
Appeal Decision

Site visit made on 22 May 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 6th June 2017

Appeal Ref: APP/P0240/W/17/3170693

The Woolpack, 1 Hitchin Road, Shefford SG17 5JA

- 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 D Smith against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/03547/FULL, dated 8 August 2016, was refused by notice dated 2 November 2016.
 - The development proposed is conversion of existing garage to hot food preparation room for consumption on the premises only, raised decking and work to pub garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of the development given on the application form and which is reflected in the heading above, the proposal also includes the retention of a mobile catering trailer for a period of 12 months. In addition, the decking and children's play area have already been constructed within the pub garden. Accordingly, the proposal is in part retrospective and I have had regard to this in my decision.
3. The appellant has proposed amendments to the proposal as part of the appeal, which include an alternative location for the proposed ducting and the screening of the mechanical ventilation equipment. The Council has had the opportunity to consider these matters within its statement of case but has not done so. Nevertheless, having had regard to the 'Wheatcroft Principles', I am satisfied that the amendments proposed are minor in nature and that the Council's case, or that of any interested parties is not prejudiced by my taking them into account.
4. The Council's decision notice refers to the effects on existing occupiers of residential properties including in Shefford Road. However, the reference to Shefford Road appears to be in error.

Main Issues

5. The main issues in this appeal are (i) the effect of the proposal on the character and appearance of the area; (ii) its effects on the living conditions of neighbouring occupiers in Hitchin Road and Clifton Road with regard to cooking odour; and (iii) the effects on the safe and efficient operation of the highway network in the vicinity of the appeal site.
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Reasons

Character and appearance

6. The Woolpack is a small Public House (PH) situated in a prominent location on the forked junction of Hitchin Road and Clifton Road. It lies within a predominantly residential area.
7. The mobile food trailer is sited within the area to the rear of the PH between the existing outdoor seating and play area and the service yard. These open parts of the site are bounded by a combination of close board with trellis and horizontal hit-and-miss fencing. These existing features combined with the positioning of the trailer behind the PH building and its garage along with the dense hedging further along Clifton Road provide a level of screening that is adequate to ensure the trailer is not obtrusive in surrounding views.
8. In addition, save for a small amount of remaining pink paint on its one side, the trailer is white and has a general appearance and scale that is not at odds with the character of the surrounding residential area. I am therefore satisfied that the trailer does not have an unacceptable effect on the area's character or appearance notwithstanding that it would be removed in any case once the conversion of the existing garage building had been completed.
9. The proposed mechanical ventilation system includes apparatus on the proposed flat roof between the main PH building and the garage that is to be converted. It sits between ducting that ends with a stack that would be sited close to the north-eastern wall of the PH and would extend above its eaves.
10. The apparatus would be surrounded at roof level with fencing to match that on the site boundary. Furthermore, the majority of the upright ducting stack could be coloured to match the walls of the building. However, whilst these matters could be the subject of suitably worded conditions, the overall structure of the ducting and fencing sitting above the flat roof and leading to the ducting running up the side of the building would have an incongruous and thus obtrusive effect when set against the current simplicity of the plain roof form and the northern elevation of the building. Having said that, I recognise that the angled positioning of the building in relation to the surrounding streets would constrain this harm to some extent, particularly in views from the west.
11. Nevertheless, on balance I am satisfied that the appeal scheme would cause sufficient harm to the character and appearance of the area to run counter to Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). Amongst other things, this Policy requires development proposal to be appropriate in scale and design to their setting and to respect local distinctiveness.

Cooking odour

12. The existing trailer is sited close to the boundary of the next door property in Hitchin Road (no. 3). The appellant's planning statement sets out the intention to sell fish and chips, sausages, burgers and kebabs. However, the appellant's subsequent evidence states that an alternative menu avoiding fried food would only be available from the trailer. I have given consideration to whether this matter could be the subject of a condition but am of the view that it could not be drafted in such a way to meet the test of reasonableness set out in the National Planning Policy Framework (the Framework) and Planning Practice

Guidance (PPG). Consequently, whilst the alternative menu offering might prevent the cooking smells likely to arise from the preparation of fish and chips etc, there is no suitable mechanism available to me to restrict the type of food that could be cooked and thus, to limit the potential odour emanating from the trailer .

13. In my view, given the proximity of the trailer to this neighbouring property and also to adjoining no. 5, the odour from cooking in the trailer would have a harmful effect on those living in these dwellings, contrary to the development plan objective of respecting the amenity of surrounding properties. The evidence also sites harm to the occupiers of nos. 73-79 Clifton Road. I am satisfied that the distances of these properties from the trailer and indeed other properties in Clifton Road and Hitchin Road of similar distance away would be likely to be affected by cooking odour. This would result in harm to their occupiers' living conditions.
14. I accept that the trailer would be in use for a temporary period after which time cooking odour would be dealt with by the proposed ventilation system attached to what would be the permanent food preparation area. Nevertheless, during the trailer's use, there would still be a considerable period within which nearby residents would suffer harm to their living conditions, which on balance I consider to be unacceptable and thus, in overall conflict with the amenity objectives of Policy DM3.
15. It appears from the submitted plans that a takeaway collection point forms part of the proposal although the appellant's statement suggests there will be no such facility. However, the appellant has subsequently confirmed that a takeaway offer is desirable but would be limited to orders being delivered and that there would be no collection facility. I am satisfied that a suitably worded condition could be imposed to prevent takeaway food being collected from the premises.

Highway network

16. The application form states that 5 off-street parking spaces will be lost as a result of the proposal. However, this has been contradicted by the appellant's subsequent evidence, which says that historically two customer spaces were provided. This provision would be maintained as part of the appeal scheme and could be the subject of a suitably worded condition should it be allowed.
17. I saw at my site visit that there is an ample amount of on-street parking to meet the needs of the customers of this small PH even if none was to be provided on-site. I accept that in allowing the appeal, the business is likely to attract additional custom. However, given the overall size limitations of the PH building and its garden, I am not persuaded that this would be of such magnitude to have a marked effect on parking nearby.
18. Moreover, the evidence tells me that many people travel to the PH on foot, which supports the claim made by the appellant that the PH has local support. I am therefore satisfied that the proposal would not create parking problems that would consequently affect the safe operation of the highway.
19. I note the views of an interested party who lives in nearby Victoria Road. He has submitted a number of photographs showing a vehicle parked opposite his property and suggests that this causes him difficulty in manoeuvring in and out

of his driveway. Whilst this may be the case, it is apparent from the submitted information that the vehicle in question is parked, at least in part, on double yellow lines. The Council therefore has powers to enforce this parking restriction. Moreover, there is no clear evidence that the parking shown in the photographs is associated with the PH. I am not therefore convinced that the parking problems put to me in this respect are relevant to my consideration of this appeal.

20. For the above reasons, the proposal would not result in harmful effects on the safe and efficient operation of the highway network in the vicinity of the appeal site. Thus in relation to this main issue, it does not conflict with the other relevant objective of Policy DM3, which is for development to provide adequate areas for parking and servicing.

Conclusion

21. I have not found that the proposal would result in harm to the safe and efficient operation of the local highway network. Moreover, I am mindful of the need for the PH business to be competitive through providing an offer that assists in retaining its customer base and attracting new customers. I have also had regard to the recent history of the PH and in particular, the local support for its continuation as a viable business. These are matters given support in the Framework as part of the government's commitment to securing economic growth and to guard against the unnecessary loss of local facilities and to which I therefore attach substantial weight.
22. However, I do not find that these matters are sufficient either together or in isolation to outweigh the totality of the harms I have identified to the area's character and appearance and the living conditions of neighbouring residents.
23. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector