



Appeal Decision

Site visit made on 12 November 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/Q3630/W/19/3227899

Assurance House, Vicarage Road, Egham TW20 9FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Enterprise Rent A Car against the decision of Runnymede Borough Council.
 - The application Ref RU.18/1866, dated 16 November 2018, was approved on 22 March 2019 and planning permission was granted subject to conditions.
 - The development permitted is erection of an electric car club canopy, with solar panels and charging points for car club vehicles.
 - The condition in dispute is No 3 which states that: Details (as approved essential items) The development hereby permitted shall not be brought into use until a solid panel is inserted along the northern elevation of the structure. The solid panel shall be permanently retained thereafter.
 - The reason given for the condition is: In order to ensure a satisfactory form of development on the site and in order to comply with saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance within the NPPF.
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Decision

1. The appeal is allowed and the planning permission Ref RU.18/1866 for erection of an electric car club canopy, with solar panels and charging points for car club vehicles at Assurance House, Vicarage Road, Egham TW20 9FB granted on 22 March 2019 by Runnymede Borough Council, is varied by deleting condition No 3.

Procedural Matters

2. The appellant name above is taken from the application form although a different name is provided on the appeal form. The appellant's agent has confirmed that Enterprise Rent A Car is a trading name for Enterprise Holdings and that Mr Glass is an employee with authority to lodge the appeal. I am therefore satisfied that consent has been granted for the appeal to proceed on the basis of the appellant being the company.
3. The name of the appeal property above is taken from the application form and Council's decision notice. I have used the name Assurance House to be consistent with the planning permission which is the subject of the appeal.

Main Issue

4. The Council explains the disputed condition seeks to ensure noise generated from the development does not cause harm to the amenity of nearby

residences. Therefore, the main issue is the effect of removing the condition on the living conditions of the occupiers of nearby residences in respect of noise.

Reasons

5. The permitted canopy would be positioned on part of a car park to the front of an office. Residential flats and houses are on the opposite side of Vicarage Road as well as on the opposite side of the un-named road that serves Assurance House. Whilst no noise survey has been provided, I agree with the Council's Environmental Health Officer's comments that the area is not particularly quiet, being subject to a large volume of transportation noise, particularly the sound of traffic on Vicarage Road.
6. The Council's concern is that the approved development would lead to additional noise such as car doors slamming and people talking which would affect the living conditions of the occupiers of nearby residences, particularly at night. However, due to separation distances from the appeal site and the background traffic noise, I do not consider any noise from activities associated with the approved development would cause any material harm to the living conditions of occupiers of surrounding residences. Furthermore, I have no reason to dispute the appellant's comment that the approved development would be mostly used during sociable hours with only limited usage at night. It has not been convincingly demonstrated that any night-time activities from the canopy would be unacceptably disruptive to nearby residents on the limited occasions they would occur.
7. The Council refer to saved policy H09 of the Runnymede Borough Local Plan Second Alteration 2001 in support of their case. This policy is entitled New Housing Development so is not relevant in the assessment of this appeal. Also, paragraph 182 of the National Planning Policy Framework (the Framework) is referred to, but this relates to the need for new development to integrate effectively with existing businesses rather than the effect of development on the living conditions of the occupiers of residential properties. As such it is of limited relevance in my assessment and does not affect my overall conclusions.

Other Matters

8. I acknowledge the comments made by the occupier of Flat 35, Pegasus Court. However, there is no compelling evidence before me to indicate that the approved development would give rise to incidents of crime and disorder. As such, this is not a matter which would lead me to conclude that the decision to approved planning permission should be reversed.

Conclusion

9. For the above reasons, I conclude there would be no unacceptable noise effects on the living conditions of the occupiers of nearby residences if the side panel was not erected. Therefore, the disputed condition is not necessary and fails to meet all the tests as outlined in paragraph 55 of the Framework. As such, the appeal should succeed and I will vary the planning permission by deleting the disputed condition.

Jonathan Edwards

INSPECTOR