
Appeal Decision

Site visit made on 4 June 2021

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2021.

Appeal Ref: APP/L3625/W/20/3262114

Annexe A, 1 Yewlands Close, Banstead, Surrey SM7 3DB

- 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 Jones against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/01355, dated 1 July 2020, was refused by notice dated 10 September 2020.
 - The development proposed is the retention of the existing building and its conversion to an office/studio.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of the existing building and its conversion to an office/studio at Annexe A, 1 Yewlands Close, Banstead, Surrey SM7 3DB in accordance with the terms of the application, Ref 20/01355, dated 1 July 2020, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The building to which this appeal relates is in place whereas the proposed office studio use has not commenced. The appeal therefore relates to a planning application seeking retrospective consent for the operational development.

Main Issues

3. The main issues are the effects of the proposal on:
 - (i) the living conditions of occupiers of neighbouring properties, with particular regard to noise disturbance; and
 - (ii) highway safety, with particular regard to car parking provision.

Reasons

Living Conditions

4. The appeal site is located to the rear of 1 and 2 Yewlands Close and is bounded by the gardens of 3 Yewlands Close and the houses facing Park Road. It is accessed via a narrow alleyway that runs between No.1 and the rear boundaries of the Park Road properties. The site is occupied by a small, timber-clad, flat-roofed building with a separate store building to the side. The

building has previously been used for residential purposes and includes a bathroom and kitchen.

5. The proposal would comprise the use of the building for office/studio purposes. Due to its modest size it would provide working space for only one or two people. As such, the activity generated by the use, by occupiers coming and going and by deliveries and visitors to the site would be small and limited to normal working hours, a matter that can be controlled by a planning condition.
6. The building is not a great deal taller than surrounding fences and vegetation and its windows primarily face an enclosed area. As a consequence it does not result in unacceptable levels of overshadowing of neighbouring gardens and does not result in harmful reductions in privacy or outlook.
7. Due to its modest size, the proposal would not result in unacceptable harm to the living conditions of occupiers of surrounding residential properties. It therefore accords with Policies EMP3 and DES1 of the Reigate and Banstead Local Plan Development Management Plan (2019) (LP). The former states that planning permission will be granted for employment uses provided, amongst other matters, there would be no harm to the amenity of neighbouring properties/occupants. There is also compliance with the aims of Policies CS1 and CS10 of the Reigate and Banstead Local Plan Core Strategy.

Highway Safety

8. The appeal site does not benefit from any off-street car parking spaces, which I note may make the appeal premises unattractive to potential occupiers who are reliant on private car use to access the property. However, I recognise that the proposal would generate some vehicular trips and result in some increase in demand for parking in the area. Although levels of on-street car parking are high, based on observations during my site visit, capacity exists in the surrounding area to cater for the potential low level of parking demand generated by the proposal.
9. For the reasons given above, and having regard to the comments made by the County Highways Authority to which I attached significant weight, I conclude on this matter that the proposal would not result in unacceptable harm to highway safety in the area. The proposal therefore accords with LP Policies EMP3, DES1 and TAP1. The latter states that planning applications will be looked upon favourably unless they would have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Other Matters

10. There is nothing before me to indicate that the proposal has, or would have, unacceptable effects on nearby trees or on drainage in the area. Due to the appeal scheme's diminutive scale and backland location I am satisfied that it does not have an unacceptable effect on the character and appearance of the area.

Conditions

11. I have considered the conditions suggested by the Council having regard to the National Planning Policy Framework and Planning Practice Guidance (2019). In the light of the planning history of the appeal site I consider it expedient to

impose a planning condition requiring the office use to commence relatively promptly so as to reduce the chances of further residential use occurring in the short term.

12. To ensure adequate protection of neighbours' amenity planning conditions are imposed that limit the type of use that can occur, the level of occupancy and the hours of use. To encourage future occupiers to use sustainable means of travel a condition requiring the provision of cycle storage is imposed. As the building is already in place, I see no need for the standard condition requiring the development to accord with approved drawings.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

S Poole

INSPECTOR

Schedule of Conditions

- 1) The use hereby permitted shall begin not later than 1 year from the date of this decision.
- 2) Notwithstanding the provisions of Class E of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), no change of use of the property from office, as defined by use Class E(g)(i), shall take place without the prior approval of the Local Planning Authority.
- 3) The use hereby permitted shall only be carried out between 0800 and 1800 on Monday to Friday (inclusive) and not at all on Saturdays, Sundays or on bank or public holidays.
- 4) The maximum number of people working within the office hereby approved shall not exceed 2 at any one time.
- 5) Prior to the first occupation of the development hereby approved facilities for the secure, covered storage of at least 2 bicycles within the development site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.