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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>17/0297/FUL</b>
<b>Location:</b>	<b>37 Burlam Road Middlesbrough TS5 5AN</b>
<b>Proposal:</b>	<b>Retrospective conversion to 2no apartments and single storey extension at the rear</b>
<b>Applicant:</b>	<b>Mr N and S Ahmed</b>
<b>Agent:</b>	<b>Mr Garry Phillipson</b>
<b>Ward:</b>	<b>Linthorpe</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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Retrospective permission is sought for conversion of an end terrace dwelling into two, one bedroom, self-contained flats and the erection of a two storey extension to the rear to provide an additional accommodation and a replacement garage/store. The development includes the provision of one parking space in curtilage.

Following a consultation exercise 5 objections were received from residents.

The development is considered to be an appropriate use for the residential area, it will not have a significant impact on the amenities of the neighbouring properties, the character of the area, and highway safety. The development is considered to be in accordance with the requirements of relevant guidance and policies DC1, CS4, CS5, H11 and the interim conversions policy.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is an end terrace property located on the south side of Burlam Road to the west of the junction with Dufton Road. The property is in a residential area with dwellings to the south, east and west. The dwellings in the immediate vicinity are primarily two-storey terraced with some semi-detached. To the north is Linthorpe Cemetery.

Retrospective permission is sought for the conversion of the dwelling to two self-contained flats with a single storey extension to the rear to provide additional accommodation and a

replacement garage/storage building. One parking space is provided in curtilage at the rear with access from Dufton Road.

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## PLANNING HISTORY

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None relevant to this application.

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## PLANNING POLICY

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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*
- *Marton West Neighbourhood Plan (2016, applicable in Marton 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  
 H11 - Housing Strategy  
 UDSPD - Urban Design SPD  
 HGHDC - Highway Design Guide  
 ICP - Interim Conversion Policy

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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Following a consultation exercise 5 comments were received from nearby properties. The objections are summarised below:

1. Parking issues on Burlam Road and Dufton Road;
2. Highway safety;
3. Inadequate access at junction;
4. Set a precedent for other properties to convert;
5. Works are already taking place without permission;
6. Detrimental to the appearance of the surrounding area;
7. Two households with no outdoor space provided for bins which will be left on the road;
8. Large sign erected on side of dwelling advertising properties to let;
9. No off street parking with building of rear annex;
10. Will lead to degradation of family housing area;
11. Security compromised by casual daily letting leading to illegal or anti-social acts;
12. Devalue property.

The comments were received from the properties detailed below:

1. 18 Dufton Road;
2. 28 Dufton Road;
3. 31 Dufton Road;
4. 1 Dufton Road; and,
5. 33 Dufton Road.

MBC - Refuse  
 No comment

MBC - Environmental Health  
No objection

MBC - Housing  
No response

MBC - Highways  
No objection

Cleveland Police - Secured by Design  
No response

## Public Responses

Number of original neighbour consultations	6
Total numbers of comments received	5
Total number of objections	5
Total number of support	0
Total number of representations	0

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. Applications are considered based on the submitted details. In this case, following requests made by officers, revised details have been submitted which include the removal of an annex at the rear of the property. This report analysis the revised scheme against material planning considerations as follows;

### *Policy*

2. The application site is a residential property and its associated curtilage, which is within the residential, urban area of Middlesbrough where the principle of residential development is acceptable in principle. Consideration of this proposal needs to be set against Middlesbrough Local Plan Policies;
  - DC1 (General Development),
  - CS4 (Sustainable Development),
  - CS5 (Design), and
  - H11 (Housing Strategy).

These policies seek to ensure high quality sustainable development which does not significantly impact on the amenity of nearby residents, that the character of the area and highway safety are not adversely affected by the development and that the provision of a varied range of housing types and a balanced and sustainable housing stock are achieved. The application must also be considered against the recent interim conversion policy which details the circumstances where the conversion of a dwelling house to smaller units will be considered acceptable.

3. The conversion of the dwelling will result in the loss of a family house, however, it will create two affordable housing units and it's considered that this will contribute to the provision of a choice of affordable homes and a balanced, sustainable housing stock in accordance with Policy H11.
4. In accordance with the guidance within the Interim Conversions Policy, consideration needs to be given as to whether the sub-division of the property would result in a change in the character of the area. In order to inform this consideration officers have visually assessed the immediate area for other dwellings that have been

converted to apartments as well as undertaking a search of the planning register to see what, if any permissions exist for conversions. These have highlighted that there is one property located on the corner of Kings Road (the next road to the east) and Burlam Road which has been converted to apartments with approval given in 2014. Given this extremely low percentage of conversions, it is considered that this proposed sub-division would not noticeably or unduly affect the overall character of the area or exacerbate any shortage or oversupply of a particular size and type of dwelling in the local housing stock and would therefore be in accordance with the interim conversion policy on this matter.

### ***Sustainability***

5. The proposed development is located close to local amenities and sustainable transport routes and is therefore considered to be a sustainable form of development in accordance with Local Plan Policy CS4.

### ***Design / Streetscene***

6. The proposed extension at the rear of the property replaces a single garage and a store room, albeit slightly larger and therefore covering more of the rear yard. The proposed extension includes a shallow pitched roof. It is considered that the extension will improve the visual appearance of the property when viewed from Dufton Road as the design of the extension incorporating a pitched roof, is of higher quality than the flat roofed garage and store it replaces.
7. The remaining alterations to the external elevations include the replacement of two windows on the side elevation with two doors. The front elevation remains as existing. Given that the changes to the external alterations are minor it is considered that the works will not impact on the character and appearance of the area.
8. It is considered that the proposed works will result in improvements to the visual appearance of the building and will not have a detrimental impact on the appearance of the area in accordance with the requirements of policy CS5 and in accordance with the guidance within the urban design SPD.

### ***Amenity***

9. The proposed works do not result in any additional windows, increase in their size or rearrangement of their positions (apart from those being replaced by doors). As a result, it is considered that the conversion of the property to two apartments will not result in any greater ability for overlooking of other properties other than as a result of the increased usage.
10. With regards to the future residents of the scheme, to protect the privacy of the occupiers within the ground floor apartment, access to the remaining rear yard would only be for occupiers of the ground floor apartment. The occupier/s of the first floor flat would therefore not have any outdoor amenity space which although desirable, is a common feature of flatted development and on its own is considered to not be a reason to withhold permission.
11. The additional height to the outbuilding will result in some loss of light to the attached property to the west during the early hours of the morning. However the increase in height is relatively (max. 1.3m). The attached property benefits from a single storey extension at the rear along the attached boundary and any impact in terms of light from the increased height will largely fall on the extension rather than any primary windows associated with the neighbouring property. As a result, it is considered that the impact will not be notably detrimental.

12. Conversion of dwellings to apartments can raise issues of noise transference between the living rooms at first floor level and bedrooms of adjoining properties. As well as noise transference between the two apartments themselves. With regards to noise transference between the sub-divided properties, it is good practice to 'stack' rooms so that a living room is above a living room, bedroom above a bedroom etc, so that there is minimal likelihood of inappropriate noise transference. Notwithstanding this, the creation of new dwellings needs to conform to sound insulation requirements set out in the Building Regulations which seek to control issues of noise transference to both the attached neighbouring property and between apartments within the sub-divided property. As planning permissions should not replicate controls of other legislation, it is not necessary to apply conditions to address this application be approved.
13. It is considered that the proposed alterations will not have a significant impact on the amenity of nearby residents in accordance with the requirements of Policy DC1 and the Interim Policy on Conversions of Residential Properties.

### ***Layout***

14. Both the proposed apartments are accessed from separate doors on the side elevation. The ground floor apartment comprises a living room, bedroom, kitchen and shower room. Access is provided to the rear yard and the garage / store. The first floor apartment also comprises a living room, bedroom, kitchen and shower room as well as having access to the garage and store which is provided from the garage door on Dufton Road.
15. The garage/store provides parking for one vehicle and has ample space for the secure storage of a number of bikes as well as bins. Bins can also be stored in the rear yard and store located at the front of the property accessed from what was the front door.
16. When considering the appropriateness of a development for apartments, where it is a conversion of an existing residential property, it is necessary to consider the Council's recently approved 'Interim Policy on Conversions of Residential Properties' and to determine if the floor area of the apartment meets the standards set out in governments 'Technical Housing Standards' which give nationally prescribed space standards. The minimum gross internal floor area, as defined within Governments 'Technical Housing Standards', for a one bed one person apartment with a shower room is 37 square metres. The proposed ground floor apartment has a floor area of 38sqm with a further 1sqm of storage taking the overall floor area to 39sqm. The first floor apartment has a floor area of 43sqm. As a result the proposed apartments exceed the national guidance for housing standards whilst doing so with usable room proportions.
17. In view of this, it is considered that the apartments provide sufficient living space for future residents in accordance with the national described space standards. It is considered that the proposed apartments are acceptable in terms of the layout and the living space provided in accordance with the requirements of NPPF paragraph 50, Policy DC1 and the Interim Policy on Conversions of Residential Properties.

### ***Highways***

18. The parking requirements for this development are set out in Chapter 7 of the Tees Valley Design Guide and Specification. Which highlights a maxima of 1.5 spaces per dwelling for a Flatted Development, Class C3 although a reduction in this can be agreed depending on circumstances. This would therefore guide on a requirement

for parking as being 3 spaces, being one greater than the 2 spaces that are required for the existing dwelling.

19. Officers consider that there is a lack of off street parking opportunities within the surrounding streets and a limited number / opportunity for on street parking particularly on Burlam Road. The proposed scheme will provide a single parking space for one of the apartments leaving a shortfall of 1 space. Given this proposal is for two 1 bed apartments rather than 2 bed apartments, given that there is some opportunity for parking alongside the property (on street) and given it is in a sustainable location, it is considered that the proposed parking arrangements are acceptable.
20. It is considered that the proposed development will not have a detrimental impact on the operation of the surrounding highway network, either from a capacity or road safety perspective. As a result the Local Highway Authority have confirmed that they have no objections to the development. The proposed apartments are considered to be in accordance with policy DC1 in relation to the local highway network and the Interim Policy on Conversions of Residential Properties.

### ***Other Matters***

21. Some objections have been received which are not material planning considerations, including the erection of a sign on the building which has been removed following enforcement action, an assumption that illegal or antisocial behaviour will take place, and a loss of value in nearby properties. It is also important to note that any application for similar works on other properties would need to be considered on its own merits.

### ***Conclusion***

22. The proposal has been assessed against local policy and guidance, it is considered that the extension and conversion of the property to create two no. one bed apartments will be in keeping with the residential nature of the surrounding area and will not have an adverse impact on the character of the area, amenity of nearby residents or matters of highway safety.
23. The scheme is considered to be an acceptable form of development fully in accordance with relevant national and local planning policies DC1, CS4, CS5, H11 and the Interim Policy on Conversions of Residential Properties.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Approve with Conditions**

1. **Approved Plans**  
The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below; and shall relate to no other plans:
  - a) Proposed Plans, drawing no. 04 rev.E: and,
  - b) Proposed Elevations, drawing no. 03, rev. E.

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: To ensure the use of satisfactory materials.

### **REASON FOR APPROVAL**

This application is satisfactory in that the design of the proposed conversion to two no. apartments and single storey extension 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 no. apartments and single storey extension accords with the local policy requirements (Policies DC1, CS4, CS5, H11 and the Interim Policy on Conversions of Residential Properties, of the Council's Local Development Framework).

In particular the conversion to two no. apartments and single storey extension is designed so that its appearance is complementary to the existing property and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The conversion to two no. apartments and single storey extension will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe access to the site.

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

If a scaffold/hoarding is required to facilitate the work, or a skip is required for the disposal of waste, a licence is required from the Highway Authority (Tel: 01642 728156) before any work commences on site.

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.

Measures must be taken to protect existing footpaths and verges being damaged by site vehicles.

Case Officer: Shelly Pearman

Committee Date: 2nd February 2018





