

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th August 2020

APPLICATION REF. NO: 20/00248/FUL

STATUTORY DECISION DATE: 14 August 2020

WARD/PARISH: Northgate

LOCATION: 58 Montrose Street

DESCRIPTION: Conversion of existing dwelling into 2 No. 2 bed flats including demolition of existing garage, creation of refuse and cycle storage areas and alterations to windows and doors (as amended by plan received 12 May 2020)

APPLICANT: Other Ambition Investments

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The existing property is a dwelling on the end of a terrace on Montrose Street. The property has a two storey extension to the rear along with a garage accessed of a lane to the side. There is a yard accessed via the garage and through the dwelling. The existing property has a lounge, dining room and kitchen on the ground floor and three bedrooms and a bathroom on the first floor. A solid wall, approximately 2m high provides the shared boundary with No 56 Montrose Street.
2. Montrose Street predominately comprises of terraced dwellings with a convenience store located on the junction with Haughton Road. A building containing 10 apartments has recently been built to the rear of No 2 and 2A Montrose Street which is at the opposite end of the street to the application site.

3. In response to the comments made by residents, the planning application has been amended and now involves the conversion of the single dwelling into two flats. The ground floor flat would comprise two bedrooms (one ensuite) and a lounge/kitchen/dining room whilst the first floor flat would be two ensuite bedrooms and a lounge/kitchen/dining room.
4. There would be no external alterations to the front elevation but there would be some alterations to the doors and windows in the two storey extension overlooking the yard area. The garage would be demolished to create a small yard area for the first floor flat and the remainder of the yard would be for the ground floor flat. Each yard would have a separate access to the lanes and cycle parking and bin storage areas would be provided in each one.

MAIN PLANNING ISSUES

5. There is no recent planning history for the property. The main considerations are whether the proposal is acceptable in the following terms:
 - a) Planning Policy
 - b) Residential Amenity
 - c) Highway Safety
 - d) Impact on the Visual Appearance and Character of the Area
 - e) Other Matters

PLANNING POLICIES

6. The relevant Local Plan policies are those that consider:
 - Whether the property is within an area where there is a high concentration of houses in multiple occupation and if not, does the change of use raise any highway safety and residential and general amenity issues (saved Policies H17 and H18 of the Local Plan 1997)
 - The general amenity and health and safety of the local community (CS16 of the Core Strategy 2011)
 - Vehicular access and parking provision suitable for its use and location (CS2 of the Core Strategy 2011)
 - Darlington's distinctive built characteristics that positively contribute to the character of the local area and its sense of place (CS2 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Highways Engineer and Environmental Health Officer has raised no objections to the principle of the change of use.
8. The Council's Private Sector Housing Manager has raised no objections to the proposed development

RESULTS OF PUBLICITY AND NOTIFICATION

9. The planning application originally involved the conversion of the property into three flats and eleven objections were received from ten households. Whilst the

nature of the planning application has now changed, the issues raised at that time can be summarised as follows:

- *The demolition of the garage will weaken the rear property wall and the property dividing wall*
- *The property is too small to have two flats on the ground floor*
- *The proposal will impact upon and overlook neighbouring dwellings*
- *There will be noise nuisance*
- *The development is overcrowded*
- *Where will extra waste and recycling bins go?*
- *Three extra dwellings will make existing parking problems even worse*
- *Neighbour will have two households looking into kitchen windows*
- *Rear access to the site will be limited with limited access for means of escape*
- *Increase in noise and disturbance*
- *There has been problem tenant elsewhere on the area and houses abandoned for long periods of time*
- *Not in keeping with Montrose Street which is all single family houses*
- *Flats have been built behind Montrose Street and more flats are not necessary*
- *They will reduce value of neighbour's houses*
- *The houses in the street should be kept the same and look the same*

10. Following the amendments to the planning application, six objections have been received from four households and the comments can be summarised as follows:

- *No provision for off street parking as the garage is being removed;*
- *Parking on Montrose Street is already very limited;*
- *The property is too small for two flats;*
- *There will be very little room left in the yards once the cycle stores and wheelie bins are in;*
- *The proposal is not in keeping with the rest of Montrose Street which is all single houses;*
- *Flats tend to be for younger and louder tenants which will spoil neighbours being able to enjoy their own property;*
- *This will lead to overlooking of neighbouring properties and cutting off light for the Eastmount Road back yards*
- *There is a potential noise issue*
- *Back lanes will be damaged when materials are being delivered*
- *It is being assumed that the occupants will be cyclists and not have a car*
- *The flats could attract antisocial behaviour*
- *The yards are too small for the storage of refuse bins and more bins on the street for collection will be a trip hazard*
- *There will be too many comings and goings*
- *The flats will reduce the value of the existing houses. The street should remain as single houses*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

11. Saved policy H17 of the Local Plan states that the subdivision of dwellings into smaller units of accommodation will not be permitted where there is already a high concentration of houses in multiple occupation or it involves the subdivision of small two storey family houses (less than 115m²).
12. Areas of high concentration are, typically, continuous residential frontages or streets where upwards of a quarter of the original dwellings are in multiple occupation which is not the case at Montrose Street and the floor area of the property exceeds 115m² (approximately 136m²).
13. Saved Policy H18 of the Local Plan 1997 states in areas where there is not already a high concentration of houses in multiple occupation, the subdivision of dwellings into smaller units of accommodation is permitted provided that there is no material adverse effect on:
 - a) The quiet and private enjoyment of other dwellings and gardens
 - b) The adequacy of available off street parking and amenity spaces
 - c) The free flow and safe flow of traffic
 - d) The visual and noise characteristics of the surroundings
14. These issues will be considered in detail below.

b) Residential Amenity

15. The existing property is a three bed dwelling. There is a kitchen and dining room window (ground floor) and one bedroom window (first floor) within the two storey storey extension which all currently overlook the rear yards of the neighbouring dwellings on Montrose Street. A solid wall provides the shared boundary between the yards of the application site and the adjoining dwelling which provides a privacy barrier at ground floor level. There is also a lounge window and a bedroom window in the rear elevation of property. A small landing window can be found in the gable end at first floor level which faces onto the rear elevations of the dwellings on Eastmount Road.
16. The windows and doors would be altered in the two storey extension to facilitate the internal alterations resulting in there being two bathroom windows (obscured) and a bedroom window at first floor level and two bedroom windows and a door at ground floor level. The level of overlooking from the first floor flat will be the same as the existing situation and the ground floor windows would be still be partially screened by the boundary wall. The lounge and bedroom windows in the rear elevation remain unchanged and the opening in the gable elevation remains a landing window.
17. Overall, whilst the building would be occupied by two families rather than one, the number of habitable windows has not increased, and the levels of overlooking would not increase beyond the existing situation.

18. The number of overall bedrooms within the property would increase from three to four as a result of the conversion to two flats.
19. It is considered that the potential increase in comings and goings that would result from there being two households within the property would not be so adverse to significantly impact on the amenities of the neighbouring properties and the wider area. The potential behaviour of the future occupants has been raised by the objectors, but officers consider that this concern, whilst acknowledged, is not a justifiable reason to refuse the application and no evidence has been provided to substantiate such claims to enable more weight to be attached to this material consideration.
20. The Council's Environmental Officer has not objected to the application but recommended that a condition is imposed to control the hours of construction and deliveries in the interest of residential amenity
21. The proposed conversion would accord with saved policy H18 of the Local Plan 1997 and CS16 of the Core Strategy 2011.

c) Highway Safety

22. The property is within walking distance of the town centre and the bus stops on Haughton Road. It is also close to the cycle path on Haughton Road and the wider cycle network. The property is within a sustainable location.
23. Montrose Street is typical of terraced street close to the town centre with most residents being reliant on on-street parking. There is a mix of controlled and uncontrolled parking areas with some parking being restricted to Resident Permit holders only, some Two Hour Only parking whilst other areas are unrestricted.
24. Montrose Street no longer provides a through route to Haughton Road as it would have done historically and as a result it is generally just used for local access and carries relatively little traffic. Generally, car ownership and use levels are lower within flatted developments/HMOs close to town centres and as a result a single space per flat would be acceptable. The existing property is a three bed dwelling and therefore the required car parking provision remains unchanged (2 spaces required for a three bed dwelling). The proposed change of use does not impact upon the highway from any increased demand for parking.
25. Future occupants will be eligible for a resident parking permit and they would be encouraged to make use of the parking provided across the frontage of the dwelling. Whilst the loss of the garage does result in the loss of a parking space, the garage does not meet the minimum internal dimensions to be considered a practical usable space and is therefore unlikely to be used for the keeping of a vehicle. A planning condition would need to be imposed that all gates open inwards and not over the public highway (lanes)

26. Cycle parking and an area for refuse storage is provided for both flats. This offers assurance that bins will not be stored on the highway other than being presented for collection and the cycle storage will also help promote sustainable travel options as an alternative to the motor vehicle.
27. The Council's Highways Engineer has not objected to the planning application. Having considered this advice and the comments made by the residents, the proposed change of use is acceptable in highway safety and parking terms and would accord with saved policy H18 of the Local Plan and policy CS2 of the Core Strategy 2011.

d) Impact on the Visual Appearance and Character of the Area

28. The front elevation of the property would remain unchanged. The gable end elevation of the building would remain unchanged, but the existing garage would be replaced a new boundary wall and gate. A pedestrian gate would be inserted into the rear boundary wall and the existing doors and windows in the two storey extension would be realigned. The external alterations are acceptable, and a planning condition can be imposed to agree appropriate materials for the brickwork, windows and gates.
29. The property would retain its residential use albeit in the form of two properties rather than one and the external alterations are minimal and therefore the character of the building and the wider street would not be adversely affected.
30. The proposal would accord with saved policy H18 of the Local Plan 1997 and CS2 of the Core Strategy 2011.

e) Other Matters

Internal Layout

31. The internal specification of a proposed residential development may fall outside the direct remit of Development Management, but all new and converted residential developments should have consideration of the Housing Health and Safety Rating System to ensure they do not contain any Category 1 hazards which was introduced under the Housing Act 2004. In response to some of the objector's comments, Officers have sought advice from the Council's Private Sector Housing Team and the proposed conversion would meet the overall floor area requirements for each flat and for the room sizes. The Team has suggested that the ground floor bedroom window would need to be openable and fitted with blinds or solar film to prevent excessive heat loss and this would be a matter for the applicant to comply with and not enforceable under planning legislation.

Permitted Changes of Use

32. It is worth commenting that a Class C3 (dwellinghouse) property can change to a Class C4 (small houses in multiple occupation) property without the need for planning permission provided that the property is not occupied more than 6 residents; (which includes unrelated individuals) and they share basic amenities. This is relevant as it shows that in some circumstances, dwellinghouses can be

occupied by six unrelated people without having to apply for planning permission.

33. The impact that the proposed change of use may have on the value of existing properties is not a material planning consideration and the planning application should not be refused on such grounds.

THE PUBLIC SECTOR EQUALITY DUTY

34. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. It is considered that this proposal does not raise any issues that would discriminate between persons who share a protected characteristic and persons who do not share it.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

35. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION AND RECOMMENDATION

36. The property is not in an area where there is already a high concentration of houses in multiple occupation. The proposed works are acceptable in terms of residential amenity, highway safety and parking and general amenity. The proposal would accord with the local development plan.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.
REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.
3. All bathroom windows shown on the approved plan shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.
REASON - To safeguard the amenities of the neighbouring dwellings.

4. No works or demolition activities, including the use of plant and machinery (including generators) as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays.

REASON: In the interests of the amenity of the area

5. All gates shall open inwards and not outwards over the public highway

REASON: In the interests of highway safety

6. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- a) Drawing Number 2020/0016/0002 REV D – Plans and Elevations as Proposed

REASON – To ensure the development is carried out in accordance with the planning permission

INFORMATIVES

Street Naming

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.