
Appeal Decision

Site visit made on 19 April 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 12 May 2017

Appeal Ref: APP/C4615/W/17/3168798

CM Services Garage & Valeting Wash Centre, Netherend Lane, Cradley B63 2PA

- 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 CM Services against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P16/1308, dated 20 September 2016, was refused by notice dated 15 November 2016.
 - The development proposed is single storey workshop extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice cites conflict with Policies DD1 and DD4 of the Dudley Unitary Development Plan (2005) (UDP). The UDP has now been replaced by the Dudley Borough Development Strategy (DBDS), adopted in February 2017, and no longer forms part of the development plan for the area. The parties have been given an opportunity to comment on the application of the DBDS policies to the appeal proposal and I have taken the Council's comments into account. No comments were submitted by the appellant within the timescale set for receipt of these. I have considered the appeal having regard to the development plan as it now exists.

Main Issues

3. The main issues are the effect on highway safety and whether the proposal would result in an intensification of an incompatible use in a predominantly residential area.

Reasons

Highway Safety

4. At the time of my site visit there were 11 vehicles on the forecourt to the garage and repairs were being undertaken to at least one vehicle in that open area. Much of the rest of the forecourt was taken up by the open storage of used tyres, plastic and steel drums and other materials. The extensive use of the forecourt for parking and storage effectively prevents the passage of vehicles through the site between the two points of access to Netherend
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Lane. Over the duration of my site visit the majority of vehicles leaving the site did so by reversing into the highway.

5. Such reversing manoeuvres in close proximity to the junction with Mogul Lane, and at a point where traffic from the south is approaching at some speed down the hill, pose a significant risk to the safety of the drivers of such vehicles and to other road users. At times when vehicles are parked immediately to the front of the premises that risk would be increased because that parking would screen an emerging vehicle from view and make it more difficult for the driver of that vehicle to see and gauge the speed of oncoming traffic.
6. No vehicles were parked outside the premises at the time of my visit but the Council's evidence, and that of the third party representations, suggests that such parking takes place on a regular basis. The appellant has use of some off-street parking on Mogul Lane and those spaces appeared to be fully occupied at the time of my visit. However, no evidence has been submitted as to the nature of the agreement for the use of those spaces or to demonstrate that their use can be guaranteed over the long term.
7. The appeal proposal would reduce the area available for parking and storage and lead to the more intensive use of the remaining area of the forecourt for these purposes. The loss of some of the existing forecourt parking would generate an increased level of overspill parking on the highway and would thereby add to safety concerns, particularly in respect of pedestrians using the footway and the nearby bus stop. The proposal would also reduce the width available for vehicles to pass between the new building and the forecourt canopy and make it more difficult for vehicles to enter and leave the site in forward gear.
8. Accordingly, I find that the proposal would cause unacceptable harm to the safety of highway users and would conflict with DBDS Policy S17 which states that all development should make adequate and safe provision for access and egress by vehicle users and other road users and for the loading and unloading of commercial vehicles.

Intensification of use

9. The repair/servicing and valeting activities appear to have outgrown the capacity of the site although the existing volume of open storage clearly has an effect on that capacity. However, many of the operations to be carried out in the proposed extension would be very similar to those that have previously been carried out in the open forecourt. The appellant states that there would be no increase in the number of people employed and no evidence has been produced to challenge that assertion.
10. I accept that the general appearance of the site and the existing open storage has an adverse effect on the visual amenity of the area but there is no evidence that the proposal would result in an intensification of the existing use. Indeed, the availability of a larger workshop may mean that there would be less need for vehicle repairs to be carried out in the open and might provide the potential for a reduction in the extent of open storage. Accordingly, I find no grounds to support the second reason for refusal and no conflict with the development plan in respect of such matters.

Conclusions

11. The proposal would benefit the appellant in terms of the operation of its business and could possibly bring some visual amenity benefit if it resulted in a reduced level of repair and other work being undertaken in the open air working and less open storage. However, those potential benefits would not be sufficient to outweigh the harm to the safety of users of the adjacent highway.
12. For these reasons, and having regard to all matters raised, I conclude that the appeal should fail.

Paul Singleton

INSPECTOR