



Appeal Decision

Site visit made on 21 July 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2020

Appeal Ref: APP/D4635/W/20/3249445

Unit 4, Webner Industrial Estate, Ettingshall Road, Ettingshall, Wolverhampton WV2 2LD

- 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 Ghulam Abbas against the decision of Wolverhampton City Council.
 - The application Ref 19/01462/FUL, dated 18 December 2019, was refused by notice dated 5 March 2020.
 - The development proposed is temporary planning application for an environmentally friendly car wash (6 month period).
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Decision

1. The appeal is dismissed.

Main Issues

2. The red line indicating the application/appeal site encompasses one building, indicated on the plan as subdivided into Unit 4 and Unit 4A, and the surrounding shared service yard. Although the address for the proposal is described on the planning application form as "Unit 4" the plans indicate that the car wash would be located solely within the shared service yard. I have determined the appeal on this basis.
3. The main issues are whether or not the proposal is an appropriate form of development in the location proposed; and the effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. The appeal site is in an area of mixed commercial uses. It fronts onto Ettingshall Road, which is a classified road with significant traffic flows. Unit 4 is described on the plan as vacant but formerly appears to have been a MOT garage. Unit 4A is in use as a car tyre centre. In principle there is no objection to automobile related services such as a car wash in the area, particularly if operated in an environmentally friendly fashion, and provided other planning policies and material considerations are satisfied.
5. The appeal site has a vehicular access point, in front of Unit 4A close to the junction of the industrial estate service road and Ettingshall Road, and a second from the service road to the rear. The latter directly adjoins the access to the adjacent Unit 3. Both Units 3 and 4 have large roller shutter doors in the elevations facing the rear access.

6. The main front wall of Unit 4A faces Ettingshall Road and projects forward of the front wall of Unit 4. Tyre fitting is predominantly carried out in the service yard as there appears to be little room inside Unit 4A other than for storage.
7. The designated car wash area would be sited close to the Ettingshall Road frontage where the service yard narrows at the front corner of Unit 4A. The customer parking for the car wash would be directly opposite the roller shutter doors for Unit 4A. As observed during my mid-morning weekday site visit, vehicles associated with the tyre fitting services currently use these areas for parking. Whilst I acknowledge my visit is only a limited point in time this seems logical as being closest. As a result of the proposed development this parking would be displaced towards the boundary with Unit 3, beyond the proposed parking for car wash employees.
8. The plans indicate a proposed one-way system for vehicles entering in front of Unit 4A and exiting between Units 4 and 3. In principle such an arrangement could improve the flow of vehicles through the site. However, in this case it seems likely that there would be a requirement to move vehicles to and from the servicing area at the front of Unit 4A and its illogically placed parking area the other side of the proposed car wash. The quickest route would be contrary to the proposed one way system which would lead to congestion at the narrowest part of the site near the entrance. This could lead to congestion on the estate service road close to its junction with Ettingshall Road with the potential to interrupt the efficient and safe flow of traffic. The proposed layout would not amount to good design.
9. The plans show staff parking to the north of Unit 4A. However, this would require vehicles to be manoeuvred over the footway which could harm the safety of users of the footway and road. Moreover, the layout plan Ref 1001-2019-11 makes no provision for parking or associated activities for Unit 4. Although vacant at present this may not always be the case. There is nothing to prevent an appropriate use resuming in Unit 4 which would be likely to result in further congestion and/or parking being displaced onto the service road or Ettingshall Road adding to disruption on these roads. As an appropriate overall level of parking and servicing has not been demonstrated I conclude the proposal would amount to over development of the appeal site as a whole.
10. The proposal is for an initial six month trial period with hours limited to 10:00 to 15:00 Monday to Friday. However, it seems to me that a six month trial would not necessarily fully demonstrate the effect of the proposal combined with other possible uses on the site given that Unit 4 is currently vacant and there is no indication that a use would commence within the trial period.
11. The appellant has indicated that the economic viability of the current business is not very promising and I acknowledge the appellant's desire to diversify and improve the prosperity of the business. However, this does not justify the poor layout and over-development as shown on the submitted plans.
12. For the reasons set out above I conclude that the proposal is not an appropriate form of development in the location proposed. It would conflict with Policy AM12 of the Wolverhampton Unitary Development Plan 2006 (the UDP), which requires appropriate levels of parking and servicing, and with Policy AM15, as it would be harmful to the safety of road users.

Character and appearance

13. An aluminium framed glass protection screen is proposed close to the railings along the Ettingshall Road frontage to protect passers-by from the car wash operations. Although there are few structures close to the frontages along this stretch of Ettingshall Road a transparent, suitably designed, protection screen would not be overly intrusive. Nor would it set an unsuitable precedent for other more intrusive structures.
14. Although the proposal would add another use on the site no sub-division structures such as fences are proposed. The car wash operations would result mainly in additional car parking not dissimilar to that which already takes place. Although I have concluded that the proposal would result in over development, due to the poor design of the layout and the failure to provide appropriate parking and servicing for all the existing and potential uses, the overall character and appearance of vehicle parking, although less spacious, would not be substantially altered and so would predominantly be preserved.
15. For the reasons set out above I conclude that the proposal would not have such a harmful effect on the character and appearance of the area as to justify withholding permission. I find no conflict with Policies D4, D6 and D9 of the UDP or Policies CSP4 and ENV3 of the Black Country Core Strategy 2011 which, together, seek design that preserves the character of the area. Nor do I find the proposal would conflict with Policy EP5 in terms of protection from unacceptable noise pollution in this commercial area.

Conclusion

16. In failing to comply with Policies AM12 and AM15 of the UDP the proposal cannot be said to comply with the development plan taken as a whole. I find insufficient material considerations to conclude the decision should be otherwise than in accordance with the development plan. The appeal should be dismissed.

S Harley

INSPECTOR