

Appeal Decision

Site visit made on 7 June 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/U5930/W/17/3168867

Lee Valley Ice Centre, Lea Bridge Road, Leyton, Waltham Forest, E10 7QL

- 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 Dashnor Morina against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 160334, dated 8 February 2016, was refused by notice dated 9 November 2016.
 - The development is a hand car wash covered area canopy.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the openness, and the character and appearance of the Metropolitan Open Land and surrounding area; and
 - The effect of the development on the living conditions of nearby occupiers, with regard to noise and disturbance.

Reasons

Openness, character and appearance

3. The site is classified as Metropolitan Open Land (MOL). Such land does not benefit from specific protection within the National Planning Policy Framework (the Framework). However, Policy DM12 of the Council's *Development Management Policies* (DMP) (2013) places a similar level of protection on MOL as it does Green Belt land within the borough. The supporting text of this policy notes *The London Plan's* (2011) presumption against inappropriate development on MOL.
 4. The site borders a strip of green open land, beyond which is Lea Bridge Road. The appeal canopy was in place at the time of my visit, although no business was operating from underneath. Beyond the site is a car park serving the Lee Valley Ice Centre, with Essex Wharf flats to the south-west. The lack of built structures on the land immediately surrounding the appeal site allows clear views of the canopy from across the car park, the road, and the surrounding buildings.
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5. The core of the designation of the land as MOL is to prevent harm to openness. The appellant states that the land is already developed. However, the appeal development results in new structures being erected on an otherwise flat area currently used as a car park. Despite the presence of lighting poles with advertising affixed throughout the car park, and the nearby Ice Centre building, the site, the car park and the bordering green land, does currently have an open character. Development, by its very nature, reduces openness. The development would result in new structures being erected, which although lightweight in nature and appearance, would reduce this openness.
6. The unencumbered visibility of the canopy from the road and surrounding areas, and the associated activity and structures that could be associated with a hand car wash, can and would result in clutter within an otherwise open car park, with a correspondingly negative impact on its appearance. The canopy is unlike any other structures in the area and appears out of place within the otherwise open nature of this part of the site, and as such, it has a detrimental impact on the area's character.
7. I have considered the appellant's offer to repaint the canopy, but this would not be sufficient to negate the impacts that I have described. I therefore conclude that the development has a harmful impact on the character and appearance of the MOL and surrounding area. It conflicts with the Council's adopted *Core Strategy* (2012) Policies CS5 and CS15, and *Development Management Policies* (2013) (DMP) Policies DM12 and DM24, which together set strict controls on development on MOL, and promote high-quality design which is appropriate to its context, amongst other factors.

Living conditions

8. The multi-storey flatted Essex Wharf development borders the car park, with direct views from habitable room openings. These face the appeal development and are also orientated away from the road. Background noise levels were moderate at the time of my visit, despite the proximity of the busy Lea Bridge Road. However, due to the open nature of the land, it is likely that any loud activities emanating from the car wash would be heard by residents. Such activities normally associated with hand car wash businesses could include pressure washers, pumps, vehicle movements and noise from workers.
9. No noise assessment was submitted with the evidence, and despite the appellant's agreement to a temporary permission period, this would nonetheless subject residents to at least one year of potentially disruptive noise. Any potential planning conditions limiting potential noise-generating activities would be unreasonable, owing to the small nature of the enterprise.
10. On this main issue, I therefore conclude that the development would have a harmful effect on the living conditions of nearby occupiers, including with regard to noise and disturbance. It would conflict with Core Strategy Policies CS13 and CS15, and DMP Policies DM24 and DM32, which together require noisy development to be located away from noise-sensitive uses, and preserve the living conditions of residents, amongst other considerations.

Other matters

11. I have taken into consideration the fact that the development would add to the employment capacity of the area. Whilst this benefit does have a positive

balance on my decision, it is not sufficient to outweigh the harm that I have identified. I have also read the appellant's comments on the Council's handling of the application, but these matters do not affect the planning merits of the case.

Conclusion

12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR