to residential accommodation would disrupt the commercial frontages and, in my opinion, harm the vitality and viability of this part of the North Road District Centre. The development would be contrary to Policy S10 of the Borough of Darlington Local Plan (incorporating Adopted Alterations September 2001).

### ***Suitability as living accommodation***

8. The surrounding area is almost entirely commercial and industrial with a large supermarket, a DIY store, retail shops, workshop units, and car parking. There is no residential accommodation in the immediate area.
9. The dwellings would be small but would provide an acceptable internal layout with modern facilities. However, there would be very limited external space with no private amenity area and this would detract from the living conditions of residents.
10. The provision of isolated dwellings within this commercial area could lead to complaints from residents about noise from adjoining business premises,

traffic, delivery vehicles and general disturbance. Although sound insulation could be provided to windows and party walls, it would be difficult to control all noise. The legitimate working practices of existing occupiers could be affected and could reduce the commercial vitality and viability of the area.

11. I conclude that the proposed residential use would not relate well to the surrounding area or respect its predominant character. It would not provide an attractive, efficient and safe residential environment. The development would therefore be contrary to Local Plan Policy H11.

***Other matters***

12. The appeal sites are previously developed land. Government Policy as set out in PPS3 encourages the redevelopment of such land for residential purposes. In particular, it says that priority should be given to vacant and derelict sites. Although the appeal premises are vacant they are not derelict, and as discussed above, I consider that there is no firm evidence that they could not be re-let for commercial purposes.
13. The Council's Local Housing Assessment 2007 says that there is a need for one and two bedroom properties in north Darlington and the appeal proposals would help to meet this requirement. Furthermore, Local Plan Policy H4 encourages the provision of new housing development in and around the town centre and other centres. This policy focuses particularly on redundant, disused or under-used land.
14. Whilst acknowledging the benefits in providing additional small residential units in the general area, I consider that these benefits cannot outweigh the fact that the appeal premises are not derelict and that there is no firm evidence that they are redundant as commercial units. I conclude that greater weight must be given to the retention of these small workshop units in order to protect the vitality and viability of the district centre.

*J S Deakin*

INSPECTOR

