



Appeal Decision

Site visit made on 3 February 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th February 2025

Appeal Ref: APP/P1750/W/24/3350857

116 Chapel Lane, Farnborough, Hampshire GU14 9BL

- 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 Hiva Bapir against the decision of Rushmoor Borough Council.
 - The application Ref is 24/00202/FULPP.
 - The development proposed is a car wash and valeting.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The proposed development has already occurred under a temporary planning permission¹. The temporary nature of the permission was to allow a period of time to monitor the impact of the car wash and valeting business (the car wash) on surrounding neighbours. This expired on 3 January 2021 and planning permission is now being sought to make the use permanent.
3. The main issue is therefore the effect of the proposed development on the living conditions of neighbouring residents with specific regard to noise disturbance.

Reasons

4. The appeal site is a converted petrol filling station located at the junction of Chapel Lane and North Farm Road. To one side of the appeal site is a MOT / tyre centre and on the opposite side All Saints Church and hall. To the rear and on the opposite side of the road are residential properties, with 295A Fernhill Road the closest. The proposal would seek to retain the car wash.
5. Both the appellant and Council's Environment Health team have undertaken individual assessments of the noise from the car wash, paying specific regard to the jet washers. Although it is noted that noise also occurs from the vacuuming equipment and communication between workers. The noise assessments appear to have occurred in similar circumstances, albeit on different days, and both parties agree the nearest residential receptor (RR) is the garden of No 295A.
6. The main difference between the assessments is a lack of access to the RR for the appellant. This has meant the appellant's Acoustic Assessment² (AA) has had to rely on a series of noise predictions and the use of a background measurement

¹ 19/00799/FULPP

² 'Acoustic Assessment at Car Wash, 116 Chapel Lane, Farnborough' by Ned Johnson Acoustic Consultants; reference 662324, dated 30/05/2024

location 'MP2' closer to Chapel Road than the RR. Whilst the Council was able to measure both background and jet washer noise directly from the RR.

7. There is, therefore, a considerable discrepancy between their findings. The appellant's AA concludes that the jet washing would have a - 8dB impact. Conversely, the Council, having undertaken 2 sets of measurements since the temporary permission was approved, found a + 8dB and a +14dB impact.
8. During the site visit I observed that the jet washers were clearly audible over the surrounding background noise, and their intermittent use in relation to the ebb and flow of customers further emphasised their aural impact. As such, and appreciating the predictions undertaken in the AA were taken in good faith, I am unconvinced the impact of the jet washers would be below that of background noise, as the AA concluded.
9. Therefore, on the evidence before me and through my own observations, I can only conclude that the noise disturbance from jet washers would be closer to the Council's values. This identified increase in noise is of such a magnitude that it would have a significantly detrimental impact on the living conditions of residential neighbours, especially when considering there is no proposed respite from the noise as the car wash currently operates every day of the week.
10. Although audible the main parties agree that in isolation the noise from vacuuming and staff communication is not so intrusive as to make living at the neighbouring residential properties untenable, and there is nothing before me to conclude otherwise. However, this does not overcome the harm identified in relation to the jet washers.
11. It is acknowledged the appellant considers the impact of noise, and associated complaints, have increased due to the intensification of the car wash business and that a management plan was considered appropriate when the temporary permission was approved. Therefore, they suggest that to provide sufficient noise mitigation another management plan could be conditioned. Although they have provided an outline of what this plan may contain, without specific details of the mitigation measures nor how those measures would be implemented and controlled, there is insufficient certainty or clarity in detail to ensure the reasonable use of a condition or that such a condition would be enforceable.
12. Consequently, for the above reasons, the proposal would have an unacceptably harmful effect on the living conditions of neighbouring residents with specific regard to noise disturbance. It would fail to comply with the Rushmoor Local Plan Policies DE1 and DE10, insofar as they seek new development to not cause harm to adjacent users by reason of noise pollution.

Other Matters

13. It is noted that concerns have been raised in relation to surface water run-off. However, the Council is confident this could be dealt with by condition and there is nothing before me to conclude otherwise. This would constitute a lack of harm, as would the impact of the proposal on the character and appearance of the area and highway safety. Nevertheless, by definition a lack of harm cannot weigh for or against the proposal.

Conclusion

14. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR