
Appeal Decision

Site visit made on 8 May 2012

by **Malcolm Rivett BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2012

Appeal Ref: APP/H0738/A/12/2169547

Elmtree Social Club, Bishopton Road West, Stockton-on-Tees, TS19 0QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Edward Moore against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 11/0529/COU, dated 7 March 2011, was refused by notice dated 29 July 2011.
 - The development proposed is extension to pavilion and car park and change of use to function room and bar.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is the effect of the proposal on the living conditions of neighbouring residents, having particular regard to noise and disturbance.

Reasons

3. At the time of my visit the scheme appeared to have been implemented in part with the inside of the pavilion having been converted from storage rooms to a bar/seating area and the steps/entrance on the southern side of the building constructed. However, the proposed extension to the pavilion and the ramp/canopy at the entrance had not been constructed. I note the Council's statement that the internal alterations and use of the pavilion as a function room do not require planning permission.
4. The extension of the pavilion would about double the size of its seating/standing area and, as a result, I anticipate it would accommodate around twice the number of people that it can now. I therefore agree with the Council that the scheme would be likely to lead to a significant intensification of the use of the pavilion. However, I envisage that, with appropriate sound insulation measures, which could be required by condition, noise from within the building itself would be unlikely to be a problem.
5. The southern entrance to the building is within 5m of the boundary of the back gardens of the houses in Biddick Close and its approach ramp would be within a metre or so of it. I recognise that additional fencing could prevent users of the pavilion looking into the residential gardens and would to some degree provide a noise baffle. However, I envisage that the noise of people entering and leaving the pavilion via this entrance would still be readily heard in the

gardens of the neighbouring houses and potentially in the homes themselves, less than 20m away, if their windows were open. I also agree with the Council that visitors to the pavilion, some of whom could be in high spirits, would be likely to use the ramp/canopied steps as a place to stand smoking and talking.

6. I recognise that residents have historically experienced some noise associated with the club and its car park. However, given the number of people likely to use the new entrance, its proximity to the adjoining houses and gardens and its likely use into the late evening on a frequent basis, I consider that the scheme has the potential to cause significant additional disturbance to the neighbouring residents, resulting in unacceptable harm to their living conditions. The Council's decision notice refers to conflict with *Planning Policy Statement 1 – Delivering Sustainable Development* and *Planning Policy Guidance 24 – Planning and Noise*, which have both recently been replaced by the *National Planning Policy Framework*. Nonetheless, I find that the scheme conflicts with the Framework's core planning principle (para 17) that development should ensure a good standard of amenity for all occupants of land and buildings.
7. The proposed extension of the club's car park would bring manoeuvring and parked cars around 20m closer to the rear of houses in Marley Close than at present. However, given the distance which would remain between the car park and the houses, I am not persuaded that the likely increase in noise in the Marley Close dwellings or their gardens would be so significant as to make this particular aspect of the scheme unacceptable. Nonetheless, my concerns about the pavilion extension/southern access are such that refusal of permission for the scheme is warranted, notwithstanding its benefits in terms of reusing the pavilion building for community benefit and improving its appearance. I note the comment about the use of conditions to make acceptable otherwise unacceptable development, although none have been suggested by the appellant and it appears to me that no condition could address my concerns about noise/disturbance arising from use of the southern entrance/ramp.
8. For the above reasons, and having regard to all other matters raised, including the fact that building regulation approval has been granted for the scheme, I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR