

Appeal Decision

Site Visit made on 28 March, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 26th May, 2017

Appeal Ref: APP/P0240/W/16/3165797

2 Hockliffe Road, Leighton Buzzard, Central Bedfordshire, LU7 3FN

- 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 Jahid Choudhury (Globe Taxis) against the decision of Central Bedfordshire Council.
 - The application Ref: CB/16/03506/FULL dated 3 August, 2016 was refused by notice dated 29 September, 2016.
 - The development proposed is change of use from (A1) shop to taxi company call control centre (Sui Generis).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used a different description of development from that given on the application form as I have removed the part of that description which does not describe an act of development.

Main Issue

3. The main issue in this case is the effect of the development on the living conditions of the occupiers of neighbouring dwellings with respect to noise and disturbance.

Reasons

4. The appeal property is a small, self-contained ground floor shop unit set on the corner of Hockliffe Road and South Street. It is over-sailed by part of the adjoining dwelling at No 4 Hockliffe Road, a bedroom of which sits over No 2 on the Hockliffe Road frontage. The appeal proposal is for the change of use to a taxi call centre.
 5. The building is located outside the town centre. There are parking restrictions around the site, including double yellow lines and zig-zags associated with a pedestrian crossing. The appellant has stated that the purpose of the office would be for a small number of staff to take calls and dispatch taxis from ranks located some distance away in the High Street or railway station, and that taxis would not be parked outside the premises.
-

6. The proposal included information relating to the insulation of No 2 to reduce noise transmitted internally, which would be a matter capable of being secured by condition had I been minded to allow the appeal.
7. However, substantial evidence has been put before me of the current use of the premises by the taxi firm. It demonstrates frequent visits by drivers, frequent parking outside No 2, notwithstanding the restrictions in place, and associated noise and disturbance in the street from engines left running, conversations and car doors slamming. The occupiers of No 4 have stated that this is harmful to their living conditions, and have expressed their fear that this harm would continue notwithstanding the details of the proposal and any restrictions that could be imposed by condition.
8. Fear of a potential adverse effect can be a material consideration if well-evidenced, and in this case I attach considerable weight to these fears. I conclude that this proposal regularising the use of No 2 would be likely to give rise to future noise and disturbance which would be harmful to the living conditions of the occupiers of neighbouring dwellings.
9. Although the appeal premises adjoin a busy traffic roundabout with the A1042 passing outside, the road is less likely to be busy at night, when the effects of noise and disturbance are therefore most likely to be noticeable, and most likely to cause concerns.
10. Consequently, the proposal would conflict with Policy BE8 of the South Bedfordshire Local Plan Review 2004 which seeks to ensure that development proposals do not harm adjoining properties through noise and disturbance.

Conclusion

11. For the reasons given above therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR