
Appeal Decision

Site visit made on 4 January 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 1 February 2017

Appeal Ref: APP/M3645/W/16/3156825

260 Hillbury Road, Warlingham, Surrey CR6 9TP

- 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 Ms Tabby Manning against the decision of Tandridge District Council.
 - The application Ref TA/2016/396, dated 8 March 2016, was refused by notice dated 21 June 2016.
 - The development proposed is conversion of summer house into commercial premises.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the Council have referred to the proposed use as falling within an A2 use class (financial and professional services). However, the application form confirms that the use applied for is a B1(a) use class (business (office)). This is confirmed by the appellant within their Appeal Statement and it is on this basis that I have considered this appeal.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character of the area and the living conditions of nearby residents, with regards to noise and disturbance; and (ii) highway safety in Hillbury Road, with particular reference to the entry to and exit from the site.

Reasons

4. Although it is only a snap shot in time, I observed that the building subject of this appeal contained eight desks, five of which were occupied by members of staff and fitted with a computer and telephone. The remaining three were empty but they could potentially be used. A printer and a significant number of box files were stored on shelving units against the walls of the office. During my visit I observed employees making and receiving telephone calls and undertaking other clerical duties on their computers.

Character of the area and Living Conditions

5. The outbuilding lies considerably beyond the rear elevation of a large detached dwelling set within spacious landscaped grounds. The outbuilding abuts the boundaries of a number of properties on Hillbury Road and Hillbury Gardens
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that are fenced and landscaped. The dwelling itself is set back from Hillbury Road behind a high brick wall and electric gates. Apart from passing traffic on Hillbury Road, the site is in a quiet suburban area where boundary treatments and landscaping create a secluded environment.

6. Working at home is encouraged by Policy CSP22 of the Tandridge District Core Strategy (Core Strategy), subject to amenity considerations. The supporting text explains that working at home reduces the need to travel. The proposal would however, result in the opposite, with the appellant travelling away from the property during the day and several non-residents regularly travelling to the site during the week. Thus, the proposal is not similar to a home office, even if people are working from the site.
7. The appellant states that the outbuilding is used for clerical purposes by four to five employees on Monday to Friday between the hours of 09:00 and 17:00 with occasional use on a Saturday, but never on a Sunday or Bank Holiday. But, despite the stated office hours, I note that an employee routinely arrives for work at 07:30 each day and residents comment that employees can leave between 16:00 and 18:00.
8. While three existing staff members travel to work by car, this could very easily change in the future, with other staff members changing their mode of travel or through new members of staff. While I do not doubt that the proposed use generates a mixture of pedestrian and vehicle movements, I must attach a degree of caution to the numbers stated by residents and by the appellant.
9. I therefore consider, given the number of desks and space available within the outbuilding that there is potential for up to eight employees to travel to and from the site in a private vehicle. I appreciate this figure is higher than the numbers stated by the appellant, but the proposal should be considered based on the potential worst case scenario.
10. The appellant suggests that staff park their vehicles within the site where there is ample room for a number to park. Still the evidence is inconclusive and the space could become very full with staff vehicles and vehicles of the appellant's family, especially when the latter are not at work. Similarly, it is unclear that staff vehicles park on local roads too. However, I recognise any vehicle could do so. The closest highways off Hillbury Road are Hillbury Gardens and Hillbury Close; both are a short walk from the site and are populated by residential properties. Vehicles could park elsewhere, but I consider their proximity make them attractive alternatives to staff parking within the site itself. Thus, staff members are likely to also park on-street.
11. Based on the worst case scenario, potentially, staff vehicles could account for at least 16 trips per day coming and going from the site and or from roads nearby. This doesn't take into account of other movements such as at lunchtime or by occasional third party visits, such as the delivery of office stationary, which I consider would, at the least, be required on a relatively routine basis. These would add to the trips associated with the office and the dwelling, and I consider the increased number to be significant for a suburban dwelling. While staff may walk or use the train, given the current mode of staff travel, I consider trips would still be made by private vehicle. The regular potential comings and goings related to the proposal would not therefore be comparable to a suburban family home or through occasional visits by family, friends or tradespeople.

12. As a result, the proposal would only exacerbate the potential for further disturbance or inconvenience to residents which could include vehicles parked across driveways, cars doors closing and people talking. While office workers can start early in the morning, offices are generally not located in the rear garden of a dwelling in a quiet suburban environment. I recognise any noise arising from the clerical duties undertaken would be confined to within the building envelope. Even so, the proposal would, due to the regular coming and goings to and from the site, fundamentally alter its character and cause noise and disturbance to nearby occupants beyond that which they would typically expect, even if they are not always at home during daytime hours.
13. I realise parking issues arose while the property was renovated, however the works are now complete and the proposal would be permanent rather than a temporary activity. Despite the excellent workspace and its role in securing economic growth as sought by paragraph 19 of the National Planning Policy Framework (the Framework), the use could take place elsewhere.
14. Although I have been invited to attach a number of conditions by the appellant, I have concerns in doing so. Conditions to control operational hours and staff numbers would be hard to monitor, given the site's secluded location which would make it difficult to detect a contravention. The conditions would also not stop staff from travelling to the site or the area earlier than the hours stated. In terms of the parking area, a larger hardstanding would detract from the character and appearance of the site which currently strikes a balance between built form and supplementary landscaping.
15. For these reasons, I conclude on this issue that the proposed development would significantly harm the character of the area and the living conditions of nearby residents, with regards to noise and disturbance. The proposal would not therefore accord with Policies CSP18 and CSP22 of the Core Strategy and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (Local Plan). These policies, together seek amongst other things, development to reflect and respect the character and local context that contributes to the local distinctiveness and the living conditions of residents so that they are not significantly harmed by reason of noise and disturbance.

Highway Safety

16. Hillbury Road is part of the Distributor Road Network and it bends around to the north east of the appeal site. This, along with the site's boundary wall and on adjacent plots restricts the visibility of the site's access somewhat, but much less to the southwest.
17. Access to and from the site for pedestrians and vehicles is through the electronic gates which are controlled at source and remotely. The entrance gates are set back from the footway alongside Hillbury Road. The Council have reservations concerning the width of the access and I recognise that two vehicles could not simultaneously pass one another at the narrowest point which is at the entrance gates. This would potentially lead to vehicles and or pedestrians meeting, however this could arise regardless of the proposed use.
18. The proposed use would as I have set out earlier, more than likely result in an intensification of vehicle and pedestrian trips linked to the site. However, despite the potential trip numbers and the likely use of on-street parking nearby, there is enough room for vehicles to wait off the highway before

reaching the entrance gates, to allow vehicles or pedestrians to access or exit the site safely. While visibility to the north east is restricted, vehicles turning into the site would need to slow to manoeuvre off the highway and to enter the site. Due to the relatively slow speeds of vehicles, highway safety would not be severely affected as there is also a separate pedestrian entrance which would further reduce any conflict. Given the set back of the gates and width of the access, I do not consider that the access would unnecessarily prevent the free flow of traffic which would continue to flow in response to vehicles manoeuvring in and out of driveways onto Hillbury Road in any event.

19. For these reasons, I conclude that the proposed development would in respect of this issue, comply with Policy DP5 of the Local Plan, Policy CSP12 of the Core Strategy and objectives within the Surrey Transport Plan LTP3. These together, amongst other matters seek to ensure developments can be safely accessed by all and that the free flow of traffic is not impeded.

Other Matters

20. While residents refer to the potential use of other nearby office premise, I have considered this appeal on the basis of the development proposed provides for a high quality environment as sought by Policy CSP15 of the Core Strategy.
21. Although reference is made to permitted development rights, it is not for me, under a section 78 appeal, to determine whether or not that is the case. To that end it is open to the appellant to apply for a determination under sections 191/192 of the Act and my findings under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of the appeal.
22. While a heavy plant machine hire company may have operated close to the site, I have no specific details of the trips undertaken or their effect on highway safety. Nevertheless this site was sold for housing.

Conclusion

23. I have found no harm from the appeal scheme in relation to highway safety. This is not outweighed, however, by the harm that I have found in relation to the scheme's impact upon living conditions and the character of the area.
24. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR