



Appeal Decision

Site visit made on 22 May 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/R3650/W/19/3222213

Arch House, The Common, Cranleigh, Surrey GU6 8RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Luke Nicholson against the decision of Waverley Borough Council.
 - The application Ref CR/2018/0020, dated 16 October 2018, was refused by notice dated 10 December 2018.
 - The development proposed is described as "The development comprises the 'Change of Use' from office use to residential (two, 2-bedroom flats). There will be no material changes to the external appearance of the building. There is parking allocated for the flats and the building is not in the flood zone."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015) (as amended) allow the local planning authority to make a determination as to whether the prior approval for the proposed development will be required on the basis of transport and highway impacts of the proposed development; contamination risks on site; flooding risks on the site and the impacts of noise from commercial premises on the intended occupiers of the development.
3. The Council refused prior approval on the basis of the effect of noise on future occupiers. Whilst not included in the reason for refusal, the Council has included details in respect of flooding risks in its statement of case, on which the appellant has had the opportunity to comment. I have therefore also considered this matter when making my decision.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - the living conditions of future occupiers, with particular regard to noise, and
 - the safety of future occupiers, with particular regard to flooding risks.

Reasons

Noise

5. The appeal site comprises a two-storey building, with an associated external area, attached to a motor vehicle garage within a distinctly commercial area. Within the immediate vicinity of the site there was a car wash operating and I also noted the presence of a tyre centre, steel fabrication premises and building & fencing supply business. There was also a high degree of activity in terms of vehicular traffic in the area. Consequently, the noise environment within which the flats would be located would be one characterised by machinery and traffic noise and this was confirmed by my site visit, where I was particularly aware of noise emanating from surrounding commercial uses.
6. The appellant has submitted a Noise Assessment with the appeal which contends that "the development should be considered suitable in terms of internal noise levels." The noise assessment sets out target internal noise levels, however these targets are relaxed from those contained within British Standard BS8233:2014 "Guidance on sound insulation and noise reduction for buildings", as well as World health Organisation (WHO) guidelines "Guidelines on Community Noise". There is no justification in the noise assessment for this relaxation of the noise standards. I am also conscious that the level achieved was done so with windows and doors closed. Should occupiers wish to open windows for ventilation, the noise level would further increase. On this basis, notwithstanding the intention of the appellant to install sound insulation, I am not satisfied that the internal living environment would be satisfactory. As such, the impacts of noise from commercial premises on the future occupiers of the development, would be unacceptable. The scheme would not accord with the National Planning Policy Framework (the NPPF) which requires development to promote health and well-being.

Flooding

7. Despite the appellant stating that the appeal site does not fall within a flood zone, the Environment Agency confirm that part lies within Flood Zone 3. There is further reference by the appellant of raising the ground floor level internally. However, there is no Flood Risk Assessment to demonstrate that the proposed finished floor level would be above the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change. I note that the appellant refers to the access way levels rising up away from the ground floor, towards the nearby highway, however no detailed information has been provided to indicate that this would mitigate the effects of flooding. Consequently, it has not been satisfactorily demonstrated that future occupiers of the flats would be safe from the risk of flooding. The scheme would not accord with the NPPF which requires development to create places that are safe.

Other Matters

8. I note the presence of residential units around the fringe of the commercial area. However, their positioning in regard to the commercial uses is materially different from that which is proposed. I also note comments from the appellant that the scheme would contribute towards housing need, however the benefits of any such contribution are significantly outweighed by the harm I have identified above. As such, these matters have had little bearing on my decision.

Conclusion

9. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR