
Appeal Decision

Site visit made on 20 June 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 July 2017

Appeal Ref: APP/X1355/W/17/3172797

**The Forresters Arms, Collingwood Street, Coundon, County Durham
DL14 8LG**

- 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 Andrew Samuels against the decision of Durham County Council.
 - The application Ref: DM/17/00041/FPA, dated 4 January 2017, was refused by notice dated 23 March 2017.
 - The development proposed is described as conversion of building to provide 6 No self-contained flats.
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Preliminary Matters

1. In considering this appeal I was concerned about a matter which had not been raised as a specific reason for refusal. That matter related to the design of the flats and the implication of this for living conditions. As a consequence the main parties were asked to comment upon that point. Their responses have been taken into account in my determination of this appeal.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in this case is whether or not the proposed dwellings would provide acceptable living conditions for future occupiers, having particular regard to daylight, amenity space and proximity to existing public houses.

Reasons

4. The Forresters Arms is a vacant public house building which is in a deteriorating condition. The appeal proposal would create 6 flats, with 5 car parking spaces, bin spaces and communal amenity space to the rear/side of the building. As part of this proposal some of the deteriorating structures at the rear of the property would be removed. Works would also be undertaken to improve the exterior appearance of the building.
5. The development plan includes the Wear Valley District Local Plan which was adopted in March 1997 with relevant policies saved through the Secretary of State's Direction of September 2007. Saved policy H24 requires development to accord with residential design criteria, including provision of 25 square metres of private amenity space per flat. The Council acknowledges that the

National Planning Policy Framework (the Framework) does not impose guidelines of this type and so considers that only limited weight should be attached to this policy for decision making purposes.

6. The Council calculates only 36 square metres of amenity space would be provided to serve all the flats and that space would be compromised by its relationship to two of the parking spaces.
7. I concur that the external amenity area would not be acceptable even though these would be small flats of a single bedroom size and so would be unlikely to be occupied by those with children. Whilst the 25 square metres sought might be reduced in a situation like this where the benefits of conversion and reuse are to be factored into the planning balance, the very small area of amenity space would be used communally and would struggle to accommodate likely day to day needs for sitting out, drying clothes or securing bicycles. As such, this matter counts against the scheme. It also fails to accord with the development plan albeit I agree that the weight to be attached to that policy is reduced given the lack of accord with the Framework.
8. More significantly, the two central flats would only have windows to their living area in a single elevation (the rear). As such, the bedrooms for these two flats would have no external light or ventilation (this applies to the bathrooms also but I do not attach weight to this matter as a bathroom is not a main habitable room). I am not satisfied that such a configuration would provide an acceptable level of natural light for day to day living and conclude that it would result in unacceptably oppressive and gloomy conditions for future occupiers which, along with ventilation issues, would result in a poor standard of amenity. Thus, this matter weighs heavily against the scheme.
9. As a response to my questions regarding the layout a revised plan was submitted by the appellant. This appears to allow for borrowed light /open plan bedsit type arrangements for the two central flats. The accommodation proposed on this basis would still have limited ventilation and natural light in the bed area and would not benefit from sub-division of the room space for privacy (internal to the flat) and separation of cooking areas/odours. As such, the living conditions for the future occupiers would be unacceptable even in this 'revised' scheme.
10. Turning to proximity to existing public houses, I saw that other dwellings were situated in similar proximity to those public houses as the appeal site. The Council's Committee Report acknowledges that there have been no recorded objections from the occupiers of existing nearby dwellings in terms of noise from the existing public houses. I see no reason for it to be any different for the appeal property. Rather, by converting what was a public house to residential use it might well improve the amenity for other existing nearby residents because it would reduce the number of public houses from three to two. Thus, I do not share the Council's concerns in this respect. I therefore consider this aspect of the proposal to be neutral in the planning balance.
11. Local residents have objected to the proposal, including submitting a petition against the flats. There are concerns about the type of occupier, which is not a planning matter. There are also concerns about antisocial behaviour but the Police Architectural Liaison Officer raises no objection, a view with which I agree. Parking is raised as a matter of concern by local residents. However, the parking provision proposed has been deemed adequate by the Council.

This is a conclusion with which I concur, particularly as I saw that there was plenty of on-street parking available in the vicinity of the site as well as alternative means of public transport nearby. Impact on neighbouring properties to the rear is also raised as an objection. However, the number and position of windows at first in the rear elevation would not change and over-looking from three first floor flats would not have a materially greater impact than the public house use with accommodation at first floor.

12. In terms of other benefits I acknowledge that were the scheme to be completed it would tidy up the appearance of the building, which is of some historic interest (but not listed or locally listed) and bring it back into a beneficial use. This weighs moderately in favour of the scheme.
13. The Council in responding to my request for comment on the layout explained that the appeal scheme would not be acceptable for building regulation consent because of the configuration. Whilst I do not find the scheme acceptable in terms of layout I have not added further weight in respect of Building Regulations because that is a separate legislative requirement.
14. I appreciate that it is common ground that the Council cannot demonstrate a 5 year supply of housing land. As a consequence, the Framework sets out that this tilts the planning balance at the outset in favour of allowing this scheme which would create additional housing. Added to this is the moderate benefit of finding an active use for the building with the associated benefits of renovation. However, the Framework also makes it plain that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. In this case the substandard level of amenity for future occupiers is such that the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework as a whole. As such, I conclude that the appeal fails.

Zoë Hill

Inspector