



Appeal Decision

Site visit made on 3 April 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2024

Appeal Ref: APP/U4610/W/23/3332470

Walsgrave Services Station, Hinckley Road, Walsgrave, Coventry CV2 2QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made on behalf of Motor Fuel Group against the decision of Coventry City Council.
 - The application Ref is PL/2023/0001483/FUL.
 - The development proposed is creation of three jet wash bays, erection of air/water and vacuum unit, erection of plant room and associated landscaping and forecourt works.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for an award of costs was made by Motor Fuel Group against the decision of Coventry City Council. This application will be the subject of a separate decision.

Preliminary Matters

3. From the evidence submitted, and from my site visit, the proposed development has commenced in that the site has been hard surfaced, drainage installed, and the air/water and vacuum unit installed. I have, therefore, dealt with the appeal on a part retrospective basis. However, this has no bearing on my decision.
4. As part of the appeal, the appellant has submitted a Landscape Report¹ (LR). The LR does not add any new data and seeks to provide additional information on the suitability of the proposed landscape screening. The additional information does propose increasing the height of the landscape screening but does not fundamentally alter the scheme in terms of the proposed mitigation measures. The Council has had sight of the LR and have commented on it. Furthermore, I do not consider that neighbouring occupiers would be prejudiced in my accepting of the information.
5. A revised National Planning Policy Framework came into force on 19 December 2023 with a further change published on 20 December 2023. The paragraphs most pertinent to this appeal are unchanged, other than their numbering. Having considered the changes, and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

¹ Alltree Consultancy Landscape Report, Customer No: MBHDE05, Document No: 800954, 19/10/2023

Main Issues

6. The main issues are the effect of the proposed development on:
- the living conditions of the occupiers of numbers 9 to 12 Mapperley Close, with particular regard to outlook; and
 - the character and appearance of the area and the street scene.

Reasons

Living conditions

7. The appeal site comprises an area of land to the side of the existing petrol filling station (PFS) and behind a recent development of electric vehicle charging bays, associated with the PFS. The site is on the junction of Hinckley Road and Wigston Road. Around this junction are other commercial uses, including two other petrol filling stations, a public house, and a fast-food restaurant. To the rear and side of the site are residential dwellings. Numbers 9 to 12 Mapperley Close are bungalows whose rear gardens are next to the appeal site.
8. The PFS is a *sui generis* use. However, the use of the site is of a similar nature to industrial and storage/distribution uses in terms of being a use that would create noise and vehicle movements. I have considered the proposal against Policy JE5 of the Coventry City Council Local Plan, adopted 2017 (LP) as I have not been made aware of any other policies which are relevant to consideration of proposed development for *sui generis* uses. Policy JE5 is the most relevant to the consideration of what is proposed, and the policy requires development to demonstrate that it would not result in significant harm to the living conditions of persons occupying nearby residential properties.
9. The principle of jet wash bays within a PFS forecourt is acceptable, however the proposal is for the jet wash bays to be next to the boundary wall of the neighbouring dwellings. The proposed canopies would reduce the risk of overspray from the jet wash by enclosing three sides of each bay. The canopies, and the 3-metre-high acoustic fence, are also required to mitigate the effect of noise from the jet wash bays, as detailed in the Noise Impact Assessment². This evidence indicates that noise levels would be below background levels and would not exceed the recommended noise levels for bedrooms, living rooms, or gardens. Notwithstanding the concerns of neighbouring residents, I have no substantive evidence to counter the submissions from the appellant's acoustic consultant. Moreover, the jet wash bays would not be operational 24 hours a day and would, therefore, not disturb residents at nighttime.
10. The canopies are proposed to be 3.8 metres high across the full length of the three car wash bays. The 3-metre-high acoustic fence extends beyond the width of the canopies along the full width of the gardens of numbers 9 to 12 Mapperley Close. Furthermore, the LR now proposes a 4-metre-high hedge on the appeal site next to the existing brick boundary wall at the rear of numbers 10 to 12 Mapperley Close. The canopies, acoustic fence, and hedge would extend above the height of the boundary wall and the development is close to the rear elevations and gardens of the neighbouring properties. The rear

² EEC MFG Noise Impact Assessment, Reference EEC/EC18454-8, Version 4, 9 June 2023

elevations of the properties include windows to habitable rooms, including bedrooms and living rooms.

11. The proposed hedge would screen the acoustic fence as viewed from 10 to 12 Mapperley Close. However, the proposal would not include a hedge between the garden of 9 Mapperley Close and the acoustic fence. The fence, at this point, would be visible above the boundary wall. Notwithstanding the lack of hedge, the additional height above the boundary wall would not be visually dominant or harmful to 9 Mapperley Close.
12. However, the outlook from numbers 10 to 12 of the proposed development would be predominately of a tall, evergreen, hedge projecting significantly above the height of the boundary wall. Even if I were to restrict the height of the hedge to 3m the canopies would project significantly above the height of the wall. Although the views out of these windows are already restricted by the existing boundary wall there would currently be views over the wall. Due to the height of the canopies and the revised height of the hedge the view out of these windows would be substantially restricted.
13. Moreover, the gardens of the properties on Mapperley Close are at a lower ground level than the appeal site and the height of the hedge and canopies would tower above the boundary wall and the gardens. I saw at my visit that there is existing landscaping within the gardens of the properties immediately to the rear of the appeal site. Some of this landscaping extends above the height of the wall. However, this landscaping is not within the appellant's control. Moreover, the existing landscaping is not to the same height or width as the proposal and consequently, there would currently be views available through and around this landscaping. The existing planting in the gardens would not visually screen the development or reduce the overall height and prominence of the proposed hedge and canopies.
14. Due to the height and length of the hedge and the canopies the proposal would result in the outlook for the occupants of numbers 8 to 12 Mapperley Close being of a high evergreen hedge. This would significantly increase the harmful sense of enclosure and would result in harm to the living conditions of the occupiers of these properties.
15. That there is other, tall, landscaping in the immediate area does not justify the harm that would arise to the living conditions of the occupiers of the neighbouring properties from the proposed development. The other tall landscaping referred to is not the same form of large, evergreen, hedge as proposed in the appeal before me. The other tall landscaping has varied heights, and allows views through, under, and around the landscaping.
16. For the above reasons, I find that the proposed development would cause unacceptable adverse harm to the living conditions of the occupiers of numbers 9 to 12 Mapperley Close, with particular regard to outlook. The proposal is, therefore, contrary to Policies DE1 and JE5 of the LP which, taken together, seek to ensure that development respects and enhances its surroundings, enhances the built environment, and does not result in significant harm to the living conditions of neighbouring residents.
17. For the same reasons, the proposal would fail to accord with the guidance in the Framework which, amongst other matters, seeks to create better places to

live, with a high standard of amenity for existing and future users, and seeks to ensure that development contributes to and enhances the local environment.

Character, appearance and street scene

18. From the main public viewpoints on Hinckley Road and Wigston Road the development would not be visually prominent. It would be set at the back of the forecourt and would be in keeping with the context and scale of other structures within the PFS. Moreover, it would be read alongside the other commercial uses in the wider area. The effect on the street scene of Hinckley Road and Wigston Road is, therefore, acceptable.
19. The proposed development would result in the jet wash canopies being higher than the dwellings on Mapperley Close and higher than the existing boundary wall. However, from my own observations, the previously approved fencing along the side boundary and the electric vehicle charging bays are already at a height that is at odds with the single storey dwellings and the boundary wall. Furthermore, there are other tall structures within the PFS forecourt, including the PFS canopy and totem signs.
20. I observed glimpsed views of the main PFS canopy from between the dwellings on Mapperley Close but no views of the appeal site. The proposed development would be at a similar height to the existing main canopy albeit nearer to Mapperley Close. However, the PFS is not a prominent feature on the street scene of Mapperley Close and there would be intervening dwellings, existing landscaping and the existing boundary wall screening the proposal from the public vantage points on Mapperley Close.
21. The LR submitted with the appeal advises that, despite the narrow gap and the concrete surface, a hedge could be planted within the gap, on a raised bed, and of a species that would be evergreen. The LR advises that plants could be provided which would already exceed three metres in height. The LR suggests the screening hedge would be immediately four metres high and could be maintained at 4 metres.
22. The proposed hedge, at 4 metres, would provide a green backdrop, visible above the proposed jet wash canopies and most of the acoustic fence as viewed from Hinckley Road. There is a short section of fence where landscaping would not be possible, behind the plant room. However, this would not be visually harmful to the street scene given the surrounding development.
23. The hedge would also mitigate any visual effect from the public vantage points on Mapperley Close and screen any views of the proposal from between the properties.
24. Even though the proposed development results in a means of enclosure that is higher than the dwellings and boundary wall, when viewed in the street scene of Hinckley Road, Wigston Road and Mapperley Close, the increased height for the proposed hedge would mitigate the visual effect of the canopies and acoustic fence which would also be in keeping with the context and scale of other structures within the PFS.
25. For the above reasons, notwithstanding my conclusion on the living conditions of the occupiers of the neighbouring properties, I find that the proposed development would not adversely affect the character and appearance of the

area or the street scene. Consequently, I find no conflict with Policies DE1 and JE5 of the LP in regard to this main issue.

26. For the same reasons, the development would not conflict with the relevant parts of the Framework which require good design.

Other Matters

27. The Council has also referred to Policy H5 of the LP in their evidence. Policy H5 relates to Managing Existing Housing Stock and seeks to renovate and improve existing housing, in association with the enhancement of the surrounding residential environment, supports the conversion of buildings to residential use and supports redevelopment schemes where the existing housing stock does not meet local market needs. Having regard to the Aberdeen City case³, Policy H5 of the LP is, therefore, not relevant to the consideration of the main issues detailed above. Moreover, Policy H5 of the LP is not relevant to the matters raised in the Council's reason for refusal.

28. The Council did not raise any issues regarding light pollution or rubbish, notwithstanding the concerns raised by neighbouring residents. The proposed plans do not show any lighting and rubbish could be dealt with through additional bins near the jet wash bays. Concerns were also raised regarding the use of water; however, I note that the appeal proposal includes water storage, filtration, and re-use so as to reduce the amount of water consumed for each wash. It is also not my role, in the context of this appeal, to determine the commercial need for the appeal proposal.

Conclusion

29. While I have found compliance with some of the policies, the conflict I have found with others leads me to conclude that there is conflict with the development plan as a whole. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, the appeal is dismissed.

K Townsend

INSPECTOR

³ Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Company Limited [2017] UKSC 66