



Appeal Decision

Site visit made on 18 October 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/P4415/W/22/3301453

18 Shorland Drive, Treeton, Rotherham S60 5UP

- 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 Mrs Mandy Hewitt against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2022/0259, dated 14 February 2022, was refused by notice dated 11 April 2022.
 - The development proposed is change of use from residential to mixed use of residential and podiatrist
-

Decision

1. The appeal is allowed, and planning permission is granted for change of use from residential to mixed use of residential and podiatrist at 18 Shorland Drive, Treeton, Rotherham S60 5UP in accordance with the terms of the application RB2022/0259 dated 14 February 2022 and the plans with it, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Proposed Site Plan) (Received 14/02/2022) (Proposed Elevations and floorplans MS/55/22-01) (Received 14/02/2022)
 - 3) The business hereby permitted shall be carried out by the applicant Mandy Hewitt only and shall not be sold or rented out to any other person.
 - 4) The business hereby permitted shall only be open to customers between the hours of 09:00 to 17:00 Monday to Friday, by appointment only, and at no time at the weekend or on a Bank Holiday.
 - 5) The maximum number of clients a day shall not exceed 6.

Main Issue

2. The main issue in this appeal is the effect of the development on the living conditions of the existing residents.

Reasons

3. The appeal site is a detached brick-built property, located on a cul-de-sac of similar properties. The area is primarily residential in nature. The appeal property has a double garage located to the front of the property.
4. The appeal proposal would see one side of the double garage converted into a podiatry clinic, with double French doors replacing the garage door. The business would be relocating from another premises. It is envisaged that the applicant will operate 2-3 days per week initially, but this could rise to 3-4 days a week as business picks up.
5. The applicant would see 5-6 patients per day, at the rate of one person per hour which includes a 15-minute break for cleaning and to ensure no patient overlaps between appointments. I understand from the information provided that some of these appointments would be home visits. It is proposed to open weekdays only between 8am and 5pm.
6. The use proposed is that of a commercial one located within a quiet residential area. The host dwelling is located on an access road which forms part of the cul-de-sac. The level of custom proposed is relatively low and based on the level of vehicle movements that would be generated, I do not consider that the level, as well as the fact that parking is available, would cause a level of disturbance to local residents from the comings and goings that would warrant a dismissal on this basis.
7. Any talking between the appellant and the small number of appointments proposed is unlikely to be significantly different to that which could already occur within a residential environment. Periodic walking from parking to reach the clinic to access the site would create only a small amount of low-level, intermittent noise.
8. If mechanical equipment were used, it could be audible beyond the site boundaries. However, given the scale of business operations, this is likely to be at a low level and is highly unlikely to be constant. The hours of operation would ensure that it did not continue late into the evening or over the weekend. This could be conditioned to ensure compliance.
9. The dwelling is detached and the location of the garage to be converted would not allow for views into the rear gardens or the ground floors of neighbouring dwellings. There are no properties opposite at a distance where customers could look into the front windows of other property. As customers would not have to pass other access gates, there is no clear reason why the security of neighbouring properties would be reduced.
10. I therefore find that no harm to living conditions would arise and there would be no conflict with the aims of Policy SP11 of the Rotherham Local Plan Sites and Policies Document (2018) which expects development not to have unacceptable impact on the residential amenity of the area and the amenity guidance set out in Paragraph 130 of the National Planning Policy Framework (the Framework).

Conditions

11. I have taken into consideration the conditions forwarded by the Council and consider them to be reasonable and necessary to control the development with the exception of the drainage condition proposed, which I have deleted as I feel that it is excessive for a residential development that already has adopted highways and drainage. I also find the start time of 8am to be early for a predominately residential area, so have imposed a 9am start instead, and also ensured that weekend and Bank Holiday opening is not allowed.
12. Conditions 1 and 2 are standard and imposed to ensure proper planning. Condition 3 restricts the operation of the business to the appellant, given the residential location and Conditions 4 and 5 protect residential amenity.

Conclusion

13. The Framework states that development that accords with the development plan should be approved without delay. There are no material considerations, taken individually or cumulatively, that indicate that the appeal should not succeed. Overall, I conclude that planning permission should be granted subject to the conditions above.

Paul Cooper

INSPECTOR