



Appeal Decision

Site visit made on 14 June 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2022

Appeal Ref: APP/M2325/W/22/3292502

172 Mains Lane, Singleton FY6 7LB

- 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 Darren Michaels against the decision of Fylde Council.
 - The application Ref 21/0166, dated 9 February 2021, was refused by notice dated 25 November 2021.
 - The development proposed is the change of use to E (g)(i) Offices to the rear of the existing property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development refers to the change of use being 'retrospective'. As this is not an act of development, I have amended the description above by removing reference to this. At the time of my visit, the appeal site was laid out and furnished as an office space and reflected the submitted plans. I have considered the appeal accordingly.
3. Both main parties refer to whether the proposal falls within Use Class E (g)(i), in terms of if the use is capable of being undertaken in a residential area without detriment to its amenity. Notwithstanding this, this is the use that has been applied for and the main issue in this appeal involves consideration of living condition matters.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance.

Reasons

5. The appeal site forms part of a detached house on a busy road (A585). It is situated amongst a group of other mainly detached dwellings within generous plots set at varying distances from the road. A variety of other uses can be found in the area, including a Petrol Filling Station, a recently constructed detached office building and a builder's merchants.
6. The office is located to the rear of the dwelling at No. 172 and there is an internal access linking the two. A number of parking spaces to the front of the dwelling also form part of the appeal site. As well as the appellant and his partner, who reside in the dwelling adjoining the office space, employees who

arrive at the site walk from the parking area around the side of the dwelling to reach the office that is also served by an external door.

7. Various information has been provided by different parties on the levels of activity and the timing and number of people attending the office. The appellant in his most recent representations sets out that the business operating from the site employs 1 full-time and 1 part-time staff members that drive as well as the appellant's mother. Whilst I have no reason to doubt this, earlier submissions by the appellant indicated that there could be greater numbers present on the site. Although the size of the office should not be a sole determining factor in assessing potential impacts arising from this use and I note reference to the majority of the floorspace on the wider site remaining in residential use. However, the size and the number of desks in the office do provide an indication on the potential greater level of usage of this space, as do the number of parking spaces within the defined appeal site.
8. Administrative activities within an office do not typically generate undue levels of noise but given the potential levels of occupancy of the office, internal noise from staff talking could emanate out from an open door. Noise could also arise from external activity such as the staff breaks which the appellant has referred to or conversations when walking to or from the parking area.
9. It was apparent that background noise levels to the front of the appeal site were high due to the busy main road which carries large volumes of traffic, including to commercial uses along Mains Lane. Although the parking area is some distance from the frontage of No. 174, and no vehicular traffic accesses the rear, the office is to the rear and closer to the side and rears of neighbouring residential properties where there is a quieter noise environment. There is a staggered relationship between the appeal and neighbouring buildings with screening along the boundaries. I note also the office building has a blank elevation to No. 170 Mains Lane, but the close proximity, and the direct line of site, particularly to a number of first floor windows to No. 174 Mains Lane could result in significant noise and disturbance for this neighbouring property's occupiers.
10. The appellant has suggested a number of conditions to safeguard neighbouring residents living conditions. The Planning Practice Guidance (the Guidance) advises that conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission. The appellant accepts, having regard to paragraph 015 of the Guidance¹, that a planning permission limiting the benefit to a company is inappropriate. Restricting the floor area to the office or to the Use Class sought would not overcome the harm identified nor would a condition requiring a connection between the office and the adjoining dwelling or to control car parking provision. Conditions limiting the hours of use or the number of employees on site would be difficult to monitor in terms of differentiating between visitors to the house and those to the office, particularly as the appellant has set out, there are cleaners that visit both and there has been an employee who has made a personal visit to the house. As such, I am not convinced that such restrictions could be effectively monitored and be enforceable in this case. Given the use has already been operating, and the harmful effects arising, the use is not locationally acceptable and a temporary permission would not be appropriate.

¹ Reference ID: 21a-015-20140306

11. Given the above, I conclude that the proposal has an unacceptable adverse effect on the living conditions of neighbouring occupiers with regard to noise and disturbance. As such, it conflicts with Strategic Policies GD4 and GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review), which seek, amongst other matters, to ensure that amenity will not be adversely affected, and that development must be sensitive to its surroundings. It also conflicts with Paragraph 130 of the National Planning Policy Framework (Framework), which seeks, amongst other matters, a high standard of amenity for existing and future users.

Other Matters

12. The proposal is acceptable in relation to parking and there have been no objections from Highways England or the local highway authority, Lancashire County Council subject to safe manoeuvring which can be controlled by condition. I also do not consider that there would be harmful overlooking arising from the office use or adverse impact on light, given the distance and angle to windows on the neighbouring property at No. 174. The character of the area would also not be adversely affected. A lack of harm in these areas are however neutral matters and do not weigh in favour of the proposal.
13. Reference has been made to the fallback position of the appellant using the office for himself. The office area could also be used for domestic purposes, such as a personal gym or music rehearsal room which would generate activity as do domestic deliveries or visitors to the house. The effects of working from home or for a domestic use in relation to the enjoyment of the home, are materially different to the effects of an office used by a number of employees who are not resident at the property.
14. The appellant has outlined the business difficulties that he has faced as a result of the Covid-19 pandemic. I acknowledge the benefits to the business of this office space in addition to the business providing care services to the local community. These benefits however are significantly off-set by the adverse impact upon neighbouring residential occupiers.
15. I have taken account of all other matters raised, including that Mains Lane will continue to be well used following the construction of a nearby bypass, and that the appellant did not appreciate that planning permission would be required. The appeal scheme does not include any structural changes. None of these matters alter my conclusion on the main issue nor would the various personal matters that have been raised between the appellant and a neighbour.
16. Although it is stated that the Parish Council and neighbours have not objected, representations have been made against the appeal scheme. In any event, I have considered the proposal before me on its own merits.

Conclusion

17. I have found that the development conflicts with the development plan read as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. Therefore, I conclude that the appeal is dismissed.

F Rafiq INSPECTOR