



Appeal Decision

Site visit made on 19 November 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2019

Appeal Ref: APP/T5720/W/19/3232294
248 Martin Way, Morden SM4 4AW

- 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 Nasir Ahmad against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P0707, dated 24 July 2018, was refused by notice dated 25 March 2019.
 - The development proposed is change of use for existing shop to allow for the provision of motorcycle MOT.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of nearby residential properties, with particular regard to noise.

Reasons

3. The appeal property sits within an established commercial parade with a retail shop front to Martin Way. It extends a significant distance to the rear by reason of a lengthy single storey outrigger, the rear elevation of which sits in close proximity to the rear gardens of residential properties on Monkleigh Road. The rear of the outrigger has double doors which open out towards these residential gardens.
4. While I accept that some parts of the MOT would not create noise, the Council has raised concern in relation to the noise impact associated with parts of the test process, particularly those requiring assessment of the motorcycle horn, throttle and exhaust system.
5. The appellant indicates that motorcycle repairs and servicing have been carried out at the site for a number of years, and that activity similar to that undertaken as part of the MOT are already being conducted for existing customers, including those parts over which the Council has concerns.
6. It is likely that the provision of MOT's would create additional business in the case that there were no other motorcycle MOT centres in the area. As a result, this would likely lead to an increase in activities at the site with a subsequent increase in occurrences of noise.

7. As opposed to the front section of the appeal site which is adjacent to the busy Martin Way, the MOT's would be carried out within the rear of the outrigger which is set back substantially and where the environment is quieter. This section of the building is served by double doors and the evidence indicates that these are kept open when business activities are carried out.
8. As a result, properties on Monkleigh Road would be particularly susceptible to noise which would be likely to occur on a more frequent basis. This would be particularly noticeable during summer months when residents are likely to have their windows open for ventilation and be more likely to be using their gardens.
9. Along with other weekdays, MOT's would be conducted on Saturdays between 9am and 6pm (a longer period of time than the business is currently open for on a Saturday) which would be a day on which existing neighbouring occupiers could reasonably expect a quieter living environment. Noise on a weekend would be more intrusive and consequently more harmful. I note objection from an occupier on Monkleigh Road in which concern is expressed in relation to existing noise, particularly that which occurs in the summertime. This contradicts the appellants position which is that current activities cause no issues for neighbours.
10. I find it likely, therefore, that conducting MOT's at the site would result in an increase in activity, which, in the absence of any evidence to indicate otherwise would result in more regular noise disturbance which would cause harm to the living conditions of the occupiers of nearby residential properties, particularly those to the rear on Monkleigh Road.
11. The proposal would therefore be contrary to Policy 7.15 of the London Plan (2016) and Policies DM D2 and DM EP2 of the Merton Council Sites and Policies Plan (2014) (MCSPP) which amongst other things seek to protect the living conditions of existing occupiers.
12. I acknowledge that not having to ride vehicles to the nearest testing station would be of some environmental benefit through a reduction in emissions and I afford weight to this factor. I note there would be time savings for the appellant. However, such benefits would not outweigh the harm that I have identified above. Any minor alteration in opening hours to 09:00-17:00 as suggested by the appellant would have a negligible impact and would not mitigate the harm.

Conclusion

13. Taking all matters into account, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR