



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

Item 9(d)

Appeal Ref: APP/N1350/A/08/2071217

**120 Gladstone Street and 3 Thornton Street, Darlington, County Durham
DL3 6JZ**

- 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 Hosan against the decision of Darlington Borough Council.
- The application Ref 07/00863/CU, dated 16 August 2007, was refused by notice dated 8 October 2007.
- The development proposed is the extension of ground floor shop and conversion of first floor shop into flat and conversion of ground floor house adjoining into shop.

Decision

1. I allow the appeal, and grant planning permission for the extension of ground floor shop and conversion of first floor shop into flat and conversion of ground floor house adjoining into shop at 120 Gladstone Street and 3 Thornton Street, Darlington, County Durham DL3 6JZ in accordance with the terms of the application, Ref. 07/00863/CU, dated 16 August 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 permission.
 - (ii) Notwithstanding the submitted drawings, details of any alterations to the front elevation of 3 Thornton Street, shall be submitted to, and approved in writing by, the local planning authority and the development shall be carried out in accordance with the approved details
 - (iii) The development hereby permitted shall not be begun until details of the following have been submitted to and approved in writing by the local planning authority:
 - arrangements for the storage of refuse and waste on the site;
 - a scheme for the protection of the occupants of 5 Thornton Street and the proposed first floor flat from noise generated by the extended retail use.

The development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of adjacent residents, particularly in terms of noise and disturbance.

Reasons

3. The first floor of the premises fronting Gladstone Street currently accommodates a butcher's counter and freezer cabinets and I am satisfied that it is currently used for retail purposes. I, therefore, accept that the proposal before me, involving the conversion of this area into residential accommodation in conjunction with the first floor of 3 Thornton Street, would result in a reduction of retail floorspace. In addition, the existing Gladstone Street access to the shop would remain and the existing doorway on Thornton Street would only provide access to the residential flat, thereby concentrating customer activity on Gladstone Street i.e. away from residential properties on Thornton Street.
4. I do not consider, therefore, that the proposal would result in any significant intensification of retail activity or custom at the site. I also note that the current parking restrictions on Thornton Street are sufficient to deter delivery vehicles from parking next to residential property and any current violation of such restrictions can be controlled in other ways. The proposal should not alter this.
5. However, the existing retail activity is effectively separated from existing habitable rooms, by the staircase and hallway at 3 Thornton Street. The proposal would create commercial activity immediately adjacent to living rooms in 5 Thornton Street and below the new flat to be created. This could potentially create noise and disturbance for residents, but I note that the Council's Public Protection Unit considers that this could be satisfactorily mitigated by the implementation of a sound insulation scheme, which could be secured by the imposition of a condition. I see no reason to disagree with this.
6. The modest ground floor alterations in the rear yard of 3 Thornton Street would not have any impact on neighbouring occupiers in terms of privacy, daylight or outlook.
7. I, therefore, conclude on the main issue that the proposal would have no significant detrimental effect on the living conditions of adjacent residents, particularly in terms of noise and disturbance and there would be no conflict with Policy H15 in the Borough of Darlington Local Plan (Local Plan).
8. As indicated above, I consider that a condition relating to sound insulation is necessary and I also agree with the Council that refuse storage facilities should be agreed. I also note that there is a discrepancy between the submitted proposed elevation to 3 Thornton Street, which shows no change, and the floor plan, which appears to show the replacement of the existing bay, with a new window, flush with the wall. I consider that this can be resolved through the imposition of a condition and I shall impose one accordingly.

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