



Appeal Decision

Site visit made on 1 April 2019

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/W3005/W/18/3219478

Annandale, Lowmoor Road, Kirkby-in-Ashfield, Nottingham, NG17 7JE

- 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 Scott Collingham of Annadale Autos against the decision of Ashfield District Council.
 - The application Ref: V/2018/0435, dated 18 July 2018, was refused by notice dated 17 September 2018.
 - The development proposed is to use the existing garage for general motor repairs and run a mobile mechanic business from home. This will be private and by booking appointment only.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Living conditions

3. Annandale is a semi-detached dwelling located in an area which generally has dwellings to the east of Lowmoor Road and industrial and commercial uses to the west. The appeal site includes a detached garage next to the boundary with the dwelling known as Glencoe. Gates give access to a rear yard and there is a high brick wall along the boundary with Glencoe.
4. At the time of my site visit two older vehicles were stored within the garage, which only left enough space elsewhere for a single vehicle within the front part of the garage, where there is a shallow inspection pit. Lowmoor Road is a busy highway. At my site visit I heard that the background noise in the area was predominantly traffic noise from Lowmoor Road together with some noise from the industrial development on the west side of the road.
5. Notwithstanding the commercial uses opposite, noise from repairing vehicles would have an adverse impact on neighbours at Glencoe due to the proximity of the garage to the boundary and the conservatory at Glencoe. At such close quarters the additional noise and general disturbance from the commercial activities associated with the servicing and repair of motor vehicles would be harmful to the living conditions of the neighbouring residents.

6. The Council's Environmental Health Officer has raised no concerns. The appellant has advised that sound insulation could be provided for the garage and no power tools would be used. However, noise could be generated from working on vehicles outside and it would be difficult for the Council to enforce a condition preventing the use of power tools.
7. Hours of working could be restricted but there would be no guarantee that noise and disturbance would not be an issue during daytime hours. The appellant has not sought a personal permission or raised any special circumstances to justify such a restriction. It would therefore be possible that the premises could be occupied by another business in future on a more intensive basis because any permission would be for the use of the land. This could lead to further harm to the living conditions of neighbours through noise and disturbance.
8. Based on the evidence provided I therefore conclude that the noise and disturbance generated by the proposed development would have an adverse effect on the living conditions of the occupiers of the neighbouring dwelling. As a result, it conflicts with Policy ST1 (b) of the Ashfield Local Plan Review which seeks to avoid adverse effects on amenity of the environment.

Highway safety

9. In terms of off-street parking the appellant has produced a drawing indicating that two spaces can be provided for the business and two for the residential property. The premises also have a rear yard which could accommodate additional parking and provide manoeuvring space.
10. The Council has not indicated that the sight lines at the access are in any way deficient. In addition, as the appellant points out, the Council has previously granted permission for three dwellings to be built on land to the rear, which would use the same access to Lowmoor Road. Overall, I consider that the proposed access and parking arrangements would be acceptable. This is because the parking spaces and yard to the rear of the site would provide sufficient turning and manoeuvring space to allow cars to leave the site in forward gear.
11. For the above reasons the development would not give rise to any significant harm to highway safety and would accord with Local Plan Review Policy ST1 (c). It would also accord with the overarching aims of the National Planning Policy Framework which indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Conclusion

12. The proposal would not give rise to any highway safety concerns. However, it would be harmful to the living conditions of neighbouring residents as a result of increased noise and disturbance. Taking all matters into consideration I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR