

Appeal Decision

Site visit made on 20 September 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 5th October 2016

Appeal Ref: APP/K3605/W/16/3145975

Land adjacent to 94 Angel Road, Thames Ditton, Surrey KT7 0BA

- 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 Standby Self Storage against the decision of Elmbridge Borough Council.
 - The application Ref 2015/0598, dated 13 February 2015, was refused by notice dated 20 October 2015.
 - The development proposed is the continued use of open land for Class B8 container self-storage and the siting of single stacked storage containers, new lighting, CCTV and replacement entrance gates with access control system.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the living conditions of neighbouring residents with particular reference to noise, outlook, privacy and light pollution; and
 - the character and appearance of the area.

Reasons

Living conditions

3. The appeal site comprises land between a railway embankment and the southern edge of a railway viaduct, located within a predominantly residential area.
 4. Although there is a long planning history of Class B8 storage at this site, it is explained that the previous permissions for car storage and roofing and fencing materials have been for a limited period or personal to an applicant. I acknowledge that personal permissions should only be granted in exceptional circumstances; nevertheless this is the case for the most recent planning permission for the site for car storage (reference 1998/2086). Accordingly, no lawful fallback position has been suggested and planning permission has been sought for the current Class B8 appeal proposal. This therefore reduces the weight I can attach to the previous use of the site in considering the acceptability of that currently before me.
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5. The closest property to the appeal site, No 94 Angel Road, is somewhat dominated by the railway viaduct and the railway embankment beyond. The trains running over the embankment are frequent and relatively fast moving. The trains running over the viaduct are less frequent and at a slower pace.
6. Whilst I therefore accept that No 94 is already subject to noise disturbance from the trains, this is not in itself a reason to make matters materially worse. In this regard, the proposal would involve siting a line of 12 storage containers under the arches of the viaduct in close proximity to the northern boundary of No 94. As a consequence, the occupiers of that property would be subject to additional noise disturbance from the movement of stored items in and out of the storage containers and within the containers as well as the noise from general comings and goings within the site.
7. I accept that a time restriction condition could limit the duration of exposure to such noise disturbance, as suggested by the Council's Environmental Services, however, even within the operational hours agreed on a non-prejudicial basis, the use would extend into the weekday evenings and to both days on the weekend, thereby potentially resulting in significant levels of harm.
8. The appellant has advised that typical customer use is for long term storage and that it is anticipated that there would be an average of 3.6 vehicular movements per day. However, there would be no control on the duration of such visits or on the potential intensification of use.
9. In terms of outlook, the proposed trellis atop of the existing 1.8m high southern boundary enclosure to the site, along with the remaining conifers, would screen the containers from the ground floor side and rear of No 94. The main rear amenity space would also benefit from additional screening provided by the existing outbuilding and swimming pool enclosure. Although more of the site would be visible at an oblique angle from the windows at first floor and roof level, the majority of the site would be screened by the existing railway bridge and the conifers as well as the means of enclosure. Any visual harm arising would not therefore be significant.
10. At 73cm high and positioned along the northern and western boundary, the proposed light bollards would have no material affect on lighting outside the site. The four bulkhead lights would be positioned close to the viaduct walls and at 2.6m above ground and downward facing away from No 94, there would be no significant light spillage arising.
11. Six CCTV cameras were proposed as part of the application, however, the appellant has suggested omitting the cameras facing south towards No 94 and installing an additional camera mounted on the northern end of a container and that the precise details be resolved by way of condition. This, along with the screening provided by intervening features, would resolve any concerns over perceived or actual loss of privacy.
12. Whilst the appellant has referred to other storage land uses in the local area, I am not aware of the precise circumstances relating to those facilities, which in any case do not justify the harm I have found in this case.
13. Therefore, despite an absence of undue harm in relation to outlook, privacy and light pollution, I have found that the proposal would result in a material increase in existing noise levels to the occupiers of No 94 beyond that already

experienced from passing trains. This harm is sufficient in its own right to withhold planning permission. It follows therefore that I am satisfied that the Council has shown that it was able to substantiate this aspect of its reasons for refusal, which was taken contrary to officer recommendation.

14. Accordingly, I conclude that the proposal would result in material harm to the living conditions of the occupiers of the nearest residential property and as such would result in conflict with Policies CS8 and CS17 of the Elmbridge Core Strategy July 2011 (CS), Policy DM2 of the Elmbridge Local Plan Development Management Plan April 2015 (DMP) and the Elmbridge Local Plan Design and Character Supplementary Planning Document April 2012 (SPD). These require, amongst other matters, that new development protects the amenities of those within the area. It follows therefore that I also find conflict with paragraph 17 of the National Planning Policy Framework which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

15. The appeal site is partly overgrown and largely vacant, save for a few items including storage containers.
16. The appellant has explained that the existing means of enclosure to the road frontage is a consequence of construction works which have been suspended pending the outcome of this appeal. Nevertheless, the existing combination of temporary security style fencing and meshing, steel gates and timber fencing with barb wire above, presents a somewhat untidy image to the street scene. The proposed replacement steel frame with timber cladding and security wire at the same height as existing would therefore amount to an improvement to the street scene. The CCTV shown on the flanking gate posts would be discreet and have no material effect.
17. Whilst the Council state that the height of the access gates were historically identical to that of the timber fencing, I have no evidence to this effect and this therefore restricts the weight I am able to attach to this assertion.
18. Although the solid design of the means of enclosure would prevent views into the site, this loss of natural surveillance would be adequately compensated for by the installation of CCTV.
19. Views into the main part of the site from Angel Road would be limited due to the screening provided by the existing railway bridge and railway embankment, and would be largely restricted to a small section through the arch close to the frontage to No 94. Here however, the opportunity to view the containers positioned under the arch would be precluded by the proposal to supplement the existing 1.8m timber fencing with a 600mm trellis.
20. Consequently, I conclude that the proposal would not result in material harm to the character and appearance of the area and as such would not result in conflict with CS Policies CS8 and CS17 or DMP Policy DM2 or the Design and Character SPD. These state, amongst other matters, that new development should enhance the public realm and street scene and preserve or enhance the character of the area and create safe and secure environments and reduce opportunities for crime.

Other matters

21. I note the appellants concern over the length of time to determine the application, but this is not a matter for this appeal, which I have determined afresh and on its planning merits.

Conclusion

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

Richard S Jones

Inspector