



Appeal Decision

Site visit made on 21 July 2009

by **Anthony J Wilson BA MA DipLA MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
10 August 2009

Appeal Ref: APP/W0734/A/09/2101104

94 Gunnergate Lane, Marton, Middlesbrough, Cleveland, TS7 8JD

- 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 Simon Evershed (for the Nunthorpe Gospel Hall Trust) against the decision of Middlesbrough Borough Council.
- The application Ref: M/FP/1751/08/P, dated 24 October 2008, was refused by notice dated 22 December 2008.
- The development proposed is the conversion and change of use of an old bungalow into a gospel hall, including the erection of a canopy on the north side elevation and the provision of a parking area to the front of the property.

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring residential property at No 96, with particular regard to noise and disturbance.

Reasons

3. Gunnergate Lane provides a link between a number of residential neighbourhoods in Coulby Newham and the main traffic routes to the east and south. The road frontages are almost continuously built up and, whilst there is a wide variety in the size and style of the buildings, they are almost exclusively in residential use. Policy DC1 of the Middlesbrough Local Development Framework (LDF) sets out the principles which will be taken into account when assessing new development proposals. Amongst other things, these require that the effect of proposals on the surrounding environment and the amenities of the occupiers of nearby properties will be minimal.
4. There are no objections from the Council in terms of the land use; or from the highway authority in relation to access and parking. The Council's concern is confined specifically to the effect of the proposed use on the amenities of the nearest neighbouring dwelling at No 96. This adjacent bungalow is situated very close to the shared boundary and both of its two bedrooms are arranged nearest to the appeal site. The main bedroom also stands slightly in front of No 94, with its only window facing towards the street, and the single window to the second bedroom looks out directly on to the side elevation of the appeal property and the proposed turning bay. At such very close proximity, there is no doubt in my mind that the occupiers of these two rooms would be

particularly vulnerable to any undue noise arising from the activities on the appeal site.

5. Looking at the building itself, the evidence submitted by the appellant's noise consultant demonstrates that the limited and specialist use of the gospel hall would be unlikely to give rise to any noise audible beyond the boundary of the site. I also consider that a reasonable planning condition could be imposed to secure the suggested scheme of sound attenuation to ensure that this was so. Looking at the external arrangement, I note that following consultation with the neighbours, the former proposed parking at the rear has been omitted in favour of only 5 spaces at the front of the property; and that a new timber fence would be erected along the common boundary with No 96. However, the access, together with the proposed parking, turning and manoeuvring areas for visiting vehicles would still be at the closest point to the neighbouring bungalow, and these would present quite different potential noise problems.
6. I recognise that a proportion of the regular congregation of the proposed gospel hall could either walk or cycle to the property, or could share vehicles, and I am sure that all visitors would exercise due consideration for the neighbours when entering or leaving the property. Nevertheless, vehicles would be arriving every Sunday, approaching the specified time of the first service at 05.45hrs, at a time when the residents of No 96 could reasonably expect to enjoy undisturbed sleep in the bedrooms of their home. Even with the greatest of care and consideration, I do not consider that it would be possible to arrive or leave in a vehicle, or manoeuvre it about the site frontage, without generating a level of additional noise, over and above that which would normally be experienced in the front garden of No 94 at this time of the morning. In particular, at such close quarters, I consider that the intermittent but sudden impact noise arising from the closure of car doors would be sufficient to cause unacceptable disturbance to the neighbours. In my opinion, this would diminish their living conditions to a sufficient extent to conflict with the objectives of LDF Policy DC1.
7. I have taken into account the noise consultant's assessment of the existing noise environment about the appeal site; and that prevailing before, during and after services at another gospel hall site nearby at Ormesby. My particular attention has also been drawn to the irregular, intermittent noise coming from the operation of the drainage pumping station, opposite the site, which is clearly audible at the front of both No 94 and No 96, and to the noise from the road. However, notwithstanding these existing noise sources, I consider that the early part of Sunday morning would see the local noise environment at its quietest. Moreover, it is the sudden noise event within the ambient background noise level, which is the most likely to disturb sleep. I consider that such incidents would be unavoidable on the frontage of the appeal site, despite the best endeavours and understanding of the congregation and, in my experience, despite the presence of a new boundary fence, they would disturb the sleep of the occupiers of No 96. Whilst I accept that these noise incidents might also occur from the domestic re-use of the existing dwelling, it is unlikely that the neighbours would be subjected to this type of disturbance on such a regular basis.
8. I have taken into account the appeal decisions¹, submitted by the appellants, in which Inspectors have allowed similar gospel hall proposals at a number of

other sites across the country. I accept that, in allowing these appeals, my colleagues have attached significant weight to both general and site specific evidence that gospel halls are being operated by the Exclusive Brethren close to dwellings without complaint from their neighbours. However, from the limited information available to me, none of these examples appears to be directly comparable with the appeal proposal in terms of the very close proximity of the parking and manoeuvring areas to the sleeping accommodation of a neighbouring dwelling in an exclusively residential environment. At the Ormesby site, which I have seen, the Inspector considered the issue of disturbance from external activity was finely balanced, for a site alongside a busy major road and where the nearest house has its garage at the closest point. In any event, none of these decisions alters the potentially harmful impact which I have identified at Gunnergate Lane. I have therefore proceeded to determine the appeal on its own merits in relation to the provisions of the LDF.

9. I conclude, therefore, that the proposal would be unacceptably detrimental to the living conditions of the occupiers of No 96, at variance with the terms of LDF Policy DC1.

Anthony J Wilson

INSPECTOR

Footnote 1

Appeal Cases referred to:-

A: T/APP/V02728/A/96/265911/P8 (Ormesby);

B: T/APP/N4720/A/97/280027/P7 (Leeds)

C: T/APP/J0540/A/99/1015867/P9 (Peterborough)

D: T/APP/W1715/A/99/1034008/P5 (Chandlers Ford)

E: APP/Y3425/A/07/2038566 (Stafford)