



Appeal Decision

Site visit made on 9 June 2020

by Robin Buchanan BA (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/Q3630/W/20/3245203

14A Hamm Moor Lane, Addlestone, Surrey KT15 2SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr I Todorov against the decision of Runnymede Borough Council.
 - The application Ref RU.19/0462, dated 20 March 2019, was refused by notice dated 11 July 2019.
 - The application sought planning permission for a retrospective change of use from car/vehicles repairs (Use Class B2) to use as a car washing and valeting unit (sui generis). Minor alterations to existing building including provision of roller shutter, aperture in rear wall and extension of concrete hardstanding without complying with a condition attached to planning permission Ref RU.18/0900, dated 1 August 2018.
 - The condition in dispute is No 2 which states that: *'The car wash use shall not take place, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the car wash area, outside the following times 08:00-19:00 (Monday to Friday), 08:00-18:00 (Saturday), and 10:00-16:00 (Sundays and Bank Holidays).'*
 - The reason given for the condition is: *'To protect the amenities of the adjoining premises and to comply with saved Policy LE1 of the Runnymede Borough Local Plan Second Alteration 2001 and guidance in the NPPF.'*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council's decision, it has adopted a Runnymede 2030 Local Plan, July 2020 (the LP). In this appeal, the Runnymede Borough Local Plan Second Alteration, 2001 Saved Policy LE1 is replaced by LP Policies IE3 and EE1. The main parties have had the opportunity to comment on these up-to-date LP Policies and I have dealt with the appeal on this basis.

Background and Main Issue

3. Planning permission was granted retrospectively for the change of use from car/vehicle repairs to car washing and valeting. The car washing and valeting operations are restricted Monday to Friday from 08:00-19:00, Saturdays from 08:00-18:00 and Sundays and Bank Holidays from 10:00-16:00.
4. Prior to the Council's decision the appellant sought to further amend the opening hours from those initially applied for. The appellant seeks to extend

the afternoon and evening opening hours to be Monday to Friday from 08:00-20:00, Saturdays from 08:00-20:00 and Sundays from 10:00-18:00. I have determined the appeal on this basis.

5. The main issue is the effect that varying the opening hours condition would have on the living conditions of neighbouring residents in Byron Road and in Navigation House, having particular regard to noise and disturbance.

Reasons

6. A car washing and valeting business operates at the appeal site, which is on the edge of an industrial and business estate within a wider residential area. The appellant has consent to operate for a defined number of hours for 7 days a week; Monday to Friday for 11 hours each day, together with 10 hours on Saturdays and 6 hours on Sundays and Bank Holidays. The effect of the appeal proposal would be to add a further 9 hours to the opening hours by extending the hours for each day of the week.
7. During my site visit some customer cars were present. I listened to the operation of hand held pressure washers and vacuum cleaners while on the site and from the pavement next to the nearest residential properties — a house at No 1 Byron Road and flats at Navigation House. I was therefore slightly closer to the appeal site than the gardens or habitable rooms of these properties but I have had regard to this in my determination of the appeal.
8. Outside of the site the pressure washer motors were inaudible and this equipment was in use only for a relatively short time (per customer). However, the sound of water discharge and, in particular, impact on body panels was distinct and noticeable. Furthermore, in operation the vacuum cleaner could be separately distinguished and over a more prolonged period of time (per customer). These sounds overlapped and intensified on occasions as each car passed through the stages of the cleaning process.
9. I appreciate that the appellant has had success with a similar business elsewhere, wishes to provide more flexible staff employment and has invested in improvements, including environmentally friendly products with little or no waste. I acknowledge that the site otherwise lends itself well to this use, including with regard to access and circulation, that a lot of activity is undertaken manually by hand with little or no noise or disturbance and there would be no increase in the number of vehicles on the site at one time.
10. I also appreciate that these residential properties in Byron Road and Navigation House are near the busy Hamm Moor Lane and that there are other commercial activities nearby; some, on the evidence before me, include similar or greater opening hours than what the appellant seeks. However, while any or all of these other activities may add to general background noise when in use, they are not the same nature of use or activity as in this appeal, are mostly sited further away from these residential properties and nearly all do not operate into the evening or for long periods of the weekend. I do not have full details of the other car washing/valeting and other commercial sites referred to by the appellant, including therefore whether those are in fact comparable, but in any event, I have determined this appeal on its planning merits.
11. The opening times currently prohibited by condition No 2 are therefore the periods when the surrounding area will generally be the quietest, thus noise

and disturbance at the appeal site would be most noticeable. These hours are when residents have a reasonable expectation for relief from commercial use and activity, including in gardens, balconies and habitable rooms and with open windows. Noise from the operation of the car washing and valeting equipment (and disturbance from associated vehicle movements) for the extended hours sought would therefore be unduly intrusive and not conducive to satisfactory residential use and occupation. Accordingly, I am satisfied that condition No 2 is necessary, precise and relevant to planning and to the development permitted by the Council. It is also enforceable and reasonable in the interests of the living conditions of neighbouring residents.

12. I recognise that LP Policy IE3 seeks to support the retention and development of local businesses, including for reasons of competitiveness and flexibility. However, the LP must be read as a whole. Notwithstanding LP Policy IE3, I find that the proposed variation in opening hours would harm the living conditions of neighbouring residents in Byron Road and in Navigation House, having particular regard to noise and disturbance. It would not accord with LP Policy EE1 which includes that development should ensure no adverse impact on the amenities of occupiers of neighbouring property. It would also conflict with the National Planning Policy Framework 2019, paragraphs 8(b) and 127(f) which seek to safeguard health and well-being and ensure a high standard of amenity for existing residents.

Conclusion

13. For the reasons given, the appeal does not succeed.

Robin Buchanan

INSPECTOR