
Appeal Decision

Site visit made on 13 September 2016

by Gareth W Thomas BSc(Hons), MSc(Dist), PgDip, MRTPI

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

Decision date: 25 October 2016

Appeal Ref: APP/L5810/W/16/3152121

Sheen Stables, Rear of 119 Sheen Lane, London SW14 8AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr John Barletta against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/0966/GPD15, dated 3 March 2016, was refused by notice dated 27 April 2016.
 - The development proposed is for the conversion of 5no. existing office (B1a) units to 2no. residential houses (C3) comprising creation of kitchens, bathrooms and appropriate habitable rooms.
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Decision

1. The appeal is allowed and approval is granted under the provisions of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO 2015) for the change of use and conversion of 5no. existing office (B1a) units to 2no. residential houses (C3) comprising creation of kitchens, bathrooms and appropriate habitable rooms at Sheen Stables, rear of 119 Sheen Lane, London SW14 8AE in accordance with the terms of the application Ref 16/0966/GPD15, dated 3 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be completed not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4013/P/2.00 and 4013.P/2.01.
 - 3) No development shall take place until details of the design of windows and doors including plans and sectional drawings at scale 1:20 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.

Application for costs

2. An application for costs was made by Mr John Barletta against the London Borough of Richmond upon Thames. This application is the subject of a separate Decision.

Procedural matters

3. Schedule 2, Part 3, Class O of the GPDO 2015 sets out that development is classed as permitted development if it consists of a change of use of a building
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from use as an office to a use falling within Class 3 (dwellinghouses) of the Schedule to the Use Classes Order. This is subject to a number of situations where such development is not permitted, listed under paragraph O.1, and, importantly to this appeal, to conditions in paragraph O.2.

4. In this case, the Council has not raised an issue in relation to any exclusions in paragraph O.1(a) to (f), inclusive and I have no reason to conclude differently.
5. In concluding that the Council is correct in its assessment, paragraph W of the GPDO sets out that the prior notification determination as to whether prior approval is needed must then be assessed against four conditions at O.2 (1) a) to d), inclusive.

Main Issue

6. The main issue is whether or not the permitted development in this case comprising the change of use to two Class C3 dwellinghouses would require prior approval in respect of the accompanying conditions set out in paragraph O.2 of the GPDO.

Reasons

7. The Council has not raised any concerns in relation to potential contamination and flooding risks to the proposed development nor, to the transport or highways impact of the proposal. Based on all that I have read and seen, I have no reason to disagree with this view. The remaining condition in paragraph O.2 relates specifically to whether the impacts from noise from commercial premises on the intended occupiers of the development would occur.
8. The appeal site comprises a range of brick and slate former stables that have been converted to a range of B1 uses. The buildings are located to the rear of the small shopping and commercial centre of Sheen Lane with access through an alleyway from the main street. Two additional units have been constructed in similar traditional style as an extension to the former stables. This rear area contains a number of residential units above Sheen Lane shops together with storage areas associated with the shops.
9. The Council's concern is single faceted in relation to the possible noise impacts that might occur having regard to the relatively close proximity of other commercial premises to the appeal building and the presence of plant and machinery located outside the rear of one of those premises that shares the same courtyard and which faces the appeal building. The Council considers that this aspect cannot be fully resolved to its satisfaction without a noise assessment report being submitted that demonstrates that noise levels will be within acceptable limits.
10. However, it is my understanding that existing businesses within the courtyard are all B1 uses, which by definition are uses that are able to be accommodated in residential areas. Moreover, the remaining buildings are either shops or residential properties. I do not consider that despite the close juxtaposition of B1 or A1 uses to the appeal premises these types of uses will generate unacceptable levels of noise.
11. Turning to the two air conditioning units located behind 127 Sheen Lane, I also understand that these units are unauthorised and are subject to ongoing

enforcement complaints. It seems to me that the Council could take appropriate action to effect either their removal or relocation. The Council has not provided any evidence of its own that such small scale equipment are causing noise issues to existing residential properties above shops in the immediate neighbourhood or would be likely to cause noise concerns for future occupiers of the proposed residential units.

12. Given what I have found on site during my site visit and the evidence before me, I am not satisfied that the proposal should fall on the grounds suggested by the Council. B1 uses by their very nature can be accommodated close to residential properties whilst the Council is in a position to regularise unauthorised development particularly if that is demonstrated to cause undue detriment to the living conditions of occupiers of residential properties. As there are existing residential properties in the neighbourhood, it is somewhat surprising that the Council has not considered this issue before now.

Other matters

13. The site lies within the designated Sheen Lane (Mortlake) Conservation Area (CA). I have been given a copy of the Council's CA appraisal which identifies its significance as an eclectic mix of predominantly 19th century commercial premises on narrow plots along a linear route between two prominent open spaces – Mortlake Green and Milstone Green. Of importance is the range of buildings at the appeal site, which were formerly stables. In converting the appeal buildings, there is opportunity to enhance this group of buildings and reinstate lost features.
14. In paying special attention to the desirability of preserving or enhancing the character or appearance of the CA in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have noted that the proposals would require very minimal alterations. Indeed the opportunity is now available to bring new life into these buildings in line with the ambitions outlined in the CA Appraisal. The development would not have a harmful effect on the character and appearance of the CA or its significance. In so far as the proposal would inject new life into the buildings themselves, the proposal would result in the enhancement of the appearance the CA.

Conditions

15. The Council has not suggested conditions other than a brief reference to bin storage facilities, which I do not believe necessary. I have paid regard to the advice contained within the Planning Practice Guidance. In addition to the standard time limit condition, a condition is necessary to specify approved plans in the interests of certainty. Given the lack of details of external alterations, a condition is also necessary requiring prior approval by the Council of such matters in the interests of character and appearance.

Conclusions

16. For the above reasons, and having regard to all other matters raised I conclude that this appeal should be allowed.

Gareth W Thomas

INSPECTOR