
Appeal Decision

Site visit made on 16 September 2019

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/D5120/W/19/3226684

Rear of units 1-2, 21 Picardy Street, Belvedere, Kent DA17 5QQ

- 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 J Cheema against the decision of the Council of the London Borough of Bexley.
 - The application Ref 18/02119/FUL, dated 8 August 2018, was refused by notice dated 16 October 2018.
 - The development proposed is a hand car wash and valeting centre including portable office and erection of canopy together with 1 x new cross over and 2no secure gates.
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Decision

1. The appeal is dismissed.

Procedural matter

2. As the address of the site given on the application form is incomplete, I have used the details provided on the Council's decision notice in the above heading.

Main issues

3. The main issues are the effect of the proposal on highway safety for users of Dylan Road and on the living conditions of the occupiers of dwellings in the vicinity of the site, with regard to potential noise and general disturbance.

Reasons

Highway safety

4. The proposed hand car wash and valeting centre would operate within the rear service yard of a retail store that faces Picardy Street. Access and egress to the site would be from Dylan Road, which also serves, amongst other things, a number of commercial and mixed-use premises and flats within Jenner House, which is a multi-storey building at the corner of Picardy Street and Dylan Road.
5. There are on-street vehicle parking restrictions along parts of Dylan Road in the form of single and double yellow lines. Vehicle parking along other sections of this highway are unrestricted and, from what I saw, are well used for this purpose. One effect of on-street parking along Dylan Road is to narrow the carriageway for passing motorists to the extent that it results in one-way traffic movements notably just to the east of the site.
6. The proposed layout shows a one-way system in which a car would enter the site through the western access. It would then wait, if necessary, in the single

bay before moving along the single line of three bays for washing and valeting and then exiting via the proposed eastern access. According to the appellant, it is unlikely that this arrangement would lead to queues along Dylan Road because there would be adequate space within the site to accommodate vehicles even at the busiest times and taking into account fluctuations in demand. That finding is, however, predicated on an orderly flow of vehicles through the site.

7. Both main parties note that the service yard within which the proposed development would take place is operational. The presence of service vehicles in the yard associated with the adjacent retail store could interrupt the flow of cars through the proposed washing and valeting bays. It could also prevent customers from parking on site as the appellant states that service vehicles would normally use the western access to both enter and exit the site. In those circumstances, customers would almost certainly need to wait along Dylan Road until the service vehicle had left the site. This arrangement could result in queues and cause an obstruction to other road users.
8. To avoid these problems, the appellant states that service vehicles would either visit outside of the proposed opening hours or alternatively park in front of the retail store. To secure restrictions on delivery times and areas the appellant has suggested that a condition could be imposed to, for instance, require that a service management plan be put in place. However, this condition may be regarded as unreasonable because it could unduly hinder the operation of the adjacent retail business. As such, it would fail at least one of the six tests set out in paragraph 55 of the National Planning Policy Framework. In those circumstances, the Planning Practice Guidance (PPG) clearly states that the condition should not be used.
9. In addition, motorists could approach the site along Dylan Road from two opposing directions with the potential that westbound cars could block the proposed exit if a queue develops along the site's highway frontage. That on street parking along Dylan Road to the east of the site results in one-way traffic movements would accentuate this congestion because the space available within the carriageway to manoeuvre a vehicle would be limited.
10. Staff working on the site could alert approaching drivers of possible congestion and directional signs could be introduced to provide guidance to road users of the proposed in-out arrangement. However, these measures are unlikely to reduce the problems resulting from vehicles parked on the highway given that customers may be unable or unwilling to manoeuvre their vehicle to allow others to pass if there is congestion in the vicinity of the site's entry and exit points. While drivers may decide to use another car wash elsewhere if a queue is evident on the immediate approach to the site, other parked vehicles may hinder the ability to turn a car around. To my mind, additional parked vehicles along Dylan Road in the vicinity of the site would be very likely to obstruct the flow of traffic and pose a significant risk to highway safety given the obvious danger and inconvenience to other highway users that could materialise.
11. The appellant has suggested that planning permission could be granted for a temporary period to allow the effects of the proposal to be assessed. The PPG notes that such an approach may be appropriate where, for example, a trial run is needed to assess the effect of the development on the area. However, the considerations to which I have had regard in this case are not limited or

made different by a decision to make the planning permission a temporary one. Consequently, I am not persuaded that a temporary planning permission would be appropriate in this instance.

12. On the first main issue, I conclude that the proposal would cause significant harm to highway safety for users of Dylan Road. Of the policies cited by the Council that are most relevant to this issue, it conflicts with Policies G18, ENV39 and T17 and Design and Development Control Guideline 5 of the Council's Unitary Development Plan (UDP) and Policies CS01 and CS15 of the Bexley Core Strategy (CS). These policies and guideline aim, amongst other things, to safeguard and improve road safety and to ensure that new development is satisfactorily located, taking into account the impact on traffic flows and the operation of the transport system.

Living conditions

13. The flats within Jenner House and other nearby dwellings would be reasonably close to the proposed development with views from windows that are likely to serve habitable rooms. Even so, these existing dwellings are close to well-used roads and retail and commercial premises in an urban location. Therefore, the occupiers of these dwellings will not necessarily enjoy the levels of peace and tranquillity or ease of parking that might be found in other wholly residential areas. Given the background noise from passing vehicles and the vehicle parking that already takes place along Dylan Road and connecting streets, I am not convinced that the potential disturbance that might arise from idling car engines as customers wait on the highway or indiscriminate parking would be so harmful as to unacceptably harm the amenity of local occupiers.
14. On the second main issue, I conclude that the proposal would not cause significant harm to the living conditions of the occupiers of nearby dwellings. As such, it does not conflict with the policies identified by the Council insofar as they aim safeguard amenity. My favourable finding on this matter does not outweigh the harm that I have identified in relation to highway safety.

Other matters

15. Reference is made to other car wash proposals that have been decided on application and appeal, which I have taken into account. From the details provided, these examples differ in location to the site and their circumstances do not appear to be the same or very similar to the proposal before me. In any event, I have assessed the appeal scheme on its own merits.
16. The proposal would make efficient use of the site, which the appellant states is under used. It would also provide employment, use high quality materials and add to consumer choice in a predominantly commercial setting. Measures would maximise the recycling of water. The new office and canopy would be largely hidden from public view behind the tall boundary wall and thus would not be obtrusive. However, these considerations do not outweigh the significant harm that I have identified in relation to the first main issue.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane INSPECTOR