

EASTERN 12/00695 Pins Ref 2190552	133 Station Road, Thatcham Mrs H Driscoll	Change of use of no.133 Station Road from residential to nursery, with minimal internal alterations. Removal of sycamore tree, second access point and protective railings. Increase parking, bike stands and tarmac area.	Approval	Allowed 6.1.13
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The main issue considered in this appeal was:

- The main issue in this appeal was the effect of the proposed development on the living conditions of neighbours with regard to potential noise disturbance.

Discussion:

The appeal site comprises No.131 Station Road a detached building, formerly a relatively large dwelling house with garden to the rear, which forms the existing Audlen Day Nursery and No.133 Station Road, one half of a pair of semi-detached residential properties and garden to the rear. The proposal is to expand the nursery into No.133, the semi detached property, to increase the nursery capacity. It also includes closure of existing access and creation of a new accesses to enable remodelling of the forecourts and additional parking, cycle storage and drop-off spaces. The works require the removal of the existing mature sycamore tree to the front of No.133.

The Inspector noted and agreed with the Council's comments with regard to the layout of the accesses, car parking and drop-off arrangements and the removal of the existing sycamore tree, where no objections were raised.

The Inspector found no reason to disagree with the acoustic assessment submitted by the applicants which considered the potential noise transmission between the semi-detached properties as a result of the proposed use as a nursery. He also considered the comments from the Council's Environmental Health Officer, which further confirmed that subject to the installation of proposed sound proofing, outlined in the assessment, and other measures, the noise insulation would be sufficient to protect the occupants of No.135, the adjoining property to No.133 from unacceptable noise levels.

The Inspector went on to individually discuss each of the measures proposed to minimise the potential noise impact resulting from the development. The Inspector was satisfied that subject to attaching a number of conditions to secure the installation of the sound proofing measures outlined in the noise report and further measures which include: ensuring the permanent closure of windows in the rear elevation; restricted use of rooms at first floor, the erection of an external canopy and wing wall to negate possible effects of flank noise to neighbours; restriction of the use of the garden of No.133 as a quiet reading/story lawn only and restrictions to the opening hours of the nursery to week days only, the potential levels of noise arising from the change of use of the appeal building would be acceptable.

Conclusion:

The Inspector concluded that the potential levels of noise arising from the change of use of the appeal building would not be so significantly adverse as to conflict with the provisions of the NPPF or Policy OVS.6 of the West Berkshire Local Plan Saved Policies 2008 which requires appropriate measures to be taken in the design, layout and operation of new development in order to minimise any adverse impacts as a result of noise generated. The appeal was allowed.

Application for Costs:

The applicant also made an application for a full award of costs, this was refused.

The Inspector considered the reason for refusal was complete specific and relevant to the application. The Inspector also considered that given that the likely impact of noise on neighbours was acknowledged by the officer to be a finely balanced judgement and having had the benefit of a sit visit, it was not unreasonable for members of the planning authority to have formed their own appraisal of the impact and to attach different weight to the relevant policies and the effectiveness of conditions. The Inspector therefore concluded that Members had reasonable planning grounds for coming to their conclusion and therefore an award of costs is not justified.