



Appeal Decision

Site Visit made on 10 May 2021

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 18 MAY 2021

Appeal Ref: APP/F5540/W/20/3262507

400-403 High Street, Brentford, TW8 0DU

- 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 Vijay Agnihotri against the decision of London Borough of Hounslow.
 - The application Ref 00607/400-403/P21, dated 27 February 2020, was refused by notice dated 7 October 2020.
 - The development proposed is 1. Providing hand wash services. The client already has permission for jet wash within the forecourt of the petrol station. The client wishes to extend the current operation within the site has significantly intensified the washing facilities on the site, where there is a team of people cleaning multiple cars at a time. We are applying for a change of use. 2. Wood front for stock for the jet wash machine. 2. The Amazon services are being provided to customers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is described on the application form as set out above. The use is described variously on different documents. It is described on the decision notice as "retrospective application for the formation of a hand car wash with wood front at the premises and installation of Amazon lockers". The reasons for refusal set out by the Council relate solely to what is described in the first reason for refusal as the car wash facility. For simplicity I will use the term car wash facility for the purposes of this appeal.
3. The car wash facility already operates on the site and the Amazon lockers have been installed. As a result of the Covid-19 Pandemic the car wash facility was closed for some months but has re-opened following the relaxation of the lockdown rules. Both the Council and the appellant indicated that the Inspector could see the relevant parts of the appeal site sufficiently to judge the proposal from public land, so I carried out an unaccompanied site visit and viewed the site from public vantage points only.
4. Since the application was refused The London Plan 2021 has been published. The Council considers that the differences compared to The London Plan policies cited on the decision notice do not have any significant bearing on the decision other than having a higher focus on healthy streets and pedestrian safety. The appellant has had the opportunity to consider these changes.
5. The application Ref number set out above is that cited on the decision notice. I note that some of the documents also refer to Ref P/2020/1820.

Main Issues

6. Taking into account the above the main issues are: the effect of the car wash facility on the living conditions of occupiers of nearby dwellings taking particular account of noise; and whether the arrangements for parking and access are satisfactory.

Reasons

7. The appeal site comprises an established petrol filling station. There are two shared vehicle/pedestrian access points separated from the side boundaries by narrow areas of hard standing used informally for parking vehicles and containing various advertisements and miscellaneous items such as moveable barriers and traffic cones. There is a one-way traffic system: the access to the right hand side of the site is clearly marked as 'no entry' from High Street.

Living conditions

8. High Street itself is a busy road and bus route. There are large blocks of residential accommodation behind the appeal site and other residential properties opposite and further along High Street. The car wash facility is at the rear left hand side of the site. Occupiers of dwellings on Pump House Crescent, beyond the museum to the left of the site, and beyond Heritage Walk behind the site, are screened from any disturbance arising from the appeal activities because of the distance from the site and intervening buildings/walls.
9. The appellant explains that from 1997 there was a self-service jet wash facility with space for one customer to wash their own car by a paid for/coin operated service. The current operation has intensified the washing facilities so that a team of three people clean multiple cars at a time.
10. During my visit, from about 8.45am to about 10.15am on a weekday, there was a constant stream of slow moving/stationary traffic on the site side of the High Street. Notwithstanding the noise arising from traffic, or any improvements carried out by the appellant such as moving the carwash machineries into an inside enclosure and boxing in the vacuum cleaner, I could hear bursts of intrusive noise from the use of the pressure equipment above the traffic noise when standing on the other side of High Street. The intrusiveness of the use of this equipment would be much greater at times when there are fewer traffic movements. The intrusive effect on living conditions would be exacerbated should residents have their windows open. I consider this to be the case even if only a small number of objections have been received as there are many reasons why residents may or may not make comments or complaints.
11. Although the cleaning activities are similar whether delivered or self-served it appears to me, both from my observations during my visit and third party evidence, that car wash activities spill out from beneath the car wash canopy into the wider petrol station forecourt. The appellant indicates that on average 45-60 cars are washed per week. However, given that I observed two vehicles being attended to within a 1.5 hour period this seems likely to be an underestimate. At least one of these visits appeared to be solely for the use of the car wash facilities. Although the equipment may be the same/similar to that previously self-served, the intensification results in a material increase in the amount of noise and disturbance caused to residents.

12. The evidence indicates that hours of operation have been reduced from 7am to 8pm to 8am to 7pm. This would help reduce disturbance to neighbours but such disturbance over such long hours, on every day of the week, still means unacceptable noise disturbance to neighbours. Re-positioning the lighting so it does not significantly spill beyond the site boundary also reduces disturbance but does not address the noise issue.
13. I conclude that the operation of the car wash facility has a harmful effect on the living conditions of occupiers of nearby properties, particularly those living in flats in Victoria Court opposite the appeal site, and therefore does not amount to good design. Accordingly the car wash facility conflicts with those parts of Policies CC1, CC2 and EQ5 of the Hounslow Local Plan 2015 (the LP) which expects good quality design that responds to the character of the area; requires developments to function well in themselves and in their effect on surrounding areas; to have a positive impact on the amenity of current and future residents, visitors and passers-by; and to be designed to minimise and mitigate noise issues. It would also conflict with those parts of Policy D14 of The London Plan 2021 that seek to reduce, manage, and mitigate noise.

Parking and access

14. The car wash facility is directly behind the entrance into the petrol station from High Street. It seems probable that, during busy periods, there would be congestion within the appeal site close to the site entrance as vehicles wait to enter the car wash potentially obstructing other vehicles from accessing the petrol pumps. This could lead to obstruction of the footway and/or vehicles waiting on the highway to turn into the site. This could impede the safety and convenience of other users of the highway.
15. Multiple vehicles can be attended to at one time and I observed that vehicles are moved around for different stages of the process. Customers also exit their vehicles at times such as for internal valeting to take place. Others may wait in their vehicles to enter the car wash canopy. At the time of my visit there were vehicles parked near the car wash canopy which may have belonged to employees or be awaiting collection by customers. On this basis I consider there is a need for areas for storing (parking) vehicles and for customers to wait safely outside their vehicles when necessary. No such arrangements have been proposed.
16. For these reasons I conclude that the arrangements for parking and access for the car wash facility are unsatisfactory and could lead to congestion with the potential for harm to the safety and convenience of other users of the highway and the petrol filling station. Accordingly, the proposal would conflict with those parts of Policies CC2 and EC2 of the LP and Policy T4 of The London Plan 2021 that seek to ensure safety and to provide an appropriate number of car parking spaces consistent with the standards.
17. The Amazon lockers are installed part way along the right hand side of the appeal site, in front of the petrol station building but well set back from the highway. Such lockers provide for customers to order goods and collect them at a time to suit. This can help to reduce the number of vehicle deliveries to individual properties and may be combined with trips to the petrol service station. There is sufficient space for vehicles to pull up by the lockers without unduly impeding exit from the petrol station.

Other Matters

18. The planning permission granted in May 1991 Ref 607-400-403-P17 for the demolition of an existing petrol filling station and erection of new petrol filling station is put forward as a material consideration. An incomplete image of a Site Layout Plan dated Nov 1991 has been supplied by the appellant (the Drawing number cannot be distinguished). This plan shows a jet wash facility at the rear left hand side of the site beneath a separate canopy to that which is over the petrol pumps. It may be the plan associated with the May 1991 permission¹ but it is annotated as 410 High Street whereas the appeal site is described as 400-403 High Street. In these circumstances I can give it little weight in this appeal.
19. It is asserted by third parties that the car wash facility business is carried out independently of the petrol station business, which in itself is not a material planning consideration in this case and I acknowledge the car wash facility has not been physically separated. Income from the car wash facility most likely helps provides income for the petrol station business, provides employment for three people and a service for local residents. These are benefits which attract some weight in favour of the proposal.
20. The appellant states that there have been no complaints about the operation of the car wash facility but this seems unlikely if enforcement officers from the Council have visited the site at least three times.
21. The appellant considers the Council could have been more forthcoming with information and worked with them to find a solution. Be that as it may I have considered the appeal on the basis of the evidence before me.
22. I have considered whether the proposal could be made acceptable through the use of conditions. The appellant has indicated he would be prepared to work with neighbours and the Council to reduce these hours but there is no proposal before me so I cannot exert controls by way of a condition.
23. The location of the proposed wood front for stock for the jet wash machine is not clear on the plans; nor are the positions for the use of equipment, areas where car wash activities would be carried out; circulation or parking and waiting areas; or arrangements for the proper disposal of water used in the washing process made clear on the plans. Nor have any of the mechanisms for minimizing noise and disturbance been indicated on the plans. In the absence of detailed proposals, I conclude that planning conditions could not be used to make acceptable the otherwise unacceptable development.

Conclusion

24. I have found that the proposal has a harmful effect on the living conditions of residents of nearby dwellings. I give this great weight against the proposal. I also give some weight to the potential for congestion and the potential for harm to the safety and convenience of other users of the highway and the petrol filling station. I have found that conditions could not be used to make acceptable the otherwise unacceptable development. Taking all these matters into account I find that the benefits of employment and the provision of a car wash service do not out-weigh the harm I have identified.

¹ I have seen no confirmation one way or the other from the Council

25. As set out above the proposal conflicts with development plan Policies. There are insufficient material considerations to outweigh this conflict. The appeal should be dismissed.

S Harley

INSPECTOR