

Appeal Decision

Site visit made on 26 October 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/M3455/W/16/3153030

Vacant Land, Corner of Leaside Road and Newcastle Road, Trent Vale, Stoke-on-Trent ST4 6PL

- 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 M Iqbal against the decision of Stoke-on-Trent Council.
 - The application Ref 59658, dated 4 April 2016, was refused by notice dated 20 June 2016.
 - The development proposed is the change of use to car wash and valeting facility, erection of building and enclosures.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupants of the neighbouring residential properties, with regard to noise, disturbance and outlook.

Reasons

3. The appeal site is a vacant parcel of land situated on the corner of Leaside Road and Newcastle Road. Vehicular access to the site is off Leaside Road. Adjacent to the south east and south west boundaries are residential properties.
 4. The car washing element of the proposal would be on the north east boundary, adjacent to Newcastle Road, and would have uPVC screening either side of it. The valeting element would comprise three bays, each sitting beneath a canopy, and would be located adjacent to the flank wall and rear garden wall of No 283 Newcastle Road.
 5. There is a close boarded timber fence on the boundary with No 9 Leaside Road and, due to a fall in ground levels, the appeal site is at a slightly higher level than this property. There is a single small window in the flank elevation of No 9, which is at first floor, although it is not clear what room this serves.
 6. Given the proximity of their flank elevations and gardens, the use of equipment such as pressure washers, vacuum cleaners and a compressor would cause significant noise and disturbance to the occupants of these properties. In addition, further noise and disturbance would be caused as a result of traffic movements in and out of the site, car doors closing, the starting of engines and
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- general discussions between staff and customers. Overall, this would detract from the living conditions of the occupants of the adjacent residential properties and the enjoyment of their home and their outdoor amenity space. Although the proposed screens and compressor housing would reduce some noise, it would not satisfactorily mitigate the overall noise and disturbance that would be generated from the site.
7. The neighbouring properties fronting Newcastle Road already experience a certain degree of noise and disturbance, due to their proximity to the busy road. The proposal would exacerbate this harm.
 8. The valeting canopies would rise substantially above the boundary wall of the rear garden of No 283 Newcastle Road and would extend along the majority of its depth. Consequently, when viewed from the rear garden, the canopies would appear visually intrusive and dominate the outlook from the garden. This harmful effect would be exacerbated by the bold colouring of the canopies.
 9. The customer waiting area and store would be located on the boundary with No 9 Leaside Road. However, due to its small scale and sympathetic design it would not appear visually intrusive and would not result in any significant harm to the outlook from the neighbouring garden.
 10. I have had regard to the appellant's argument that the Council's Environmental Health department has not objected. However, a planning assessment of likely noise and disturbance does not depend on whether there would be a statutory noise nuisance under Environmental Health Regulations.
 11. I have also had regard to the appellant's suggested use of conditions to mitigate any noise generated. However, there is no evidence before me to demonstrate that acoustic barriers and enclosures and limiting the level of noise emitted from the site would adequately reduce the harmful effect on the living conditions of neighbouring occupants.
 12. I note the appellant's reference to permission being granted elsewhere, subject to conditions, for a car wash next to residential gardens¹. However, notwithstanding that the scheme was within a different local planning authority, and therefore was assessed on different policies, there are limited details of the scheme before me to draw any direct comparison with the current proposal. In any event, I have considered the appeal based on its own merits.
 13. I therefore find that the proposed development would significantly harm the living conditions of the occupants of the adjacent residential properties, with particular regard to noise, disturbance and outlook. In their reason for refusal, the Council cite Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, which relates specifically to design quality. Whilst there is no reference within this policy to issues relating to living conditions, a requirement is that development should ensure a balanced mix of uses that work together. By reason that the development would not be compatible with the neighbouring residential properties, for the reasons given above, it would fail to satisfy this requirement. Furthermore, it would fail to accord with paragraph 17 of the National Planning Policy Framework (the

¹ Cheshire West and Chester Council Ref 14/03943/FUL

Framework), which, amongst other matters, seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

14. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR