
Appeal Decision

Site visit made on 9 October 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 30th October 2017

Appeal Ref: APP/C3620/W/17/3179217

The Old Post Office, 3 Chiltern Cottages, Reigate Road, Hookwood, Horley RH6 0AS

- 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 Lisa Scott against the decision of Mole Valley District Council.
 - The application Ref MO/2016/1947/PLA, dated 1 December 2016, was refused by notice dated 3 March 2017.
 - The development proposed is a change of use of double garage from ancillary storage to community based bicycle repair shop, DIY bicycle maintenance and bicycle training enterprise.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of double garage from ancillary storage to community based bicycle repair shop, DIY bicycle maintenance and bicycle training enterprise at The Old Post Office, 3 Chiltern Cottages, Reigate Road, Hookwood, Horley RH6 0AS, in accordance with the application Ref: MO/2016/1947/PLA, dated 1 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans: location plan, block/site plan and plan No PP-05352700.
 - 3) The area in front of No 3 shall be kept permanently available for the parking of at least four vehicles.
 - 4) The use hereby permitted shall only take place between the following hours:
08.00-20.00 hours Mondays to Fridays:
09.00-18.00 hours on Saturdays.
 - 5) No bicycle maintenance work shall be undertaken outside the confines of the double garage.

Procedural Matters

2. The description of the proposal on the application form included additional supplementary information in support of the development. For the sake of clarity and brevity I have therefore used the first sentence of the description, which was also on the Council's decision notice.

3. It was clear from the supporting information submitted with the application and the appeal that the change of use would be to enable operation as a workshop/repair shop, Class B1 Use, rather than any form of retail outlet. I have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the operation of the proposed enterprise on the living conditions of adjoining occupiers in relation to noise and disturbance.

Reasons

5. No 3 Chiltern Cottages is a two-storey end of terrace dwelling. It is part of a group of similar Edwardian cottages on Reigate Road within the village of Hookwood. Hard-surfacing in front of the house provides an informal parking area. The property was previously a shop but appears to have been a dwelling since permission was granted for a change of use in 2004.
6. The garage is set back on the site and to the rear of a paved courtyard which is enclosed by No 3's single storey rear extension and the fence along the shared boundary with No 4. No 4 has a single storey rear extension which is close to the shared boundary and has several windows looking towards the appeal site. The courtyard is enclosed by timber gates and is being used as an area in which to store bikes. The works to convert the garage into a bicycle repair workshop with a fully glazed front elevation had been completed at the time of my site visit.
7. Details of how the business intends to operate were presented with the appeal. From this it is clear that it would be a low key operation involving small numbers of customers requiring repairs and maintenance to their bikes. This work would be undertaken by the appellant's partner and planned using an appointment system. The number of people on the premises at any one time would therefore be limited. No other person would be employed. On this basis the business may result in a few additional traffic movements by those customers who deliver or collect their bikes using a car. However, it is anticipated that many would arrive and leave by bike and make use of the courtesy bike service which would be available.
8. Nevertheless, concerns were raised about possible noise and disturbance of neighbours arising from the comings and goings of customers and the activities in the workshop. Following the refusal of the application the appellant therefore commissioned a noise study. This sought to represent the prevailing noise at the façades of the nearest noise sensitive receptors to the bicycle workshop during the quietest time at which the activities would occur. Background noise was dominated by local and distant traffic and aircraft from Gatwick Airport. The additional traffic movements that would be generated by the use of the workshop would not result in any noticeable increase in noise.
9. The report then provided estimates of the likely additional noise arising from the proposed activities associated within the bicycle workshop. It concluded that the desirable internal noise levels proposed by the World Health Organisation and referenced in BS8233:2014 will be met even with the presence of visitors. The anticipated L_{Amax} levels resulting from the proposed activity will be in keeping with the prevailing noise climate. The Council has not contested these conclusions and I see no reason to do so.

10. I therefore conclude that the proposed use of the garage as a bicycle workshop would not harm the living conditions of adjoining occupiers as a result of an unacceptable increase in noise and disturbance. The proposal would therefore not conflict with saved Policy ENV22 of the Mole Valley Local Plan which, amongst other things, seeks to ensure that development does not result in occupants of neighbouring properties being significantly harmed by noise.

Other Matters

11. Local residents raised concerns about other matters including traffic, parking and noise experienced during the works carried out to modify the garage. However, none of these were determining factors in this case, which I have assessed on its individual merits. Fascia signage and the erection of additional buildings to the rear of the garage did not form part of the proposal and are therefore not matters for me to consider in the context of this appeal.

Conditions

12. In the event that the appeal was allowed the Council suggested a series of conditions, in addition to the standard time limit. A condition specifying the plans is required in the interests of certainty. As a noise assessment has been carried out and has concluded that the proposal would not give rise to an unacceptable noise nuisance, a condition requiring a survey, followed by the design and implementation of a noise mitigation scheme, is not necessary.
13. The condition suggested by the Council regarding parking provision was unclear; referring to space at the rear and a minimum of 2 spaces. The appellant's parking plan shows how as many as five spaces could be provided. All are at the front of the building; two for their use and one for visitors travelling by car and two for visitors travelling by bike. I have imposed a condition requiring at least four spaces to be provided and retained.
14. The Council sought to restrict the hours of operation to exclude early evenings and Saturday afternoons. However, no specific justification for these restrictions was provided. I understand that the appellant wishes to offer the service up until 20.00 hours during the week and until 18.00 hours on Saturdays. This is consistent with the hours of opening set out on the application form. It would protect neighbours from potential noise disturbance in the early mornings, late evenings, on Sundays and during public holidays when they could expect the area to be quiet. I have imposed a condition accordingly.
15. I appreciate that pressure washing would be likely to damage a bike and will therefore not be taking place. However, in order to protect the living conditions of neighbours, it is necessary that all works take place within the building and I have imposed a condition to that effect.

Conclusion

16. For the reasons set out above, and having regard to all other relevant matters raised, I conclude that the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR