

Appeal Decision

Site visit made on 12 June 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 4th July 2017

Appeal Ref: APP/D4635/W/17/3170206

32 & 34 Mount Pleasant, Bilston, Wolverhampton, West Midlands WV14 7LS

- 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 Kamaran Hamed against the decision of Wolverhampton City Council.
 - The application Ref 16/01331/FUL, dated 8 December 2016, was refused by notice dated 24 January 2017.
 - The development proposed is a carwash facility service only.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit the car wash facility was in operation. Accordingly, I have determined the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance.

Reasons

Background

4. The initial planning application sought permission for a car washing facility and a tyre service business. However, the tyre service element was omitted and the application was determined on the basis of the car washing facility only. At the time the decision notice was issued, the Council simultaneously issued an enforcement notice which required the cessation of the use of the land for car wash/tyre sales and fitting and remove all ancillary structures and equipment used in connection with this use.
5. The Council confirms that the enforcement notice was not appealed and is now in force. My determination of this section 78 appeal does not prejudice the Council's position regarding the enforcement notice.

Living Conditions

6. The appeal site forms part of a large car park area. Vehicular access to the site is off Mount Pleasant. The site comprises an open fronted shelter with three bays, a storage shed, a customer waiting room and a staff cabin. Only one of the bays within the shelter is proposed to be used in association with the car wash facility and would be used for valeting. At the time of my site visit there was no evidence that the tyre service business was operating from the site.
7. Residential properties on Mountford Lane back onto the site, although there is a Council owned strip of land on the boundary between them, as confirmed by the appellant. The dwellings are approximately between 23m and 30m distance from the site. This strip of land includes a line of very tall conifer trees that screen views of the dwellings from the appeal site. The appeal site is approximately 1m below the ground level of these neighbouring properties. To the north east of the site is an industrial unit which forms part of an industrial estate.
8. I noted during my site visit that the appeal site was quiet. There were no customers during this time. The only discernible ambient noise was the traffic on Mount Pleasant. Whilst I did not have access to the neighbouring residential properties, I find no reason why they would not also be quiet.
9. Whilst the site is some distance from the neighbouring dwellings, it is within proximity of their rear gardens. The proposal would use equipment such as pressure washers, vacuum cleaners and possibly a compressor. In addition, further noise and disturbance would be caused as a result of traffic movements in and out of the site, car doors closing, the starting of engines and general discussions between staff and customers. Cumulatively, this would have a particularly harmful effect on the occupants of properties fronting Mountford Lane and their enjoyment of their home and outdoor amenity space.
10. I note that the pressure washers could be set at their lowest setting. However, they would nevertheless still contribute to the overall noise and disturbance that would emanate from the site.
11. I acknowledge that the site forms part of a car park and therefore it would generate some noise and disturbance when in use. However, it would not be to the extent of the proposed use.
12. I find therefore that the proposal significantly harms the living conditions of the occupants of the neighbouring residential properties, with regard to noise and disturbance. As such, it is contrary to Saved Policies EP5 and B5 of the Wolverhampton Unitary Development Plan, which seek to prevent developments that give rise to unacceptable levels of noise pollution and protect residential amenity.

Other Matters

13. I have had regard to the proposed imposition of a condition that would limit the use of the site as a car wash facility for a temporary period of three years only. However, as I have found that the proposal would significantly harm the living conditions of the occupants of neighbouring residential properties I do not consider that such a condition would be reasonable and therefore fails to satisfy the tests set out in paragraph 206 of the National Planning Policy Framework.

Conclusion

14. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR