



Appeal Decision

Site visit made on 18 July 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 28th July 2017

Appeal Ref: APP/E5330/W/17/3174930

27 Brewhouse Road, Woolwich, Royal Borough of Greenwich SE18 5SJ

- 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 Ms Monica Simms against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/1753/F, dated 14 January 2015, was refused by notice dated 29 December 2016.
 - The development proposed is described as '*transforming 27 Brewhouse Road into a nursery school, it will consist of children from age range 3 months to compulsory school age of 5 years, the hours of business will run from 8am to 6pm, the house 27 Brewhouse Road is equipped with double glazed windows*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.
 - The effect on highway safety.

Reasons

Living conditions

3. 27 Brewhouse Road is a 2 storey residential property in an estate of similar properties with a regular layout and uniform appearance. The appeal property is accessed via a footpath that runs across the frontages and close to neighbouring properties which are sited close together with small rear garden areas.
4. The proposal would introduce a nursery school use which would run from 0800 (although 0700 hours is also referred to by the appellant)¹ until 1800 and the evidence before me indicates that the intention is to accommodate up to 10 children. Although such a use would be regulated under other legislation, nevertheless, the activities associated with it in terms of comings and goings would be much greater than the likely occupation of the property by a family or individuals, especially given the modest size of the property.

¹ Paragraph 4.15 (iii) of Appellant's GoA.

5. In combination with the close proximity of the properties to the footway and parking areas, this would result in a greater level of disturbance from people using the footpath and from engine noise, vibrations and the opening and closing of vehicle doors by those dropping off and picking up their children. This would predominantly take place early in the mornings and evenings and such noise and disturbance would be clearly discernible. I also note that the Council has received complaints in terms of noise from similar uses within the area².
6. Despite double glazing in the host property and consideration of internal sound attenuation, noise from the activities of up to 10 children using it along with the small rear garden area would be clearly perceptible in neighbouring properties, in particular during the summer months when windows and doors would be open and the use of the garden areas are likely to be at their greatest. Given the tightly spaced layout and small rear garden areas, this additional noise would be harmful to the reasonable occupation and enjoyment of those dwellings.
7. For these reasons, the proposal would cause significant harm to the living conditions neighbouring occupiers in terms of noise and disturbance. It would therefore conflict with Policy E (a) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2015 ('CS') and Policy 7.15 of the London Plan 2016 ('LP'). Amongst other things, this restricts planning permission where a proposed change of use would generally have a significant adverse effect on the amenities of adjoining occupiers.

Parking and highway safety

8. Because of the layout and design of the estate there did not appear to be any dedicated off-street parking spaces and the parking of vehicles predominantly takes place in marked bays laid out within an associated turning area and on the street. From my observations, during the middle of the day, it was clear that these areas were heavily parked with vehicles and I have no substantive evidence from the appellant to suggest that this is not the normal parking situation.
9. Although I note the appellant states trips would be spread throughout the day and whilst some children would not arrive by car, it is likely that there would be a larger number of vehicle movements in comparison to the existing use. At such times when the comings and goings from the use would be at their greatest, there would be a greater demand for on street spaces and a greater number of vehicles using the parking area to manoeuvre and turn. Given the existing parking situation, the proposal is likely to cause inconvenience for pedestrians, cyclists and drivers of other vehicles using the shared spaces and increase the risks of conflict between users which would harm highway safety.
10. For these reasons, the effect on parking provision would harm highway safety and the proposal would therefore conflict with Policies CH1 and IM(c) of the CS and Policy 6.13 of the LP insofar as they require the creation of safe streets and appropriate parking and servicing provision.

Other Matters

11. The Council's first reason for refusal refers to the loss of family accommodation and the effect on the borough's housing stock. However, it is unclear to me

² Children Services consultation response.

whether the host property would remain in use as a dwelling by the appellant as there are no proposed plans, limited details of the operation of the use and the description of development would appear to include the whole property. The appellant does also appear to accept that there would be a loss of housing but that should be '*balanced against the need to encourage and support proposals which lead to cohesive and healthy communities*³'.

12. However, I am also mindful that it would have a clear finish time of 1800 hours but on the evidence before me, I cannot be conclusive that the proposal would result in the actual loss of housing and would therefore conflict with Policy H(a) of the CS and Policy 3.14 of the LP which, seek to protect existing housing by only allowing the change of use or redevelopment of housing that would not result in the net loss of housing.
13. If I were minded to allow the appeal it is a matter which I may have sought further clarification from the parties on. However as I have dismissed the appeal for other reasons this has not been necessary. Even if I had found the effects to be acceptable it would not have changed the outcome of the appeal and consequently, consulting the parties would have unduly delayed my decision with no particular benefit to either.
14. I acknowledge the appellant's reference to the presumption in favour of sustainable development as set out in the National Planning Policy Framework ('the Framework'). However, on the evidence before me the development plan is not silent, absent nor are relevant policies out of date and I have found that the proposal would not accord with it. As such it would not be the sustainable development for which paragraph 14 of the Framework indicates a presumption in favour.

Planning balance and conclusion

15. The proposal would, subject to other legislation, result in additional choice for parents and their children and make a small contribution to meet the demand for such uses meet identified in Policy CH1 of the CS. However, given the concerns of the Council in terms of the suitability of the property and the nature of the harm that I have identified, I attach only minimal weight to the proposal in helping to create and maintain cohesive communities and meeting a general need.
16. In the overall balancing exercise, such considerations do not outweigh the significant harm that I have identified in terms of the effect on the living conditions of neighbouring occupiers and harm in terms of highway safety.
17. For the reasons set out above, the proposal would conflict with the development plan when read as whole and the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

³ Paragraph 4.10 of J & L Planning Services statement.