



Appeal Decision

Site visit made on 14 July 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/R5510/W/20/3248701

8-12 Lees Parade, Uxbridge Road, Uxbridge UB10 0PQ

- 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 East West Intl. Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 1803/APP/2019/4038, dated 14 December 2019, was refused by notice dated 26 February 2020.
 - The development is the change of use of the ground floor from light industrial/warehouse (Use Classes B1c/B8) to a vehicle repair workshop (Use Class B2) and installation of two extract flues.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the development used on the decision notice in favour of that of the original planning application form as it provides a more precise summary of the works by referencing the installation of the extract flues.
3. At the time of my site visit, I saw that the change of use had commenced and that the two extract flues were in position on the host building. The appeal has therefore been made retrospectively and I have reflected this throughout my decision letter.
4. The appeal follows a recent appeal decision for a very similar development on the appeal site, Ref APP/R5510/W/19/3234355. The main difference to the previous appeal is that the appellant has provided additional information in relation to noise pollution. I have reflected this throughout my decision letter.

Main Issues

5. The main issues in this case are the effect of the development on:
 - highway safety, with particular regard to car parking and manoeuvring arrangements; and
 - the living conditions of neighbouring occupiers, particularly in relation to noise and disturbance to surrounding residential occupiers.

Reasons

6. The appeal site comprises a commercial unit to the rear of No's 8-12 Lees Parade. The site is accessed from a private service road taken from Lees Road. The site is at the top of the service road. Directly outside the site is a forecourt area which the appeal unit shares with adjacent commercial units.

Highway safety

7. The appeal drawings indicate the provision of 4 car parking spaces for staff. Appendix C to the Local Plan Part 2 – Development Management Policies January 2020 (the LP Part 2) sets out the Council's parking standards. In relation to staff parking, the standards are for 2 spaces plus one further space per 100 sq m of floorspace. The workshop is 430 sq m. The parking standard is therefore for 6 spaces. The 4 spaces do not meet the policy standard and in addition because they are laid out end to end with minimal space surrounding them, they cannot all be independently accessed or entered and exited in a forward gear, as required by Appendix C.
8. There is therefore not only a shortfall in the provision of spaces, but they are also not suitably laid out or accessible. This could lead to staff parking either on the shared access road, which serves a number of premises, or further onto surrounding roads. In this regard, I saw on my site visit that there were a number of vehicles parked on the service road with limited parking available and that parking was limited on surrounding streets, particularly through the number of dropped kerb crossings to the front of houses. Given the narrow access road and the lack of on-street parking options, any staff parking outside of the site is likely to result in obstructions to highway users, resulting in conditions harmful to highway safety.
9. With regard to the general operation of the vehicle repair workshop, no evidence has been provided of the number of vehicles serviced by the facility or how this compares to its previous light industrial/warehouse use. I observed on site that a large number of vehicles were being operated on. I acknowledge that the appellant has stated that no members of the public are allowed to drive into the premises and all of the vehicles are collected, parked and returned by the staff members. However, this does not explain how and where the vehicles are parked and manoeuvred. This is particularly important because manoeuvring space within the site is restricted by the relatively small size of the building and a number of structural posts. Even the courtyard area directly adjacent to the site is relatively small and is shared with neighbouring commercial uses, restricting its utility in this regard.
10. In the absence of evidence to the contrary, the site cannot be operated effectively within these constraints, even by the operatives of the workshop. Therefore, it is likely that the workshop results in operational parking and manoeuvring outside of the confines of the workshop into the courtyard area and access road and perhaps further afield. This creates potential obstructions to highway users in the vicinity of the site, including road users and also pedestrians, and may also give rise to potentially dangerous vehicle movements on the highway.
11. Consequently, the works harm highway safety both in relation to staff parking and manoeuvring related to the operation of the workshop, and are contrary to the relevant parts of Policies DMT2 and DMT6 of the LP Part 2 which, amongst

other criteria, seek safe and efficient vehicular access to the highway network and compliance with the parking standards outlined in Appendix C. They also fail to comply with Paragraph 109 of the National Planning Policy Framework (the Framework) which, amongst other criteria, seeks to prevent development that has an unacceptable effect on highway safety.

Living conditions

12. The site is very close to neighbouring residential properties on Lees Parade and on Nicholls Avenue, in particular the dwelling at 46 Nicholls Avenue, which shares a boundary with the site. The appellant has submitted a Noise Impact Assessment (NIA), dated October 2019. This confirms that the two extract flues, subject to attenuation, would emit noise at lower levels than the general background noise levels at the location of the most sensitive nearby receptor, which is the nearest habitable window of 46 Nicholls Avenue. I have no concrete evidence that the attenuation has been fitted, but this could be controlled by condition if the works were otherwise acceptable. Therefore, the extract flues do not harm the living conditions of neighbouring occupiers.
13. In addition to the extract flues, the workshop includes several other noise generating activities, such as vehicle repair, operation of machinery, and vehicle manoeuvring within and outside the site. Although noisy works might be intermittent, they are still likely to be fairly regular given the nature of the use of the workshop. I acknowledge that the workshop presents its walls to the nearest sensitive receptors and the main, open entrance faces away. However, this does not necessarily mean that the transmission of noise to neighbours is within acceptable limits. I also acknowledge that the workshop has operating hours restricted to normal business hours. However, it is still necessary to understand if the level of noise pollution from the operation of the workshop is within acceptable limits, even for daytime hours.
14. In these regards, the NIA relies on general background noise data from 2017, before the change of use occurred. It has not therefore been demonstrated that the general operation of the workshop does not unacceptably harm the living conditions of neighbouring occupiers through noise pollution from these other sources. That there have not been any complaints from neighbours since the attenuators to the extract flues were fitted does not in itself demonstrate that any noise pollution is at acceptable levels.
15. I have considered whether suitably worded conditions could be imposed to overcome these issues. However, if further noise surveys found that the noise pollution was at unacceptable levels, then it is not clear what degree of mitigation would be required, either in terms of physical measures such as insulation or operational measures within the workshop. It is not therefore possible to be confident that unacceptable noise pollution, if found, could be viably mitigated.
16. The appellant has stated that the car workshop could be considered as falling within Use Class B1(c) now that the attenuators have been fitted to the extract flues. The reason for this is that, in relation to the extract flues, the use can be carried out in a residential area without detriment to the amenity of the area. However, as set out above, there are other factors in the operation of the workshop which may lead to noise pollution that may harm the amenity of the surrounding residential area. In addition, the appeal application was for a

change of use from Use Class B1(c)/B8 to Use Class B2 and I have assessed the works as such.

17. It has not therefore been demonstrated that the operation of the workshop does not unacceptably harm the living conditions of neighbouring occupiers with regard to noise and disturbance. The works therefore fail to comply with Policies DME2 and DMHB11 of the LP Part 2 which, amongst other criteria, seek the protection of the living conditions of neighbouring occupiers. They also fail to comply with the relevant parts of Paragraph 127 of the Framework which, amongst other criteria, seeks a high standard of amenity for existing and future users.

Conclusion

18. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR