

Appeal Decision

Site visit made on 16 January 2017

by Alastair Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 24 February 2017

Appeal Ref: APP/Q5300/W/16/3163381

Public House, 320 Baker Street, Enfield EN1 3LH

- 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 D Pinea against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/02816/FUL, dated 22 June 2016, was refused by notice dated 7 November 2016.
 - The development proposed is a change of use to part of the public house car park to facilitate a hand car wash and valeting business.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note from the planning application and my observations on site that the application is retrospective. The use of part of the car park as a hand car wash and valeting business has commenced, although at the time of my site visit it was not open.

Main Issues

3. The main issues are the effect of the development on:
 - i. the living conditions of the occupants of adjoining and nearby residential properties with particular reference to the cumulative effects resulting from frequent vehicle movements and general noise and activity created by the use;
 - ii. the character and appearance of the area; and
 - iii. the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

Living conditions

4. Although the site is part of a public house car park, the adjacent area is mainly residential with residential properties located immediately to either side of the site. The rear gardens of residential properties on Primrose Avenue lie to the rear of the site and there are residential properties on the opposite side of Lancaster Road.
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5. The proposed hours of opening of the business would be Mondays to Saturdays 0900 to 1700 and 0930 to 1630 on Sundays and Bank Holidays.
6. Owing to the nature of the car wash use with jet sprays, cleaning equipment and the potential constant movement of vehicles around, in and out of the site throughout the day for seven days a week, there is likely to be more vehicle movements and significantly more intensive and noisy activity than was generated by the previous car park use.
7. Furthermore, the vehicle washing and valeting area is located immediately adjacent to the boundary with the residential properties Nos 1 and 5 Lancaster Road and their associated private amenity space. Other nearby residential properties at Nos 324 to 328 Baker Street would also be close to the vehicle washing and valeting activities. The residential properties are separated from the site by a fence, and there is a canopy over the jet wash area and 2.4 metre high painted wooden and plastic hoardings around part of the site. However, I do not consider that these are sufficient to mitigate the level of unacceptable additional noise and disturbance experienced by the occupants of immediately adjoining and nearby residential properties.
8. I recognise that the development may not generate high levels of traffic relative to the overall use of the road network in the vicinity of the site. However, the number of vehicle movements in and around the site and in the immediate vicinity of the site would increase relative to the use as a public house car park, resulting in unacceptable additional noise and disturbance to the detriment of the living conditions of the occupants of nearby residential properties.
9. I understand there have been no noise complaints from local residents with respect to noise. Nonetheless, as identified in consultation responses local residents do have some concerns regarding noise. I also note that the Council's Environmental Health Officer does not object to the development subject to conditions restricting hours of operation and the erection of a 2.4 metre solid acoustic screen. Although restricting the hours of opening and erecting a 2.4 metre high acoustic barrier may provide some mitigation, due the very close relationship between the vehicle washing area and residential properties and the overall nature of the noise and general disturbance from the development I do not consider that conditions would provide the level of mitigation required in relation to the significant and unacceptable levels of noise and activity.
10. Therefore, on this issue I conclude that the development has an unacceptable harmful effect on the living conditions of the occupants of adjoining and nearby residential properties with particular reference to the cumulative effects resulting from frequent vehicle movements and general noise and activity created by the use. Therefore, it conflicts with Policy CP32 of the Enfield Plan Core Strategy 2010-2015 November 2010 (the CS), Policies DMD37 and DMD68 of the Development Management Document November 2014 (DMD), Policy 7.15 of the London Plan March 2016 and the Framework. Collectively, these seek to minimise noise pollution and recognise that developments that generate unacceptable levels of noise will not be permitted.

Character and appearance

11. Although the area immediately adjacent to the site is mainly residential, there are some commercial activities, including the adjacent public house, a car sales business on Baker Street and a petrol filling station and car repair business on Lancaster Road. The site has a particularly open frontage close to the junction of Baker Street and Lancaster Road and therefore, although set back into the site, the development is prominent within the street scene.
12. The car park is an established part of the street scene associated with the adjacent public house. However, the development has an untidy and cluttered appearance, including a storage container towards the front of the site, large canopy structure adjacent to a residential building, various advertisements and signage and associated car washing and valeting paraphernalia stored in the open.
13. Although there are other commercial premises nearby, this development is poorly designed, visually cluttered, prominent and incongruous adjacent to residential properties in this part of the street. It detracts from the setting of the adjacent public house and residential properties in its immediate vicinity and as such is inappropriate for this location.
14. Consequently, on this matter I conclude that the development is harmful to the character and appearance of the area and therefore conflicts with Policy CP30 of the CS, Policies DMD37 and DMD39 of the DMD and Policy 7.4 of the London Plan. These seek to ensure that all developments are of high quality having special regard to their context, restrict development that is inappropriate to its context and ensure that business premises maximise their contribution to the urban environment.

Safe and efficient operation of the highway network

15. The appeal site is located near to the junction of Baker Street and Lancaster Road. Although it is not within a controlled parking zone there are waiting and other parking restrictions in the vicinity of the site to ensure the safe flow of traffic and the safety of highway users near to the busy junction. There is a bus stop and shelter on Lancaster Road immediately outside the site and additional bus stops in the immediate vicinity of the site on both sides of Lancaster Road. Vehicular access to the site is directly off Lancaster Road.
16. No car parking spaces are shown on the submitted plans and from my observations on site there is no evidence of traffic and car parking arrangements or management within the site. Although at the time of my site visit at mid-afternoon on a Monday the car washing and valeting business was closed it appeared to me that the vehicle arrangements are ad-hoc. Although the site includes only part of the car park, the appellant states that the remainder is available for queuing vehicles. This conflicts with the Design and Access Statement which states that the car park has two separate parking areas and the development has little or no effect on the patrons of the public house. Nonetheless, much of the car park is outside the red line of the planning application and there is no evidence that the appellant would have any control over the land. Furthermore, the use of all of the car park for the car wash and valeting use is unacceptable as it would displace public house customers' vehicles elsewhere in the area and encourage on street parking locally.

17. The proposal generates additional traffic movements near to the site in an already busy and highly trafficked area close to the junction of a classified and a principal road. There is no clear indication of where vehicles wait to be washed or valeted and it is clear that at busy times vehicles may have to wait on the public highway, causing delays and potential hazardous highway conditions in the locality. This concern is exacerbated by the limited manoeuvring space available within the site.
18. I also observed on site that, as a consequence of the restricted width of the vehicular access and obstructions in the vicinity of the site such as raised kerbs, the narrow access does not support two way movements of vehicles to and from the site at the same time. This could result in conflicting movement at the access and in the immediate vicinity of the access, exacerbating the potentially dangerous highway conditions and the safety of highway users including pedestrians. Furthermore, the site access is immediately adjacent to bus stops either side of Lancaster Road. Buses stopping on the appeal side of the highway immediately outside the site would restrict the visibility of those vehicles exiting the appeal site, increasing potential safety concerns.
19. To summarise, the development raises significant concerns with respect to increases in traffic movements close to a busy junction, vehicles potentially waiting on the highway, lack of car parking provision and conditions likely to result in conflicting movements and hazardous vehicle manoeuvres in the vicinity of the site access.
20. The appellant contends that the development is relatively small and the frequency of vehicles during the day would be low. He also states that there is good vehicular visibility along Lancaster Road and that breaks in traffic generated by nearby traffic lights would allow drivers to move onto the carriageway. However, the nature of the development would attract a high number of vehicle movements at certain times. Furthermore, for reasons set out above I disagree that there is good visibility at the junction at all times and movements into and out of the site may be hazardous.
21. Therefore, on this issue I conclude that the development is prejudicial to the safe and efficient operation of the highway network in the vicinity of the appeal site and, as such, conflicts with the provisions of Policies DMD45 and DMD47 of the DMD which seek to ensure adequate and safe car parking and that access to new development is appropriately sited and is of an appropriate scale to ensure there is no adverse impact on highway safety and the free flow of traffic.

Other matters

22. I have noted that the appellant has identified that the proposal has been considered against Policy DMD38 of the DMD. However, I can find no reference to DMD38 in the Council's delegated report or planning refusal notice. I therefore conclude that it was not determinative in this case.

Conclusion

23. For the reasons given above and taking into account other matters raised I conclude that the appeal should be dismissed.

Alastair Phillips INSPECTOR