



Appeal Decision

Site visit made on 18 May 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/D5120/W/22/3301171

2A Pickford Close and 31 Pickford Lane, Bexleyheath DA7 4RB

- 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 D Beneng against the decision of London Borough of Bexley.
 - The application Ref 21/02955/FUL, dated 22 September 2021, was refused by notice dated 16 May 2022.
 - The development proposed is use of the garage at 2A Pickford Close as a staff room for the cafe/restaurant at 31 Pickford Lane.
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Decision

1. The appeal is allowed and planning permission is granted for the use of the garage at 2A Pickford Close as a staff room for the cafe/restaurant at 31 Pickford Lane, Bexleyheath, DA7 4RB in accordance with the terms of the application, Ref 21/02955/FUL, dated 22 September 2021, 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: Y884/2021/01; Y884/2021/02; Y884/2021/03; Y884/2021/04; Y884/2021/5; Y884/2021/06.
 - 3) The materials to be used for the external surfaces of the works hereby permitted shall be similar in appearance to those used in the existing building. All new works and works of making good to the retained fabric shall be finished to match the adjacent work (except where otherwise stated on the approved drawings).
 - 4) Before the use hereby permitted first commences a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use commences and shall be maintained at all times. Verification that works have been carried out in full accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority within three months of first occupation.
 - 5) No primary cooking of food shall be carried out within the premises.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as this is more precise.

3. The Council refused planning permission, amongst other reasons, as it considered that the proposed change of use would be detrimental to highway safety due to the loss of off-street parking and the increase in the impact on the existing on-street parking.
4. Since the original decision, the appellant has submitted further details in relation to on-street parking in the surrounding area. Based on the history of the site, and following further consultation with the Highways Department, the Council consider that this reason for refusal can be removed. As the reason for refusal cannot be removed, I have taken this to mean that the Council consider that the appellant has addressed their original concerns in relation to parking and highway safety and therefore no longer wish to contest this reason for refusal.
5. I have no reason to form a different view and accordingly will determine the appeal on the basis of the remaining reason for refusal.

Main Issue

6. The main issue is the effect of the proposed development on the living conditions of the occupants of 2A Pickford Close.

Reasons

7. The appeal property is located on the corner of Pickford Close and Pickford Lane. Pickford Lane is a local high street containing commercial properties serving a local level. Pickford Close is a cul-de-sac of residential properties and reflects the wider area which is made up of residential streets behind the commercialised part of Pickford Lane.
8. The part of the site subject to the appeal is within a detached building to the rear of an existing hot-food takeaway/restaurant. The existing building is a residential property with garage. The proposed development involves the conversion of the existing garage to be used as a staff room for the existing hot-food takeaway/restaurant.
9. The appeal building, although being situated and accessed from Pickford Close evidently forms part of the land to the rear of the commercial properties of Pickford Lane where it is seen amongst various outbuildings and other commercial activities associated with the units on Pickford Lane.
10. The proposed development would result in a staff room for the existing hot-food takeaway/restaurant being within the same building as a residential property, namely 2A Pickford Close. This arrangement whereby commercial units are physically attached to residential units is evident on Pickford Lane, where I observed there are residential properties above many of the commercial units.
11. I acknowledge that the use of the garage as a staff room for the existing hot-food takeaway/restaurant has the potential to generate some minor levels of noise and disturbance for the occupiers of 2A Pickford Close that would be noticeable were it otherwise used solely as a garage for the property. However, given the size of the space, its association with the existing hot-food takeaway/restaurant and the imposition of appropriate conditions, I do not consider that there would be noise or disturbance to an unacceptable level.

12. Such conditions that would reduce the impact to an acceptable level include the requirement for the submission of a scheme of sound insulation and a restriction that no primary cooking of food is undertaken within the premises.
13. I therefore find that the proposed development would not have an unacceptable impact on the living conditions of the occupants of 2A Pickford Close. It would comply with Policy CS01 of the Bexley Core Strategy (2012), Policies ENV39 and H9 of the Bexley Unitary Development Plan (2004) and the Design and Development Control Guidelines SPD, which require, amongst other things, that development should not have an unreasonable effect on the surrounding area by reason of noise.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, this is in the interests of certainty.
15. In the interests of the character and appearance of the area, a condition requiring the use of matching external materials is necessary. In the interests of living conditions, a condition is necessary requiring the submission of details of sound insulation. The details are required to be submitted prior to commencement to ensure that such measures are agreed from the outset and are built into the development before its first use.
16. Also, in the interests of living conditions, a condition restricting the carrying out of primary cooking is necessary.

Conclusion

17. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR