
Appeal Decision

Site visit made on 7 January 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/C1950/W/19/3233205

Welham Travel, 9-12 Peartree Farm, Welwyn Garden City, AL7 3UW

- 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 Steve Gauldon against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/0166/FULL, dated 26 January 2019, was refused by notice dated 21 May 2019.
 - The development proposed is the demolition of existing office and garage, construction of new coach workshop & office with 2 parking spaces, resurface of yard/wash down area.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing office and garage, construction of new coach workshop & office with 2 parking spaces, resurface of yard/wash down area at Welham Travel, 9-12 Peartree Farm, Welwyn Garden City, AL7 3UW in accordance with the terms of the application, Ref 6/2019/0166/FULL, dated 26 January 2019, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue raised in this case is the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to noise.

Reasons

3. The proposals include the demolition of all existing buildings on the appeal site and the provision of two new buildings, comprising one as a workshop and another for officing. The workshop building would be located to the western part of the site, replacing an existing single storey unit attached to a terrace of further units. The single storey office building would be located to the eastern extremity of the site, where there are currently three garage buildings. There would also be a relocated vehicular access to the proposed yard/wash down area. Currently, a bus company operates from the site.
4. There is currently an open yard area to the rear of the existing buildings on the site, which is where maintenance of the bus company's vehicles takes place. In this respect I note that there is reference within the Council's Committee report that nearby residents consider that the current level of activity at the site adversely affects the enjoyment of resident's homes and gardens. It is also accepted within the Committee report that many of the activities, currently

- undertaken within the open area, will be undertaken in the workshop building, providing consequent benefits to the area in respect of the reduction of noise. I agree with this stance.
5. The reason for refusal of the planning application is specific in that it is the continuing outdoor servicing and maintenance of the company's double decker coach which led to the refusal of planning permission.
 6. I note that given the design of the proposed workshop building, particularly the size of the roller shutter door to the front elevation, that a double decker coach would not be able to fit inside of it. As such, it would be necessary to undertake servicing and maintenance of this particular vehicle in the open area. Whilst I acknowledge the comments made by the appellant that it is the intention that in the short-term this double decker vehicle will be replaced with a single deck coach, I am also conscious that this cannot be ensured and as such I must consider the scheme on the basis of the possibility of some activities still being undertaken in the open.
 7. This being said, I must also acknowledge, as recognised by the Council, that many of the activities currently undertaken in the open will be relocated to inside of the building. As such, this would in my view, result in an improvement over the existing situation and consequent improvements to the living conditions of nearby residents.
 8. I am conscious that when considering a previous appeal¹ on the site, an Inspector considered that there would be noise emissions and noise from maintenance activities associated with the external servicing of the double decker coach, which would cause undue disturbance to neighbouring residents. However, these conclusions were in respect of a difference scheme than that which is before me. I am aware that that previous scheme included the use of an area of land to the north of the current operation and the previous Inspector noted that activities, resulting from that previous scheme, would take place in closer proximity to neighbouring residential properties than the existing area. Whilst the open area currently proposed would be closer to the boundary with neighbouring properties than the existing area, it would for the most part be screened by the single storey office building. This would, to some degree, provide a screen to the activities that would take place in the open area and would limit the effect of activities undertaken on the double decker coach. As such, I find the specific activities associated with this vehicle would not be any more intrusive than currently. Furthermore, the relocation of activity associated with other vehicles to the interior of the workshop would result in a substantial improvement in terms of noise emissions.
 9. Accordingly, I find that the proposal would not result in an adverse effect on the living conditions of neighbouring occupiers, with particular reference to noise. Thus, the scheme complies with policies EMP8, EMP13 and R19 of the Welwyn Hatfield District Plan (2005), insofar as these policies seek to ensure that development of employment sites outside of employment areas does not have an adverse effect on the residential amenities of nearby properties, that development does not generate unacceptable noise and that employment development does not harm the amenities of nearby residential properties.

¹ APP/C1950/W/18/3196357

Other Matters

10. Concern has been expressed by interested parties in respect of the potential overbearing impact of the proposed workshop building. However, given the length of the rear gardens of residential properties nearby, together with the location of the workshop building to the western extremity of the site, I consider that the building would not result in any overbearing effect. Furthermore, I acknowledge that the proposed workshop is likely to be an obvious feature in views from the rear of residential properties and their associated garden areas, however it would not impact on views to such an extent so as to erode the living conditions of residents.
11. Comment is made that the proposal would result in an increased amount of traffic in the area. However, as the Council highlight, the new buildings will be located essentially within the same operational area as that which exists and consequently the overall scale of activity, which would include the associated traffic movements, would not change significantly. There is unlikely to be any adverse effect in this respect.
12. Whilst the proposed workshop building would be taller than that of the existing buildings within the area, it retains a utilitarian appearance which would not appear as a discordant feature within the distinctly commercial location. The Council have also highlighted that a building of a greater height has been granted planning permission nearby, clearly indicating that the principle of buildings taller than the single storey structures is acceptable.
13. Interested parties raised concern that the proposal would result in a decrease in property values within the vicinity. However, no substantive evidence has been submitted to demonstrate this and as such this matter has little bearing on my decision.
14. There is some concern that the height of the roller shutter door is insufficient to allow all coaches to enter the building. However, the appellant confirms that the door height has been determined by the largest of the single deck coaches the company owns.

Conditions

15. I have imposed a condition in relation to the commencement of development and in the interests of clarity a condition to ensure compliance with the submitted plans.
16. Given the changes to the site and the possible effect on the drainage regime in the area, a condition is required in respect of details of drainage. So that these works are agreed as early as possible, this should be a pre-commencement condition.
17. In order to ensure that there is no adverse effect on neighbouring properties, a condition is required in respect of external lighting within the proposed development. So that the development does not result in any increase in noise emissions, a condition is required in respect of a scheme of protection from noise. In the interests of ensuring the development has an acceptable external appearance, a materials condition is also required.
18. The Council suggests conditions in respect of limiting the times during which certain activities can be undertaken within the site, the reason for these being

stated as to protect the residential amenity of adjoining occupiers. Whilst I note the intention of these conditions, I am also conscious that I have not been provided with any evidence to show that there are such restrictions currently in place in terms of the existing operation. In these circumstances, I do not consider it would be reasonable to impose such restrictions.

19. Conditions have also been suggested by the Council removing permitted development rights, with the effect of preventing other uses of the premises as well as extensions or external alterations within the site. However, considering the advice at paragraph 53 of the National Planning Policy Framework, I consider that there is no clear justification for doing so and as such consider such conditions would fail to meet the test of necessity.

Conclusion

20. Therefore, for the reasons given and having regard to all matters raised, I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 01 Rev P3
 - 02 Rev P4
 - 03 Rev P2
 - 04 Rev P3
 - 05 Rev P4
 - 06 Rev P1
 - 07 Rev P1
- 3) No development shall take place before a scheme of surface and foul water drainage installations, including details of drainage runs and incorporating oil/silt interceptors, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall thereafter be implemented entirely as approved before any part of the development is brought into use.
- 4) Before any works above ground level are begun, a scheme of external lighting installations (including vertical lux diagrams) shall be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the requirements within the Institution of Lighting Engineers guidance notes for the reduction of obtrusive lighting. The development shall be implemented only in accordance with the approved details.
- 5) Before any works above ground level are begun, a scheme for protecting the nearby residential properties from noise from the development shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall take include:
 - an assessment of all potential noise sources,
 - details of noise reduction/attenuation for plant and equipment to be installed/used at the premises,
 - measures to limit the emanation of noise from windows and doors, and
 - a scheme for sound insulation for the workshop building.All works and measures which form part of the scheme shall be completed before the development is brought in to use and retained at all times thereafter.
- 6) Before any works above ground level are begun, details of all proposed external construction materials shall be submitted to and approved in writing by the Local Planning Authority. The buildings hereby approved shall then be constructed only using the approved materials.