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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>17/0049/FUL</b>
<b>Location:</b>	<b>3 Gorman Road Middlesbrough TS5 6ES</b>
<b>Proposal:</b>	<b>Conversion of dwellinghouse into 2no self-contained flats</b>
<b>Applicant:</b>	<b>Mr S Mehdi</b>
<b>Agent:</b>	<b>Mr Norman Poulter</b>
<b>Ward:</b>	<b>Park</b>
<b>Recommendation:</b>	<b>Approved with Conditions</b>

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**SUMMARY**

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The proposal subject of this application is to convert an existing dwelling located in a residential area into two self-contained flats, the development will result in only minor changes to the exterior of the dwelling.

Following the usual consultation procedure four letters of objection were received from local residents along with a verbal objection from the Ward Councillor.

The main issues for consideration are potential transference of noise between properties, potential additional on street parking and impact on amenity of nearby residents.

It is considered that potential noise transference can be addressed through provision of adequate noise insulation measures and that parking requirements for the proposed flats will not be more than the requirement for housing. All other matters raised were considered but do not weigh against the granting of planning permission

The proposal is considered to be an acceptable form of development fully in accordance with National and Local policy and is therefore recommended for approval subject to appropriate conditions.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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No.3 Gorman Road is a two storey terraced dwelling located in a residential area of Middlesbrough. There is a shared pedestrian access way between No's 1 and 3 Gorman Road with bedrooms over-sailing at first floor and this gives direct access into the rear

garden area. The proposal subject of this application is to convert the existing dwelling to two self-contained flats and comprises:

- new entrance door to ground floor flat within side elevation.
- 1.8m high fence to subdivide rear garden to provide for both flats.
- internal alterations to separate ground and first floor.

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## PLANNING HISTORY

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There is no relevant planning history associated with this site.

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## PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- a) *The provisions of the development plan, so far as material to the application;*
- b) *Any local finance considerations, so far as material to the application; and*
- c) *Any other material considerations.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *Housing Local Plan (2014);*
- *Core Strategy DPD (2008, policies which have not been superseded/deleted only);*
- *Regeneration DPD (2009, policies which have not been superseded/deleted only);*
- *Tees Valley Joint Minerals and Waste Core Strategy DPD (2011);*
- *Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011);*
- *Middlesbrough Local Plan (1999, Saved Policies only); and*
- *Marion West Neighbourhood Plan (2016, applicable in Marion West Ward only).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles', which can be summarised as follows:

- *Being plan led;*
- *Enhancing and improving areas;*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy;*

- *Always seek a high quality of design and good standard of amenity for existing and future occupants;*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside;*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables;*
- *Contribute to conserving and enhancing the natural environment;*
- *Encourage the effective use of land;*
- *Promote mixed use developments;*
- *Conserve heritage assets in a manner appropriate to their significance;*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations; and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development  
 CS4 - Sustainable Development  
 CS5 – Design

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.

<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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Nearby Neighbours were notified of the proposal, the following comments were received:

Mr and Mrs Moody, 1 Gorman Road object on the following grounds:

- Noise
- Lack of parking

Donna Pincott, 2 Gorman Road objects on the following grounds:

- Noise
- Additional refuse
- Parking
- Loss of privacy

Mr and Mrs Dalton, 4 Gorman Road object on the following grounds:

- Impact on the amenity of nearby neighbours
- Design layout and appearance in the street scene
- Highway safety, lack of parking
- Noise from additional family occupying the property
- Additional bins left in road
- Approval will set a precedent
- Proposal will result in undesirable occupants of the property
- Loss of privacy

Margaret Simpson, 6 Gorman Road, objects on the following grounds:

- proposal will change identity of area
- approval of application will set a precedent

- devaluation of property
- added fire risk
- lack of parking

Councillor Rostron has advised that she objects to the proposal and wishes to speak at Committee on the matter.

#### Highways

No objection subject to Informatives relating to materials on the highway and street naming and numbering.

#### Environmental Health

No objection subject to condition relating to provision of a noise attenuation measures.

#### Cleveland Police

Advisory note that development should be in accordance with Secure by Design principles.

#### Waste Policy

No comments received.

#### Private Sector Housing.

No comments received.

### Public Responses

Number of original neighbour consultations	5
Total numbers of comments received	4
Total number of objections	4
Total number of support	0
Total number of representations	0

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## PLANNING CONSIDERATION AND ASSESSMENT

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#### Policy

1. The proposal should be assessed against Policies set out in the Development Plan. DC1, CS4 and CS5 in essence seek to ensure high quality sustainable development; ensure the amenity of nearby residents; character of the area and highway safety are not adversely affected by the development.

#### Sustainability

2. The proposed development is located close to local amenities and sustainable transport routes and so is considered to be a sustainable form of development in accordance with policy CS4 and the guidance contained within the National Planning Policy Framework.

#### Appearance

3. Concerns were raised regarding impact of the design and layout of the proposal on the street scene. However, minimal changes are proposed to the exterior of the property. The new side entrance door will be located within the shared access alley between houses and so will be screened from view from the street by the existing gate to the front of the alley

way. As such it is difficult to see how the proposal will have any significant impact on the street scene.

4. A proposed fence runs across and sub-divides the existing rear garden and will provide private outdoor amenity space for both flats which is considered to be a positive attribute and will assist in providing a quality of dwelling type as is sought by both local and national planning policies. Although the fence will be an obvious subdivision to the garden as viewed from the first floors of surrounding properties, the fence will be the same height as the existing boundary fences and therefore be in keeping with the appearance of the surroundings.

5. In view of the above, the proposal is considered to be a high quality development with no adverse impact on the character of the area in accordance with CS5 (test c) and DC1 (test b).

#### Amenity

6. Where a two storey property is converted to flats there is the potential for noise from first floor living areas to transmit through walls to bedrooms within the adjoining properties. The occupiers of No.1 have raised this as a concern. It is possible however to insulate the internal walls of the proposed first floor flat to limit any additional noise transference and thereby reasonably address this matter preventing it from being a reason for refusal of the scheme. Environmental Health considered the proposal and advised that there were no objections to the proposal subject to a condition relating to noise attenuation measures being imposed on any approval. This is recommended.

7. Concerns were raised regarding lack of privacy as a result of the development. However, window to window distances between properties will not change as a result of the development and so there will be no change in the degree of overlooking.

8. In light of the above, it is considered that the proposed alterations will not have a significant impact on the amenity of nearby residents in accordance with policy DC1 (test c).

#### Highways

9. Concerns were raised that the lack of on-site parking for the proposed flats would lead to on street parking taking place. There is currently no parking provision for the existing house and the occupiers are therefore reliant on on-street parking. The parking requirement for the existing dwelling is two spaces and the parking requirement for flats is 1.5 spaces per flat although in practise this is reduced to 1 space per flat where the development is located close to sustainable transport links and local facilities such as the properties on Gorman Road. On the basis of 1 space per flat, the overall requirement would be for two parking spaces which although not provided by this scheme, is no more than that for a single dwelling, as such the pressure for on street parking would not be increased by the conversion to flats in this instance.

10. The Councils Highway Officer considered the application and raised no objection in terms of highway safety and so the proposal is considered to be in accordance with policy DC1 (test d).

#### Other issues

Comments relating to the following were made:

11. Street Noise arising from an additional family in the property.

It is argued that the number of the property occupants can vary whether it occupied as a single dwelling or as two flats. As a result, the difference in levels of noise within the street is unlikely to be perceptible.

12. Additional bins in the street

Adequate storage for bins is provided to the rear of the property, whilst bins will have to be put out on collection day, the impact in terms of appearance of one additional bin for a short period of time will be minimal.

13. Approval of this application will set a precedent leading to conversion of other properties which will undermine the character of the area. All applications are considered on their own merit. Approval of this application does not have any bearing on the outcome of subsequent applications.

14. Proposal will result in undesirable tenants at the property. This is not a material consideration.

15. Added fire risk. Fire prevention is a matter for Building Regulations.

16. Devaluation of property. This is not a material planning consideration.

#### Summary

17. The proposal has been assessed against local policy and guidance and it is considered that, given the limited nature of external alterations, there will be minimal impact in terms of appearance. Providing any necessary measures for noise insulation are provided, it is also considered that the conversion to self-contained flats will not have any significant impact on the amenity of nearby residents. All other issues raised have been considered and do not weigh against the granting of planning permission.

#### Conclusion

18. In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with National and Local policy and is therefore recommended for approval.

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## RECOMMENDATIONS AND CONDITIONS

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### Approved with Conditions

#### 1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

#### 2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications received on 26th January 2017 and shall relate to no other plans.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

#### 3. Noise

No development to implement the scheme hereby approved shall commence on site until an 'Internal Noise Transference Report' from a qualified noise consultant has been submitted to and approved in writing by the Local Planning Authority.

The 'Internal Noise Transference Report' shall detail the level of existing noise attenuation within the existing structure and fabric of the building and the noise levels that adjacent residents are likely to be exposed to from the approved apartments, and if necessary, a scheme of mitigation designed to protect the adjacent occupiers from any noise transference. The levels required to be met in habitable rooms of the proposed accommodation are those set out in BS 8233:2014.

Any works and/or noise mitigation measures identified within the approved 'Internal Noise Transference Report' shall be incorporated into the development works for the approved scheme and shall be completed prior to the flats being brought into use. The noise mitigation works installed shall be maintained in perpetuity.

Reason: Due to the relationship of rooms within the reconfigured property layout and to ensure adequate noise insulation between adjacent premises in the interests of the amenity of adjacent occupiers in accordance with the requirements of the National Planning Policy Framework (Para. 17).

### **REASON FOR APPROVAL**

This application is satisfactory in that the design of the proposed conversion to two self-contained flats accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition the conversion to two self-contained flats accords with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework).

In particular the conversion to two self-contained flats would not have a notable detrimental impact on the amenity of any adjoining or nearby resident, will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe access to the dwelling.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

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### **INFORMATIVES**

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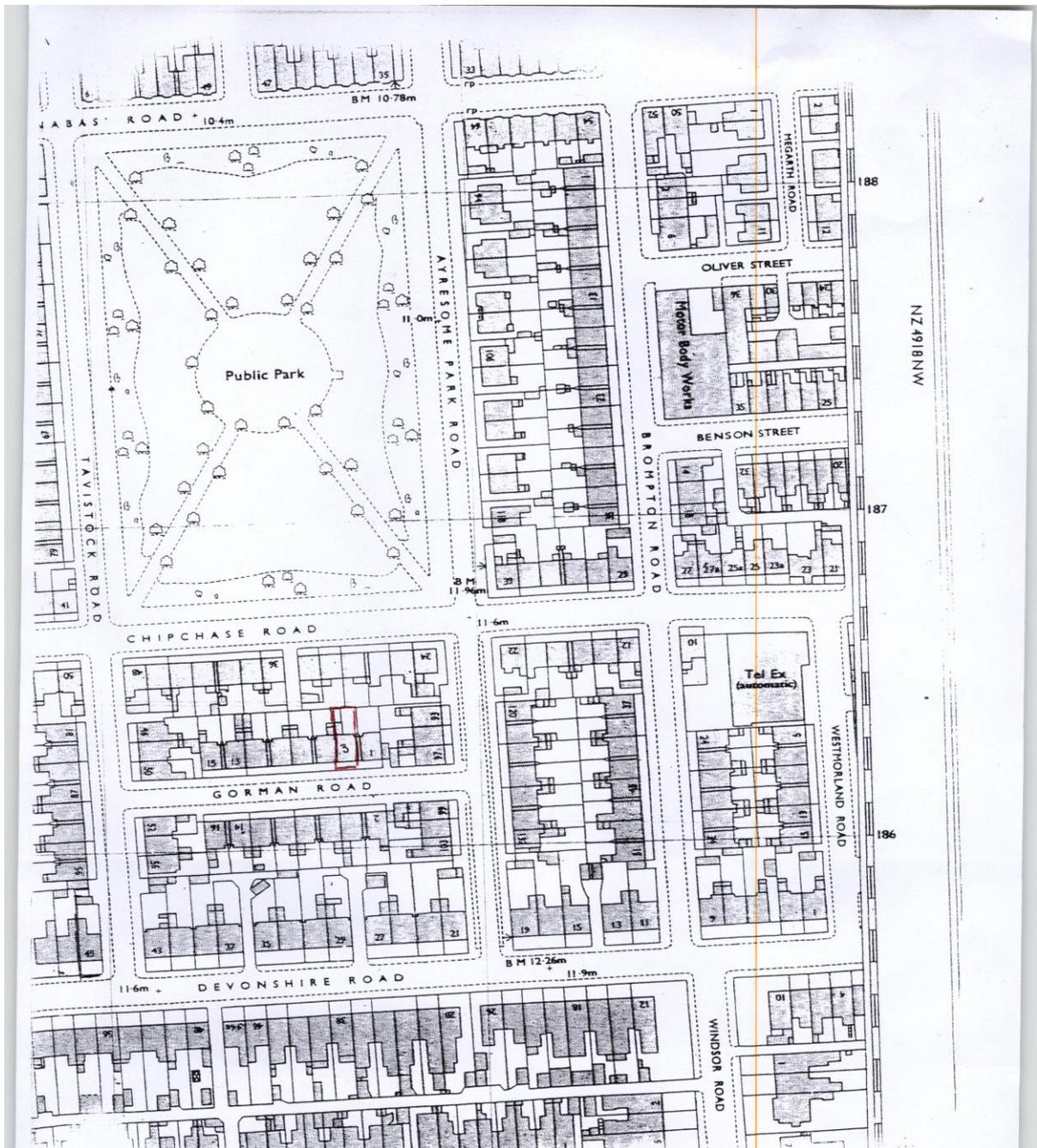
The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Council's Naming and Numbering representative on 01642 728155.

Case Officer: Maria Froggatt

Committee Date: 3rd March 2017



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