
Appeal Decision

Site visit made on 4 April 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 25th April 2017

Appeal Ref: APP/Z5630/W/16/3166179

The Cowshed, 26 Bloomfield Road, Kingston Upon Thames, KT1 2SE

- 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 Mr Barry Selwyn (Eaglecrest) against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12725/FUL, dated 4 July 2016, was refused by notice dated 8 September 2016.
 - The development is a change of use of residential garage (class C3) to office accommodation (class B1a).
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of residential garage (class C3) to office accommodation (class B1a) at The Cowshed, 26 Bloomfield Road, Kingston Upon Thames, KT1 2SE in accordance with the terms of the application, Ref 16/12725/FUL, dated 4 July 2016, and the application plans: "Part of Ground Floor showing Cowshed to the rear of this Site" (dated June 2016), "Plan of Cowshed Roof" (dated June 2016), "Front Elevation", "Rear Elevation", "South Elevation" and "North Elevation" (all dated June 2016), and "Ground Floor Level"/"Access to the Cowshed" (undated); and the appeal plan: "Ground Floor Level"/"Proposed Privacy Screening" (undated).

Procedural Matters

2. The change of use has already occurred, with the appellant retrospectively seeking permission. The appellant submitted a plan indicating "Proposed Privacy Screening", which was not before the Council at the time of its refusal of the application. This plan was submitted at the start of the appeal, and the parties have since had the opportunity to inspect the plan during the course of the appeal. Additionally, it is a minor alteration to the development as considered by the Council. As such, I am satisfied that in accepting this plan, the interests of any party have not been prejudiced.
 3. The works set out within the plan "Proposed Privacy Screening" have also been carried out. Having inspected the use in operation within its premises, and the privacy screening in situ, I consider that the development that has been carried out is the same as that which was applied for.
 4. The appeal property is unlisted but is within the Grove Crescent Conservation Area. There is no dispute between the parties that the physical works to the property, which are minor in nature, have an adverse effect on the character or
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appearance of the Conservation Area. Having considered the development and visited the site I concur with that view. Accordingly, it is my view that the development preserves the character and appearance of the designated area and I shall make no further reference to this matter.

Main Issue

5. The main issue is the effect of the development on the living conditions of surrounding occupiers, with particular regard to privacy, outlook, and noise and disturbance.

Reasons

6. The appeal property comprises an outbuilding to the rear of a two-storey, end-of-terrace building (the main building). This building accommodates a vacant shop unit facing Bloomfield Road, next to an undercroft yard entrance. A flat at ground floor level occupies the space behind the shop, stretching to the rear boundary of the site. The flat also occupies space at first floor level, as do two further flats; these are accessed via an outdoor stairwell from the undercroft, leading to an upper rear-facing balcony from which these dwellings are accessed.
7. The appeal property is approached through the undercroft, across a small yard space which abuts the rear projection of the ground and first floor flat. The yard is subdivided by a fence and gate between the main building and the appeal outbuilding, which I consider in detail below. The outbuilding is presently used as an office space accommodating a graphic design company with three staff. It has no self-contained toilet or bathroom facilities, with staff instead using a dedicated toilet room within the undercroft.
8. The intended use of the outbuilding when constructed was as a garage; however, from the evidence before me, it appears to have been used as office accommodation for the past four years, and possibly longer. The evidence also suggests that the current business operating from the site is not the first to have done so.
9. Residents of the flats have provided letters of both objection to and support for the development. Objections resulted from the effects of comings and goings of occupiers of the outbuilding, traversing the yard space between the undercroft and the outbuilding, along with the noise generated by these activities and the occupation of the building by office use.
10. I shall firstly address the objection relating to noise and disturbance. Whilst evidence from the appellant and letters of support from residents suggest that the current tenants of the building do not create unreasonable levels of either noise or disturbance, but there is no guarantee that this would not remain the case with future tenants. The recent construction of the aforementioned fence and gate has created a largely self-contained area in which occupiers of the outbuilding can come and leave without being observed by residents of the adjacent ground-floor dwelling, and it also provides some insulation between the business and residential uses.
11. The outbuilding covers only a small area, which prevents occupation by large number of people, and its use would be limited by the permission to office accommodation. These factors would inherently prevent high levels of noise and disturbance, and I have no evidence before me to suggest that its operation

would exceed these levels were it to be used for its originally intended purpose of vehicle access and storage, or any other domestic purpose normally associated with a residential garage. Comparatively, these factors mean that disturbances at unsociable hours are less likely to occur with an office-based occupier. Along with the retention of the fence and gate, I consider that these measures will limit noise and disturbance from being significantly harmful to living conditions. Although I considered whether further conditions would be necessary, such as a personal permission for the current occupants, or a temporary period of operation, these would either be onerous on the present occupier, or unreasonable, taking into account the advice on such conditions as set out within the Planning Practice Guidance (PPG)¹.

12. I shall now address privacy and outlook concerns. The fence and gate now obstruct the view of residents of the ground floor flat, ensuring that they cannot directly observe movement or activities of the outbuilding's occupiers. Whilst I acknowledge the Council's concerns that fence and gate could detrimentally affect the outlook of these residents, it results in only slightly increased harm when considered in conjunction with the existing flank wall of the outbuilding, which is the main enclosing and obtrusive element in views from this dwelling. In this context, and having observed the view from the flat, I consider the incremental harm resulting from of the fence and gate to be insignificant.
13. Concerns were also raised regarding overlooking of the upper floor windows from occupiers of the outbuilding. However, the location of the rear-facing, first-floor balcony, along with the small size of the open yard between the undercroft and the outbuilding, means that upward overlooking from the yard and the outbuilding's windows is limited, and views into habitable rooms are restricted.
14. I therefore conclude that the development will not have a significantly harmful impact on surrounding occupiers, with particular regard to privacy, outlook, and noise and disturbance. It will not conflict with the Council's *Local Development Framework Core Strategy* (2012) Policies DM10(k) and DM18, which together require development to protect the primarily suburban character of the area and have garden the amenities of occupants and neighbours, amongst other factors.

Conclusion and Conditions

15. I considered whether conditions would be necessary, having regard to the extant nature of the development. Conditions pertaining to personal use and a temporary period are unsuitable, for the reasons set out above. The screening fence and gate will be required to remain in place, to ensure that the living conditions of residents are preserved, but as I have referenced the plans within the formal decision, an additional condition requiring their retention is unnecessary.
16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G Rollings

INSPECTOR

¹ PPG reference IDs: 21a-014-20140306 and 21a-015-20140306, revision date: 06 03 2014.