
Appeal Decision

Site visit made on 25 April 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 11th May 2017.

Appeal Ref: APP/R1010/W/17/3166898

125 Dale Close, Langwith, Mansfield, Derbyshire NG20 9EG

- 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 Miss Samantha Chapman of G and S Private Hire against the decision of Bolsover District Council.
 - The application Ref 16/00216/FUL, dated 19 May 2016, was refused by notice dated 14 July 2016.
 - The development proposed is use of property as base for private hire business.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of the development from the appeal form, as this is more concise than that given on the application form.
3. The appellant states that the use has already started. I have dealt with the appeal on this basis.

Main Issue

4. The main issue is the effect of the development on: (i) the living conditions of neighbouring occupiers, with regard to on-street parking, noise and disturbance and visual amenity and; (ii) highway safety.

Reasons

Living Conditions

5. The appeal property is a semi-detached house, located at the head of a cul-de-sac within in a predominantly residential area. The house has a relatively large side and rear garden with parking for a number of vehicles.
 6. The property is used as a telephone base for a private hire business. The appellant advises that she operates five vehicles, but it is expected that this will reduce to four within 18 months. It appears that not all the vehicles are parked at the appeal premises overnight, and one of the vehicles is parked at another address on a permanent basis. The operating hours are stated to be 0700hrs to 2330 hrs Monday and Friday, 0700 to 0100 on Saturdays and 1030 to Midnight on Sundays.
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7. At present there are five vehicles associated with the business. The vehicles could be arriving and leaving the premises anytime during the hours of operation, which extends late into the evening on most nights. Whilst the vehicles may not always return to base, there is no reasonable means of controlling this. The appeal site is within a residential area, in close proximity to other houses. Consequently, I must consider the effect of five vehicles and their associated movements on a daily basis, with regard to the effect on the living conditions of nearby residents.
8. Due to the number of vehicles and the size and layout of the parking area, it is probable that cars need to manoeuvre in and out of the site. There is likely to be associated noise and disturbance from the engines. Other sources of noise, irrespective of manoeuvring, are car doors closing and people entering or leaving the premises. The hours of operation are such that the noise and disturbance is likely to have a material adverse effect on the living conditions of neighbouring occupants.
9. The appellant states that the business has been operating from the premises since 2008 without complaint from neighbours. However, the use may intensify or the occupation of neighbouring houses may change. Future occupiers may not have the same views as existing residents, which may lead to conflict. It would not be unreasonable for occupiers to expect a certain standard of living conditions in this area.
10. The Council is also concerned that the parking of numerous vehicles at the site has an adverse effect on visual amenity and there could be manoeuvring difficulties for nearby residents. Whilst there may be a marginal adverse effect on visual amenity, I do not consider that this would materially affect neighbours' living conditions. Also, there is limited evidence that cars associated with the business cause inconvenience to neighbours trying to access their own driveways. However, this does not overcome my concerns about noise and disturbance as set out above.
11. Consequently, I conclude on this issue that the development would have an adverse effect on the living conditions of neighbouring occupiers, with regard to noise and disturbance. The development would be contrary to Policy GEN 2 of the Bolsover District Local Plan (February 2000) (the Local Plan), which seeks to ensure, amongst other things, that development does not create materially harmful impacts on the local environment.

Highway Safety

12. The Highway Authority has raised concerns about the development, in particular, the likelihood of on-street parking and possible negation of the turning head at the end of this part of Dale Close.
13. Whilst the site is large enough to accommodate several vehicles, it is highly likely that those at the side of the property are parked 'one behind the other'. This would lead to additional vehicle movements and manoeuvring, over and above that which would normally be expected in a residential area. The appellant argues that there is adequate space within the site to accommodate and manoeuvre the vehicles without the need to park on-street, and cars are

parked in order of use to limit manoeuvring. However, a parking layout to demonstrate this has not been submitted.

14. The appellant has submitted a photograph of neighbours' cars parked in the turning head, which adds to the concerns of the Highways Authority. Whilst parking in the turning head may not be a regular occurrence, the Highways Authority is concerned that negating the turning head would lead to vehicles, including larger service and delivery vehicles, having to reverse approximately 80m before being able to turn, which would be undesirable. The appellant suggests that refuse vehicles have always had to do this, due to the size of the turning head. Nevertheless, further vehicle movements of this nature, for example from smaller delivery vehicles, would exacerbate this situation.
15. The appellant has not provided sufficient information to demonstrate that the private hire vehicles, in addition to the appellant's own cars and those of employees can be accommodated within the site without additional vehicle movements and manoeuvring. There is also an increased risk of on-street parking. Consequently, I have to take a precautionary approach and find that the development would have an adverse effect on highway safety. Therefore, the development would be contrary to Policies GEN1 and GEN2 of the Local Plan which, in combination, seek to ensure development has adequate access and parking provision and does not increase health and safety risks.

Conclusion

16. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector