

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

REF. NO:	24/01178/CU
APPEAL REF. NO:	APP/N1350/W/25/3373582
LOCATION:	45 Greenbank Road, Darlington, DL3 6EN
DESCRIPTION:	The development proposed is change of use from a single dwelling (Use Class C3) to 9 no. person HMO (Sui Generis)
APPELLANT:	Mr Danii Vnoutchkov

BRIEF SUMMARY:

1. The key issues are the effect of the development on the living conditions of neighbouring occupants in regard to noise and disturbance, and parking provision.

KEY POINTS TO NOTE:

2. The appeal site is a terraced property which was being converted to a six person house in multiple occupation (Class C4). The proposal was to convert the property into a nine bed HMO (sui generis).

REASON(S) FOR REFUSAL:

3. The planning application was presented to the Planning Applications Committee in July 2025 with a recommendation to approve, subject to planning conditions. Having considered the report, alongside the views of the Applicant's Agent, an Objector and a Ward Councillor who spoke at the Meeting, planning permission was refused contrary to recommendation. The refusal reason was:
4. *The application site is located within an area where there is a high concentration of properties in multiple occupation and in the opinion of the Local Planning Authority, the introduction of a nine person house in multiple occupation in this location will lead to adverse amenity conditions for the occupants of the neighbouring properties in terms of noise, disturbance and lack of parking. The proposal would be contrary to Policies DC4 and H8 of the Darlington Local Plan (2016 - 2036).*

APPEAL ALLOWED:

5. The Planning Inspector considered that the level of activity of nine adults living independently is unlikely to be significantly greater than that of a large single family household or six individuals living in a small HMO. The Inspector advised that no substantive evidence had been provided to demonstrate that the proposed use would result in disturbance to neighbouring properties. Furthermore, the Planning Inspector was not certain that the use of rooms on the ground floor as bedrooms would harm the amenity of neighbouring occupants over their existing use as a lounge and dining area.
6. Regarding parking provision, it was noted that the Council's Highways Officer considered that the likely additional parking demand as a result of the proposal would equate to 1 or 2 spaces, and that no concerns in relation to parking provision. The Planning Inspector reviewed a Transport Technical Note submitted in support of the appeal which included a parking survey that concluded that there was a minimum spare capacity of 94 on-street car parking spaces in the evening and 92 during the day. This equated to between 31% and 34% of on street parking being unutilised within a short walking distance of the appeal site. The Planning Inspector supported the findings of the Transport Technical note which demonstrated that the additional parking requirements of three additional individuals would not result in an unacceptable level of parking stress to the area.
7. For the reasons above, the Planning Inspector concluded that the development would not have a harmful effect on the living conditions of neighbouring occupants in regard to noise and disturbance and parking provision and the appeal was allowed subject to conditions relating to bin and cycle stores being available for use prior to the first occupation of the property and that a Final Nutrient Credit Certificate must be submitted to the LPA before first occupation of the property.
8. The Planning Inspector noted that Policy H8 of the Local Plan does not prohibit high concentrations of HMOs or self-contained flat within any particular part of the Borough. Also, whilst several representations raised concerns that future occupants would participate in antisocial behaviour, criminal activity and littering, there was no evidence to clearly show that occupants of a large HMOs are more likely to carry out such activities, when compared to occupants of a single family dwelling or small HMO.
9. The Planning Inspector considered that insufficient evidence had provided to show that the use would have an adverse impact on property values, water pressure and the sewage system. The appeal decision also highlights that HMOs are subject to separate licensing requirements that ensure appropriate fire and health and safety measures are implemented and buildings are properly maintained and accordingly concerns in this regard will be managed and monitored under separate legislation.