



Appeal Decision

Site visit made on 2 January 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2025

Appeal Ref: APP/N3020/W/24/3344383

Adjacent 2, Duncroft Avenue, Gedling, Nottinghamshire NG4 3FY

- 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 Mrs Razan Karim against the decision of Gedling Borough Council.
 - The application Ref is 2023/0902.
 - The development proposed is described as 'Change of use from the builders yard/storage to an MOT and tyre garage; opening hours will be from 9:00am to 4:30pm.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the original application a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, the parts relevant to this appeal have not been amended. Therefore, in this case I consider it has not been necessary to consult the parties on the revised Framework and no parties have been prejudiced by this approach.
3. Amended plans have been submitted with the appeal. These show changes to the internal layout, a first floor extension and a different external design to the building. These are a fundamental change and interested parties have not been given the opportunity to make representations on these changes, giving rise to procedural unfairness. For that reason, I have not accepted the amended plans.
4. I have taken the description of development used on the decision notice as this more concisely describes the proposal, removing many of the superfluous words that do not describe acts of development.

Main Issue

5. The main issue is whether the proposal would result in an adverse effect on the living conditions of neighbouring occupiers with particular regard to noise, parking and general disturbance.

Reasons

6. The appeal site is situated within the Local Centre of Gedling, towards one end of a residential street. Residential properties are located to the north and east of the site. Immediately west of the site is a small car park associated with several properties that face Main Road. These have commercial uses on the ground floor, including a travel agent and estate agent. To the north-west is a children's day nursery.

7. The existing building was formerly a builder's storage yard. Conditions were attached to its use, prohibiting any repairs or maintenance of builders' equipment or vehicles on the site and for the site to be used for storage of building materials only. The site is currently vacant.
8. I am concerned that while the appellant states minimum noise would be made, the proposed change of use of the site to an MOT and tyre garage would likely generate noise. Such noise could come from car engines running and being tested, car doors and bonnets being opened and closed, and from equipment associated with the business, such as air compressors.
9. The close proximity of the nursery and the commercial premises to residential properties on Duncroft Avenue would likely already lead to some noise being experienced by those residents and general disturbance, resulting from customer comings and goings and the parking of vehicles.
10. However, no noise assessment has been submitted which could provide information on predicted noise levels from the intended use, comparisons with any existing background noise levels emanating from nearby businesses and measures to mitigate any potential noise and disturbance and the effects any such mitigation would have on neighbouring occupiers.
11. The car parking layout shows that four vehicles can be stored inside the building, with parking for three vehicles at the front. However, two members of staff are anticipated to be employed, these employees could potentially utilise two of the three spaces at the front of the building. Given the site's layout, significant vehicle manoeuvring would likely occur throughout the day, which would cause disturbances for nearby residents.
12. I am mindful that the business will be small scale and operate on a bookings basis. However, this type of business typically operates on a booking basis with customers dropping off vehicles first thing in the morning before work and picking them up later in the day. If this pattern were to occur, it would likely lead to increased parking on Duncroft Avenue. I observed, although only a snapshot in time, that Duncroft Avenue already had high levels of street parking. Amending the opening hours would not overcome the concerns I have set out above as customers would still likely drop off their vehicles before work.
13. The Highway Authority has not formally objected on grounds of highway safety. However, the additional parking generated by customers of the proposed MOT and tyre centre could make it more difficult for existing nearby residents to park, adversely affecting their living conditions. As very limited detail has been submitted as to how the booking system would work and the number of vehicles anticipated to be tested per day, it is difficult to assess whether the proposed parking arrangements would be sufficient for the intended use without causing an adverse impact on the living conditions of neighbouring residents.
14. In the absence of a noise assessment, further details on how an appointment system would operate and numbers of vehicles anticipated to be tested per day, I cannot be sure that the proposed change of use would not unacceptably affect the living conditions of neighbouring occupiers with regard to noise, parking and general disturbance. As such, the proposal conflicts with Policy LPD32 of the Gedling Borough Local Planning Document Part 2 Local Plan (2018) (LP) with particular regard criteria d), e) and f). This seeks to ensure proposals do not have

a significant adverse impact on the amenity of nearby residents in so far as noise, activity on site and traffic. The proposal also conflicts with criteria f) and g) of Policy LPD50 of the LP. These require that appropriate provision for parking is made, and that proposals do not cause a significant adverse impact on the amenity of nearby residents and occupiers.

Other Matters

15. I acknowledge that the proposal would likely result in an improvement to the appearance of the building given its currently derelict state, that exhaust fumes could be dealt with by way of an appropriately worded condition and that a commercial use of the building would be consistent with its location within the Gedling Local Centre and nearby commercial businesses. However, these factors do not mitigate against the concerns that I have highlighted above.
16. I recognise the positive economic effect of a new business and the jobs created, although given its small scale, such benefits would be limited and it does not outweigh my concerns in relation to the main issue.
17. Whilst the principle of the proposed use class was found to be acceptable by the Council, this was on the basis of it complying with other criteria within Policy LPD50 of the LP and other relevant planning policies. As I have found conflict with policies in the development plan, this carries limited weight.
18. Matters in relation to communication with the Council through the planning application procedure are a separate issue between the appellant and the Council and it is not a matter for my consideration in the determination of this appeal which is focussed on the planning merits..

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR