
Appeal Decision

Site visit made on 20 February 2018

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2018

Appeal Ref: APP/F5540/W/17/3180267

Rear of 57a High Street, Cranford, Hounslow TW5 9RQ

- 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 Jaswinder Singh Gill against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00608/57-57A/P1, dated 27 October 2016, was refused by notice dated 19 January 2017.
 - The development proposed is described as 'proposed car wash and associated office and development'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's Decision Notice is undated. However, during the appeal process the Council has confirmed that the Decision Notice was issued on 19 January 2017.

Main Issues

3. The main issues are:
 - i) whether the development would preserve or enhance the character or appearance of the Cranford Village Conservation Area;
 - ii) the effect of the development on the living conditions of occupiers of neighbouring properties in respect of noise, disturbance and outlook; and,
 - iii) the effect of the development on road safety and the flow of traffic on The Avenue.

Reasons

Character and appearance of Conservation Area

4. The appeal site is located within the Cranford Village Conservation Area (CA). It comprises a triangle of land to the rear of dwellings which front the High Street and has a substantial and prominent frontage onto The Avenue, opposite Avenue Gardens and in close proximity of the Open Way War Memorial.

5. The Avenue is a residential road characterised by a range of dwelling types set behind deep grass verges incorporating mature trees that line the road. The particular section of The Avenue which the appeal site forms part of includes the rear gardens to properties along the High Street. These gardens are generally enclosed with boundary treatments and mature hedging and also set behind the grass verge. The Avenue along with the Open Way War Memorial, give the area a distinctly suburban, verdant character and appearance, which contributes to the significance of the CA.
6. Parts of the hedge along the frontage of the appeal site have been removed to create an informal access which is secured by temporary fencing. Internally, the site is unkempt with large amounts of rubbish strewn across it. This detracts from the appearance of the site and the CA.
7. The proposed development would require all of the existing fencing and hedging along the frontage of the appeal site to be removed and the creation of a large open hard surfaced area along with the associated parking of vehicles, signage and vehicle cleaning paraphernalia. The proposals also include access and egress points to allow vehicles to enter and leave the site via The Avenue. These would result in sections of the grass verge being removed.
8. Consequently, despite the inclusion of some landscaping along the rear boundaries of the appeal site the proposed development would result in the urbanisation of the appeal site, which would erode and significantly detract from the verdant, suburban and residential character of The Avenue.
9. Additionally, in the far corner of the appeal site a modest single storey office building is also proposed. Although simple in design and form this would be uncharacteristically small in size and of limited architectural merit compared to nearby dwellings.
10. For the above reasons the proposal would fail to preserve or enhance the character or appearance of the CA and the significance of the heritage asset would be harmed. I attach considerable importance and weight to the desirability of avoiding any such harmful effect.
11. The harm the proposal would cause to the significance of the CA would be less than substantial. Paragraph 134 of the National Planning Policy Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
12. In this particular case the appellant asserts that the proposal would provide a car wash which is needed in the area and that the proposed development by bringing the appeal site into use would also facilitate its clearance and future maintenance.
13. There is limited substantive evidence of a need for a car wash in the area. Even if a need were demonstrated for a car wash, I am not satisfied that this would outweigh the harm I have already identified. Nor am I persuaded that the improvement in the appearance and future upkeep of the appeal site is solely dependent on the proposed development.
14. For the above reasons, in my judgement, there are no public benefits, which outweigh the harm that I have already identified.

15. I acknowledge that the condition of the appeal site detracts from the appearance of the wider area. However, I do not assume that the condition of the appeal site would remain as such in the event of the appeal failing. Particularly as the Council is pursuing enforcement action to restore the condition of the appeal site. Therefore, I attach limited weight to the current state of the appeal site.
16. In conclusion, the proposed development would fail to preserve or enhance the character or appearance of the Cranford Village Conservation Area. It would conflict with Policies CC4 and CC1 of the Local Plan (LP), which amongst other things require development proposals to conserve and take opportunities to enhance any heritage asset and its setting in a manner appropriate to its significance. The proposal also fails to accord with the overall design aims of Policy CC2 of the LP.

Living conditions of neighbours

17. The appeal site is bound by the gardens of three neighbouring dwellings. In particular the dwellings 57 and 57a High Street are very close to the appeal site. The introduction of a car wash which would involve vehicle movements, use of cleaning apparatus such as vacuum cleaners and other associated activity would introduce additional activity which would generate additional noise and disturbance in close proximity of the living areas and gardens of nearby properties. Such noise and disturbance would harm the living conditions of neighbours, particular during summer periods when they would want to open windows for ventilation or use their gardens for associated outdoor activities.
18. In the absence of any other form of mitigation the appellant suggests that the operation of the use could be controlled by a condition. However, no such condition has been suggested. In any case it would be difficult to use conditions to mitigate a car wash use operating in the open, immediately adjacent to dwellings.
19. Some of the neighbouring properties have windows which face towards the appeal site. Neighbours in a suburban residential area would reasonably expect an outlook onto adjoining gardens. In this particular case as a consequence of the proposal the largely hard surfaced site along with parked cars would offer an unacceptably bleak outlook for neighbours.
20. For the above reasons the proposed development would harm the living conditions of neighbours in respect of noise, disturbance and outlook. This would be in conflict with Policy EQ5 of the LP which aims to reduce the impact of noise from transport and noise-generating uses. The proposed development would also fail to accord with Policy CC2 of the LP which amongst other matters seeks new development to safeguard the outlook of adjacent dwellings.
21. I also find conflict with one of the core principles of the Framework, which is to always seek to secure high quality design and a good standard of amenity or all existing occupants of land and buildings.
22. The Council has also referred to policy EC2 of the LP. This policy aims to secure sustainable modes of travel and does not specifically relate to the living conditions of neighbours. Therefore, in these respects I find no conflict with Policy EC2 of the LP.

Effects on highway safety

23. During my visit I observed that The Avenue is a busy road in terms of pedestrian and vehicular traffic. Third party representations also confirm that this road is particularly busy during morning and evening peak periods. It is also on a bus route and parking restrictions are in place near the appeal site. Policy EC2 of the LP amongst other things requires that new proposals demonstrate that adverse impacts on the transport network are avoided.
24. The appellant asserts that the highway can accommodate the proposed vehicle cross over points and would afford good visibility for pedestrians and drivers. Also, that the proposed one-way system through the site would work with the flow of traffic along The Avenue.
25. However no swept path analysis has been provided to demonstrate that vehicles would be safely able to manoeuvre on and off the appeal site and no details of visibility splays have been provided. The appellant has also suggested that the site can accommodate 6 vehicles, but this has not been demonstrated.
26. To manage queuing on the highway the appellant proposes using a sign showing waiting times. I am not persuaded that this would be effective, particularly if visitors only have to wait for short durations.
27. Furthermore, the new access and egress points would be in close proximity to two junctions and limited information has been provided in respect of the level of vehicle movements the proposed use would generate and how these would impact on the highway, in particular the nearby junctions.
28. Overall, the appellant has failed to demonstrate that the proposed development would not harm road safety and the flow of traffic on The Avenue.
29. I therefore find conflict with Policy EC2 of the LP.

Conclusion

30. For the reasons set out above, I dismiss this appeal.

M Aqbal

INSPECTOR