
Appeal Decision

Site visit made on 6 April 2022

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/C2741/W/21/3284888

Car Park, Wigginton Road, York YO31 8JQ

- 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 Graham and Deirdre Kennedy against the decision of City of York Council.
 - The application Ref 20/02076/FUL, dated 26 October 2020, was refused by notice dated 30 July 2021.
 - The development proposed is the use of car park for siting of self storage units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The layout plan considered and determined by the Council showed five CCTV and lighting columns, though I understand the appellants advised the Council that a revised plan omitting these was to be submitted. This revised plan did not materialise during the planning application, but it is now included as part of this appeal. While the appeal process should not be used to evolve a scheme, there was dialogue on this matter between the main parties and this is now reflected in the revised layout plan. The revised plan also proposes a fence next to units 1 and 2 and 41, 42 and 70 to 73. However, I do not consider by taking the revised plan into account that the Council or interested parties would be prejudiced. Accordingly, I have determined the appeal on this basis.

Main Issues

3. The main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) whether adequate information has been submitted in respect of noise, ecology and lighting; and
 - c) whether the proposal would make adequate arrangements to reduce crime and the fear of crime.

Reasons

Character and appearance

4. Allotments lie to the south and east of the appeal site with access to the site from Wigginton Road stretching between two areas of allotments. To the north is a two-storey terraced row of residential properties which back onto the York to Scarborough railway line that extends alongside the site's western boundary. Crichton Avenue, to the south, provides an elevated view of the site and its

surroundings. A row of trees in the eastern part of the site are subject to a group Tree Preservation Order (TPO).

5. The appeal site and the land either side of the proposed access seems to have been used as a car park for a number of years. It is not for me to determine whether or not the Council's assessment on the length of time that this use has taken place is correct. Instead, my findings focus on the proposed change of use and the storage units that would be placed onto the land.
6. The proposed use would be in an urban area next to a main route in and out of the city centre. I have no reason to doubt that buildings once stood on the site, and while they are no longer present, the proposal would re-use brownfield land for another purpose. However, in doing so, the proposal would introduce a commercial use and numerous storage units which would be fairly tightly arranged whilst facilitating access within the site. This would jar with the open nature of the appeal site as existing, the group of TPO's on the eastern boundary, the adjoining car park and the allotments that collectively form an open character in a busy urban environment. The road and rail network do frame the site and nearby buildings/uses, and there are outbuildings associated with properties in the terrace to the north, but neither lessen the appreciation nor understanding of that character, especially when taken in on foot.
7. The units may well be high quality in themselves, but their number would significantly change the character of the land and result in an incongruous commercial presence that would be out of kilter with the local environment. Industrial buildings at the Nestle site are to the north-east, but these are either principally viewed from a distance from the bridge on Crichton Avenue, screened from view, or spatially separate from the site and its character.
8. The proposed timber fence would not be out of keeping with the character and appearance of the area, but it does not justify or overcome the concerns that I have regarding the proposal being compatible with the site's surrounding character. Although the type of storage proposed may be in operation elsewhere, and it may be a useful facility, the appeal scheme would not improve the existing urban environment.
9. I therefore conclude, on this issue, that the proposal would harm the character and appearance of the area and conflict with Policy GP1 of the City of York Draft Local Plan Incorporating the 4th Set of Changes (Local Plan) as it would not respect or enhance the local environment or be compatible with the character of the area. Furthermore, conflict would arise with Policies D1 and EC3 of the City of York Local Plan – Publication Draft February 2018 (Regulation 19 Consultation) (Draft Local Plan) as the new business premises would significantly harm the amenity of the surrounding area; and cause damage to the character and quality of an area. These policies carry limited weight owing to their stage of progress and as I do not know whether there are any unresolved objections to them.
10. The Council cite Local Plan Policy SP3 on this issue, but it is not relevant as there are no heritage assets nearby.

Noise, Ecology and Lighting

11. The existing noise environment is characterised by road traffic and passing trains, albeit the former does become less obvious to the north of the site. The proposed facility is intended to serve residents living within a reasonable

distance of the site. This is the appellants business model and their experience based on their other storage facilities in York. The number of storage units involved is likely to attract an infrequent and low number of visits per day. Users may stay on the site for a period and be audible to nearby residents, but their vehicle engines are only likely to be running when coming or going, which would be akin to the car park use. Other vehicle types fitted with hydraulic tailgates and audible reversing warnings may use the facility. However, providing the proposed use takes place outside of night-time hours when background noise levels are generally at their lowest and residents are most sensitive to noise, I consider that the proposed nature and level of use would not unduly affect residents living nearby. A planning condition could be imposed to control the hours of use to between 07:00 and 22:00.

12. The appeal site is hard surfaced, and it is of low ecological value. It is not subject of any ecological designations. No harm would be caused by the units or the resurfacing of the existing surface to the group TPO, noting that approval has been granted to fell a Sycamore and plant a replacement field maple.
13. On site I noted that there are 3 no. lighting columns within the site edged red which are directed into the site. It is unclear whether they benefit from planning permission. In any event, a planning condition could be imposed to secure details of any lighting scheme so that an informed judgement can be made on its acceptability and to ensure that light disturbance does not arise to nearby residential dwellings, ecology, and the railway line.
14. Accordingly, I conclude on this issue that, subject to the imposition of conditions, adequate information has been submitted in respect of noise, ecology and lighting for me to conclude that the proposal would accord with Local Plan Policies GP1(i), GP4a (f), NE6 and NE7. Together, these policies seek to ensure residents living nearby are not unduly affected by noise and light pollution; and for proposals that would not cause demonstrable harm to animal or plant species or their habitats. The proposal would also accord with Draft Local Plan Policies D1 and ENV2, which carry limited weight, as the proposal would not harm the natural environment and the existing community would not be subject to significant adverse environmental impacts. The proposal in respect of this issue would also comply with the National Planning Policy Framework (the Framework).

Crime and fear of crime

15. I understand that a private right of access passes over the appeal site, next to the railway line and to the rear of the two-storey terraced row next to the site.
16. The section of the access next to the railway line would be long, narrow, and bound by either palisade fencing or storage units. Natural surveillance along here would not be possible from the car park, appeal site or the two-storey terraced row and very limited or highly unlikely from either the bridge on Crichton Avenue or the rear of residential properties on Rowntree Avenue. Furthermore, any existing lights are directed away from the access, and there is no evidence before me to demonstrate that light from these would spill onto the path to avoid it being dark. Whilst the right of access may be lightly used, the proposal would not ensure that this route would be safe and inviting. The appeal scheme would increase the fear of crime along here. Even if buildings stood historically on the site, they are no longer present and they do not justify what is now proposed.

17. The appellants' other storage facilities may not have been subject to burglaries or anti-social behaviour, but there is no indication that the other sites are directly comparable to the appeal site in relation to this issue.
18. The imposition of planning conditions, suggested by the appellants, to secure CCTV and lighting to cover the right of access and the rear of houses on Wigginton Road would not change the length and width of the right of access. However, together there would be adequate arrangements to reduce crime and the fear of crime by ensuring the route is lit to the right lighting level and to dissuade non-residents from using it.
19. The remainder of the appeal site's boundaries would be fenced or bound by storage units to provide a continuous barrier to accessing the site. Details of an appropriate fencing scheme could be secured through a planning condition.
20. I conclude, in respect of this issue, that the proposal would make adequate arrangements to reduce crime and the fear of crime and accord with Local Plan Policies GP1 and GP3 which seeks proposals to incorporate crime prevention measures such as natural surveillance of paths and satisfactory lighting. The proposal would also accord with Draft Local Plan Policy D1, albeit it currently carries limited weight due to its progress, as it seeks development to be designed to reduce crime and the fear of crime. Given my findings, the proposal would also accord with Framework paragraphs 92 and 130 as it would create a place that is safe so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion.

Other Matters

21. There may well be a demand for self-storage space and the appellants operate 5 other existing storage facilities in York. However, some of these existing facilities are in a commercial context compared to the appeal site. The same applies to the Hull Road facility, even though there are residential properties also nearby as the facility is accessed through a busy petrol filling station which is next to a busy main road.
22. I note the representation about the group of TPO trees on the land, however, no harm would be caused by the proposal on them, and as I am dismissing the appeal for other reasons, I have not gone on to consider the other points raised by the resident which appear to be civil matters in any event.

Conclusion

23. I have, subject to the imposition of planning conditions, found that the appeal scheme would not be harmful in respect of noise, ecology, lighting, crime and the fear of crime. The proposal would also result in modest economic benefits. However, these matters do not outweigh my conclusion about the proposal's effect on the character and appearance of the area. Therefore, the proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
24. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR