

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL FOR PLANNING PERMISSION

APPLICATION REF. NO:	25/01027/FUL
APPEAL REF. NO:	Appeal Ref: 6002591
LOCATION:	62 Baydale Road Darlington DL3 8JU
DESCRIPTION:	Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition 6 (opening hours) attached to planning permission 23/01123/FUL dated 18 January 24 (Construction of a detached building in the rear garden for use as a Pilates reformer studio) to amend the opening hours to 6.00am to 8.00pm Monday to Friday; 7:00am to 2.00pm on a Saturday with no opening on a Sunday or Bank Holidays
APPLICANT:	Miss Helen Dixon

ASSISTANT PLANNING OFFICER: PATRICIA BASTON

BRIEF SUMMARY:

1. The application property is a semi-detached dwelling with a long narrow rear garden. The surrounding area is predominantly residential in character; a large allotment is to the rear of the site. Planning permission was granted in January 2024 (23/01123/FUL) for the construction of a detached building within the rear garden of the property to be used as a Pilates studio by the applicant. The permission was subject to a condition (6) restricting the opening hours of the studio to protect the amenities of neighbouring properties.

KEY POINTS TO NOTE:

2. The applicant sought to vary condition 6 (opening hours) to extend the approved opening hours to offer a more flexible arrangement for her clients, particularly those wishing to attend early morning or classes later into the evening. The application proposed the following opening times:
 - Monday to Fridays 6.00am to 8.00pm and 7.00am to 2.00pm Saturdays increased from Monday 9.00am to 2.30 pm, Tuesday 9.00am to 8.00pm, Wednesday 7.00am to 2.30pm, Thursday 9.00 am to 8.00pm, Fridays 9.00am to 2.30pm and Saturdays 8.00am to 12.00 noon.

REASON(S) FOR REFUSAL:

3. In the opinion of the Local Planning Authority, the proposed extended hours of operation for the Pilates Studio, as part of a mixed use of the existing domestic property in a quiet residential street, is considered to be unacceptable as the proposal would result in an increase in traffic and noise and general disturbance on a morning and evening, when nearby residents would expect a reasonable level of peace and quiet. This level of harm on their living conditions would be contrary to Policy DC4 of the Darlington Local Plan (2016-2036) and the National Planning Policy Framework 2024.

APPEAL DISMISSED:

4. The Inspector, whilst acknowledging that the proposed hours would offer greater flexibility for the business, considered that this would not outweigh the significant harm they identified to the living conditions of nearby residents arising from the extended hours of operation. The appeal was dismissed on this basis.