The Planning Inspectorate

Appeal Decisions

Site visit made on 18 April 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 20 June 2017

Appeal A: APP/E5330/W/17/3166474
62A Westcombe Hill, Greenwich, London SE3 7DY

- 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 Wyse Cars against the decision of Royal Borough of Greenwich Council.
- The application Ref 16/3443/F, dated 13 October 2016, was refused by notice dated 29 December 2016.
- The development is change of use of storage land to car & van hire (sui generis use) erection of portacabin reception/office/awning.

Appeal B: APP/E5330/Z/17/3166478
62A Westcombe Hill, Greenwich, London SE3 7DY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Wyse Cars against the decision of Royal Borough of Greenwich Council.
- The application Ref 16/3445/A, dated 13 October 2016, was refused by notice dated 29 December 2016.
- The advertisement proposed is an aluminium composite (Dibond) panel with illuminated fret cut letters & logo 1.00 (H) x 2.00 (W) x 0.07 (D) M.

Decisions

Appeal A: APP/E5330/W/17/3166474

1. The appeal is allowed and planning permission is granted for change of use of storage land to car and van hire (sui generis use) erection of portacabin reception/office/awning at 62A Westcombe Hill, Greenwich, London SE3 7DY in accordance with the terms of the application, Ref 16/3443/F, dated 13 October 2016, subject to the conditions set out in the attached schedule.

Appeal B: APP/E5330/Z/17/3166478

2. The appeal is dismissed.

Applications for costs

3. Applications for costs were made by Wyse Cars against the Royal Borough of Greenwich Council. These applications are the subject of separate Decisions.

Procedural Matters

4. The planning application forms state that the change of use of the appeal site, the erection of the portacabin and the erection of the advertisement took place in January/February 2016. At the time of my visit a portacabin and awning were on site and their size, position and design appeared to be in accordance with the submitted plans. The portacabin appeared to be in use as a reception area. The site also contained a large number of parked vehicles, most of which appeared to be in a good state of repair. In addition to the portacabin and awning, a small breeze block/corrugated structure had been erected adjacent to the awning.

5. There was no advertisement on site at the time of my visit.

6. In reaching my decision I have assessed the development as shown on the submitted plans.

Main Issues

7. The main issues are:

For Appeal A

- the effect of the development on the living conditions of adjoining occupiers having regard to noise, light, vibration and odour.

For Appeal B

- the effect of the proposed sign on the character and appearance of the Westcombe Park Conservation Area.

Reasons

Appeal A

Living conditions

8. The appeal site comprises a relatively long and narrow strip of land positioned between the approach road to the nearby Westcombe Park railway station and the side and rear gardens of residential properties on Westcombe Hill and Humber Road. The rear garden boundaries of properties on Humber Road are marked by timber fences and walls of varying height and appearance. Windows in the side and rear elevation of the dwelling at 64 Westcombe Hill are positioned close to the appeal site boundary. The rear garden of No 64 is relatively small. Vehicular access to the site is via an existing access off Westcombe Hill, adjacent to No 64.

9. It appears from the evidence that prior to its current use the appeal site was used as a storage facility by Network Rail and at various times in the past for storage and vehicle repairs. However I note that in 2008 the Council refused to issue a certificate of lawful development for the use of the site for vehicle repair and storage (Ref 08/2487/CA). At the time of my visit continuous road noise from a nearby main road (A102) was audible from within the appeal site together with intermittent noise from trains on the adjacent railway line.

10. The development before me at appeal is a car and van hire business with the hours of operation as stated on the planning application form being 0900 to 1900 Monday to Friday and 0900 to 1300 on Saturday. No detailed parking

layout has been submitted with the application though the submitted location plan indicates car parking for rentals and customers to the front and side of the portacabin which it is stated provides office, reception and toilet facilities. It is stated within the application that the awning is to be used for vehicle preparation and detailing.

11. I have had regard to the concerns raised by the Council and by local residents relating to noise, disturbance and vibration resulting from, amongst other things, vehicle repairs, the use of generators and engine noise from cars being repaired with operations said to often run late into the evening. I also note that concerns have been raised relating to odour emanating from metallic dust and chemicals and light spillage from security lights mounted on the portacabin. However it seems that in the main the concerns raised relate to the operation of a car repair business and not to the car and van hire business that is the subject of the appeal.

12. Whilst I have some sympathy with local residents and whilst it appears from the evidence that a different use to that being applied for has been operating from the site, I must consider the development before me on its own merits. Having regard to the previous use of the site, to the existing background noise levels and to the scale and nature of the car and van hire use as detailed in the application and as controlled by suitably worded conditions controlling the hours of use and the nature of repair works to be carried out on site, I consider that any noise and disturbance and odours generated by the use would not be materially harmful to the living conditions of adjoining occupiers. I have seen no evidence to suggest that the car and van hire use would result in any vibration.

13. At my visit I noted that two security lights were positioned at either end of the portacabin. Having regard to the concerns raised regarding the impact of these lights on nearby properties and to the fact that the appellant is likely to want to use the lights beyond the times of the opening hours, I consider that it is necessary for lighting details to be agreed by the Council prior to the use of any lighting on site. This matter can be adequately addressed by the imposition of a suitably worded condition.

14. Taking the above matters into consideration, subject to the imposition of appropriately worded conditions, I conclude that the use of the site for a car and van hire business would not have a significant adverse effect on the living conditions of adjoining occupiers having regard to noise, light, vibration and odour. It therefore accords with Policy E(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (RGLP) and with Policy 7.15 of the London Plan (LP). These policies seek development proposals, amongst other things, to manage noise and avoid significant adverse noise impacts, to not have a significant adverse effect on the amenities of adjacent occupiers and not to result in unacceptable emission of noise, light, vibrations or odour.

Other Matters

15. In reaching my decision I have had regard to a number of other matters raised by interested parties. Firstly it appears that a number of cars and other vehicles associated with the use of the site for car repairs have been parked on nearby roads, sometimes adversely affecting highway and pedestrian safety. However as previously stated, the use of the site for car repairs is not before me and at the time of my visit there was no evidence that this was the case.

Were it to occur in the future any illegal parking of vehicles on nearby roads would be a matter for the police or for the Council. I also note the concerns raised regarding rubbish on site but again at the time of my visit there was no rubbish evident on site and there is no evidence to suggest that the car and van hire use would generate a significant amount of rubbish.

16. In addition I note the concerns raised regarding anti-social behaviour associated with the appeal site. Whilst it appears that this may have previously occurred, such behaviour is not a direct consequence of the development and is a matter to be pursued by the relevant bodies should it occur in the future. Having regard to previous uses of the site and to existing rear garden boundary treatments I consider that the car and van hire use would not have a materially adverse impact on privacy and there is no substantive evidence that it would adversely affect the sewage system, drainage or that the use of the site would create a security or health hazard for local residents. Any effect of the development on property values is not a matter for me as the planning system operates in the public interest and does not seek to protect private interests.

17. Finally, the site is located in the Westcombe Park Conservation Area (CA). The Council raised no objections to the impact of the development on the CA. I have no reason to disagree with the Council's findings on this issue and I am satisfied that the character and appearance of the CA would be preserved.

Appeal B

Character and appearance

18. As stated above, the appeal site is located in the CA and comprises a strip of land located between the railway station approach and residential properties.

19. The proposed internally illuminated sign would be mounted in an elevated position on an existing fence at the appeal site entrance. It would be adjacent and perpendicular to the road, close to the front and side elevation of the dwelling at 64 Westcombe Hill and would obscure views of the front of that property and its neighbours when viewed from near to the railway bridge on Westcombe Hill. Due to its size, illumination and prominent position the proposed advertisement would be intrusive and incongruous within the street and would be harmful to the character and appearance of the CA.

20. Though I note the existence of two large advertisement hoardings on the railway bridge near to the appeal site, I am unaware of the details or particular circumstances relating to these hoardings and in any event whilst they form part of the character of the CA, they are not illuminated and are viewed against the backdrop of the railway bridge and the railway line and not against residential properties as is the case with the proposed illuminated advertisement.

21. Whilst I acknowledge that only one advertisement is proposed and the commercial nature of the appeal site and its previous use, I consider that this does not justify the harm that would result to the character and appearance of the area, including the CA. Similarly the fact that the advertisement would be on the edge of the CA and that it would only be illuminated during the hours of darkness does not mitigate the harm that would result.

22. In reaching my decision I have had regard to policies 7.4 and 7.8 of the LP and policies DH1, DH3, DH(f) and DH(h) of the RGLP which seek, amongst other things, development proposals including advertisements to protect and enhance heritage assets, positively contribute to the built environment and harmonise with the scale and character of the surrounding area. Given that I have concluded that the proposed advertisement would be harmful to the amenity of the area, the proposal conflicts with these policies.

Conditions

Appeal A

23. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the relevant plans as this provides certainty. I have also imposed conditions requiring any parking and repair works associated with the use of the site to take place within the site, specifying the nature of repair works permitted to be carried out on site and controlling the hours of use of the site. For the reasons stated, I have also imposed a condition regarding lighting on the site. These conditions are all to safeguard the living conditions of the adjoining occupiers.

Conclusion

24. For the above reasons and having regard to all matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1/1250 Scale Site Location Plan, Location Plan #1037367 and 1/100 Scale Portacabin and Awning Plan.

2) All parking and works associated with the car and van hire use shall take place within the site.

3) Any work to vehicles on site shall be restricted to the servicing of and minor repair work to vehicles for hire from the site and shall not include the use of metal-cutting or heavy machinery.

4) The use hereby permitted, including any associated vehicle servicing and repair, shall only take place between the following hours: 0900 to 1900 Monday to Friday and 0900 to 1300 on Saturdays.

5) Prior to the use and installation of any external lighting on the site, details of the lighting shall be submitted to and approved by the local planning authority. Any external lighting on site shall be in accordance with the approved details.