

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 12 December 2018

APPLICATION REF. NO: 18/00784/FUL

STATUTORY DECISION DATE: 7 November 2018

WARD/PARISH: SADBERGE AND MIDDLETON ST GEORGE

LOCATION: Studio below 6A West Row, Sadberge

DESCRIPTION: Change of use from writing studio to 1 No. bedroom dwelling including association of 1 No. separate garage accessed from Church Lane

APPLICANT: MR THOMAS O'NEILL

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the change of use of part of the ground floor of the building to a 1 no. bedroom dwelling. The building was last used as a writing studio for which planning permission was granted in 2005 (05/00965/CU) subject to a personal permission such that when the applicant at the time disposed of the property the use reverted back to a garage to serve 5 West Row. The ownership certificate completed with the application indicates that the applicant is the owner of the building and as such its current authorised use is that of a garage.

Externally, the existing garage extends to approximately 2.9 metres wide by 7 metres deep and it is proposed to insulate the walls internally and to subdivide the space to provide a bedroom, kitchenette and shower room. The garage is served by an existing window and door in the west elevation which remain from its writing studio use and by a window in the east elevation. External alterations would be limited to enlarging an existing high level window in the south gable end elevation to serve the proposed kitchenette. A Heritage Statement has been submitted which considers the impact of the proposed alterations on the significance of the Sadberge Conservation Area and St Andrew's Church.

The application also proposes that an existing garage on Church Lane, approximately 80 metres to the east of the application property, would be available to serve the proposed dwelling. There is an area of grassed verge to the front and side of the property however it is not otherwise served by any formal curtilage space.

The application property is a white rendered building which adjoins the southern end of West Row with a small two-storey link building, located at its junction with Beacon Grange Park. St Andrew's Church, a Grade II listed building, is situated to the east on the opposite side of West Row, within the Sadberge Conservation Area. The surrounding area is predominantly residential in character. The building currently comprises two garages and the former writing studio, now garage, at ground floor with a residential flat above. The other two garages and flat above are in separate ownership to the application property.

PLANNING HISTORY

05/00965/CU – Change of use of garage unit to writing studio. GRANTED 23 November 2005

PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

Saved Policies of the Darlington Local Plan 1997

- E2 – Development Limits

Darlington Core Strategy Development Plan Document 2011

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS14 – Promoting Local Character and Distinctiveness

National Planning Policy Framework, 2018

RESULTS OF CONSULTATION AND PUBLICITY

Highways Engineer – The garage is remote from the dwelling and therefore unlikely to be used for parking a car. It is also unlikely to conform to the minimum internal dimensions to be considered as a parking space. Given the size of the dwelling it is unlikely to be used as a family home or generate problematic overspill parking, however concerns would be principally the convenience of any future occupant with regard to parking and access.

Conservation Officer – The formation of a compact independent dwelling unit would bring with it activities and demands for use of the building and outdoor amenity space, with consequent impact on the character and appearance of the conservation area which is considered to be detrimental. These issues regarding intensification would also have an incremental, detrimental effect on the setting of the nearby listed church.

Environmental Health Officer – New residential dwellings have to ensure that separating walls and floors and partition walls are required to meet sound insulation values which are covered by Building Regulations (Part E). Any future occupants may be more bothered by impact noise from the existing dwelling above rather than the other way round. It may be considered that the impact of a residential dwelling might have less than an impact in terms of noise than a garage where people may be included to carry out noisier activities.

Northumbrian Water Limited – No comments to make.

Sadberge Parish Council – Objects to the proposed change of use as when permission was granted for the change of use of the garage to a writing studio it was stipulated that if the studio stopped being used as a writing studio it would revert to being a garage.

One letter of representation has been received which raises the following issues:

- *Understand the owner of the first floor property has no objection to the proposed change of use. Request DBC to approve the change of use which in a small way would increase the income of DBC and the Parish Council;*
- *The proposed change of use involves no change to the exterior;*
- *The proposed use would be appropriate in a residential area and would provide affordable housing in the village.*

Three letters of objection have been received which raise the following issues:

- *The studio should revert back to a garage once it is no longer being used as a studio;*
- *Parking has now become a problem at the junction of West Row and Beacon Grange Park and returning the studio to a garage would help the problem;*
- *The size of the studio means the accommodation would be very cramped and would not be in keeping with the other properties in the area;*
- *Object to the idea of any larger or more windows to the side of the property as they would allow direct viewing into our kitchen;*
- *Any changes to the external appearance need to be carefully considered as the property is in a Conservation Area;*
- *Concerned that should the change of use be granted then alterations to the property that do not need planning permission will take place;*
- *The garage on Church Row is some distance from the property which may be used for overnight parking but is unlikely to be used during the day when the owner will park on West Row or Beacon Grange Park;*
- *The application property is below my apartment, 6a West Row, predominantly below the bedroom;*
- *Concerned about noise transmission which would reduce my privacy;*
- *The proposal would change the character of the area which is predominantly houses not flats.*

PLANNING ISSUES

The main issues to be taken into account in consideration of this planning application are:

- Planning Policy
- Impact on Significance of Heritage Assets
- Residential Amenity
- Highway Safety

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

The application property is situated within the development limits for Sadberge village. As such the principle of converting the building to residential use would accord with Saved Policy E2 (Development Limits) of the Borough of Darlington Local Plan, 1997 and Policy CS1 (Darlington's Sub-Regional Role and Locational Strategy) of the Darlington Core Strategy Development Plan Document, 2011, subject to consideration of the following issues:

Impact on the Significance of Heritage Assets

Core Strategy Policy CS14 (Promoting Local Character and Distinctiveness) seeks to protect, enhance and promote the quality and integrity of Darlington's built heritage including buildings, their settings and features of historic importance in Conservation Areas. The NPPF also requires new development within the setting of heritage assets to enhance or better reveal their significance.

The application property is located within the Sadberge Conservation Area and also within the setting of St Andrew's Church, a Grade II listed building. External alterations to the property are limited to the replacement of an existing high level window in the front (east facing) elevation with a larger window of a size and style consistent with the existing windows elsewhere in the property. A Heritage Statement submitted with the application acknowledges that this proposed change will have no significant impact on heritage assets. The Council's Conservation Officer has expressed concern regarding the impact incremental changes to the exterior of the building associated with the proposed use i.e. parking will have on the character of the Sadberge Conservation Area and on the setting of the Grade II listed St Andrew's Church opposite.

In this instance the proposed external alterations are considered minimal in the context of the application property and that of the surrounding area and as such it is not considered that this change will have a detrimental impact on the character and appearance of the Conservation Area or upon the setting of St Andrew's Church. A condition requiring the removal of permitted development rights from the property would ensure that control would be retained over any future alteration of the building and its curtilage thereby limiting any potential impact on heritage assets.

While there is no formal parking area associated with the proposed dwelling there may be some parking of vehicles on the road frontage or verge to the side of the property associated with the proposed use. The issue of parking associated with the dwelling will be considered elsewhere in this report, however any additional activity associated with the use of this building as a dwelling will have a limited impact on the character and appearance of the surrounding area given the small-scale nature of the proposal.

Due to the small-scale nature of the proposal and the limited alterations proposed it is not considered that the proposal will have any harmful impact on the significance of the Sadberge Conservation Area or the setting of St Andrew's Church. The proposal therefore complies with Policy CS14 and the NPPF in this regard.

Residential Amenity

The proposal would form a small 1 bedroom dwelling comprising an open plan kitchen/bedroom with a small shower room formed off the kitchen. There is no parking outdoor amenity space associated with the proposed unit with the exception of an open grassed area to the front and side.

An objection has been received from the occupant of the flat above regarding the potential for disturbance from noise transmission from the proposed unit. The application has been considered by the Environmental Health Officer who advises that the property would need comply with the Building Regulations, Part E of which requires separating walls and floors to meet sound insulation values. The continued use of the building as a garage without any sound insulation could also potentially produce more noise to the property above. A further objection has been received regarding the potential for overlooking from the enlarged kitchen window in the side elevation into the property opposite. There will be a distance of approximately 14.5 metres between the side gable of the application property and the nearest dwelling at 1 Beacon Grange Park, separated by the estate road. At this distance it is not considered that the enlarged window will result in an unacceptable loss of privacy to the front of this property which has an open aspect onto Beacon Grange Park itself.

On this basis, the creation of an additional unit of accommodation within an existing residential area will not give rise to any unacceptable impact on residential amenity.

Highway Safety

There is no off-site parking provision at the application property. While West Row is narrow with limited opportunity for off-street parking although is not restricted by double yellow lines. Some properties have created off-street curtilage spaces to the front of the properties. There is unrestricted on-street parking in Beacon Grange Park where these properties have off-street parking. The applicant has a garage on Church Lane, approximately 80 metres to the east of the application site that would be made available to serve the property.

The Highway Engineer has advised that the garage is remote from the dwelling and therefore unlikely to be used for parking a car. It is also unlikely to conform to the minimum internal dimensions of 3m x 6m to be considered as a parking space. While the garage could be secured by a Section 106 Agreement requiring it to be made available to serve the property this would not ensure its use as a parking space and as such this is not considered to be reasonable in this instance. The Highway Engineer acknowledges that in view of the small size of the dwelling it is unlikely to be used as a family home or generate problematic overspill parking so as to warrant refusal of the application on this basis.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

The principle of the change of use of this property from a garage to a dwelling in this location is acceptable in the context of Saved Local Policy E2 and Core Strategy Policy CS1. Alterations to the property are minimal and as such the proposal will have a limited impact upon the character and appearance of the Sadberge Conservation Area and the setting of St Andrew's Church, a Grade II listed building. The proposal does not give rise to any issues of residential amenity and in view of its small-scale nature will not impact adversely on highway safety. A condition removing permitted development rights is attached to ensure that control is retained over the character and appearance of the building. The proposal is therefore considered to comply with Core Strategy Policies CS2 and CS14 and the NPPF.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)
2. PL00 (approved plans condition)
 - (a) Proposed floor plan, drawing no. 7, dated 22.8.18
 - (b) Proposed south west elevation, drawing no. 9, dated 22.8.18
 - (c) Proposed north east elevation, drawing no. 10, dated 22.8.18
 - (d) Proposed south east elevation, drawing no. 11, dated 22.8.18
3. C5 (removal of PD rights)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no fencing, walls or other means of enclosure shall be erected without the prior written consent of the Local Planning Authority to whom a planning application must be made.

REASON – In the interest of visual amenity

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:

Saved Policies of the Darlington Local Plan 1997

- E2 – Development Limits

Darlington Core Strategy Development Plan Document 2011

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
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