The Planning Inspectorate

Appeal Decision

Site visit made on 25 January 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/Q3305/W/22/3306122
7 Welsford Close, Somerset, Wells BA5 2JE

- 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 E Hutchinson against the decision of Mendip District Council.
- The application Ref 2022/1201/FUL, dated 8 June 2022, was refused by notice dated 5 August 2022.
- The development proposed is conversion and change of use of the existing garage to a creative art and play therapy studio.

Decision

1. The appeal is allowed and planning permission is granted for conversion and change of use of the existing garage to a creative art and play therapy studio at 7 Welsford Close, Somerset, Wells BA5 2JE, in accordance with the terms of the application, Ref 2022/1201/FUL, dated 8 June 2022, subject to the conditions in the attached schedule.

Application for costs

2. An application for an award of costs was made by Mrs E Hutchinson against Mendip District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed development on:

   - The safety of vehicular and pedestrian traffic on Welsford Close and Welsford Avenue.
   - The living conditions of the occupants of neighbouring dwellings, with regard to noise and disturbance.

Reasons

4. The appeal site is a detached dwelling with a detached garage. Welsford Close is a small, quiet close containing a short terrace of three storey dwellings with the appeal site at No 7 being to one end of a narrow, T-Shaped road. Welsford Close is accessed off Welsford Avenue, with the access containing driveway entrances for 2 dwellings fronting onto Welsford Avenue.

Vehicle and pedestrian safety

5. Welsford Close and Welsford Avenue are relatively quiet residential roads, with most dwellings having a drive and off street parking. Each of the terraced dwellings along Welford Close has parking to the front and the parking across

the frontage of the appeal site would accommodate 4 or 5 cars. The configuration of the road and its limited width and length, mean that traffic speeds on Welsford Close are likely to be low, amounting to little more than manoeuvring on and off driveways. The access from Welsford Close onto Welsford Avenue is at a right angle, with good visibility.

6. The nature of the proposed use, with one to one sessions and a break between each session, means there would be no more than one client vehicle at the site at any one time. Given the session length and the proposed working hours, which could be controlled by condition, the number of sessions would be no more than 8 per day. This amounts to no more than 8 cars coming and going, across the span of any one working day and the appellant states that they do not work every day of the week. These business related additional vehicle movements need to be weighed against the work related vehicle movement that the appellant would not need to make if they were working on site.

7. There is sufficient parking within the site to serve the proposed use as well as the residential use. In addition, although it cannot be guaranteed, and would not be reasonable to require by condition, given the site is in a sustainable location, some clients may choose to cycle, walk or use public transport.

8. Overall, the increase in vehicle movements as a result of the proposed change of use would be modest. In a small Close, with slow vehicle speeds and adequate off street parking, along with a good access onto Welsford Avenue, the proposal would not result in any significant safety issues for either pedestrians or road users.

9. I conclude that the proposed development would not cause harm to the safety of vehicular and pedestrian traffic on Welsford Close or Welsford Avenue. Consequently, the development would comply with Policy DP10 of the Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies (adopted 15 December 2014) (LP). Amongst other things, this policy seeks to ensure that new development provides appropriate vehicle parking which prevents problems of highway safety, congestion or visual intrusion in the vicinity of the site. In addition, Paragraph 111 of the National Planning Policy Framework (the Framework) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, which would not be the case with the proposal subject to this appeal.

Living conditions

10. As set out above, the scale of the use and the number of additional movements to and from the site would be modest. I do not consider this additional movement to result in harm to the living conditions of neighbours or to be particularly unusual or incongruous in a residential area, albeit a relatively quiet area.

11. The garage is set away from the neighbouring dwellings by a reasonable distance and is of a solid blockwork construction. Under this appeal, the appellant provided additional detail and clarification on the nature of the proposed therapy sessions, including use of music or instruments. On the basis of this, I have no substantive evidence which would lead me to conclude that the proposed use would result in harm to the neighbours by way of noise or disturbance.

12. I conclude that the proposed development would not cause harm to the living conditions of the occupants of neighbouring dwellings, with regard to noise and disturbance. Consequently, the development would comply with Policies DP7 and DP8 of the LP. Together, amongst other things, these Policies seek to ensure that development protects the residential amenity of neighbours and does not give rise to unacceptable impacts on ambient noise levels.

Other Matters

13. At the time of my site visit, shelving and storage was evident inside the garage, but the conversion works had not commenced. If vehicles are being driven at unsafe speeds or parked inconsiderately in Welford Close, be they vehicles related to the proposal or not, this would be a matter outside of the scope of my considerations under a section 78 planning appeal.

Conditions

14. The appellant has suggested a number of conditions which the Council have been made aware of and stated they had nothing further to add. I have considered the suggested conditions against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity and omitted others.

15. In addition to the standard time limit condition, a condition specifying the approved plans is necessary to provide certainty. In the interests of protecting the living conditions of neighbours and ensuring highway safety, it is necessary and reasonable to attach a condition to control the hours the use can take place, and by extension, limit the number of sessions and hence the number of vehicle movements.

16. On the basis of the submitted details and the type and level of use proposed, I do not consider it necessary or reasonable to require a noise management plan to be submitted. The qualifications of the person delivering the sessions on site is outside of planning control so I have not attached a condition with regard to this.

Conclusion

17. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

Helen Davies

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following plans PL4757/1, PL4757/2, PL4757/3 and PL4757/4.

3) The development hereby permitted shall be used only for one to one creative art and play therapy sessions and for no other purpose. The therapy sessions shall take place only between the hours of 8:30 and 18:30 on a Monday to Friday and 9:00 to 13:00 on a Saturday and the number of sessions shall not exceed 8 in any one day.

***** End of Conditions *****