



Appeal Decision

Site visit made on 6 February 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2024

Appeal Ref: APP/H4315/W/23/3325193

383-385 West End Road, Haydock WA11 0AX

- 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 P King against the decision of St Helens Metropolitan Borough Council.
 - The application Ref is P/2022/0389/FUL.
 - The development proposed is described as 'proposed retention of hand carwash facility on an existing car sales forecourt'.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matter

2. Planning permission was granted in 2019 for the change of use of the site from a car sales forecourt to a hand car wash facility. The permission was subject to a condition which restricted the use of the site for such purposes for a temporary three-year period. That three-year period has now expired. The appeal proposal seeks the retention of the use, as a hand car wash, permanently.
3. The Council has referred to a canopy in its first reason for refusal. However, the description of the development does not include reference to the canopy and the submitted plans do not show it. Consequently, there is some doubt as to whether the canopy forms part of the appeal proposal. Nevertheless, as the appellant has not disputed its inclusion in the decision, I have determined the appeal on the basis that the canopy forms part of the development before me.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of nearby residential properties with particular regard to noise.

Reasons

Character and appearance

5. The site is in a highly prominent position adjacent to a roundabout at the junction of West End Road, Vicarage Road and Clipsley Lane. Vicarage Road and Clipsley Lane form part of the A599 and as such are defined by Policy

LPD06 of the St Helens Borough Local Plan up to 2037 (LP) as a Prominent Gateway Corridor.

6. The site forms part of a small cluster of commercial uses comprising a Tesco Express store and a kitchen and shower showroom. A small public parking area, accessed off Clipsley Lane, adjoins the site. The wider area is, however, predominantly residential in character.
7. The dwellings on the surroundings streets are, predominantly, set behind front gardens enclosed by low brick walls which gives a pleasing consistency to the street scene. The site, however, is enclosed on its frontage by an open post and rail fence, which also extends along part of the side boundary with the car park.
8. The proposal includes the retention of a tall, profiled metal fence along part of the rear and side boundary to the car park. The fence, by virtue of its materials and height, is a stark contrast to the prevalent boundary treatments within the area and the post and rail fence within the site along its frontage. A long advertisement hoarding facing towards the car park obscures the fence from views when travelling along Clipsley Lane towards the roundabout. Nonetheless, the fence is very prominent in short to medium views along Vicarage Road and West End Road. In such views it appears as an incongruous and out of keeping addition to the site that adversely harms the character and appearance of the area. Such harm is markedly exacerbated by its bright yellow colour.
9. The canopy comprises a plastic corrugated roof supported on a bright yellow metal frame. It is of a substantial scale relative to the size of the site, in a highly visible position. The construction of the canopy gives it a rudimentary industrial appearance which is at odds with the predominantly residential character of the wider area. Consequently, it is also an incongruous feature that causes additional harm within the street scene.
10. Even if I do not agree with the Council that such features amount to visual clutter, it remains that the metal fence and canopy are prominent, incongruous and visually harmful to the character and appearance of the area.
11. Accordingly, the development harms the character and appearance of the area contrary to LP Policy LPD01 and LPD06. Such policies require, amongst other things, that development maintains or enhances the character and appearance of the local environment and where visible from a Prominent Gateway Corridor, responds positively to the site and its setting. It would also be contrary to the design objectives set out in chapter 12 of the National Planning Policy Framework (the Framework).

Living conditions

12. The rear gardens of several terrace houses on Park Street are very close to the appeal site, backing directly onto it or separated from it by a narrow alleyway. Along the boundary between the site and such properties is a section of timber fence, the metal fence, and two buildings within the appeal site.
13. As part of the planning application, the appellant submitted an Assessment of Noise Impact, dated 28 November 2021 (the first assessment). There is also reference to a second assessment which the Council received on 10 February

2023. However, this did not form part of the appeal documents and is therefore not before me.
14. The first assessment identifies that jet washing and vacuuming could harm the living conditions of the residents of the houses to the rear of the site. It goes on to indicate that the repositioning of the jet washing process to the site frontage, or the introduction of large noise barriers, would result in the reduction of noise to a point where acceptable living conditions would be secured.
 15. The Council state that the second assessment concluded that if the jet wash activities were positioned to the rear of the site, the timber and metal fence on the site would form a suitable acoustic barrier that would ensure appropriate living conditions. This summary of the findings of the second assessment is not disputed by the appellant.
 16. Whilst initially considering that the use was acceptable subject to conditions, the Council's Noise Officer revised their position and objected after undertaking a noise survey. The Council indicate, following the noise survey, that the existing boundary treatment is not sufficient to protect the living conditions of nearby residents.
 17. Such evidence of the Council is representative of the actual noise and disturbance experienced by nearby residents and therefore differs from the case made by the appellant which is based on noise modelling. Consequently, even though there is nothing before me to suggest that the appellant's noise assessment methodology was flawed, I find the evidence of the Council to be more compelling in this regard.
 18. Accordingly, I find that the development compromises the living conditions of nearby residential occupiers in terms of noise. In reaching this finding, I am mindful of representations received during the application and appeal process that raised concerns regarding noise from the car wash.
 19. There is no evidence to indicate that the former car sales use on the site caused any unacceptable noise and disturbance issues. Such a use attracts a limited number of vehicular movements to and from the site in any one day, and any washing, valeting, and servicing would be more intermittent. Accordingly, the reversion to the former car sales use of the site would result in a reduction in noise and disturbance.
 20. Even if I were satisfied that the existing boundary treatment provides, or could be amended to provide, suitable noise mitigation, I have found that the metal fence is harmful to the character and appearance of the area.
 21. I have considered the use of a planning condition to require the relocation of the jet washing activity to a position towards the front of the site. However, there is no substantive evidence before me that demonstrates that this would not result in the living conditions of the occupiers of the nearest dwellings on West End Road, Vicarage Road and Clipsley Lane being adversely affected.
 22. It has been suggested that planning permission could be granted for a further temporary five-year period. The Planning Practice Guidance notes that such an approach may be appropriate where, for example, a trial run is needed to assess the effect of the development on the area. However, the car wash has been operating for several years and its effects are therefore known.

Furthermore, a temporary permission would perpetuate development that is harmful to the character and appearance of the area for its duration. Consequently, I am not satisfied that a temporary planning permission would be appropriate in this instance.

23. From the evidence before me, I find that the development has a harmful effect on the occupiers of nearby residential properties with particular regard to noise. The development is therefore contrary to LP Policy LPD01 and the Framework which, amongst other things, seek to ensure quality development that avoids causing unacceptable harm to the amenities of the local area and surrounding residential occupiers.

Other Matters

24. I acknowledge the concerns regarding the Council's conduct during the processing of the planning application. These include the failure to raise in full its concerns about the impact of the development on the character and appearance of the area; the number of Environmental Health Officers involved during the application process; and the failure to share the noise survey information. However, any concerns about the processing of the planning application fall outside of the remit of this decision.
25. The appellant has drawn my attention to a planning permission for a hand car wash on the former Vista Value Cars site on Vista Road which I viewed on my site visit. The full details of that case are not before me, and I did not see the use in operation. Nonetheless, I noted that the Vista Road site was larger than the appeal site and, consequently, noise generating activities could be carried out at a greater distance to the nearest dwellings than in the case of the appeal before me. Whilst consistency of decision making is important, from the evidence before me I have not found that the comparison to the hand car wash on Vista Road alters my findings.

Conclusion

26. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
27. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR