



Appeal Decision

Site visit made on 24 September 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2024

Appeal Ref: APP/E5900/W/24/3339243

Land west side of Purdy Street, London, E3 3PD

- 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 Shah Husan against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/23/02023.
 - The development proposed is conversion of the application site into a car storage yard.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the application site into a car storage yard at Land west side of Purdy Street, London, E3 3PD, in accordance with the terms of the application, Ref PA/23/02023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos. 19/147/005 and 19/147/007.
 - 3) The maximum number of cars stored in the yard at any one time shall be 31.
 - 4) Cars being stored on the site shall only be delivered to or taken from the site between the hours of 09:00 and 17:00 on any day.
 - 5) The site shall be used for the storage of cars only, and for no other purpose, including the storage of any other goods or vehicles.
 - 6) The office building on the site shall be used only for purposes ancillary to the car storage use of the site, including for site security.

Preliminary Matters

2. The site address on the application form is land south-west side of Purdy Street. As the site is at the northern end of Purdy Street, I have deleted south from the address to avoid confusion.
3. The development is described on the application form as conversion of the application site into a car storage yard (use class B8). The Council removed the reference to use class B8, and in their report state that according to case law, the proposed use would be sui generis. I have not been provided with any details of the case law being referred to in this respect. However, for the avoidance of doubt, the specific use I am considering in this case is car storage. This reflects the description of development used on the decision notice and appeal form.

4. Although it is not referred to in the description of development, planning permission is also sought for the retention of an existing office building to be used in connection with the use of the land as a car storage yard. No objections have been raised to the siting, scale or design of this building or to the principle of using the site for employment purposes.

Main Issues

5. The main issues are the effect of the proposed use on i) the living conditions of local residents with regard to noise and disturbance, traffic and fumes; and ii) highway safety.

Reasons

Living conditions

6. The site is located at the end of a residential street and is bound by the road to the east and a railway line to the west. It is also crossed by overhead railway lines to its north, beyond which there is a large apartment block. There are terraced houses to the south and allotments on the opposite side of the road to the east. The road terminates just beyond the entrance to the appeal site although there is pedestrian and cycle access under the railway lines to Rainhill Way.
7. At the time of my visit the site was vacant. It comprises a large clean concrete surface, enclosed by high walls and fences. The entrance is secured by locked gates and shutters. There is a small modern office building just inside the entrance gates.
8. It is proposed to store a maximum of 31 cars on the site, which would be individually driven to and from the site, as opposed to being delivered on a trailer or any other form of vehicle carrier. No car maintenance or repair works would take place on the site, and no car sales, viewings, test drives or collections would take place from the site, which would not be open to the public or customers at any time. The site has no adverts or signage, and none are proposed. The business would employ two people and the office building would be used by staff for admin and security purposes ancillary to the car storage use of the site. Whilst there would be cars stored on the site at all times, these would only be delivered to or dispatched from the site between the hours of 9am and 5pm. The cars stored on the site would be advertised for sale online, but they would be taken to a site elsewhere for customers to view or purchase. Given the number of cars that would be stored on the site, which could be controlled by a planning condition, the estimated 8 or 9 movements of stored vehicles per week is realistic.
9. Given that a single household is likely to generate 4 vehicle movements per day, the additional noise and fumes generated by traffic movement connected to the proposed use would be insignificant in this busy urban area. In reaching this view, I am mindful of the facts that Purdy Street already serves a high number of houses, with on and off street car parking, and that the busy railway lines to the north and west of the site and the busy main road and commercial area at the southern end of Purdy Street already generate significant and frequent noise. I also note that no objections have been raised to the proposed use by local residents or by the local authority Environmental Health Team, subject to a condition relating to the hours of operation.

10. I therefore conclude that the proposed use of land and the retention of the ancillary office building would not be detrimental to the living conditions of occupiers of nearby houses. Consequently, it would accord with Policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan 2031, which seek amongst other things to ensure that new development would not create unacceptable levels of noise and fumes.

Highway safety

11. Purdy Street is a residential estate service road. It has a wide carriageway with marked parking bays and wide footways on either side. Although it terminates at the northern end, it serves three small cul-de-sacs on its western side that each comprise approximately 14 terraced town houses with access and parking to the front. Its main junction is at the southern end where it joins the B140 but it can also be accessed from Tibbatt's Road to the east.
12. There is ample space within the site for the parking and turning of the cars that would be stored and those belonging to employees. As there would be no visitors to the site, the proposal would not increase the pressure for on street parking space in the area. The site access has good visibility and due to its location at the end of the road, there is no danger to passing traffic. Due to the width and alignment of Purdy Street, there are clear views along its whole length from the site access. Accordingly, in the unlikely event of there being any congestion or obstruction to the free flow of traffic, this would be visible from the site exit.
13. The proposed use of the land would increase vehicle movements along Purdy Street. However, the vehicles would only be cars and the trip generation would be minimal. I note that no safety concerns or objections have been raised by the local highway authority or local residents.
14. I therefore conclude that the proposed use of land and the retention of the ancillary office building would not be detrimental to the safety and free flow of traffic along Purdy Street. Furthermore, it would not conflict with Policies D.TR2 and D.TR4 of the Tower Hamlets Local Plan 2031, which relate to developments that would generate a significant number of vehicle trips, and would have significant effects on the transport network and traffic congestion.

Other Matters

15. I have had regard to the planning history referred to by the main parties, albeit I have been provided with limited details. It is apparent from the information before me that the enforcement notices that were corrected and upheld at appeal, related to the sale of motor vehicles and the erection of an office building and garage/workshop. This is not directly comparable to the proposed use currently before me. Although previous decisions are material considerations, each case is determined based upon its own merits and the information submitted in favour of or against it. The fact that a similar appeal proposal has previously been dismissed is not justification on its own to refuse planning permission for a different proposal.

Conditions

16. In addition to the standard time limit, it is necessary to condition the approved drawings to provide certainty as to what has been permitted. It is necessary to limit the number of cars that can be stored on the site and to restrict the

hours within which these can be delivered to or removed from the site, to protect the living conditions of local residents. Conditions to limit the use of the site and ancillary office building are also necessary as alternative storage and business uses could result in different implications for noise and traffic that have not been assessed.

Conclusion

17. For the reasons given above, having had regard to all matters raised, the appeal is allowed.

R Bartlett

INSPECTOR