The Planning Inspectorate

Appeal Decision

Site visit made on 23 March 2015

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 08/04/2015

Appeal Ref: APP/W1715/W/14/3001299
5 Satchell Lane, Hamble, Southampton SO31 4HF

- 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 Dr B White against the decision of Eastleigh Borough Council.
- The application, Ref. F/14/75326, dated 11 September 2014, was refused by notice dated 1 December 2014.
- The development proposed is a change of use of the residential aspect of the building to D1 (Dental Surgery) and an extension to the rear of the property to create a staff room.

Decision

1. The appeal is allowed and planning permission is granted for a change of use of the residential aspect of the building to D1 (Dental Surgery) and an extension to the rear of the property to create a staff room at 5 Satchell Lane, Hamble, Southampton in accordance with the terms of the application, Ref. F/14/75326, dated 1 December 2014, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of adjoining occupiers as regards noise and disturbance.

Reasons

3. The appeal proposal comprises two elements: the change of use to enable the whole building to be used as a dental practice and the rear extension to create a staff room. The Council has no objection to the extension on the basis of its size and appearance and I agree with that view.

4. However the staff room is part of the intensification of use, which the Council considers would result in an unacceptable level of noise and disturbance for neighbours, mainly in terms of car parking in the rear garden. This is also a concern of neighbours.

5. Having regard to the property's wholly residential context and modest size of curtilage with dwellings on each side I consider that this concern is well founded. The comings and goings associated with the Practice, and in particular vehicle movements and the use of the rear garden for parking, have the potential to have an adverse effect on the peace and quiet that residents of adjoining dwellings might reasonably expect not only inside their homes but

also outside in their gardens. Furthermore, because the relatively small garden would need hard surfacing to mitigate the noise and during the weekdays would be largely occupied by cars, there are also issues relating to the effect on the character of the area and visual amenity.

6. However against these points I need to take into account that the Practice has been allowed by the Council to become established and grow in the premises over a number of years; that national policy is for the planning system to support small businesses whenever possible; that until now it has caused little or no complaint; that the surgery provides a valuable service to the community; that alternative suitable premises have been sought but not found, and that the location is close to public parking, bus stops and a range of facilities in the centre of Hamble that in some cases could benefit from the spin off of visitors to the surgery. These factors strongly indicate that in principle the proposal would satisfy the economic, social and environmental criteria that in combination form the presumption in favour of 'sustainable development' as defined in the National Planning Policy Framework 2012 ('the Framework').

7. In weighing the balance of the considerations I have concluded that subject to a number of conditions to mitigate any harmful effects, the appeal should be allowed. This is because compliance with the conditions would bring the proposal to a position whereby it would comply not only with the Framework but also with Policies 59.BE & 186.IN of the Eastleigh Borough Local Plan Review (2001-2011) 2006 and Policy DM1 of the emerging Eastleigh Borough Local Plan (2011-2029) 2014. As such, the proposal would have no unacceptably adverse effect on the living conditions of adjoining occupiers as regards noise and disturbance.

8. Although the Council has suggested a number of conditions, which I refer to below, it considers that a condition limiting the use of staff only would not be enforceable. However I disagree, as in the event of any suspected breach of the condition it would be reasonable for the Council to request the Practice to provide a list of staff members and their car registration numbers and for this list to be updated as and when necessary.

9. This would facilitate occasional checks by the Council's planning enforcement officers to ensure continued compliance with the condition. As the appeal proposal makes it clear that the car park is to be restricted only to staff, and in my view its use by the surgery's patients would have the potential to increase the vehicular movements to an unacceptable level, I consider it reasonable to impose a condition to secure this restriction with the exception of members of the public who are registered as having disabilities.

10. In respect of the other conditions put forward, a condition limiting the hours on the lines indicated in the appeal documentation to avoid noise and disturbance will go a long way to addressing the concerns of the Council and the neighbours on this issue.

11. A condition in respect of hard surfacing to reduce noise of vehicles on the site is also necessary, but in the interests of safeguarding the character and appearance of the area and avoiding excessive run off I anticipate that the Council might wish to insist on a more attractive and permeable surface than tarmacadam (for example brick paviours); soft landscaping in a form that will

be long lasting and not susceptible to damage or destruction by vehicles; a raised kerb to protect vehicles from causing damage to the boundary fencing with No. 7; the permanent marking out of the spaces, and any other reasonable and necessary details.

12. A condition relating to the external materials for the extension will ensure a harmonious form of development, whilst a condition restricting the use to a dental practice will safeguard the living conditions of adjoining occupiers. Finally, a condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning.

Other Matter

13. The Notice of Refusal included a second reason relating to an absence of contributions towards the provision of sustainable transport, the need for which will increase as a direct result of the proposed development. I am satisfied that this requirement is in accordance with paragraph 204 of the Framework and note that since the appeal was lodged the issue has been resolved to the Council's satisfaction. In these circumstances I have no need to have further regard to this matter in reaching my Decision on the appeal.

Conclusion

14. For the reasons explained the appeal is allowed subject to the conditions specified.

Martin Andrews

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be implemented in accordance with the following plans numbered: HAM 8-9-14 GRP Rev 1; HAM 8-9-14-BP Rev 1; HAM 8-9-14 Rev 3; HAM 8-9-14-E Rev 3;

2) The development hereby permitted shall start no later than three years from the date of this Decision;

3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in type, colour and texture those used on the existing building;

4) No development shall commence until details of the hard surfacing to be used for the proposed parking area have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;

5) The development hereby permitted shall not be brought into use until the areas shown on the approved plan for the parking of vehicles shall have been made available, surfaced and marked out. The parking areas shall then be permanently retained and reserved for that purpose at all times and with the exception of patients with registered disabilities shall be limited to persons working at the premises or visiting for the purposes of work;

6) The development hereby permitted shall not be open to the public except between the hours of 0830 to 1730 on Monday, Wednesday, Thursday and Friday, and 0830 to 2000 on Tuesdays.

7) The development hereby approved shall be used only as a dental practice and for no other purpose, including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.