
Appeal Decision

Site visit made on 27 June 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 24 July 2017

Appeal Ref: APP/R5510/W/17/3172698

91-95 Manor Way, Ruislip, Middlesex HA4 8HW

- 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 Optimum Gymnasium against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 49813/APP/2016/2842, dated 20 July 2016, was refused by notice dated 3 October 2016.
 - The development proposed is a covered training area, change of use from parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my visit it was clear that the development proposed in the planning application, the subject of this appeal, had been completed. The Council dealt with the application as being retrospective. I have no evidence to suggest that the construction work has been otherwise undertaken than in accordance with the submitted plans. I have therefore determined this appeal on the basis of the plans considered by the Council.

Main Issues

3. The main issues are:
 - The effect of the development on the living conditions of the occupants of nearby properties with particular regard to noise and disturbance.
 - The effect of the development on the character and appearance of the surrounding area.

Reasons

Living conditions

4. The appeal site comprises a former car parking area located to the rear of No 91-95 Manor Way which is a brick built building that is used as a gymnasium. This area has been converted into a covered training area, for uses associated with the gymnasium, by the provision of a sloping roof formed on a timber frame and constructed of translucent sheet panels. This has been formed between the rear of the building and a close boarded timber fence that formerly formed the boundary of the car parking area with an adjacent car
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parking court serving the properties at Nos 40b and 40c Windmill Hill. The flanks of the enclosed structure are enclosed by an existing block wall to the western elevation and wooden gates on the eastern elevation. As a consequence of the nature of the construction there are gaps between the roof structure and the close boarded timber fence and gates.

5. The appellant indicates that the activities within the covered training area only take place between the hours of 19.30 and 20.30 Mondays to Wednesdays. However, the evidence from the Council and nearby residents on Windmill Hill suggests that unacceptable noise is emitted from the activities occurring in the covered training area from 07.00 most mornings, including weekends, to past 20.00. Such noise is associated with the use of punch bags and from the 'flipping' of large tyres together with occasional amplified music. Although no activity was occurring in the training area at the time of my site visit I did observe the presence of several punch bags and large tyres.
6. The appellant indicates that the training area is located approximately 17m from the nearest residential property on Windmill Hill. I also note the appellant's contention that in suburban locations residents cannot be fully insulated from the effects of noise. However, owing to the nature of the construction of the covered training area with gaps between constructional elements it provides little, if any, noise attenuation.
7. The extent of evidence provided in this case demonstrates that, due to a lack of attenuation provided by the structure and the proximity of residential properties, noise from activities being undertaken within it does cause considerable disturbance to the nearby residents. In my view, such activities associated with a gymnasium would usually be expected to occur within the confines of a building that would provide an acceptable degree of acoustic attenuation.
8. I have taken into account the appellants view that such noise would be little different to that resulting from children playing. However, in my view, the turning of and dropping of tyres, the regularity and type of noise generated from punch bag use and human noise arising from physical exertion is very different from the noise generated by normal residential activities in suburban areas. I also note the Council's concerns that a noise assessment has not been undertaken to demonstrate the levels of noise emitted from the site or the extent to which measures would need to be put in place to provide mitigation.
9. Owing to the nature of the construction of the covered training area and the overwhelming evidence from the Council and local residents, it is clear that the use of the training area generates noise that causes demonstrable harm to the living conditions of nearby residents. Consequently, the development is contrary to Saved Policies OE1 and OE3 of the Hillingdon Unitary Development Plan – Saved Policies (2007) (UDP). These policies, amongst other things, state that planning permission will not be granted for uses which are detrimental to the amenities of surrounding properties because of noise and that buildings and uses that have the potential to cause noise annoyance will only be permitted if the impact is mitigated within acceptable levels by engineering, layout or administrative measures.

Character and appearance

10. Owing to the position of the covered training area to the rear of the host property it is not readily visible from public views. Views of the gated element of the structure are attainable along the access track to the rear of the host property from Windmill Hill. However, as the gates occupy the full width of the access track, in such views the structure appears as a large pair of gates with a small piece of translucent sheet panel on top. Due to the limitations of these views the structure does not appear as being incongruous.
11. The main visual impact of the structure is in views from the car parking court to the rear and from properties comprising 40b and 40c Windmill Hill. In such views at ground level the structure appears as part of the close boarded timber boundary fence that extends between the two access tracks leading to the car parking court and the appeal site but with a raised section of a translucent sheet panel in the vicinity of the training area. Views from the first floor of the nearby properties look over the translucent sheet panel roof.
12. The structure cannot be described as being aesthetically pleasing or reflective of the brick construction of nearby extensions to properties in this predominantly residential area. Whilst I accept that it is small in size and that views are limited, it nonetheless does not constitute an extension to a building that would be reflective of the design and materials that are commonly used in the surrounding area. As a consequence of these factors, and its flimsy construction, it appears unacceptably at odds with the design character and materials used in the surrounding area.
13. For these reasons, the covered training area causes harm to the character and appearance of the surrounding area. As such it is contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies (2012) and Saved Policies BE13, BE15 and BE19 of the UDP. These policies, amongst other things, require that development should be of a high quality design that positively contributes to the local area in terms of form and materials and should complement the character of the area. In addition, extensions to buildings should harmonise with the form and architectural composition of the original building.

Conclusion

14. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR