

Appeal Decision

Site visit made on 16 March 2018

by **C L Humphrey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th March 2018

Appeal Ref: APP/N1350/W/17/3191180

Garage at rear of The Coachman Hotel, Huntley Street, Darlington DL1 5LH

- 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 RH Morrith against the decision of Darlington Borough Council.
- The application Ref 16/01013/FUL, dated 23 September 2016, was refused by notice dated 31 August 2017.
- The development proposed is alterations and upgrade of the existing building, and extension over the outside yard area, to provide 7 individual lock-up garages for the parking of cars.

Decision

1. The appeal is allowed and planning permission is granted for alterations and upgrade of the existing building, and extension over the outside yard area, to provide 7 individual lock-up garages for the parking of cars at garage at rear of The Coachman Hotel, Huntley Street, Darlington DL1 5LH in accordance with the terms of the application, Ref 16/01013/FUL, dated 23 September 2016, subject to the conditions set out in the attached Schedule of Conditions.

Main Issue

2. The main issue is the effect of the appeal proposal on the free flow of vehicles and pedestrians and upon the living conditions of occupants of neighbouring residential properties with particular regard to noise and disturbance.

Reasons

3. The appeal site comprises a single storey commercial building and courtyard in a predominantly residential area near Bank Top Railway Station. It is proposed to convert and extend the existing building to create 7 individual lock-up garages for the parking of cars.
4. The garages would be accessed from a lane leading off Huntley Street which also serves a small number of residential properties in Bankside Court and fronting Victoria Road. It is evident from the submitted details that the garages would have reasonably wide doors and that vehicles could achieve access and egress without excessive manoeuvring in the lane. In order to ensure the development was accessible by pedestrians and disabled users a footway along the frontage of the garages connecting to the footway on Huntley Street could be secured by condition.
5. Due to its existing commercial nature, the site could generate comings and goings without the need for planning permission. Moreover, given the modest

scale of development and the long-term nature of the parking proposed, the garages would generate few movements.

6. In light of the above, the proposed development would not create a congested circulation space within the lane or restrict access to neighbouring properties for residents, emergency or refuse vehicles. Furthermore, it would not be likely to give rise to any significant activity in the area and so disruption arising from garage and car doors opening and closing, vehicles manoeuvring, engines revving, car radios and raised voices would be limited.
7. I therefore conclude that the appeal proposal would not have a harmful effect on the free flow of vehicles and pedestrians or upon the living conditions of occupants of neighbouring residential properties with particular regard to noise and disturbance. Consequently, it would accord with the environmental and amenity protection aims of Policy CS16 of the Darlington Core Strategy Development Plan.

Other Matters

8. Residents have raised wider concerns including the potential for the garages to be used for purposes other than the storage of vehicles, highway safety and land ownership. A condition could be imposed to restrict the use of the garages to the parking of vehicles. Due to the small scale of the development and the horizontal and vertical geometry of the lane, additional movement would be limited and traffic speeds would be low so harm to highway safety is unlikely to result. Land ownership disputes would be a private matter between the parties involved. Accordingly, I have given these other matters little weight.

Conditions

9. I have considered the Council's suggested conditions against the tests set out within paragraph 206 of the National Planning Policy Framework and have amended them where necessary in order to meet these tests.
10. I have imposed a condition specifying the relevant drawings as this provides certainty, and a condition requiring details of materials in order to ensure the suitable appearance of the development. A condition relating to external lighting is necessary in the interests of the character and appearance of the area and the living conditions of neighbouring residents. A pre-commencement condition relating to a Construction Method Statement is required in the interests of residents' living conditions and highway safety. In the interests of highway and pedestrian safety I have imposed conditions requiring the provision of a new footway on the rear lane and preventing outward opening garage doors. I have also imposed conditions in respect of demolition, construction and associated delivery hours and the use of the garages in the interests of neighbours' living conditions. Finally, a condition relating to unexpected contamination is necessary in the interest of public safety.

Conclusion

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

CL Humphrey
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - AFR/P924/D24 Rev B
 - AFR/P924/D25 Rev B (Proposed North Elevation only)
 - AFR/P924/D26
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved by the local planning authority in writing. The CMS shall provide for:
 - i) construction traffic routes, the parking of vehicles of site operatives and visitors and appropriate signage;
 - ii) wheel washing facilities and road maintenance;
 - iii) measures to control the emission of dust and dirt during demolition and construction; and
 - iv) measures to control noise and vibration during demolition and construction. The approved CMS shall be adhered to throughout the demolition and construction period for the development hereby permitted.
- 4) Notwithstanding Condition 2, prior to the commencement of any superstructure works on site, details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The development shall be carried out and thereafter retained in accordance with the approved details and samples.
- 5) Notwithstanding Condition 2, prior to the commencement of any superstructure works on site, precise details of works within the public highway to provide a new footway on the rear lane leading from Huntley Street across the frontage of the development hereby permitted shall be submitted to and approved by the local planning authority in writing. Before the development hereby permitted is first brought into use, the footway shall be provided in accordance with the approved details and shall thereafter be retained in accordance with the approved details.
- 6) Details of any external lighting to be installed on the site shall be submitted to and approved by the local planning authority in writing before the development hereby permitted is first brought into use. Only external lighting in accordance with the approved details shall be installed on the site.
- 7) Any contaminated material that is found during the course of demolition or the construction of the development hereby permitted shall be immediately reported to the local planning authority in writing. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved by the local planning authority in writing. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved by the local planning authority in writing. These approved schemes shall be carried out before the development on the part of the site affected is resumed or continued.

- 8) Demolition or construction works audible at the site boundary, and associated deliveries, shall take place only between 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 9) No garage doors within the development hereby permitted shall open outward over the public highway.
- 10) The development hereby permitted shall be used solely for the parking of vehicles and shall not be used for any other purposes.

END OF SCHEDULE OF CONDITIONS