



Appeal Decision

Site visit made on 23 July 2019

by David Storrie Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/P4225/W/19/3224495

Land to side and rear of Ruchi Restaurant, 69-71 Whitworth Road, Rochdale, OL12 0RD

- 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 Abdul Hye against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 18/00801/FUL, dated 13 July 2018, was refused by notice dated 3 October 2018.
 - The development proposed is the use of land to form car park and car wash facility.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on the character and appearance of the area, having particular regard to the loss of a green space and the effect of the proposed canopy on visual amenity, and the effect of the proposed use on the living conditions of the occupiers of neighbouring residential properties.

Reasons

Character and appearance

A) Loss of green space

3. The appeal site is a piece of grassland to the side and rear of 69-71 Whitworth Road. Sladen Street and Clementina Street run along the north and south boundaries of the site, respectively. To the west of the site is a block of residential flats with a chalet type property close to the shared boundary with the application site. Whilst there is some uncertainty about the validity of the residential use of chalet type property on the site boundary, both parties acknowledged that it was in residential use.
4. The surrounding area is predominantly residential to the west with a mix of commercial properties with residential uses above in the local centre to the north, south and east of the site. The proposed development would remove the grassed area replacing it with a hard surface to facilitate car parking spaces for the restaurant in the evening and a car wash during the day.

5. Planning permission was granted in 2017 for use of the site as a car park (Application reference 17/00823/FUL) that would have resulted in hard surfacing the site apart from a 1m deep planting strip fronting Whitworth Road and part of Clementina Street. I give this significant weight in my consideration of the appeal as the Council accepted the loss of a significant part of the grassland in granting planning permission for the car park. The appellant has said they would be happy with a planning condition requiring a 1m deep planted strip as shown in the 2017 planning permission, if considered appropriate. Whilst such planting would not provide the same open space feature of the existing grassland, it would help to soften views into the site from Whitworth Road, and I am satisfied that it could be covered by way of an appropriate planning condition.
6. The land appears to have no particular function, other than visual, in the locality where such views are limited when travelling along Whitworth Road. This would provide some visual relief in the urban area, but I do not consider that this is of sufficient merit to warrant justifying its retention or the refusal of planning permission.
7. Taking this into account, and the fact that the land is privately owned and has no specific designation of protection in the development plan, I consider that the loss of the grassland area would be acceptable and not conflict with Policies P3, G6 and DM1 of the Rochdale Core Strategy (CS) (2016) and Saved Policy S/6 of the Rochdale Borough Unitary Development Plan (UDP) (2006) that, amongst other things, seek to ensure that new development enhances the quality of an area and uses landscaping to reduce the monotony and visual impact of car parks.

Proposed canopy

8. The proposed layout for the car park and car wash provides for the siting of a tubular framed demountable canopy, to facilitate valeting, located at the junction of Whitworth Road and Clementina Street. This is a prominent position fronting Whitworth Road and would be highly visible in the street scene. It would be an incongruous feature in the area that I consider would be harmful to the character and appearance of the area. Notwithstanding that it is intended that the structure would be taken down when the car wash is closed, this would not significantly diminish the harm I have identified that would be during the day.
9. Taking the above into account, this would conflict with CS Policies and DM1, and Saved UDP Policy S/6.

Conclusion on this main issue

10. Notwithstanding my conclusion on the loss of the green space, this does not outweigh the concerns I have in respect of the proposed canopy that would form part of the proposed car wash facilities.

Living conditions

11. Residential uses exist adjoining the eastern and western boundaries of the site. Given this juxtaposition it is likely that there would be some impact, in terms of noise, particularly from jet sprays and engines running, that would adversely affect the living conditions of occupiers of these residential properties. The submitted plans provided no information on how this impact could be

mitigated. Notwithstanding the question mark regarding the validity of the residential use of the chalet type property on the western boundary, the living conditions of existing occupiers must be a consideration. Equally, whilst the self-contained residential units above the Ruchi restaurant on the eastern boundary are owned by the appellant, that is no reason to allow a development that could harm the living conditions of occupiers.

12. The car wash would generate traffic movement through the site during the day with the operation of equipment, such as jet sprays and vacuums, and the running of engines that would generate noise in close proximity of neighbouring residential properties. In the absence of any details of proposed mitigation to deal with this issue I conclude that the proposed development would give rise to an unacceptable noise nuisance that would harm the living conditions of the occupiers of residential uses on the boundary of the site. This would conflict with CS Policies DM1 and G9 and Saved UDP Policy S/6 that, amongst other things, seek to ensure that new development does not harm the amenity of neighbouring properties.

The Planning balance and conclusion

13. Whilst I have found that the loss of the green space is acceptable, this does not outweigh the concern I have found in respect of the proposed canopy associated with the proposed car wash, and the impact of the car wash operation on the living conditions of the occupiers of nearby residential properties.
14. For the above reasons, the appeal is dismissed.

David Storrie

INSPECTOR