

Appeal Decision

Site visit made on 8 November 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 5 December 2016

Appeal Ref: APP/B5480/W/16/3157962

14 Rainham Road, Rainham, Havering RM13 7RR

- 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 S Choda against the decision of the Council of the London Borough of Havering.
 - The application Ref P0460.16, dated 23 March 2016, was refused by notice dated 13 May 2016.
 - The development is retention of car wash reception cabin and erection of canopy (8mx5m) for the purposes of drying, valeting and polishing cars. Additional car wash area for van.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Though the planning application form states that no work had started at the time that the application was made, the description of development states that the application includes the retention of the car wash reception cabin. At the time of my visit a car wash reception cabin had been erected in the location indicated on the submitted plans however its design and appearance appears to differ from the cabin shown on the submitted plans. Therefore in determining the appeal I have assessed the development as shown on the submitted plans.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of adjacent properties having regard to noise and disturbance.

Reasons

4. The appeal site comprises an existing hand car wash facility that appears to have been in use since 2006. It contains a number of buildings used in connection with the car wash facility, including one within which vehicles are currently washed. At the time of my visit I observed a number of vehicles visiting the site to be washed and noted that they were washed by staff within the largest of the existing buildings using hand held pressure washers. The appeal site is located adjacent to Rainham Road and Victory Road within a predominantly residential area. Dwellings at 18 Rainham Road and
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- 1 Victory Road are located very close to and have boundaries which adjoin the appeal site.
5. The appeal site has an extensive planning history and I have been provided with copies of a number of previous appeal decisions relating to the car wash facility (Refs APP/B5480/A/05/1190754, APP/B5480/C/08/2092582 & 2092585 and APP/B5480/C/14/2213751 & 2213757). Where relevant I have had regard to these in reaching my decision.
 6. As stated, car washing at the site appears to currently take place within an existing building and I note that condition 5 of planning permission P1212.05 and condition 2 of planning permission P0758.08 both of which granted planning permission for a hand car wash area on site requires this to be the case. By contrast the additional van wash area is proposed on an open area of the site. Consequently it would not benefit from any sound insulation. In the absence of any substantive evidence from the appellant regarding noise and having regard to the residential nature of the surrounding area and the proximity of residential dwellings to the proposed van wash area, I consider that the noise and disturbance that would be generated by the additional open wash area, whether it were to be used for vans or cars, would have a significant adverse effect on the living conditions of nearby occupiers. The noise and disturbance would arise from vehicles, customers, staff and from the washing itself, particularly if powered equipment such as pressure washers is used.
 7. In reaching my decision I have had regard to the fact that the appellant states that the additional wash area is required to improve efficiency and to deal with periods of high demand and that it would not lead to an increase in the number of vehicles visiting the site. This, the appellant states, would also have the benefit of reducing noise and disturbance from engines, in car entertainment and conversations emanating from waiting vehicles and would improve highway safety by reducing vehicles queuing on the highway. In addition though I note the appellant's comments regarding no increase in staff numbers arising from the proposal, this contrasts with the increase of 2 full time employees as stated on the planning application form. Though I acknowledge that any reduction in vehicles queuing would provide some benefits in terms of noise and disturbance and highway safety, I am not satisfied that these benefits would outweigh the harm identified.
 8. Similarly though I note that the proposal would provide some modest economic benefits by providing employment and supporting the local economy, these would not outweigh the harm to living conditions.
 9. I note that the Council did not raise any objection to the car wash reception cabin or to the erection of a canopy for the purposes of drying, valeting and polishing cars and I have no reason to disagree with their findings in relation to these aspects of the proposal. However for the reasons stated, I find that the proposed additional wash area would be unacceptable.
 10. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of adjacent properties having regard to noise and disturbance. It is therefore contrary to the development plan and in particular policies DC55 and DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document. These policies seek, amongst other things, to ensure that

development does not have an unreasonable adverse effect on the environment by reason of noise impact and will not result in exposure to noise above acceptable levels affecting a noise sensitive development such as residential accommodation.

Conclusion

11. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR