
Appeal Decision

Site visit made on 14 July 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/W3005/W/20/3250537

76 Hardwick Lane, Sutton-in-Ashfield, Nottinghamshire NG17 5EJ

- 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 Merrick Stafford against the decision of Ashfield District Council.
 - The application Ref: V/2019/0712, dated 8 January 2020, was refused by notice dated 5 March 2020.
 - The development proposed is mixed use garage for ancillary domestic and business use for the refurbishment of vehicles.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the appellant indicates that the description of the development has not changed the description on the appeal form is different to that on the application form. I have taken the description in the banner heading from the appeal form as this accurately reflects the development described by the appellant in his appeal statement. I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the development on the living conditions of adjacent residential properties with particular regard to noise and disturbance.

Reasons

4. Hardwick Lane, Coburn Street, Union Street and The Homelands encompass an area of mainly residential development consisting of a variety of house types and sizes with frontages generally facing the road and with good sized garden areas.
5. The appeal property is a double fronted terraced property facing Hardwick Lane with a detached garage and larger than average plot for the area. To the side of the property is a hardstanding and vehicular access from Hardwick Lane. The proposed garage would be located to the rear of the garden plot. The garage would be accessed via the existing access and hardstanding.
6. The adjacent semi-detached house, No 74 Hardwick Lane, is set marginally less than a driveway width from the joint boundary. The side elevation of No 74 faces the site. It has a ground floor kitchen window and three further obscure glazed windows in this elevation.

7. I saw during my site visit that the proposed garage would be located at the bottom of the appellant's garden and would be surrounded by other residential gardens which are set in a pleasant, quiet and tranquil environment.
8. The appellant indicates that the business would operate normal working day time hours during the week and only one vehicle would be worked on at a time. The building would be insulated to reduce noise. Nevertheless, parts deliveries, movements to and from the building, opening and closing of doors, customer deliveries and collection of vehicle and general activity associated with the running of a business would take place next to domestic gardens and the side elevation of No 74 Hardwick Lane. I consider that the activity associated with the business use would be intrusive due to its proximity to residential boundaries. As such the proposal would detract from the area's quiet and tranquil domestic environment and would unacceptably disturb the neighbouring properties enjoyment of their gardens.
9. I accept that industrial uses are a feature of Hardwick Lane further to the north, however, these uses are sufficiently separated from the appeal site and its immediate neighbours not to detract from the area's residential context.
10. I have considered the conditions proposed by the Council and more generally whether appropriate conditions could be imposed to ameliorate the harm arising from the proposed development. I agree with the Council that differentiating between the domestic use of the site and the commercial use would limit the enforceability of conditions to control the operation of the business. In addition, I consider that the general activity associated with the business could not be sufficiently limited by the use of conditions to ensure that movements to, from and within the site would not detract from the living conditions of neighbouring properties.
11. I appreciate that paragraph 80 of the National Planning Policy Framework (the Framework) gives significant weight to the need to support economic growth, however, the Framework also seeks to ensure that development functions well, adds to the overall quality of an area and creates places with a high standard of amenity for existing and future users. In this case the harm I have identified would outweigh the need to support economic growth.
12. I accept that on a general level there are instances across the country where residential and garage facilities are located close to each other. This is not an indication that such uses are compatible and does not change my view in relation to the appeal proposal.
13. Overall, I consider that the proposal would harm the living conditions of adjacent residential properties with particular regard to noise and disturbance. This would conflict with Policy ST1 (a and b) of the Ashfield Local Plan Review 2002 which seeks to ensure that development does not affect the character, quality, amenity or safety of the environment. This policy is generally consistent with the Framework with which I also find the development conflicts for the reasons set out above.

Other matters

14. I note the third party concerns about the size of the building and I saw at my site visit that the proposed garage by virtue of its design, scale and massing would appear significantly larger than the majority of detached garages within

the curtilage of residential properties in the immediate area. However, the Council have concluded that the design and siting of the building is acceptable, and I saw nothing at my site visit that would lead me to disagree with this conclusion.

15. I note that the appellant indicates that it is not viable to locate the business in an industrial unit, however, I have no evidence before me to support this view.

Conclusion

16. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR