
Appeal Decision

Site visit made on 24 January 2017

by A Jordan BA Hons MRTPI

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

Decision date: 31 January 2017

Appeal Ref: APP/J0540/W/16/3159501

20 Crown Street, Peterborough, Cambridgeshire, PE1 3HY

- 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 Bahram Ali against the decision of Peterborough City Council.
 - The application Ref 15/01837/FUL dated 23 October 2015, was refused by notice dated 1 March 2016.
 - The development proposed is described as "change of use from tyre fitting centre to car wash".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the application the appellant requested that the description of development be changed from "change of use from tyre fitting centre to car wash" to "tyre fitting centre and car wash". It is clear from the planning officer's report that the effects of a mixed use, comprising both elements, were considered. It is also clear from the comments of adjoining occupiers that neighbours were aware of the 2 elements of the development, which I understand is already taking place on site. I have therefore considered the application on the basis of the appellant's intended description and having regard to the principles of *Wheatcroft*¹ I am satisfied that no party is disadvantaged in this case by my doing so.
3. I noted on site that land adjoining the appeal site was being used for the parking of vehicles which appeared to be in association with development before me. For the avoidance of doubt I have determined the appeal on the basis of the plans submitted with the original application which show the extent of the appeal site as including the access and service yard to the single storey building only.

Main Issues

4. The main issues for the appeal are:
 - The effects of the proposal on the living conditions of adjoining occupiers, and in particular the residential occupiers of No 22 Crown Street;
 - The effects of the proposal on highway safety.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, p37]

Reasons

Living Conditions

5. The site comprises a single storey building within a yard which is enclosed by palisade fencing. It is accessed via a single track lane, of around 4m in width, which runs from Crown Street, immediately adjacent to the side elevation of No 22 Crown Street. This elevation contains the property's main access and 3 windows, including a ground floor window which appears to serve a main room, all of which face directly onto the track, at a distance of around 0.4m.
6. I am advised that the premises were previously used as a tool hire business which was located in the small building on site. The current use comprises use of the single storey building as a tyre fitting centre, and use of the adjoining yard as a car wash. The proposed hours of use are from 9.am to 6pm every day. Taking into account the size of the building, which is relatively small, I consider that a tool hire business using the premises would be relatively low key, and whilst it would be likely to have attracted visitors by car, such trips would be likely to have been relatively low in number. A mixed use as a tyre fitting business and a car wash if fully utilised is likely to be a significantly more intensive use as it would comprise 2 separate and largely independent elements. Visitors to the car wash would also be likely to stay for relatively short periods. As a result, car trips to and from the site would be likely to increase in number and the access to the site would be used more intensively than previously.
7. Taking into account the very close proximity of No 22 Crown Street to the access, and the size and position of the ground floor window, occupants of the dwelling would be very aware of increased traffic movements, with cars passing very close to the side of the dwelling. This would give rise to increased levels of noise and general disturbance which would reduce the attractiveness of the property as a place to live. Given the very limited distance between the window and the access I do not consider that a fence to reduce such impacts could be practically employed.
8. On the first matter I therefore conclude that the proposal would represent a significant intensification if activity at the site, which due to the proximity of 22 Crown Street to the access, and the position of the side facing window, would be perceived as being intrusive to those occupiers. It therefore follows that the proposal would be contrary to Policy PP3 of the *Peterborough Planning Policies Development Plan Document* (DPD) which seeks to ensure that new development does not give rise to unacceptable noise and disturbance, or with guidance in the *National Planning Policy Framework* (the Framework), which has similar aims.

Highway Safety

9. I noted on site that the access from Crown Street was not wide enough to allow 2 cars to pass. Although it was straight and provided a clear view from the yard to the public highway, it was narrow and relatively long. It also appears to serve 2 other adjoining plots which at the time of my visit had a number of cars parked on them. During busy periods there would be some risk of those entering the site encountering traffic leaving the site from the carwash/tyre fitting business or from the adjoining sites. In such cases those entering the

site would be obliged to reverse back into Crown Street and potentially oncoming traffic. This would pose a risk to highway safety.

10. On the second matter I therefore conclude that the operation of the use would be likely to impede the free flow of traffic on the public highway, and that this would be detrimental to highway safety. In this regard it would conflict with policy CS14 of the *Peterborough Core Strategy* and policy PP12 of the DPD which together seek to promote an effective and efficient transport network and to ensure that new development does not have an unacceptable impact on highway safety. It would also conflict with guidance in the Framework, which has similar aims.

Conclusion

11. The proposal would be harmful to the living conditions of residents of No 22 Crown Street and would be harmful to highway safety. Although I take account of the benefits that may arise to the operator and to local employment from the operation of the business, I do not consider that these would be sufficient to outweigh the significant harm identified above. Therefore, having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR