



Appeal Decision

Site visit made on 8 July 2008

by **Graham E Snowden** BA BPhil Dip
Mgmt MRTPI

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

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Decision date:
10 July 2008

Appeal Ref: APP/N1350/A/08/2070129

85 Corporation Road, Darlington, County Durham DL3 6AD

- 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 Crighton Mather against the decision of Darlington Borough Council.
- The application Ref 07/00983/FUL, dated 28 September 2007, was refused by notice dated 12 December 2007.
- The development proposed is internal alterations to create division from single dwelling into two lettable flats, with, externally one new window.

Decision

1. I allow the appeal, and grant planning permission for internal alterations to create division from single dwelling into two lettable flats with, externally, one new window at 85 Corporation Road, Darlington, County Durham DL3 6AD in accordance with the terms of the application, Ref. 07/00983/FUL, dated 28 September 2007, and the plans submitted therewith, subject to the following conditions:
 - (i) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - (ii) Notwithstanding the submitted plans, no development shall take place on site until details of on-site refuse storage and secure cycle storage/parking, 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 and the storage facilities shall thereafter be retained for their intended purposes.

Main Issue

2. The main issue is the effect of the subdivision of the property on the living conditions of existing residents in the area, particularly in terms of noise and disturbance.

Reasons

3. Policy H17 in the Borough of Darlington Local Plan (Local Plan), which relates to "Concentrations of Houses in Multiple Occupation", states that "the subdivision of dwellings into smaller units of accommodation will not be permitted", within areas where there is already a high concentration of houses in multiple occupancy. Corporation Road is identified as one such area. The Policy goes on
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to state that subdivision will also not be permitted where "it involves the subdivision of small two storey family housing".

4. Although "Houses in Multiple Occupation" (HMOs) are not defined in the Local Plan, my attention is drawn by the appellant to the definition of HMOs in the Housing Act 2004 and I accept that this represents the commonly accepted concept, involving, among other things, the use by residents of shared facilities. The proposal is specifically for two self-contained flats and I accept the appellant's contention that the first part of Policy H17 is of little relevance in the context of this appeal. This conclusion is reinforced by the text of the Local Plan, accompanying Policy H17, which refers to the conflict between the lifestyle of existing families and the occupants of subdivided dwellings. This, in my view, is clearly a reference to HMOs, which are often occupied by young people, such as students, with transient lifestyles, and the consequent potential for resultant conflict in terms of hours of activity, early hour vehicle movements and lack of commitment to the upkeep of properties. However, there is no evidence before me that the occupants of self-contained flats in the area have generated more of the sort of conflict described than would result from occupants of single dwellings. Nor do I consider that the problems identified are an inherent consequence of the type of development proposed.
5. The second part of Policy H17 refers to the subdivision of small two-storey family houses. The accompanying text specifically refers to dwellings with a floor area of under 115m². The appeal property is a larger end of terrace property, with a floor area of 151m² and I am satisfied that it is not the type of property, to which the Policy is intended to refer.
6. I, therefore, conclude that the proposed subdivision would not conflict with the requirements of Local Plan Policy H17. I also remain unconvinced that it would have any adverse impact on the living conditions of existing residents in the area, particularly in terms of noise and disturbance. In reaching this conclusion, I have had regard to the lack of any objection from the Council's Environmental Health Officer and the fact that the proposal would not result in any net increase in bedspaces provided.
7. In determining the appeal, I have also had regard to the evidence, submitted on behalf of the appellant that the Council's updated assessment of local housing needs suggests a high demand and preference for two-bedroom flats in the town and the advice in the Council's emerging Core Strategy that this assessment should inform housing proposals. I have also taken into account the fact that the only external alteration proposed (the addition of a further first floor window on the side elevation) would marginally improve a fairly blank façade.
8. The Council's suggested conditions relating to external materials and conformance with the approved plans are, in my view, unnecessary, but I shall impose conditions relating to cycle and refuse storage facilities, in line with the Council's suggestions.

9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G E Snowdon

INSPECTOR