



Appeal Decision

Site visit made on 4 September 2009

by **Christopher Checkley**
BA(Hons) MRTPI

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

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Decision date:
22 September 2009

Appeal Ref: APP/N1350/A/09/2102132

43 Greenbank Road, Darlington, DL3 6EN

- 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 Andrew Wise against the decision of Darlington Borough Council.
- The application Ref 08/00967/FUL, dated 8 December 2008, was refused by notice dated 3 February 2009.
- The development proposed is single storey rear extension to provide additional letting unit.

Decision

1. I allow the appeal, and grant planning permission for the erection of a single-storey extension to enlarge an existing ground floor flat and the erection of a single-storey extension to create a new flat at 43 Greenbank Road, Darlington, DL3 6EN in accordance with the terms of the application, Ref 08/00967/FUL, dated 8 December 2008, and the plans submitted with it, subject to the following conditions:
 - (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
 - (2) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - (3) Notwithstanding the details shown in the submitted application, details of a secure bicycle parking area within the rear yard shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall be carried out in accordance with the details of the approved bicycle parking scheme and the approved scheme shall be provided prior to the first occupation of the new residential unit proposed.

Preliminary matters

2. I am using the Council's description of the proposal within the decision notice as it is more accurate.

Main Issue

3. The main issue is the effect of the development upon the character of the residential area and the living conditions of its residents, having regard to the objectives of local planning policies regarding multiple occupation within Greenbank Road (South).

Reasons

4. The appeal property is a two-storey mid-terraced former family dwelling with an attic conversion. It has already been converted into a house in multiple occupation. The proposal would increase the number of living units from 6 to 7 by means of two single-storey extensions at the rear. I am told that the properties on either side of the appeal site are in use as single-family dwellings.
5. Policies H17 (Concentrations of Houses in Multiple Occupation) and H18 (Houses in Multiple Occupation in Other Areas) of the Borough of Darlington Local Plan (LP) refer to the problems that can arise within areas of concentrated multiple occupation. The appeal site is defined by Policy H17 as being within a street where there is already a high concentration of houses in multiple occupancy and where no further conversions of existing dwellings will be permitted. The appellant argues that the policy does not apply, since the property has already been subdivided and is no longer a single family dwelling. This contention carries considerable force.
6. However, in my opinion it is also necessary to assess the scheme against the *objectives* underlying these development plan policies. The written justification to Policies H17 and H18 refers to some of the detrimental effects that may arise through high concentrations of multiple occupancy – principally harm to both the character of residential areas and the living conditions of their residents. Reference is made that in some areas there has been a cumulative adverse effect on residential amenity as a result of, for example, the conflict between lifestyles of existing families and the occupants of the subdivided dwellings, the parking and movement of motor vehicles, the loss of garden areas and trees, and the disfigurement of buildings through the construction of balconies and fire escapes.
7. In this particular case, these specific problems are not applicable. Whilst the property lies between two family dwellings there is no evidence that the existing juxtaposition has caused unacceptable harm to the neighbours' living conditions and no objections to the proposals have been received. The additional living space would comprise single-storey extensions within the rear curtilage where the likelihood of noise disturbance would be limited. On-street parking is restricted to residents with permits and the highways officer has raised no objections to the proposal. I also consider the additional parking generated is likely to be very limited, since this sort of accommodation is likely to be attractive to those without cars. The existing property does not present a disfigured or unsightly appearance within the street scene and the Council has raised no objection to the effect of the rear extensions upon the area; I saw there are already some extensive rear extensions nearby.

8. I conclude on the main issue that there is no evidence that the development would have a significantly harmful effect upon the character of the residential area or the living conditions of nearby residents. No material conflict would arise with the provisions of LP Policies H17 and H18 or with the objectives underlying them. I am imposing necessary conditions to ensure that the rear extensions blend with the existing property in the interests of the appearance of the area and that a cycle parking facility is provided for the benefit of residents to offer an alternative to private car use. A condition requiring compliance with the approved plans is not necessary, since any material deviation would fail to have planning permission.

C J Checkley

INSPECTOR

