



---

## Appeal Decision

Site visit made on 20 January 2020

**by Adrian Hunter BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision: 24<sup>th</sup> February 2020**

---

**Appeal Ref: APP/U3935/W/19/3238711**

**The Boundary House, 1 The Street, Moredon, Swindon, SN25 3ER**

- 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 Arkell's Brewery Limited against the decision of Swindon Borough Council.
  - The application Ref S/18/1546/RM, dated 14 September 2018, was refused by notice dated 17 June 2019.
  - The development proposed is for the erection of a canopy and siting of a storage container to existing car park for use as car wash/valeting bays.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Arkell's Brewery Limited against Swindon Borough Council. This application is the subject of a separate Decision.

### Preliminary Matter

3. For the purposes of clarity and precision, the description of development given above is taken from the decision notice.

### Main Issue

4. The main issue is the effect of the proposal upon the living conditions of nearby residents, with particular regard to noise and disturbance.

### Reasons

5. The appeal site lies in an urban location and comprises part of the existing surface car park associated with The Boundary Public House. To the east is the side elevation of No 2a Purton Road. To the north are the residential properties which form Silbury Mews. These properties are raised above the appeal site and, as a result, look down onto the site. Access to the appeal site is directly from Moreton Road. Existing boundary treatment around the site includes a mixture of hedges, wooden fences and established landscaping. There are open views of the appeal site from the pub garden, which is also elevated above the appeal site.
6. The proposal would involve the use of the western part of the existing car park as a car wash. The submitted plans show the service bays would be located backing onto the western boundary of the site, with an open canopy across

them. A unit for the storage of equipment is also proposed, located in the north-west corner of the site.

7. The appeal site is currently used as a pub car park, therefore surrounding neighbours are likely to already experience a degree of noise and disturbance from the existing use. When in operation, the proposed use would introduce new activities, such as jet washing of cars and the operation of vacuum cleaners. The submitted Noise Assessment confirms that the noise generated from these activities would be likely to exceed the existing background levels and would result in a significant adverse impact when measured at surrounding properties. The Assessment recommends a number of measures which would be required to mitigate the identified increase in noise. Whilst the proposal does include a restriction in the hours of operation of the use, I note from the information before me, that none of the other recommended mitigation measures form part of the proposal. I have considered whether it would be possible to attach suitably worded conditions to ensure that appropriate mitigation, as recommended in the Noise Assessment could be provided. However, implementation of the recommended mitigation would fundamentally alter the development's design and appearance. As such, it would be inappropriate to impose those conditions.
8. I therefore conclude that the proposed development would harm the living conditions of nearby residents and, in this respect, is contrary to policy DE1 of the Swindon Local Plan 2026 which, amongst other things, seeks to ensure that development proposals consider the impact upon neighbours in respect of matters of noise and disturbance.

### **Conclusion**

9. I conclude that for the above reasons, and having taken into account all other matters raised, the appeal should be dismissed.

*Adrian Hunter*

INSPECTOR