



Appeal Decision

Site visit made on 18 October 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2022

Appeal Ref: APP/V1505/W/22/3295906

125 Devonshire Road, Laindon, Basildon, Essex SS15 6HH

- 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 Susan S Bankole (Chrisellie Community Care Ltd) against the decision of Basildon Borough Council.
 - The application Ref 21/01228/FULL, dated 4 September 2021, was refused by notice dated 14 February 2022.
 - The development proposed is described as a change of use of games room into a home office.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of games room into a home office at 125 Devonshire Road, Laindon, Basildon, Essex SS15 6HH in accordance with the terms of the application, Ref 21/01228/FULL, dated 4 September 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 1:1250, Car Park Plan 1:100 and Internal Floor Plan View 1:25.
 - 3) The office shall not be occupied by external employees other than between the hours of 09:00 to 17:00 Monday to Friday, 09:00 to 13:00 on Saturdays and 10:00 to 13:00 on Sundays and Bank Holidays.

Preliminary Matter

2. The description of the development proposed on both the application form and the appeal form do not accurately represent the nature of the appeal proposal. Therefore, I have taken the description of the development proposed in the banner heading above from the Council's decision notice as this provided the most accurate description of the proposed development for which planning permission is sought.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings, in relation to noise and disturbance.

Reasons

4. The appeal site is occupied by a two-storey end of terrace dwelling with a large outbuilding in the rear garden and off-road parking to the front. The site is located on a corner plot between Devonshire Road and Bourne Avenue in a suburban residential area. The existing outbuilding, which is the subject of this appeal, is located adjacent to the boundaries with 123 Devonshire Road and 33 Bourne Avenue and I saw during my site visit that it was currently used for domestic storage and as a cinema/games room.
5. The proposed use of the outbuilding as an office would result in external staff members, those who do not reside in the host dwelling, using the outbuilding during the hours of operation stipulated on the application form. The appellant has confirmed that, as well as herself, there would be one external member of staff up to five days per week along with one-to-one meetings for five external staff members once per month. The outbuilding is relatively small, with no toilet or kitchen facilities at present, and could only be realistically occupied by a small number of people at any given time. Therefore, it is unlikely that it would be occupied by a greater number of people than advised by the appellant.
6. As there would be only two external members of staff using the outbuilding at any given time, the degree of activity generated would not be significantly different from what would be expected in a normal domestic environment. All office activities, and any noise associated with this use, would be contained within the outbuilding, with the staff members only outside when entering and exiting to use the facilities within the dwelling or during breaks. The movements to and from the appeal site, by either car, bicycle or foot, would also be limited due to the small number of external staff. Furthermore, there is ample space for off-road parking at the front of the property and so those parking at the property would have direct access to the outbuilding, limiting the impact on the neighbouring occupants. Therefore, the noise and disturbance generated from the proposed office use would be minimal and similar to the current residential use.
7. It is noted that the surrounding area is solely residential in nature and that the use of the outbuilding, as a commercial office space, would be out of keeping with this. However, as it has been found that the proposed development would not result in any significant harm to the living conditions of occupiers of the surrounding dwellings and as no other harm has been identified, this would not be a valid reason to withhold planning permission.
8. Therefore, the proposed development would not harm the living conditions of the occupiers of the neighbouring dwellings and would not conflict with Policy BAS BE12 of the Basildon District Local Plan Saved Policies 2007. This policy states that planning permission will be refused if development would cause material harm via noise or disturbance to the occupants of neighbouring dwellings.

Conditions

9. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. A condition is included to restrict the hours which the building can be used by external employees, to

those indicated by the appellant on the application form. This to protect the occupiers of neighbouring dwellings from any noise or disturbance during the evening, when noise may be more perceptive.

Conclusion

10. For the reasons set out above, the appeal is allowed.

E Grierson

INSPECTOR