



Appeal Decision

Site visit made on 31 October 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2023

Appeal Ref: APP/F0114/W/23/3322573

Bath Road Hand Car Wash, Bath New Road, Radstock BA3 3AF

- 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 I Pashoccari, Bath Road Auto Care, against the decision of Bath and North East Somerset Council.
- The application Ref 22/03744/FUL, dated 15 September 2022, was refused by notice dated 14 April 2023.
- The development proposed is proposed wall and roof enclosure of carwash area.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Radstock Conservation Area, and
 - the effect of the proposal on highway safety, with particular regard to surface water.

Reasons

Character and Appearance

3. The appeal site occupies a position on rising land off the A367 Bath New Road. It comprises a former petrol station site with a forecourt, a large open canopy and ancillary single-storey buildings and canopy. There is significant tree planting to the opposite side of the A367 giving a semi-verdant approach to Radstock. Due to the position of the site on rising land raised significantly above buildings broadly to its west, and as the site forms the last significant area of built form to this side of the road, the site is prominent when travelling along the A367. The forecourt, main canopy and associated buildings are elevated a considerable distance above Coombe End
4. The appeal site is located within the Radstock Conservation Area (CA). The Radstock Conservation Area Assessment (1999) (RCAA) notes that one of the unique features of Radstock is the way the open countryside comes close to the heart of the town. The RCAA states that the objectives for the management of the area are that the countryside should remain undeveloped to retain its open character and distinct relationship with adjoining developed areas. As a result, the significance of this part of the CA is partly derived from the presence of the valley and the views into and out of the valley creating a strong generally open

visual link between the countryside and the town. By virtue of the lack of any particular architectural or historical merit to the buildings on the site, it does not make a positive contribution to the CA.

5. On approach to Radstock down the A367, you experience the open valley and as you get closer to the appeal site, the site is viewed against other built development set down off Coombe End and further down the A367. However, views to the countryside beyond remain over the top of the site and the low walls at the back edge of the pavement. When travelling up the A367 towards the site, it is viewed alongside the tree planting on the opposite side of the road and is prominent due to its raised position. Due to the single-storey nature of the buildings on the site, open sided canopies, and being the last significant area of built form to this side of the road, the appeal site provides a visual transition between the denser built form of the buildings further down the A367 through to the valley and open countryside beyond. This reinforces the characteristics that contribute to the CA in terms of allowing views from the A367 to the valley and countryside beyond.
6. The appeal proposal would involve the provision of a building to enclose the car wash. The new building would occupy a considerable extent of the forecourt, extend close to the back edge of the pavement and be taller and longer than the existing canopies. The plans detail the building being finished with plastic coated insulated profile sheeting coloured grey. The building would comprise two roller shutter doors allowing for the access and egress of vehicles to the building. Due to its scale, height, materials and position at the back edge of the pavement, the building would have a dominant and oppressive effect on the street scene. For the same reasons, the building would restrict views of the countryside beyond and significantly diminish the impression of openness to this side of the road. This would be the case despite the stepped design of the roof. A condition securing a green coloured finish to the building, and fact that views of the countryside/valley beyond the site would only be interrupted for a short period/distance would not adequately mitigate this harm.
7. The form of building would also be at odds with the prevailing character of the area comprising stone and rendered walls under pitched tiled roofs. The functional appearance of the building and its materials would therefore jar with the more traditional building forms and materials on approach to the site. By reason of the increased scale and height of the building, on a site already raised a considerable distance above Coombe End, the proposed building would also have an overbearing and dominant impact when viewed from Coombe End.
8. The appellant has drawn my attention to the functional and commercial appearance of the site at present and need for a building of this height to allow for all vehicle types. However, by reason of the smaller scale of the existing built form, height of the main canopy, combined with the location of the site set against more open views, the appeal site maintains a sense of openness and is of a scale that provides a suitable transition from the built form of the town to the countryside. Moreover, the appearance of the existing buildings and any benefit to the business from the increased height of the building or subsequent advertisements do not justify the more harmful scale and appearance of the development proposed.

9. I have considered the presence of development further down the road forming 1-5 Bath New Road that is of a greater scale than the building proposed and positioned at the edge of the pavement. Nonetheless, these buildings are at a lower level and viewed in a different context in closer association with nearby buildings. They are also of a more traditional design closely replicating the prevailing facing and roofing materials in the immediate area.
10. I acknowledge that the RCCA is dated March 1999. However, the special qualities of this immediate part of the CA are still relevant and visible on the ground such that it is a material consideration of significant weight.
11. As a result, the proposal would represent an oppressive and dominant form of development at odds with the prevailing character and appearance of the area and within a prominent location that would fail to preserve or enhance the character or appearance of the Radstock Conservation Area.
12. The proposed development would, with the above in mind, be contrary to Policy CP6 of the Bath and North East Somerset Core Strategy Part 1 of the Local Plan (July 2014) (LP), Policies NE2 and D5 of the Bath and North East Somerset Local Plan Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update (January 2023) (CS), and Policies D1, D2, D3 and HE1 of the Core Strategy & Placemaking Plan District-wide Strategy and Policies (July 2017) (PP) and the provisions of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that places are attractive, that development is well designed and do not harm local character or distinctiveness, contribute positively to urban fabric, conserve and enhance character and appearance and ensure that development within a conservation area preserves or enhances the elements which contribute to the special character or appearance of the conservation area.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
14. The appeal scheme would have an adverse effect on the CA's significance as a whole, leading to less than substantial harm as set out in paragraph 199 of the Framework. It is important to note that 'less than substantial harm' does not equate to a less than substantial planning objection. Paragraph 202 of the Framework requires that 'less than substantial harm' should be weighed against public benefits of the proposal.
15. The proposal would result in the employment of a number of people, reduce staff turnover, improved working conditions for staff and there would be benefits to the local economy through increased trade, particularly during winter months. I give these benefits moderate weight. The proposal provides an opportunity to remove water being sprayed onto the highway but as there is little evidence that this could not be addressed by other means, I give this limited weight in favour of the proposal. As a result, and due to the small scale of the proposal, these moderate public benefits would not, when taken together, outweigh the significant harm to the character and appearance of the CA.

Surface Water

16. At present, and as witnessed at my site visit, spray from the jet washing of vehicles can reach the highway in the form of mist resulting in some associated surface water. Although I note the Council's concerns with regard to water on the highway causing a highway safety concern, I have little evidence supporting this conclusion and did not witness any significant pooling of water on the highway at the time of my site visit when there was a considerable number of vehicles being washed. It is noteworthy that the Local Highway Authority raised no objection to the proposal in this regard subject to conditions.
17. The appellants evidence clarifies that the washing of vehicles within the building will prevent spray reaching the highway. The appeal evidence and proposed plans state that water within the building will be collected and disposed of via the existing drainage channels on the site. Rainwater would also be collected and disposed of via the drainage system within the building and via drainage channels across each of the roller shutter door openings. I have little information before me to demonstrate that the existing drainage channels do not adequately dispose of surface water.
18. In light of the above, and subject to a suitably worded condition to ensure that details of the collection and disposal of surface water were adequately dealt with in light of the limited drainage details on the proposed plans, the proposal would not result in surface water reaching the highway.
19. As a result, and subject to a condition, the proposal would not have a harmful effect on highway safety, with particular regard to surface water. The proposal would therefore comply with Policy CP5 of the LP and Policy ST7 of the CS and the Framework. Amongst other things, these seek to ensure that all development reduce the risk of surface water run-off and ensure that highway safety is not prejudiced.

Other Matters

20. The appellant states that the proposed structure is not a permanent building. However, it falls under the definition of a building¹ and is being applied for on a permanent basis.
21. I have considered the concerns raised by the appellant regarding communication with the council during consideration of the application and to its method of determination. I also note the submission of a revised planning application to the Council. However, these are not matters that are before me for consideration or determinative in the appeal that I am required to consider on its own planning merits.
22. I note the support for the proposal from Radstock Town Council and Ward Member, but these matters do not outweigh my findings above. I further note the retention of the existing access points and provision of suitable visibility splays. However, these factors carry neutral weight in my consideration.

¹ S.3336 of the Town and Country Planning Act 1990

Conclusion

23. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR