



Appeal Decision

Site visit made on 2 October 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2024

Appeal Ref: APP/M1710/W/23/3332500

11 Bridget Close, Horndean, Waterlooville, Hampshire PO8 9NR

- 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 Nick Sellitto against the decision of East Hampshire District Council.
 - The application Ref is 54480/017.
 - The development proposed is Change of use from a C3 (Dwellinghouse) Garage to Class E (commercial, business and services) Office including fenestration and external works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the decision of the Council on the planning application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. Whilst paragraphs numbered 127 and 130 in previous versions of the Framework referred to by the Council are now paragraph number 135, any policies that are material to this decision have not fundamentally changed. I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.

Background and Main Issues

3. Despite a sentence in the Council's Delegated Report stating that the proposal is considered to be, on balance, compliant with policies CP27 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy (May 2014) (LP), the wider report and Decision Notice are clear that the Council's concerns relate to the proposal being out of keeping with the residential character and appearance of the area and from activity, noise and disturbance to nearby residents. There is no dispute between the parties that the proposed use is acceptable in principle, and I have no reason to disagree.
4. In light of the above, the main issues are the effect of the proposal on:
 - the living conditions of nearby occupiers with particular regard to activity, noise and disturbance; and,
 - the character and appearance of the residential area.

Reasons

5. The appeal site is a long, narrow, and tapering piece of land on which a detached garage has been constructed close to the northern boundary at its

widest point adjacent to number 11 Bridget Close. The appeal site runs parallel with and immediately adjacent to the highway forming Bridget Close. On the opposite side of the highway are pairs of semi-detached dwellings.

Living conditions

6. I acknowledge that the proposal would comprise a small office on a relatively small site. However, the appeal building and site are located off a quiet residential cul-de-sac and in the absence of full details regarding the nature and type of office occupier, I cannot conclude that the proposal would not comprise a number of users and/or visitors coming and going throughout the day resulting in a significant and unacceptable increase in noise and disturbance to local residents.
7. While I acknowledge that the existing garage and site could generate noise from activity and comings and goings 24 hours a day, such noise and activity would be residential in nature and would not attract staff, customers, or other commercial visitors to the site to the same degree as a commercial office.
8. Even if the proposed hours of use were to be restricted by condition as suggested by the Council's EHDC Environmental Health, this would not address any intensification in noise and activity during the day on this quiet cul-de-sac. In the absence of detailed information regarding any users of the building, the use could not be controlled by a condition that would be precise or reasonable.
9. My attention has been drawn to the proposal not having an unacceptable effect on the living conditions of the occupiers of neighbouring properties through loss of privacy or through excessive overshadowing as required by LP Policy CP27 and I have no reason to disagree. However, LP paragraph 7.55 clarifies that pollution has an impact upon human health and amenity and includes noise impacts. Furthermore, LP Policy CP27 also states that developments that may cause pollution will only be permitted if they are appropriately separated and designed to remove the risk of unacceptable impacts.
10. In this instance the site is off a quiet residential cul-de-sac in close proximity to dwellings and in the absence of details of the specific office use, I cannot conclude that the risk of unacceptable noise impacts from increased activity has been designed to be removed and would not be harmful to the living conditions of nearby occupiers.
11. It follows from the above that I conclude that the proposal would harm the living conditions of nearby occupiers with particular regard to activity, noise and disturbance. As such, the proposal is contrary to LP Policy CP27, the aims of which I have outlined above. For the same reasons the proposal is contrary to paragraph 135 f) of the Framework that seeks a high standard of amenity for existing and future users.

Character and appearance

12. The appeal proposal would entail some minor alterations to the external appearance of the building comprising the removal of existing openings and provision of a new door and windows. The proposal would also comprise the provision of three off-street car parking spaces and an access path.
13. The new door and windows would not be harmful to the appearance of the area due to their small domestic scale and design within an existing building where

no other external alterations are proposed. Furthermore, by reason of the car parking spaces and path being located in place of an existing hardsurfaced area directly off a cul-de-sac with on-street car parking and driveways to the front of dwellings, they would not in themselves appear cramped or be harmful to the appearance of the wider cul-de-sac. As such, the proposal complies with LP Policy CP29 d) with regard to being appropriate in terms of its scale, height, massing and density, and its relationship to adjoining buildings, spaces around buildings and landscape features.

14. Nonetheless, by virtue of the introduction of a commercial office use onto a relatively small site at the back edge of the pavement within a quiet residential cul-de-sac, with its associated noise and activity, the proposed use would be out of keeping with the quiet residential character of the cul-de-sac.
15. In light of the above, and although the proposal would not harm the appearance of the wider area, it would be harmful to the character of the residential area. As such, the proposal would be contrary to LP Policy CP29 that, amongst other things, requires proposals to respect the character, identity and context of the districts towns and help create places where people want to live, work and visit. For the same reasons the proposal is contrary to paragraph 135 c) of the Framework that states that decisions should ensure that developments are sympathetic to local character.

Other Considerations

16. I have had regard to the appellant stating that the proposal would make an effective use of land in accordance with Section 11 of the Framework and bring an unused and unsightly site and building back into use. However, from the information before me the building and site have been purposely separated from No.11 Bridget Close and remain unfinished. I have no compelling evidence to conclude that the building cannot be completed and put to its lawful use and as such I give limited weight to the proposal improving the appearance of the site. Furthermore, for the same reasons, and in light of my findings in relation to the main issues, I also give limited weight to any benefit from bringing the site back into effective use.

Conclusion

17. Overall, for the reasons given above, the proposal conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan. The appeal is dismissed.

C Rose

INSPECTOR