



Appeal Decision

Site visit made on 24 May 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal Ref: APP/H5390/W/21/3288316
158-160 Goldhawk Road, London W12 8HJ

- 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 Top Notch Tyres UK Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2020/02580/FUL, dated 28 September 2020, was refused by notice dated 4 June 2021.
 - The development proposed is a change of use from car showroom (Class Sui Generis) to flexible tyre fitters and showroom (Class Sui Generis), MOT Testing Station (Class B2), and/or continued car showroom use (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the appeal building appeared to be operating as a tyre showroom and fitting area. I have determined the appeal accordingly.
3. I have had regard to a previous appeal decision¹ at the appeal site. Although the subject matter is similar, I have determined this appeal on its own merits and based on all of the evidence before me.

Main Issues

4. The effect of the development on
 - the living conditions of neighbouring residents, with particular regard to noise, disturbance and fumes; and
 - highway safety, with particular regard to pedestrians.

Reasons

5. The appeal building occupies a corner site on Goldhawk Road with Stowe Road. Goldhawk Road is a vibrant area with various commercial and retail uses. Turning into Stowe Road, the character changes to a predominantly residential area that is noticeably quieter than the main thoroughfare of Goldhawk Road.

Living Conditions

¹ Appeal Ref: APP/H5390/C/19/3234641

6. The appeal building comprises three showroom areas, with the largest showroom area, fronting Stowe Road, being used for the fitting of tyres. It is proposed to also use this part of the building as an MOT centre.
7. I note that the Noise Impact Assessment (NIA) submitted with the planning application was updated and submitted with this appeal². The updated assessment proposes enhanced sound insulation in the form of improving the existing wall construction surrounding the workshop area. Nevertheless, the updated NIA still recommends that the shutter doors of the showroom should be closed whilst vehicles are serviced to avoid an adverse impact on nearby residential receivers.
8. The appellant states that there is realistically only space for one vehicle within the showroom given the paraphernalia associated with the use, thus vehicles could only be serviced one at a time, ensuring that no servicing would occur when the doors are open. This part of the showroom is of a generous size and capable of accommodating more than one vehicle, even taking into consideration the need for equipment and general storage areas around the showroom.
9. Nevertheless, even if I were to attach a condition which required that only one vehicle would be serviced at a time within the building, vehicles would likely come and go from the showroom at differing times. This potentially frequent movement of vehicles would make it difficult to ensure all works within the showroom cease whilst the doors are open and vehicles are manoeuvring in and out during changeovers. This could therefore create opportunities for noise to emanate from the building, which the NIA has identified would have a significant adverse impact on neighbouring residents. Such a condition would not therefore be effective and thus would be unreasonable.
10. Even if all servicing activity could effectively cease whilst the doors were open, in the absence of any other proposed ventilation, fumes would be expelled from the building via purge ventilation brought by opening the doors. There is nothing before me to confirm that this method of ventilation would prevent neighbouring residents being exposed to harmful levels of fumes. Furthermore, the retention of fumes within the building when the doors were closed raises concerns for people within the building, as noted in the NIA, as running vehicles could result in the build-up of harmful fumes inside. No specific details of mechanical ventilation have been provided and moreover, any details would have to be consulted upon to determine whether or not fumes could be otherwise satisfactorily managed and the cumulative noise impact of any ventilation along with the activities on site.
11. I acknowledge that the planning history indicates that a tyre fitting use previously occurred at the appeal site. This was a considerable time ago and there appears to have been an intervening use as a car showroom, so the direct relevance to the present appeal is limited. The nearby garage on Godolphin Road sits within its own physical context and relationship with its surroundings. Although it is located relatively close to the appeal site, direct comparisons cannot be made that allow me to conclude that the appeal proposal would be acceptable. Nor does it point towards obvious inconsistencies in the Council's decision making.

² Noise Impact Assessment, Report 15114-NIA-01-RevA, Prepared on 3 December 2021.

12. Accordingly, the development would harm the living conditions of neighbouring occupiers and would conflict with Policies CC11 and CC13 of the Hammersmith & Fulham Local Plan (the LP) which collectively seek to ensure that developments do not result in a harmful increase in noise and pollution for existing occupiers.
13. In reaching a view on this issue I have also paid regard to guidance in the Hammersmith & Fulham Planning Guidance Supplementary Planning Document (the SPD). Key Principles NN2, NN3, NN4 and NN7 are of particular relevance.

Pedestrian Safety

14. I have paid regard to the appellant's transport evidence, which assesses likely changes in vehicle trips. The Council has provided no substantive evidence that would lead me to dispute the appellant's assessment that vehicle activity would be negligible when compared to the former use.
15. There are a number of on-site parking spaces to the front of the appeal building along the Stowe Road frontage. It is understood that they have been in place for several years. One space does not have a vehicular crossover thus to access it, drivers may have to mount their vehicles onto the undropped kerb or manoeuvre them in across the adjacent space. It seems to me that this space has operated as such for quite some time without incident and there is no evidence to the contrary. Pedestrians passing this part of the appeal site would be aware and alert to the potential for vehicles to cross the footway due to the existing stretch of dropped kerb and the access into the building. I can see no reason why the continued use of this space would pose a potential risk to pedestrian safety.
16. I note the Council would be agreeable to losing this space in return for bike parking and storage, along with the appellant's willingness to remove it. However, given my finding on this matter, and my conclusions on living conditions, it is not necessary for me to pursue this solution.
17. Accordingly, the development would not result in harm to pedestrian safety. Policy T4 of the LP and Key Principle TR4 of the SPD have been referenced in the Council's reason for refusal however these relate to the maximum parking standards and dimensions of car parking spaces and thus are not of direct relevance to this main issue. I have therefore relied on the approach in paragraph 111 of the National Planning Policy Framework (the Framework), which this development would accord with as it would not result in an unacceptable impact on highway safety.

Conclusion

18. The proposed development would allow the appellant to diversify their business by giving them flexibility in what services they could provide, thus catering for market trends and local demands. Paragraph 81 of the Framework advises that significant weight should be placed on creating conditions for businesses to invest, expand and adapt. However, I do not have the fuller details regarding the effect of the appeal proposal on the diversification of the existing business or the specific effect this would have on the wider area, thus I afford the potential economic benefits only limited weight.
19. The development would harm the living conditions of neighbouring residents, harm which would lead to conflict with the development plan as a whole. There

are no material considerations, including the Framework, which indicate a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR