



Appeal Decision

Site visit made on 16 March 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Appeal Ref: APP/Q1445/W/19/3241102

Wickenden Garage, Scott Road, Hove, BN3 5HN

- 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 J Wickenden against the decision of Brighton & Hove City Council.
 - The application Ref: BH2019/01600 dated 19 May 2019, was refused by notice dated 4 September 2019.
 - The development proposed is formation of 1 no. two-bedroom flat above existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the living conditions of future occupants, with particular regard to noise and disturbance; and whether the proposed development is compatible with the existing garage use.

Reasons

3. The garage workshop above which the proposed flat would be located is reasonably large with space to work on a number of cars at any one time. There are no restrictions on its hours of operation. The activities within the workshop would be likely to require the use of tools and machinery, run engines and undertake spray painting. This would be likely to result in noise and disturbance and therefore harm to the future occupiers of the flat above. This could then lead to complaints being made by those future occupiers about the noise and disturbance from the business below, resulting in the potential for operational restrictions on that business and an additional cost burden to mitigate the impacts.
4. I have not been provided with any noise assessment in support of the proposed development. The appellant has indicated that prior to occupation of the flat, a full assessment of sound proofing would be undertaken and that due to the generous floor to ceiling heights there should be adequate space to install effective sound proofing. However, in the absence of firm details of this, I am unable to assess whether the noise and disturbance that would arise could be adequately mitigated. On this basis, I cannot be satisfied that the proposed development would not give rise to unacceptable harm from noise and

disturbance to enable the existing and proposed uses to coexist on the same plot. Given this matter goes to the heart of whether the proposed development would be acceptable in this location, it would not be appropriate to seek to control this through a condition after permission has been granted.

5. I acknowledge that a flat previously existed above the garage, however, this no longer exists, and the appeal scheme must be considered on its own merits. I appreciate that the garage is a long-established and well-run business which operates 5 days a week and has generated no complaints. I also recognise that the proposed accommodation would be for the owner of the garage who is aware of the operations of the garage. However, I am mindful that the business could change hands and there is nothing to restrict a future operator from extending the hours of operation or using the workshop more intensively.
6. Furthermore, I accept that there are other noisy activities in the area, including a pub on the opposite side of the road, in close proximity to residential uses. These are existing uses and not related to merits of the scheme before me.
7. I conclude that the proposed development would harm the living conditions of future occupants, with particular regard to noise and disturbance. As such, it would not be compatible with the existing garage use. It would therefore conflict with Policy CP3 of the Brighton and Hove City Plan Part One 2016 and Saved Policies SU10 and QD27 of the Brighton and Hove Local Plan 2005. These policies together seek to protect against the loss of unallocated employment sites and premises, restrict development of noise-sensitive uses such as housing where it would be adversely affected by noise from existing uses and restrict development where it would cause harm to the amenity of future occupants.

Other Matters

8. The proposed development would provide one additional residential unit and make a small contribution to the supply of housing. This weighs in favour of the scheme. The design of the building would integrate with the adjacent dwellings and not harm the living conditions of neighbouring occupiers. These are neutral factors.

Conclusions

9. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR