



Appeal Decision

Site visit made on 21 August 2023

by Robin Buchanan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2023

Appeal Ref: APP/C3810/W/23/3318764

Garage compound, Colebrook Road, Littlehampton, West Sussex BN17 7NS

- 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 Aidan Howard against the decision of Arun District Council.
 - The application Ref LU/385/22/PL, dated 28 November 2022, was refused by notice dated 24 January 2023.
 - The development proposed was originally described as 'The site is located in a garage compound. it originally had two garages built on it, but these were damaged and had fallen into disrepair. They have been demolished and it is my intention to build 3 garages in keeping with the remainder of the compound. this will greatly improve and neaten up the look of the area. There is no change of use required as they are for private residential use'.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of 3 No garages at garage compound, Colebrook Road, Littlehampton, West Sussex BN17 7NS in accordance with the terms of the application, Ref LU/385/22/PL, dated 28 November 2022, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The description of development in the banner heading above is taken from the application form. In my decision I have used the description from the Council's decision notice because, after removing wording that is itself not development or is descriptive, it is more precise.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the living conditions of the existing occupiers of No.27 Colebrook Road, having regard to noise and disturbance.

Reasons

4. The appeal site is part of a small courtyard of (now) nine garages originally intended for parking cars by the occupiers of adjoining houses. The courtyard is typical in size, layout and siting to several others accessed along driveways off cul-de-sacs behind or to one side of houses in this suburban residential area. The site previously contained two garages, like others in this courtyard, next to No.27 Colebrook Road but they were demolished leaving a concrete hardstanding.
5. The site would be redeveloped with a building for a row of three garages, one wider to include a store but all otherwise broadly similar in size and design to

the other garages in this courtyard. Decking and a seating area at the end of the modest size rear garden of No.27 would be roughly in line with the garages and a first floor rear bedroom window would face towards them.

6. However, the garages would be built of substantial permanent materials including brick elevations and fibre cement corrugated sheet roof. The side elevation closest to the end of the garden would have no windows, nor anywhere else in the building. This end of the garages would be separated from the garden by the rear access path to the other houses next to it and, albeit not an acoustic fence, the intervening 1.8m high close boarded garden fence. The bedroom window would be elevated above the garages and at an angle.
7. Aside from three steel 'up and over' garage doors, there would be no means of significant noise break out arising from parking or storage use in the garages. There is nothing definitive to suggest that opening or closing the garage doors would be excessively noisy; other than that noise would escape through an open door, but the front elevation of the garages closest to No.27 would contain no door.
8. There is no evidence that opening or shutting car doors, starting car engines or manoeuvring cars in and out of the garages and across the courtyard would be anything more than infrequent or transient in nature (including during hours of darkness). Albeit a snapshot during the day, this is what I saw in the courtyard and others nearby so it would not be unusual or unexpected. A planning condition could prevent potentially more intensive or intrusive use of the garages for commercial purposes. The garden fence and height and orientation of the bedroom window would restrict light spill from car headlights.
9. Consequently, while use and activity associated with three additional garages would be noticed by the occupiers of No.27, including people's voices, this change in circumstances would have a limited, localised effect. There is no objective evidence that use of the garages would be unduly or overly intrusive; including above ambient background noise, which at the time of my visit was largely due to traffic on the main A259 road that passes behind No.27 beyond a belt of trees. It would also result in a similar arrangement of houses, gardens and garage courtyards as elsewhere that I saw nearby. I am also mindful that the Council has other powers to control statutory noise nuisance.
10. It appears that the two garages previously on the site were orientated at right-angles to No.27 with doors facing away from this house and rear garden. Albeit as close to this house as the proposed garages this previous arrangement, including one less garaged car, is likely to have had a small mitigating effect on the level of noise or disturbance experienced by the existing or past occupiers of No.27. However, I am satisfied that one additional garage (and car) with all three doors orientated parallel to the side of No.27 and its rear garden would not result in significantly more intrusive noise or disturbance. This would be the case whether the proposed garages were used to park cars or for storage by occupiers of the surrounding houses or not.
11. It is common ground between the main parties that the site can in any event be used to park cars in the open and if so, there would be space for more than three cars. There is therefore a realistic possibility that this fall-back position could cause greater noise and disturbance than three cars parked inside the proposed garages.

12. Taking account of all the above, I find that the proposal would not have an unacceptable adverse effect on the living conditions of the existing occupiers of No.27 Colebrook Road, having regard to noise and disturbance. Consequently, it does not conflict with Policies D DM1 and QE SP1 of the Arun Local Plan 2018. These policies include that development should have a minimal, or not significantly negative, impact on the residential amenity of occupiers of nearby property by avoiding unacceptable noise and disturbance.

Other Matters

13. The garages would be modest in size and could be built quickly. However, construction works would be near houses so a condition could control hours of working to avoid this noise or disturbance at anti-social times of the day. The existing fences around the site, or any construction site fencing would need to be removed once the building was completed to allow it to be used. The proposal would not restrict use of the rear access path to No.27 and the houses next to it as it is not part of the site, or prevent the general public using it as a short cut from Colebrook Road to a nearby food superstore and schools. Whether or not this path should be used in this way is a matter for the landowner(s) concerned or relevant public authority.
14. There is no objective evidence that the site floods from surface water drainage or that the proposal would cause or encourage anti-social behaviour in the garage courtyard. One additional car (than previously could be garaged on the site) would not significantly increase hazard to children who may choose to play in the courtyard or the driveway to it. The Highway Authority (HA) did not object for this or any other highway safety reason, including increased traffic generation. The garages would be slightly smaller than the HA's relevant guidance but I have not been informed that this would prevent parking a car and bicycle. There is no right to a private view from any property and the garages would be further from other houses than No.27. Damage to private property during construction works or from the use of the garages would be a civil matter between the respective parties.

Conditions

15. The appellant did not object to the conditions suggested by the Council if the appeal was allowed. Where required, I have modified wording in the interests of clarity and I have considered the need for any other conditions. I have also had regard to the relevant tests in the National Planning Policy Framework and advice in Planning Practice Guidance. In addition to the conditions already referred to earlier, and the standard time limit for the commencement of development, a condition is necessary to specify the approved plans and details of the development to provide certainty and a visually compatible appearance.

Conclusion

16. The proposal accords with the development plan. There are no material considerations which outweigh this finding. Consequently, for the reasons given above and subject to conditions the proposal is acceptable and the appeal therefore succeeds.

Robin Buchanan

INSPECTOR

Schedule of Conditions (4)

- 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 and details:

TQRQM22264190418655	1:1250 location plan
TQRQM22264185525038	1:200 block and layout plan
Dated 23/11/2022	1:50 proposed floorplan and elevations
CR4	Building Regulations Specifications
Planning application form	Materials section
- 3) Construction works and deliveries, including site preparation or groundworks shall take place only between 0800 and 1800 Monday to Friday and between 0800 and 1300 Saturday and shall not take place at any time on Sunday or on Bank or Public Holidays.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the garages hereby permitted shall only be used for parking or storing domestic vehicles or goods or other items related to the use of a residential dwelling and shall at no time be used for the parking or storage of commercial vehicles, goods or items or be used for any other commercial purpose.