

Appeal Decision

Site visit made on 20 October 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2020

Appeal Ref: APP/A5270/W/20/3247513

193-199 Northfield Avenue, West Ealing, London W13 9QU

- 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 Peter House, Uses.co.uk Ltd T/A Car Care Ealing against the decision of the Council of the London Borough of Ealing.
 - The application Ref 191234FUL, dated 18 March 2019, was refused by notice dated 27 September 2019.
 - The development proposed is a single storey front extension to the rear workshop outbuilding to allow for the installation of a tandem MOT Inspection Bay.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear/side wraparound extension incorporating existing outbuilding to form a tandem MOT Inspection Bay at 193-199 Northfield Avenue, West Ealing, London W13 9QU in accordance with the terms of the application, Ref 191234FUL, dated 18 March 2019, subject to the conditions within the attached schedule.

Application for costs

2. An application for costs was made by Mr Peter House, Uses.co.uk Ltd T/A Car Care Ealing against the Council of the London Borough of Ealing. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development in the banner heading above is taken from the application form. Part E of the appeal form indicates that the description has not changed, but a different wording has nevertheless been entered reflecting that stated on the Council's decision notice. I have used this revised description in my formal decision as it provides a more accurate description of the proposal.
4. The appellant submitted amended plans during the Council's consideration of the application (PH04 201 Rev b and PH04 202 Rev a) which alter the roof of part of the workshop to a glazed structure. Although drawing PH04 202 Rev a is not listed on the Council's decision notice, officer report or appeal statement, it is clear that the Council considered the proposal with reference to these amended plans and I have determined the appeal on the same basis.

Main Issues

5. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of 1 Windermere Road with particular regard to noise, disturbance and enclosure; and (ii) the safety and convenience of users of the highway network in the vicinity of the site.

Reasons

Living Conditions

6. The appeal relates to a vehicle sales and servicing business at the junction of Northfield Avenue with Windermere Road. The main building on the site fronts Northfield Avenue, but there is also a smaller detached workshop adjacent to the rear part of the garden to the neighbouring dwelling at 1 Windermere Road
7. The proposal includes an extension to the front of the smaller workshop and would result in development along the length of the garden to No 1. However, the section of the extension between the existing workshop and the rear of the neighbouring dwelling would have a sloping glazed roof with eaves of comparable height to the existing boundary wall. Although the roof would rise away from the eaves, the angle of increase would be fairly gentle and the higher flat roof of the remainder of the extension would be set well-in from the boundary. As a result, the visual impact of the development would be significantly reduced when seen from the rear windows or garden to No 1, and the slope of the roof and its glazed design would avoid an undue perception of enclosure or loss of openness along the boundary. As a consequence, I am satisfied that these factors would together ensure that the extension would not be unacceptably dominant or overbearing to these neighbouring occupiers.
8. The appellant has also provided a Daylight and Sunlight report which indicates that effects on light to the windows and overshadowing to the garden of No 1 would comply with Building Research Establishment guidelines, and I have no reason to reach an alternative conclusion.
9. The extension would cover part of an external yard area which provides access to both of the workshops on the site. As well as use for vehicle manoeuvring and parking, I note that some work to vehicles is also carried out in this area. As a result, there is little separation in practice between activity on the site and No 1. Moreover, it was apparent from my visit that activity taking place inside the existing workshops was also clearly audible across this outdoor space.
10. The development would bring built form closer to No 1, but the need for continued access to workshops within the main building as well as the proposed MOT bay mean that the predominant use of the closest section would be likely to remain as parking and manoeuvring rather than more industrial operations. As a result, there would be little difference in the activity taking place on this part of the site. The proposal would enable MOT tests to be carried out, but activity on the site would be contained within the new building. This enclosure would provide for greater screening along the boundary with No 1 of noise emitted on the site than the existing open yard, with potential for improvement to noise levels experienced at the adjacent dwelling and garden. Appropriate measures to manage noise and vibration can also be sought by planning conditions. In this context, I do not find that the proposal would give rise to an unacceptable increase in noise, disturbance or vibration to neighbouring occupiers.
11. For these reasons, I conclude on this main issue that living conditions for the occupiers of 1 Windermere Road would not be unacceptably harmed with particular regard to noise, disturbance or enclosure. I therefore find no conflict with Policies 7.6 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP) or Policies 7A and 7.4 of the Ealing Development Management Development Plan Document 2013

(DMDPD) which require, amongst other things, that development responds to its surroundings and avoids harm to the amenity of surrounding uses.

Highway Safety and Convenience

12. Although the existing business operating from the appeal site offers MOT tests, these are currently conducted off site which results in at least 2 trips as each vehicle is driven to and from the test centre. However, I note that this could be increased in situations where a vehicle fails an initial test, returns to the site for remedial work, and is then transferred again for retesting.
13. The proposal would enable MOT tests to take place on the site, avoiding trips associated with the transfer of vehicles off-site. I accept that this would be likely to reduce the time for completion of each MOT and could therefore increase the number of customer visits to the site for MOTs, particularly in view of closures of other MOT centres previously relied on by the appellant. However, the development would replace an existing servicing bay. The constrained nature of the site and the need to maintain access would also form a practical restriction on vehicle numbers on the site and thus the overall capacity for additional activity to take place. I therefore have significant doubts that any uplift in activity through the proposal would generate total vehicle movements that would approach the existing situation, much less exceed it.
14. The proposal would be unlikely to change the ability of vehicles to turn within the site which is already restricted by the existing buildings and parking. As a consequence, there would continue to be a need for vehicles to reverse to either enter or leave the site. However, while the Council refers to 3 personal injury collisions within the vicinity of the Northfield Avenue and Windermere Road junction, it has provided no substantive evidence of the nature of these incidents or any causes attributed, nor the timescales over which they were recorded. It is therefore far from clear that there is an identified highway safety concern stemming from the current development on the appeal site. Similarly, I have not been provided with evidence demonstrating existing traffic congestion which would be exacerbated.
15. Even if there were to be an increase in movements to and from the site, albeit that I consider this unlikely for the reasons above, reversing manoeuvres to or from the site would not be complex. The access is visible for some distance along Windermere Road to vehicles, cyclists and pedestrians, and this street is subject to a 20mph speed limit and traffic calming measures. In addition, parking to both sides of the street serves to limit two-way traffic and extends fairly close to the Northfield Avenue junction. As a result, I saw that traffic speeds past the site were low, with vehicles on both the approach to the junction and turning into Windermere Road exercising caution. For these reasons taken together, I do not find that the proposal would be detrimental to highway safety or result in significant inconvenience to other highway users.
16. I therefore conclude on this main issue that the proposal would not harm the safety or convenience of users of the adjacent highway network. Accordingly, I find no conflict with Policies 6.3 or 6.11 of the LP which together broadly require that safety or capacity within the transport network is not harmed.

Conditions

17. Where necessary, I have amended the Council's suggested conditions in light of the tests set out at paragraph 55 of the National Planning Policy Framework and

for the sake of clarity. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. A condition specifying external materials is necessary to ensure a satisfactory appearance. Given that the development would bring the workshop building closer to the neighbouring dwelling, I have imposed conditions to control noise and vibration emissions from the site including the roller shutter which is adjacent to the neighbouring dwelling, and to prevent use of the roof as a terrace in the interests of neighbouring living conditions. However, noting the existing use of the site, the information before me does not sufficiently justify a requirement to reduce existing noise levels as necessary or reasonable. I have therefore altered the Council's suggested condition to require that there is no increase in noise to neighbouring occupiers.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PH04 100, PH04 200, PH04 201 Rev b and PH04 202 Rev a.
- 3) The external materials to the development hereby permitted shall be in accordance with those specified on the approved plans listed at Condition 2 and described within the application form.
- 4) Prior to first use of the extension hereby permitted, an assessment completed in accordance with BS4142:2014 of the individual and the combined sound level emitted from plant, machinery or equipment within the extension, and mitigation measures as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include noise mitigation and insulation measures to ensure that noise levels as measured or calculated at the nearest and most affected noise sensitive premises are no higher than may result from the existing use and development on the site. The development shall be implemented in accordance with the approved details prior to first use of the extension and retained as such thereafter.
- 5) Prior to their first use, all machinery/plant/equipment/extraction/ventilation systems/roller shutters and ducting for the development hereby approved shall be mounted with proprietary anti-vibration isolators and all fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such for the life of the development.
- 6) No part of any roof shall be used as or altered to form a balcony, roof garden, roof terrace or similar amenity area.