



Appeal Decision

Site visit made on 26 February 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:
12 March 2009

Appeal Ref: APP/N1350/A/08/2091626

17 Whessoe Road, Darlington, Co Durham, 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. 08/00393/CU, dated 24 April 2008, was refused by notice dated 16 June 2008.
- The development proposed is refurbishment of Unit 17 and change of use from commercial to domestic.

Decision

1. I dismiss the appeal.

Main Issues

2. There are 2 main issues: (i) the effect of the conversion upon the vitality, diversity and viability of the North Road District Centre; and (ii) whether the proposed residential unit would provide satisfactory living accommodation.

Reasons

3. Similar applications regarding the units at Numbers 5, 7 and 8 Whessoe Road were recently dismissed together on appeal on 12 November 2008 (Planning Inspectorate Appeal decisions APP/N1350/A/08/2080693 and /2080685 and /2080945). I agree with the findings and conclusions of the previous Inspector regarding those appeals.

Vitality, diversity and viability of the District Centre

4. The appeal site is a vacant unit within the midst of three 2-storey terraces comprising about 28 commercial premises fronting Whessoe Road opposite a B&Q DIY store close to the junction with North Road. The units are occupied by a wide variety of commercial, specialist retail and service traders which contribute to the vitality, diversity and viability of the District Centre. All the units except Nos 18-20 are owned by the appellant. The District Centre, anchored by the nearby modern Morrisons store, is well served by public transport, enabling journeys to work by employees and to the centre by means other than the private car, offering the potential for linked shopping and/or multi-purpose trips.
5. On 10 November 2008 the previous Inspector found the great majority of the units occupied and trading. However, by the time of my visit only some 3½

months later, a significant number of other units appeared to have become vacant. Notably, the group of units at Nos 5-12 inclusive – which includes the 3 units subject to the previous appeal – were all vacant. This sudden deterioration in occupancy coincides broadly with the marked onset of the very difficult trading and credit conditions associated with the current unprecedented recession.

6. The appellant's agent provides details of the marketing undertaken since September 2007, information that was not available to the previous Inspector. It is said that only 2 of the units have been let since their acquisition by the appellant in May 2007, despite improvements to the physical condition of properties (including damp-proofing, external painting, installation of security roller shutters) and the more recent introduction of discounted rental packages and flexible lease terms (including £75 per week inclusive "starter" tenancies). It is also suggested that the unit is now too small for current needs. It is unclear to me from the marketing information whether the unit was advertised as being suitable for a range of uses other than industrial workshops; it also seems that the financial incentives were only introduced after mid-2008.
7. The Council's Economic Regeneration Team point to the value of these Whessoe Road units as being the only units in Darlington within the 400-700 sq ft size range and thus important for accommodating the start-up of small, independent businesses that would otherwise have to seek premises outside the Borough. The units are said to have originated a number of new businesses over the last 20 years that have grown and relocated to larger premises elsewhere. The units also seem to offer some potential for flexibility and growth in-situ, by growth and expansion into adjacent units as appears to have happened in one or two cases.
8. I consider that the sudden growth in vacancies at Whessoe Road are likely to be a reflection of the extreme yet temporary difficulties that face small businesses during the recession when seeking to start-up or continue trading, rather than indicating an inherent permanent lack of demand or the unsuitability of the premises. This conclusion is supported, in my opinion, by the appellant's agent pointing to the difficulties also now facing lettings of the more modern and larger units at the Evans Easycare Business Centre. It would be premature at the moment to permit the loss of such a unit in the face of these temporary economic difficulties.
9. Therefore, I agree with the previous Inspector that the units remain important in providing start-up accommodation for new small businesses. Unit 17 offers well-located secure, compact and apparently inexpensive accommodation with good rear access for deliveries together with some parking space. The nature of the other existing occupiers illustrates that they are suitable for a range of uses including specialist retail, commercial/business and services that contribute to the diversity and vitality of the District Centre.
10. I conclude that the piecemeal conversion of an individual unit to a dwelling would disrupt the commercial integrity of the frontage, harming the vitality, diversity and viability of this part of the North Road District Centre. This would be contrary to the provisions of Policy S10 of the Borough of Darlington Local Plan (incorporating Adopted Alterations September 2001) (LP).

Suitability as living accommodation

11. I have been provided with a Sound Insulation Report, information that was not available to the previous Inspector regarding the other appeal premises, which concludes that the party walls meet the sound insulation requirements of the Building Regulations. However, there is no assessment of the effects upon future residents of external noise from the considerable road traffic, rear deliveries and general disturbance or whether these could be adequately controlled in practical terms by noise attenuation measures required under planning conditions. I am not satisfied that the legitimate working practices of existing businesses would not be inhibited by the insertion of a dwelling unit within them. Additionally, the existing very limited external space would detract from the living conditions of future residents, with inadequate potential to remedy this by requiring the creation of a private rear amenity space adjoining existing commercial premises, especially since the area is excluded from the red-lined application area or blue-lined contiguous ownership area. There would also be poor levels of privacy to the front and rear ground floor windows.
12. I consider that the comments and conclusions of the previous Inspector in paragraphs 8-11 of his decision apply with equal vigour to this case. I conclude that the proposed isolated dwelling within the series of units would be divorced from existing residential properties, would fail to relate well to the surrounding predominantly commercial area and would be unable to ensure an attractive and amenable residential environment with adequate privacy. Therefore, the development would be contrary to the provisions of LP Policy H11 that seek acceptable living conditions for the residents of new dwellings.

Other matters

13. The appeal proposal would help satisfy the accepted need for one and two bedroom properties in north Darlington, by making efficient use of vacant and previously-developed property within a sustainable district centre location in broad accord with LP Policy H4. However, this benefit is heavily outweighed by the sound and clear-cut objections described to the loss of these well-located units offering flexibility of use for small and start-up businesses.
14. It appears that vacancy rates were low until as recently as November 2008. Although vacancy rates and periods are inevitably increasing during this recession, this is likely to be a relatively short-term effect, whereas the piecemeal loss of this unit would have a long-term detrimental impact. Although I have made my decision on the merits of the single application before me, I am mindful that granting permission here would be likely to encourage further applications for converting other units to dwellings (as is evident from the appellant's final comments) which the Council would then find difficult to resist, increasing the harm described in a piecemeal manner. I have taken account of all other matters raised, including the effect of the current vacant frontage, but none are sufficient to lead me to a different conclusion.

C J Checkley
Inspector

