



Appeal Decision

Site visit made on 6 February 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2024

Appeal Ref: APP/F5540/W/23/3330445

Workshop rear of 220 Great West Road, Hounslow TW5 9AW

- 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 by Mr Muzzafair Hussein Changazi against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00505/R/0220/P2.
 - The development proposed is described as 'the continued use as workshops for the fitting of tyres, the mechanical repair and servicing of light vehicles and to form a DVSA authorised class 4 MOT testing station'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development is lawful. I note an appeal, made under section 195 of the Act against a refusal to grant a certificate of lawful use or development was dismissed¹ in 2020. A business at the appeal site has however been established. As the MOT testing station is not operational, I shall consider the evidence so far as it is material to this appeal, and on the basis of the evidence and plans before me.
3. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.
4. I have used the appellant's name provided on the original application form.

Main Issues

5. The main issue is the effect of the proposal on highway safety with particular regard to the access arrangements.

Reasons

6. The appeal site is located at the rear of a parade of commercial businesses which front the busy Great West Road, one of London's main routes. These

¹ Appeal Ref: APP/F5540/X/19/3223670 - The use for which a certificate of lawful use or development was sought was a tyre shop.

businesses are served by a narrow private road within which numerous outbuildings, garages, workshops and businesses are also located. The private road has two points of access. The Vicarage Farm Road access is to the east, and the Broad Walk access is to the west. Vehicles can use both access points when entering and leaving.

7. The eastern access has a single vehicle width entrance between the gable of a building and domestic boundary creating a narrow constrained access point. Between this access point and Great West Road are double red line road markings and a bus stop set in front of the commercial premises. Beyond the entrance are on-street parking bays. Whilst there are single red lines and on-street parking bays on Broad Walk, the private road emerges into a predominantly residential area, which is significantly less trafficked than Vicarage Farm Road. This then leads to the eastern carriageway of Great West Road.
8. The proposed development seeks to include a pre-booked MOT station for four vehicles, which would have eight tests per day. This would be undertaken within the western workshop, with the eastern workshop to be used for the fitting of tyres and servicing of vehicles. The appellant's November 2022 survey demonstrated daily two-way flows of 51 and 52 vehicles during weekdays and weekends. The appellants suggest the inclusion of the MOT station would not result in increased traffic flows.
9. The five year collision data² provided by the appellant shows numerous slight and three serious incidents in the vicinity of the appeal site. Several are located on Vicarage Farm Road and around the major junction of Great West Road. The appellant contends that as the collision data shows no collisions at either access point that the existing traffic movements are already safely accommodated on the highway network.
10. The eastern entrance is not wide enough for two vehicles and an acute bend within the private road reduces the inversibility between vehicles entering and exiting from the east. There is the possibility for traffic exiting the private road to meet traffic entering. There is the potential for vehicles to have to reverse towards/onto Vicarage Farm Road or carry out convoluted manoeuvres in a confined setting within the site, which although a private road also still poses a safety risk.
11. However, whether a five year or three year accident search is appropriate to establish the safety of the road environment, in the absence of a certificate of lawful use, I have no substantive evidence that the business has been operating with similar levels of traffic flows within the preceding three or five years. This limits the weight I can attach to the effect of the traffic flows upon the highway.
12. The vehicle surveys for the appeal also show a relatively high number of vehicle trips to the site. These ultimately would be via a poor quality access point shared with numerous other private road users, for which there is no method or agreement to control. The proposed development, for which there is no established use or evidence of historical vehicle movements has the potential to generate stand-off conditions between those entering and leaving the site. Whilst the Highway Authority confirm none of the incidents recorded

² Figure 1: Summary of Collision Data (source: crashmap.co.uk)

appear to be from vehicles reversing onto Vicarage Farm Road six incidences of cars meeting have been recorded over two days, which is not a rarity. Even if the majority of those filmed were resolved within the confines of the private road, or not attributable to the appeal site, there is evidence that the inevitable conflict can extend on to Vicarage Farm Road.

13. The likely situation in stand-off scenarios of some vehicles exiting the site in reverse gear over the pavement could occur. The visibility of any driver reversing can be restricted. From my observations, which I appreciate are only a snapshot in time, the combination of high levels of vehicle movements arising between Great West Road and Vicarage Farm Road, nearby on-street parking, the bus stop and pedestrians accessing homes, shops and crossing roads would require all highway users to be fully cognisant of the road environment. I therefore find the Council's concerns regarding the number of recorded collision incidents in a short section of road to be compelling. To my mind, there would be an increased potential for conflict between road users as a result of the development.
14. I appreciate that the appellant's surveys show that Broad Walk is used more often and that the small number of MOT's could be booked in and customers advised to use this access. That being said, the appellant considers it would be impractical for customers arriving from the south or east to use Broad Walk, which limits the benefits of this system. In the absence of a booking system for other services, there is also nothing to prevent customers arriving by the more convenient Vicarage Farm Road.
15. In seeking to address this, the appellant's Management Plan advises that if there is insufficient space within the site for parking, customers will be requested to vacate the area. However, the Management Plan does not provide any evidence of directional, order or information signs for customers within the site. This, alongside advising customer to leave via Broad Walk would potentially require a high level of vigilance by employees and I am not convinced it would be a practical solution during a busy working day.
16. Furthermore, these measures would not be enforceable because any such condition requiring ongoing action by a business, and their customers would place an undue burden on the Council to monitor and pose an issue around detecting a contravention. Having regard to the above, I consider that the Management Plan fails to demonstrate that the site will be managed such that vehicle movements predominantly arrive and exit via Broad Walk. Whilst impacts on the road network and effect on the operation of it are unlikely to be severe, nevertheless the effects on highway safety could not be adequately controlled and mitigated.
17. I conclude the development would have an unacceptable impact on highway safety with particular regard to the access arrangements. It would be contrary to Policy EC2 of the London Borough of Hounslow Local Plan 2015-2030 (the Local Plan). This states, amongst other things, that development proposals should demonstrate that adverse impacts on the transport network are avoided. The development would also be contrary to the Framework, which requires that safe and suitable access to the site can be achieved for all users.

Other Matters

18. The principle of the development has not been raised. The effect upon the occupiers of neighbouring buildings has also not been cited as a reason for refusal by the Council. The proposal also addresses noise and fire safety. Whilst important, these are neutral matters in the overall planning balance.
19. It is also acknowledged that there is another similar business at the neighbouring site, and that the council granted it permission³. Whilst each proposal is judged on its own merits, I note the similarities with the appeal proposal. However, I have not been provided with the full details and it may have been determined under a different set of circumstances, planning policies and other evidence which is not before me in this appeal. Additionally, it is not known if other such businesses operated from the private road when it was determined. In any event, the presence of similar development does not outweigh the harm from the proposed development.
20. It is likely that the proposal would secure the business operating from the site and employment. There is support from interests parties for the proposed development, providing convenient and valued service for customers. However, the overall scale of the socio-economic benefits would be small and would not outweigh the harm to highway safety.
21. I also note the concerns raised within the comments from other interested parties. However, the fact the site may have been in operation without planning permission has no bearing on my decision. There is no substantive evidence that the condition of the private road or nearby pavements are attributable to the appeal operation, but neither are these elements within my remit to address.

Conclusion

22. For the reasons given above, I conclude the appeal should be dismissed.

K Williams

INSPECTOR

³ Council Reference: 01151/50/P6.