

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 16/00491/FULL1

Ward:
Clock House

Address : 59 Piquet Road Penge London SE20
7XY

OS Grid Ref: E: 535277 N: 169035

Applicant : Mr Adam Tidbury

Objections : YES

Description of Development:

Renovation and change of use of the existing garage adjacent to No 59 Piquet Road SE20 into office/studio space (Use Class B1).

Key designations:

Smoke Control SCA 30

Proposal

The application seeks consent for the change of use of an existing garage into an artist studio/office space (Use Class B1). Alterations would also be made to the external elevations with the installation of a pitched roof and roof lights.

Location

The application relates to a detached single-storey garage located to the rear of No 10 Witham Road and to the side of No 59 Piquet Road. The garage appears to be vacant. The site has no formal designation, however it appears to have been used by a residential property at some point.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- o The existing use should not be described as B8 storage. It is not currently in use and, if not a null use, would simply be a residential garage.
- o This is not a change from B8 to B1, it is an application to introduce a business use into a residential area and should be treated as such.
- o Could impact on the living conditions of neighbouring properties
- o Conditions limiting hours of operating to office hours should be applied. The use should not work at weekends.
- o Conditions requested about noise insulation to the internal building.
- o Planning conditions often breached and seeking enforcement can be slow and difficult

- o Whilst there may be merit in using the garage the proximity to neighbouring properties means strict controls are required.

Environmental Health - No objections

Highways - The development will result in the loss of one parking space by conversion of the garage. This is unsatisfactory as the area in front of the garage would not be large enough to accommodate a private car, furthermore at the time of the site visit (4/3/16) at 2.40pm Piquet Road was 80% parked.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development
EMP 2 Office Development
T3 Parking
T18 Road Safety

London Plan (2015)

Policy 6.13 Parking
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Principle of development

EMP2 states that proposal for office development will be expected to ensure that the shopping function of town centres are not impaired. Whilst EMP8 states that the Council will normally permit the use, by a householder, of part of a dwelling for business purposes.

In this case the application seeks the use of an existing garage as Use Class B1. The applicant describes the existing use as B8 storage; however this is more likely to be ancillary to an existing residential use. The provision of a small office/studio for a local artist is considered a modest development which would not have any

impact on the shopping function of local centres or harm the character and appearance of the area.

Concerns have been raised regarding harm to neighbouring residential amenity by virtue of the proposed B1 use. It is noted that artist studios are classified as being a B1 use and the Town and Country (Use Classes) Order 1987 states that 'Class B1. Business can be used for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.'

The key factor in this case relates to the above paragraph, in that B1 Uses can be carried out in any residential area without the detriment to the amenity of the area by reason of noise, smell, fumes etc. The applicant has stated that the proposed use would be as a private office/studio which would not be tied to any neighbouring property, but would be rented out. The use of the space as an office would unlikely give rise to any harm to neighbouring amenity. The use of a studio is slightly more ambiguous; however the applicant has stated that this would be used by a local artist/design. Artists' studios can fall within the B1 Use Class and the applicant has specifically applied for B1 Use. The Council's Environmental Health officer has not objected to the application on noise grounds. However given the proximity of neighbouring residential development it is considered reasonable and necessary to limit the unit to B1 Use only, restricting permitted development for any further changes of use and the installation of any equipment or operation that could give rise to noise, disturbance and fumes. Conditions limiting the hours of operation are also considered reasonable given the proximity of neighbouring residential occupiers.

The proposal would also include external alterations including an increase to the height of the roof and a change to its design, which would now be pitched. The overall design is considered acceptable and would result in harm to the character and appearance of the streetscene. The applicant has amended the scheme to ensure the eaves level adjacent to No 10 Witham Road remains the same height at the existing garage. However, the change to a pitched design would increase the overall height of the garage. The main impact of this change would therefore be on No 10 Witham Road, which backs directly onto the garage. The rear amenity space of this property is small, however the outlook to the rear is already restricted and overshadowed by the flank elevation of No 59 Piquet Road. Whilst the additional height would result in some visual incursion this is not considered significant enough to warrant a refusal.

The garage also sits adjacent to the flank elevation of No 59 Piquet Road, however its location would not result in a significant visual impact. The entrance to the unit

would be via the front and a number of roof lights would face the flank elevation of this property, however no loss of privacy is anticipated.

In respect of the highway impact concerns have been raised by the Council's highways officer regarding the loss of the existing garage and parking space. However, the existing garage appears to have been vacant for a significant period of time and the applicant has confirmed that it is independently leased, and is not owned by the neighbouring residents. The proposed use could however generate some additional parking requirement, however given the size of the unit this is not considered to be significant. As such, it is considered that the loss of the parking space would unlikely result in increased parking demand and any additional demand would not be sufficient to warrant a refusal on parking grounds. Concerns have also been raised about the potential to parking on the pavement/forecourt in front of the garage. The space to the front of the site is considered to be too small to provide adequate parking. As such it is considered reasonable to restrict parking on the front pavement in order to ensure there the highway remains unobstructed and safe for pedestrians.

Having had regard to the above it was considered that subject to the suggested conditions, the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

as amended by documents received on 18.04.2016

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 No process shall be carried on nor machinery installed which could not be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.**

Reason: To safeguard the amenities of the adjoining premises and area generally and to comply with Paragraph 20 of the National Planning Policy Framework and Policy BE1 of the Unitary Development Plan (2006).

- 4 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for an artist studio/office (Use Class B1) only and for no other purpose (including any other purpose in B1 Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order)**

Reason: To safeguard the amenities of the adjoining premises and area generally and to comply with Paragraph 20 of the National Planning Policy Framework and Policy BE1 of the Unitary Development Plan (2006).

- 5 The use hereby permitted shall only be operational between the hours of 8am and 8pm on any day of the week.**

Reason: In order to safeguard the amenities of adjoining occupants and the area in general and to comply with Paragraph 120 of the National Planning Policy Framework and Policy BE1 of the Unitary Development Plan (2006).

- 6 The pavement/forecourt to the front of the site shall not be used for the parking of vehicles.**

Reason: In the interest of pedestrian and vehicular safety and to comply with Policy T18 of the Unitary Development Plan (2006).