



Appeal Decision

Site visit made on 12 February 2019

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2019

Appeal Ref: APP/N1350/W/18/3213878

201 Greenbank Road, Darlington DL3 6EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Singh against the decision of Darlington Borough Council.
 - The application Ref: 18/00672/FUL, dated 25 July 2018, was refused by notice dated 25 September 2018.
 - The development proposed is a change of use of the ground floor of 201 Greenbank Road to form a local convenience store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the living conditions of the occupiers of nearby residential properties, with particular regard to noise and disturbance; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions of nearby residents

3. The appeal building is a two-storey end of terrace house located at the junction of Greenbank Road and Craig Street. The surrounding area largely consists of terraced dwelling houses with a scattering of small shops and commercial premises amongst the residential properties. A short distance to the south west of the appeal building is a primary school and Darlington Memorial Hospital.
4. Policy CS16 of the Darlington Local Development Framework Core Strategy 2011 (Core Strategy) expects, amongst other matters, that new development should ensure that there is no detrimental impact on the environment, general amenity and the health and safety of the community. The National Planning Policy Framework (the Framework) also seeks to ensure that new development provides a high standard of amenity for existing and future users.

5. Whilst it is proposed that the opening hours of the proposed shop would be limited to 07:00 to 21:00 Monday to Saturday and 08:00 to 21:00 on Sundays and Bank Holidays, its presence would undoubtedly lead to a greater number of pedestrian and vehicle movements in the area, although I accept that the latter may be fewer in number due to the small-scale nature of the premises. Nonetheless, the proposed shop would lead to a greater number of movements and larger presence of people in a predominantly residential area. This would occur both during the day and into the evening when residents might reasonably expect the area to be quieter. This would lead to increased noise and disturbance for existing nearby residents.
6. At the time of my site visit, the area around the appeal building was busy, which was in part due to parents taking their children to the nearby school both on foot and by vehicle. The presence of the school will, consequently, result in an increased degree of disturbance to local residents at certain times of the day. The presence of a corner shop would increase the length of these periods of disturbance, due to the potential for linked trips, and would also extend these periods of increased activity and disturbance into the evening.
7. Although there are other commercial properties interspersed with residential buildings in the area, from what I saw on my site visit, I would agree with the Council's position that these are long established commercial uses and that anyone taking up residence nearby would do so in the knowledge that they were there. Consequently, I do not consider that these existing commercial uses indicate that further commercial uses would be acceptable or would not harm the living conditions of existing residents.
8. The Council and Durham Constabulary have concerns in respect of antisocial behaviour being encouraged by the presence of the proposed shop. A nearby park and play area is identified as the main focus for antisocial behaviour, and I saw on my site visit that there is an entrance to a park close to the appeal building at the north end of Greenbank Road.
9. There is conflicting evidence in respect of the level of anti-social behaviour in the area. There is little substantive evidence from the Council or Durham Constabulary to support their concerns. Although the appellant's evidence shows that there were few instances of antisocial behaviour reported by particular premises, this is limited in its scope to reports made by operators of specific shops, and to identifying current concentrations of reported antisocial behaviour. Whilst I share the Council's concerns that a new retail premises that was open in the evening may have the potential to encourage congregation, there is no evidence before me that would show a direct correlation between the presence of a retail premises of the type proposed and increased anti-social behaviour. However, this does not overcome the other harm that I have previously identified.
10. I therefore conclude that the proposed development would cause harm to the living conditions of the occupiers of nearby residential properties, with particular regard to noise and disturbance. It would conflict with the relevant requirements of Core Strategy Policy CS16 and the Framework.

Character and appearance

11. The appeal building is located in an area that consists primarily of two storey terraced housing. It is one of a group of six end of terrace properties that face

- onto Greenbank Road but are physically attached to the terraces which line the streets running perpendicular to it. Although the furthest north of these, number 203 Greenbank Road has been much altered, the remaining five are largely unaltered and form an attractive visual group at the north end of the street.
12. The proposed alterations to the building itself are relatively minor and I note that the Council have not raised any concerns in respect of the proposed extension to the rear of the property. From what I have read and from what I saw when I visited the site I have no reason to disagree with this. The proposal would, however, also involve the removal of the front boundary wall to the property and the creation of a cycle parking area within the former front garden area. In the immediate vicinity, the houses on Greenbank Road have small front garden areas enclosed by a variety of boundary treatments, including low walls, fences and hedges. This differentiates it from the streets running perpendicular to it, where the buildings are located directly behind the footway, and provides a unifying characteristic to the street.
 13. Whilst the front boundary wall of the appeal building is not the original wall, it retains the character of the street and forms a strong feature on the corner at the junction with Craig Street. I recognise that the appeal building is not Listed, nor is it within a Conservation Area. Nonetheless, it is part of an attractive grouping of buildings that make a positive contribution to the appearance of the area. The removal of the wall, and effective creation of an open forecourt area, would erode this through the loss of a garden area, loss of a characteristic feature, and the visual weakening of the corner. This would be harmful to the character and appearance of the area.
 14. I accept that the removal of the wall could be carried out without planning permission, however, it is part of the appeal proposal and there is no evidence which would indicate that, were the appeal proposal not to proceed, the wall would be removed regardless.
 15. My attention has been drawn to the removal of the front boundary walls at 189/191 Greenbank Road, to the south of the appeal building. I saw when I visited the site that the absence of boundary treatments at these two properties is inconsistent with the prevailing character of the street, where the rest of the properties retain enclosed frontages. I do not consider that this justifies the removal of the boundary wall at the appeal building as it would reinforce this inconsistency and further erode the existing characteristics of the street.
 16. I conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to the relevant requirements of Core Strategy Policy CS2 which seeks to ensure that development reflects or enhances the distinctive natural, built, and historic characteristics that positively contribute to the character of the area and its sense of place.

Other matters

17. I have noted the comments made in support of the proposal including the lack of convenience stores in the area, the potential to increase competition and reduce prices, and the creation of local jobs. I saw when I visited the site that there is a convenience store located on Hollyhurst Road to the west and a small supermarket on Corporation Road to the south. Both premises are a short walk

from the appeal site and, whilst Hollyhurst Road is reasonably well trafficked, none of the roads in the area would act as a deterrent to pedestrians accessing these shops. Competition between businesses is not a matter that I can take account of in this appeal and although the appeal proposal will create some local employment opportunities, due to the small scale of the premises the benefit of this would be modest. None of these factors would lead me to a different conclusion on the main issues.

18. Concerns have been raised by third parties in respect of highway safety and increased parking in the vicinity of the appeal building. I note that the Highway Authority did not raise objections to the proposal and that the Council have not raised this as an issue. Whilst the appeal building is located next to a junction, there are no parking restrictions in the area. When I visited the site, I saw that although the available on-street parking was relatively well used there were, nonetheless, opportunities to park safely near the appeal building on Greenbank Road and Craig Street. Whilst I appreciate that there will be different parking demands at other times of the day, the small scale of the proposed shop would not generate significant numbers of car borne patrons. I am satisfied that any additional car parking demand could be accommodated in the vicinity without compromising highway safety.
19. I have had regard to Policy CS9 of the Core Strategy which states that individual local shops which meet the day to day needs of the nearby residents without the need to use a car will be protected and promoted, and to the Framework, which is also supportive of small businesses. However, neither the Core Strategy, nor the Framework, prioritises this over considerations such as the living conditions of residents, or the character and appearance of the area. Whilst the appeal proposal would not conflict with Core Strategy Policy CS9, this does not outweigh the other harm that I have identified.

Conclusion

20. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR