

Appeal Decision

Site visit made on 24 April 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/Q3630/W/16/3166124
30A Park Road, Egham, Surrey TW20 9BJ

- 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 Lucy Scott of Runnymede Osteopaths against the decision of Runnymede Borough Council.
 - The application Ref RU.16/1138, dated 20 June 2016, was refused by notice dated 30 August 2016.
 - The development proposed is described on the application form as the Change of Use from a residential property to a ground floor D1 use with the upper floor remaining residential. We are hoping to relocate our current Osteopathic Clinic to the new premises. We have D1 use at our current location and that was approved under application number: RU.13/0711.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of ground floor from residential to class D1 use as an osteopathic clinic with the upper floor remaining residential together with rear extension to form new entrance to first floor flat at 30A Park Road, Egham, Surrey TW20 9BJ in accordance with the terms of the application, Ref RU.16/1138, dated 20 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev.02, 100 rev 02 and 200.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
 - 4) The use hereby approved shall only be open to customers during the following hours and not at all on Sundays and bank holidays:
 - (i) 08.00 to 20.00 Monday - Friday
 - (ii) 08.00 to 14.00 Saturday

Procedural Matter

2. The Council have amended the description of development to the "Change of use of ground floor from residential to class D1 use as osteopathic clinic with the upper floor remaining residential together with rear extension to form new entrance to first floor flat" which has also been used on the Appellants appeal form. Given that this description more accurately reflects the development proposed I have determined the appeal on this basis.
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Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of other residential properties on Park Road with particular regard to noise and disturbance as a result of additional traffic and associated parking and turning.

Reasons

4. The appeal site is located on the north east side of Park Road which is a cul-de-sac consisting of residential properties. The cul-de-sac does not have a formal turning head at the end of the road. The appeal site itself consists of a two storey detached dwelling with a single garage which is accessed down a shared driveway to the south of the dwelling.
5. At my site visit I observed that parking spaces on Park Road and Crown Street were in high demand with few spaces available. However, almost opposite the Crown Street/Park Road junction is an entrance to the Hummer Street car park. The car park is in the region of 135 metres from the appeal site and the entrance to Crown Street provides an easy and convenient route between the appeal premises and the car park.
6. The Highway Authority have calculated that the development would result in around 12 car trips per day (based upon the TRICS database), which is around 5 additional trips when compared to the current situation. This level of activity is not disputed by the Council but is contested by local residents.
7. Given the size of the proposed osteopathic clinic, with two treatment rooms, the predicted 12 car trips per day (including practitioners) appears to be somewhat low. Notwithstanding that, even if the level of car bourn trips was higher, given the size of the premises it would not result in such a level of activity which would have a significant impact on the amenity of the occupiers of surrounding residential properties as a result of additional traffic.
8. Turning to the use of the existing garage, the appeal statement clarifies that it would be retained for the occupier of the first floor flat, thereby ensuring that adequate parking provision would remain for the remaining residential use of the building.
9. The Council have also cited the absence of a sequential assessment of alternative premises in their reason for refusal and that such as assessment would assist in attributing the weight given to the economic benefits of the proposal against the assessment of harm to the living conditions of the occupiers of nearby residential properties. However, given my conclusions above, no such balancing exercise is necessary.
10. For the above reasons, the proposed development would not harm the living conditions of the occupiers of the surrounding residential properties. Consequently the proposal would accord with saved Policy LE1 of the Runnymede Borough Local Plan Second Alteration 2001 which amongst other matters seeks to ensure that new development protects the amenity of the occupiers of surrounding properties. Furthermore it would also accord with the design principles of the Framework.

Other matters

11. The representations received during the Council's consultation period on the application, and through the appeal consultation period, principally raise matters of highway safety and associated parking issues.
12. In this respect, at the time of my site visit I saw that there was high demand for parking spaces along Park Road and also along Crown Street. However, given the location of the Hummer Road car park, with an alternative entrance via Crown Street, I am satisfied that the existing demand for on street parking spaces would not be exacerbated to such an extent that it would be detrimental to highway or pedestrian safety.
13. I have also had regard to the comments made over the loss of housing, the driveway to the garage, drainage matters and security. The proposal does not result in the loss of a residential property as the first floor would remain in such use. Similarly, as the garage would be used by the occupier of the first floor residential accommodation, the use of the driveway and garage would not be materially different to the current situation.
14. Whilst the proposal may result in the need for increased waste water drainage, this is a matter which would need to be addressed with the local sewerage company. Finally, in relation to security, the proposal would not result in any significant change to the current situation.

Conditions

15. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition relating to matching external materials is appropriate in the interest of the character and appearance of the area. In order to protect the amenity of the occupiers of surrounding properties an hours of operation condition is also necessary.

Conclusion

16. Taking all matters into consideration, for the reasons given above, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR