

Appeal Decision

Site visit made on 28 November 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 29 December 2016

Appeal Ref: APP/N5660/W/16/3158250

116A Ground floor, Streatham High Road, London SW16 1BW

- 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 Berisha against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/03344/FUL, dated 2 June 2016, was refused by notice dated 28 July 2016.
 - The development proposed is change of use from vehicle service garage to vehicle car wash and service garage.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Subsequent to the Council's decision on the planning application the appellant has submitted a revised site location plan showing all land required to fulfil the change of use. The local planning authority has not commented on this additional information. To accept the plan, therefore, would prejudice the interests of parties. For this reason I have not accepted the details. The appeal is therefore determined on the information considered by the local planning authority at the time it made its decision on the planning application.
3. The appeal site is not located within a Conservation Area but it shares a boundary with the Streatham High Road and Streatham Hill Conservation Area. Parties have not raised concerns for the impact the development would have on the significance or setting of the Conservation Area and I see no reason to disagree. I have therefore decided the appeal on this basis.

Main Issues

4. These are:
 - (i) the effect of the proposal on the safe and efficient operation of the highway network;
 - (ii) the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and,
 - (iii) whether the planning application meets the requirements of the Town and Country Planning (Development Management Procedure)
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(England) (Order) (2015) (DMPO), with particular regard to the site location plan.

Reasons

5. The appeal site concerns an existing vehicle service garage within a predominantly residential area. Whilst the address of the appeal site is Streatham High Road, the garage is to the rear of properties facing this road and accessed off Kingscourt Road.

Highway network

6. Kingscourt Road is a two-way residential road, restricted by a 20mph speed limit and with on-street parking on both sides. Nearer the junction with Streatham High Road, Kingscourt Road is subject to a red route which prevents vehicles from stopping at any time.
7. The change of use proposes a vehicle car wash and service garage with an estimated four vehicles per hour attending the car wash. The site plan shows how vehicles would enter and leave the site for a wash and/or valet but there is no indication where the vehicle servicing operation would take place on site; the site plan leaves little space given that the circulation area for the car wash would occupy the majority of the site. Indeed it was apparent from my observations on site that in the site's current use as a service garage, Kingscourt Road was being used by the garage to park vehicles. Together with the site layout proposed, I am not convinced that a vehicle service garage and a car wash could operate simultaneously within the site and therefore without vehicles spilling onto the pavement and the road, hindering the movement of traffic.
8. The site plan implies that one vehicle could occupy each area of the car wash facility at any one time, which equates to the estimated four vehicles per hour. There is no provision within the site, however, for additional vehicles to queue as they wait. The Traffic Parking Survey Report found a modest level of traffic on Kingscourt Road with an equally modest number of parking spaces available on the street. However, there is no guarantee that the on-street spaces could be used by the garage or that they would always be within a convenient distance of the appeal site to support the change of use proposed. As a result vehicles would occupy the pavement and Kingscourt Road, hindering further the movement of pedestrians and other road users.
9. I have noted the intention to employ a person to manage traffic movements and ensure that queueing vehicles do not cause an obstruction. I also note the measures proposed to improve visibility at the site for drivers, to include the replacement of the existing brick boundary wall with steel railings, the creation of an access and egress point and the erection of sight mirrors at high and low level at both entrances. I have no doubt that both measures would help ensure the safe and efficient operation of the highway network. However, in light of the potential conflict between uses found, and the extent to which the change of use would result in parking and manoeuvring problems on and off site, the measures outlined would not mitigate the harm identified for me to be confident that the proposal would not have a discernible effect on the safe and efficient operation of the highway network.

10. Policies T6, T7 and T8 of the Local Plan seek development that is appropriately serviced and does not have an unacceptable transport impact, including on highway safety, traffic flows and parking. This is reinforced by the National Planning Policy Framework (the Framework) which states, at paragraph 32, that *development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*. The change of use would result in an intensification of activities on the site and therefore a higher volume of vehicle movements than at present. When this is considered alongside the potential conflict between vehicles on site and vehicles and pedestrians off site, I find that the proposal would have a severe impact on the safe and efficient operation of the highway network. On this basis, therefore, the change of use would be harmful to the safe and efficient operation of the highway network, contrary to policies T6, T7 and T8 of the Local Plan and paragraph 32 of the Framework.

Living conditions

11. The appeal site is within a predominately residential area. Being close to Streatham High Road residents living within proximity to the appeal site experience background noise from local traffic. The Noise Impact Assessment submitted in support of the planning application concludes that when taking into account current levels of noise, and with the mitigation measures proposed, the washing and valeting operations would not have a harmful effect on the living conditions of the residents living nearby.
12. However, the car wash and valeting operations would involve vehicles, as many as four per hour, driving on and off the site and car doors being opened and closed. In addition to this there would be the added noise associated with the servicing of vehicles; the noise of mechanical equipment, hammering and other such disturbances. It is intended that the car wash facility would operate between the hours of 08:00 and 19:00 seven days a week; an extensive period which includes hours in the early morning and evening when residents could be reasonably expected to enjoy peace and quiet.
13. The noise impact assessment has not taken into account the potential noise from activities on the site other than the washing and valeting of vehicles. In the absence of any evidence to the contrary, I find that the proximity of the site to existing residential properties, together with the noisy activities associated with vehicle service repairs would result in undue noise and disturbance which in turn would be harmful to the living conditions of the occupiers of the neighbouring properties. As such the proposal would be contrary to policy Q2 of the Local Plan which requires the adverse impact of noise to be reduced to an acceptable level.

Site location plan

14. The site location plan submitted with the planning application shows that the access arrangements would rely on land outside the application site. This does not comply with the requirements of Article 7(1)(c)(i) of the DMPO which requires planning applications to be submitted with a plan which identifies the land to which the application relates.
15. I appreciate that the appellant has since submitted a more recent site location plan but for the reasons set out in the procedural matter above, I cannot give

consideration to this. However, should I be minded to allow the appeal, I find no reason why this matter could not be addressed by a planning condition.

Balancing and Conclusion

16. In light of my findings above I have found that the development would have a harmful effect on the safe and efficient operation of the highway network and on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance. I have also found that the site location plan submitted does not comply with the DMPO, although in light of my findings on this matter, the weight I attach to this harm is limited.
17. I have noted the history of the site, to include the use of the upper floors as a House in Multiple Occupation and that the site has previously traded as a car wash with vehicles entering and exiting the site. The separation that now is, that of the upper floors being separate from the ground floor garage has little bearing on the change of use proposed. Furthermore, whilst a car wash may have previously operated from the site, I have no details of this use for it to influence my findings on the issues identified.
18. I have also noted some local support for the proposal and I recognise that the change of use would help ensure the longevity of the existing business and help improve the existing condition of the site. However, when these benefits are considered against the harm identified, they do not outweigh this harm. As a result I find that the proposed change of use would conflict with the development plan and the Framework as indicated and therefore the appeal is dismissed.

R Walmsley

Inspector