



Appeal Decision

Site visit made on 14 October 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/E5330/W/22/3296001

Rear of 106 Westcombe Park Road, Blackheath SE3 7RZ

- 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 Shaptor Capital Ltd against the decision of Royal Borough of Greenwich.
 - The application Ref 21/3289/F, dated 9 September 2021, was refused by notice dated 30 November 2021.
 - The development proposed is use of garages as storage (Use Class B8)
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The evidence shows that the development has been undertaken. I am therefore considering the appeal retrospectively.

Main Issues

3. The main issues are 1) the effect of the development on the living conditions of occupants of surrounding residential properties with specific regard to noise and disturbance, 2) whether or not the development preserves or enhances the character and appearance of the Blackheath Conservation Area (BCA), and 3) the effect of the development on highway safety.

Reasons

Living conditions

4. The appeal site is located to the rear of 106 Westcombe Park Road which is a detached residential property that has been subdivided into flats. It comprises a block of four garages with hardstanding to the front and a parcel of land to the rear. It is accessed via a back lane from Mycenae Road which also provides access to the adjacent residential care home. The appeal site is surrounded on three sides by the rear gardens of residential properties on Westcombe Park Road. It is located in a predominantly residential area.
 5. On my site visit, I observed that the surrounding area was relatively quiet with background noise being primarily confined to occasional passing traffic. The area to the rear of the properties, where the appeal site is located, is even quieter and is one where surrounding residents can reasonably expect a quiet and less active environment.
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6. As outlined, the appeal site extends beyond the physical structure of the garages and includes an open section of land to the rear. The evidence shows that various building materials and other paraphernalia have been stored on the land. This is likely to go hand in hand with a certain degree of movement of such materials and items, and comings and goings of staff, where there will be associated noise and disturbance. Such noises are likely to be sudden and indiscriminate. I consider that such noise instances will be highly noticeable to surrounding residents, particularly when they are seeking to enjoy the quieter ambiance of the rear gardens, and therefore harm is caused in this regard.
7. The evidence also shows the visual impact of the use where the randomised nature of items stored externally is wholly out of keeping with the established residential nature of the surrounding area. I do however acknowledge that the internal storage within the garages does not have the same visual impact.
8. The appellant has briefly outlined how the site operates, being used informally, typically at the beginning and/or end of the day to store material and equipment. There is however no certainty that the use would not intensify in future or transfer to another operator.
9. The appellant suggests a similarity with the use of the appeal site as B8 (storage) and the use by residents for storage or parking a car. The use of the site as a separate planning unit for B8 use is however materially different to that of the domestic use of a garage for storing a vehicle or other materials that would be incidental to the enjoyment of the dwelling to which it serves. I therefore give this comparison limited weight.
10. The appellant has referred to the use being undertaken without any complaints being received. The evidence and the representations submitted would, however, suggest otherwise. Although the use may have been ongoing for some time prior to a complaint being received, this may be due to a number of various factors. One person's perception of what constitutes unreasonable noise and disturbance is different from another, and surrounding residents may indeed change over time. I am also mindful that the nature and intensity of the use may have, or may in future, change over time.
11. I therefore conclude that the use causes significant harm to the living conditions of occupants of surrounding residential properties with regard to noise and disturbance. The development is therefore contrary to Policy E(a) of the Royal Greenwich Local Plan Core Strategy (2014) and Policies D13 and D14 of The London Plan (2021). These policies require, amongst other things, that developments should not have a significant adverse effect on amenity from noise and other forms of nuisance.

Character and appearance of the BCA

12. The appeal site is located within the Blackheath Conservation Area (BCA) which is characterised as predominantly covering a residential area with a wide range of property styles that are recognised for their special architectural and historic value.
13. The dispute as it relates to the BCA centres on the use, as opposed to the built element of the appeal site, which the Council identify as being an established feature. Although the BCA is predominantly residential in character the use of the appeal site in the context of the wider BCA constitutes a very minor and

small part of its character. It does not dilute the significance of the BCA as a predominantly residential area and has a neutral impact on its character in this regard.

14. In terms of appearance, the evidence shows that the use involves the external storage of materials and other building related paraphernalia. This has resulted in the open part of the site to the rear of the garage block appearing somewhat cluttered and disorderly. Although it is not prominent in the BCA it nevertheless does not preserve or enhance the appearance of the BCA and thus causes minor harm in this regard.
15. Due to the relatively small area to which the external storage relates and its less than prominent location within the BCA, I consider that the harm caused is less than substantial.
16. The development therefore does not preserve or enhance the appearance of the BCA. Accordingly, it is contrary to Policies DH1, DH3 and DH(h) of the Royal Greenwich Local Plan Core Strategy (2014) and Policy HC1 of The London Plan (2021). These policies require, amongst other things, that development within conservation areas should preserve or enhance their character and appearance.

Highway safety

17. The appeal site is accessed via a back lane from Mycenae Road. The lane also provides access to a residential care home.
18. The Council consider that it is reasonable to assume that the garages were constructed for the parking of vehicles associated with the flats on Westcombe Park Road, and that the development results in increased parking pressure as a result of this loss. There is limited evidence to support the view and there is no certainty that the garages would be made available for parking were the appeal to be dismissed.
19. I observed on my site visit that although on street parking was in occurrence it was controlled through the Controlled Parking Zone and there did not appear to be any highway safety implications in terms of parking.
20. The Council have referred to lack of information in relation to vehicle trips and therefore being unable to fully assess the highway implications. I have acknowledged elsewhere the impact of comings and goings in relation to living conditions, however as it relates to highway safety there is nothing to suggest that the vehicle movements cause unacceptable harm. The appeal site includes a hardstand area in front of the garages. This area could accommodate vehicles to ensure that there is no blockage of the rear lane.
21. There is therefore nothing to suggest that the development results in an unacceptable impact on highway safety. I also note that no highway objection was raised as a result of the Council's internal consultation. The development therefore complies with Policy IM4 of the Royal Greenwich Local Plan Core Strategy (2014) and Policy T1 of The London Plan (2021) in terms of ensuring that development does not cause harm to highway safety.

Other Matters

22. The appellant states that the garages have been in use as storage for in excess of 10 years, which I assume they are inferring that the use is therefore lawful. Should the appellant be of the view that the use of the garages does not require planning consent or is lawful, there are separate legal procedures for establishing this, none of which are before me in this appeal.
23. The appellant has referred to a lack of dialogue with the Council during its consideration of the planning application. I acknowledge that this may have caused frustration for the appellant, however it is not a reason to allow the appeal.
24. I note that there was representation received in support of the application, however no reason is given for this support, and I can therefore only afford limited weight to the comment.

Conclusion

25. Having regard to paragraph 202 of the National Planning Policy Framework, I find that the less than substantial harm to the significance of the BCA is not outweighed by any public benefits of the development. Although I have found that the development does not have an unacceptable impact on highway safety, this does not outweigh the significant harm to the living conditions of occupants of surrounding residential properties.
26. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR