

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO: 23/00823/FUL

APPEAL REF. NO: Appeal Ref: APP/N1350/D/243336540

LOCATION: 32 Clowbeck Court
Darlington
DL3 0BB

DESCRIPTION: Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (approved plans) and removal of condition 3 (garage/car parking) attached to planning permission 21/01226/FUL dated 12 December 2021 (Erection of a two storey side extension to provide a garage/dining room with bedroom above) to permit the conversion of garage into habitable space, the replacement of the garage door with a window, and the provision of 1 no. additional car parking space to the front (amended description)

APPLICANT: Mr Kieran Meredith

ASSISTANT PLANNING OFFICER: ANN McRAE

BRIEF SUMMARY:

1. This application has been submitted under Section 73 of the Act 1990 to seek to remove condition 3 from planning permission 21/01226/FUL to allow the conversion of the previously approved garage into habitable space and the provision of 1 No. additional car parking space to the front. Further alterations to the approved plans are also sought in the form of internal ground floor alterations to create a kitchen and family room, rather than a kitchen, dining room and garage, and external alterations to remove the garage door and to insert a window to serve the family room behind. Accordingly, the application also sought to amend condition 4 of the 2021 permission to permit changes to the approved plans.

KEY POINTS TO NOTE:

2. Appeal site is part of a residential estate comprising houses of various sizes and configurations. The majority of houses have a garage and driveway or in curtilage parking areas, and even smaller houses on compact plots have off street parking. The result is an estate of pleasant appearance where circulation roads with footways either side give a generous and spacious feel, but also one where few frontages are devoted entirely to parking.

REASON(S) FOR REFUSAL:

3. The proposed removal of condition 3 of planning permission 21/01226/FUL to allow the retention of the previously approved garage as a habitable room and the variation of condition 4 of that permission to permit the provision of a sub-standard additional parking space would result in a shortfall in parking provision at the property, with resultant impacts on pedestrian and highway safety contrary to Local Plan Policies DC1 (Sustainable Design Principles and Climate Change) and IN4 (Parking Provision including Electric Vehicle Charging) of the Darlington Local Plan (2016 – 2036) which require that new development, including change of use, provides safe and secure space for vehicle parking and servicing.

APPEAL DISMISSED:

4. The removal of condition 3 and varying condition 4 would harm the character and appearance, and the highway and parking conditions, of the area, contrary to the development plan considered as a whole, as supported by Council guidance.