



Appeal Decision

Site visit made on 4 October 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/D0121/W/23/3320721

111 Upper Bristol Road, Weston-Super-Mare, North Somerset BS22 8DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Paul Fineran against the decision of North Somerset Council.
 - The application Ref 23/P/0275/CM2A, dated 15 February 2023, was refused by notice dated 3 April 2023.
 - The development proposed is the change of use of the current office, workshop and small toilet back to its original purpose of sitting room and dining room for the main dwelling. No additional dwelling will be created, the completed conversion will result in the existing two bedroom maisonette returning to being a three bedroom terraced house. Doorways already exist from when it was converted into the shop / office, they will simply be unblocked and have new doors fitted. No major alterations will take place to the building other than the blocking of the current office doorway. Visually the street scene will be little altered, but the development will result in the property being brought in to the available rental properties for local use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - whether the proposal would be permitted development under Class MA of the above Order and if so;
 - the impacts of noise from commercial premises on the intended occupiers of the development.

Reasons

3. Schedule 2, Part 3, Class MA of the GPDO permits a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses). Class MA does not permit building operations necessary to convert the building.
4. Paragraph W of Schedule 2, Part 3 of the Order requires that applications for prior approval under that Part of the Order are accompanied by a written description of the proposed development and a plan indicating the site and showing the proposed development.
5. The description of development provided on the application form refers to the blocking of the current office doorway and the application plans indicate that

the office door on the front elevation would be removed and replaced with a solid wall.

6. The appellant initially contended that he does not intend to remove the door, rather he would remove the handle mechanism, blank it off with a uPVC facing sheet and install insulated plasterboard. In evidence submitted during the appeal, he goes on to say that as an alternative he could only remove the door handle and infill the post box. However, in either scenario, the appellant has not submitted revised drawings or provided any visual material to describe precisely what any alterations to the external appearance of the building would be. Because of this and the requirements of Paragraph W of Schedule 2, Part 3 of the Order I have considered the appeal on the basis of the written description and the plans submitted to the Council. The blocking up of the front office door in the manner indicated on the drawings, would alter the physical characteristics of the building and as such would constitute operational development. So, potentially could removing the handle and works to the post box. Such building operations are not permitted by Class MA. Consequently, I conclude that the proposal is not permitted development under class MA of the GPDO.
7. As considerations in relation to prior approval are a follow-on condition stage under paragraph MA.2, they can therefore only apply if the proposal is otherwise permitted development. As the proposal would fail to constitute permitted development under class MA, it would be unnecessary and inappropriate of me to proceed to consider the prior approval matters.

Conclusion

8. For the reasons given above, the appeal is dismissed.

E Pickernell

INSPECTOR