



Appeal Decision

Site visit made on 16 July 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Appeal Ref: APP/Z1510/W/23/3329318

Cotswold, Station Road, Hatfield Peverel, Chelmsford, Essex CO3 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Lee Meech against the decision of Braintree District Council.
 - The application Ref is 22/02914/FUL.
 - The development proposed is erection of a garden lab/workshop to facilitate working from home.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a garden lab/workshop to facilitate working from home at Cotswold, Hatfield Peverel, Chelmsford, Essex CO3 2DS in accordance with the terms of the application, Ref 22/02914/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with approved plans LM-P01 Rev B, LM-P02 Rev D, LM-P03 Rev C, and LM-P04 Rev B.
 - 3) The development hereby permitted shall be constructed in the external materials and finishes indicated on the application form and shall be permanently retained as such thereafter.
 - 4) Prior to the installation of the external air conditioning unit a scheme of sound insulation shall be submitted to and approved in writing by the local planning authority. All works which forms part of the approved scheme shall be completed before the permitted use commence and shall be retained as such thereafter.
 - 5) The lab area and office of the building hereby permitted shall not be used for business purposes outside the hours of 0900 to 1700 on Monday to Friday.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers, with regard to noise and disturbance.

Reasons

3. The appeal proposal is for the erection of a single storey outbuilding, for use as a dental lab/workshop business and a domestic store, within the rear garden of

a bungalow. The appeal site is within a residential area which, I noted on my visit, had a moderate background noise level largely due to traffic on Station Road and the nearby A12.

4. The appellant indicates that the business would be operated by the homeowner only, with no other employee. One vehicle would visit daily in connection with the business and members of the public would only visit occasionally at prearranged times to drop off items for repair.
5. I accept that the number of visitors or deliveries could not be controlled through the imposition of planning conditions. Nonetheless, considering the background noise levels, any additional vehicular movements would be largely during the proposed operational hours of 9am to 5pm on weekdays and, as such, would not be unreasonably intrusive for any neighbouring occupier.
6. The floorspace would limit the number of employees that could be accommodated within the proposed building, should the appellant wish to take on additional staff in future. The movements associated with the arrival and departure of such additional staff would be small in number and not to the extent that would result in unacceptable noise and disturbance. Furthermore, they would be during the working day and outside of the times when nearby residents reasonably expect a greater level of peace and quiet.
7. The business activity would not involve use of noisy equipment and would take place within a building where there is little likelihood that it would disturb neighbouring occupiers. Any noise from the proposed external air conditioning unit could be attenuated through a purpose-built enclosure or barrier which could be secured by planning condition. Additionally, based on the appellant's description of the proposed activities and materials that would be used, there is no substantive evidence that the use would generate intrusive odours.
8. The existing boundary treatments would provide adequate privacy for neighbouring occupiers. In addition, due to its scale and position, the proposed building would not have a significant enclosing or dominating effect on the outlook from adjoining properties and their rear gardens, and any overshadowing would be limited.
9. For the above reasons, I find that the proposal would not be harmful to the living conditions of neighbouring occupiers, with regard to noise and disturbance. There would be no conflict with Policy SP7 of the Local Plan Section 1 and Policy LPP52 of the Local Plan Section 2, which seek to protect the amenity of existing residents. It would also accord with the guidance set out in paragraph 180 of the National Planning Policy Framework (the Framework).

Other Matters

10. I have had regard to the other matters raised by interested parties, including parking and highway safety, accessibility of emergency services, and the effects of the proposal on the character and appearance of the area and wildlife. However, I have been presented with no substantive evidence that would lead me to disagree with the Council's conclusions on these matters and determine that the proposal would result in material harm sufficient to justify dismissing the appeal.

Conditions

11. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity.
12. I have imposed the standard time limit condition, limiting the lifespan of the planning permission, and, in the interests of certainty and best practice, attached a condition that specifies that the development is carried out in accordance with approved plans. I have also imposed a condition requiring the use of materials as specified on the application form, to maintain the character and appearance of the area.
13. To protect the living conditions of nearby occupiers, it is necessary to impose a condition which restricts the hours of opening and to secure noise attenuation measures for the proposed air conditioning unit. I have amended the wording to include a requirement that such noise attenuation measures are retained.

Conclusion

14. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR