



Appeal Decision

Site visit made on 22 January 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/F5540/W/24/3349235

47 York Road, Brentford, Hounslow TW8 0QP

- 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 David Gutwirth against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 01244/47/P5.
 - The development proposed is retrospective change of use from storage to car repair shop.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Prior to the determination of this appeal, a new version of the National Planning Policy Framework (the Framework) has been published. The substantive matters of the case before me are not however affected by the changes. I do not therefore feel any of the main parties' cases would be prejudiced by me proceeding without further consultation thereon.
3. The change of use has already occurred. I have determined the appeal on this basis.

Main Issues

4. The main issues are a) the effect of the proposal on the living conditions of nearby residents with particular regard to noise and disturbance and air quality, b) the effect of the proposal on highway safety, c) whether the proposal achieves the highest standards of fire safety and d) whether the proposal makes suitable arrangements for waste management.

Reasons

Living Conditions

5. The appeal site is on the corner of York Road and Brook Lane North in a predominantly residential area. York Road is not open to through traffic, with residents parking bays and cycle storage at the end of the road. Residents parking is replicated on the Brook Lane North side of the road closure.
6. The proposal does not include information on the number and type of vehicular trips that it generates, and these could differ from those that would have been associated with the use of the site for storage purposes. Moreover, the evidence before me demonstrates that the use of the premises as a car repair shop is likely

to generate additional comings and goings to the building, noise and disturbance from machinery used for car repairs, especially when the doors to the building are open, and from the offloading, parking and movement of vehicles.

7. In addition, there is no substantive evidence before me, such as an air quality assessment to determine whether the exhaust from vehicles and machinery would create air quality issues or whether there are mitigation measures which could be implemented.
8. Being close to residential properties these factors could affect the living conditions of nearby occupiers. The proposal was not accompanied by any studies such as a noise report or air quality assessment as mentioned above, to determine whether the change of use is suitable in this location. There is therefore no substantive evidence before me that the use of the building as a car repair shop would be appropriate in this location and not demonstrate harmful effects to the living conditions of the neighbouring occupiers particularly with regard to the factors outlined above.
9. The appellant states that they have implemented measures to mitigate potential disturbances including restricted hours of activity to limit noise and that there are no emissions from commercial activities. There are, however, no details of what these mitigation measures equate to before me. Accordingly, there is no method of guaranteeing what measures would continue to be implemented to ensure that the living conditions of nearby residents are maintained.
10. I conclude that the proposal will result in harm of significant detriment to the living conditions of nearby residents with particular regard to noise and disturbance and air quality. It will conflict with Policies CC1, CC2, SC7, EQ2, EQ4 and EQ5 of the Hounslow Local Plan 2015-2030 Volume One 2015 (HLP) which together and amongst other matters seek to ensure that development responds to the context of the area, reduces air quality impacts, minimises noise disturbance and incorporates suitable arrangements for waste management.

Highway Safety

11. York Road is a cul-de-sac with on-street parking available for residents. Whilst the appellant states that there are limited vehicular movements associated with the use, this is not quantified. There are no details on the potential number of trips, hours of operation or other details of how the site operates. Additional vehicular trips have the potential to increase the number of vehicle movements in the vicinity of the proposal as well as an increased demand for parking. The movement of vehicles searching for and manoeuvring into parking spaces has the potential to harm the safety of pedestrians and may impact on the safe operation of the highway. There is no substantive evidence before me that any increased demand could be appropriately managed.
12. Therefore, I cannot be certain that the proposal will not harm highway safety. It will conflict with Policy EC2 of the HLP which amongst other matters seeks to ensure that development proposals demonstrate that they are located appropriately with regard to road capacity.

Fire Safety

13. Policy D12 of the London Plan 2021 (LP) requires that all development proposals must achieve the highest standards of fire safety and sets out several aspects to be considered.
14. Fire safety information was not provided with the application. Although the appellant refers to a commissioned fire safety assessment, this is not before me. I cannot therefore be certain that any measures necessary would be capable of being implemented and therefore there is the potential to harm the safety of the building users and nearby residents.
15. Accordingly, I conclude that the proposal does not meet the highest standards of fire safety and conflicts with Policy D12 of the LP.

Waste Management

16. There is no substantive evidence as to how the appellant proposes to deal with waste management in connection with the use of the property as a car repair shop. However having regard to the nature and scale of the development, I can see no reason that submission, approval and implementation of refuse storage could not be secured by means of a planning condition.
17. Therefore, subject to a suitably worded condition, the proposal would make suitable arrangements for waste management. It would comply with Policy EQ7 of the HLP which amongst other matters seeks to ensure that development incorporates suitable arrangements for waste management.

Other Matters

18. I acknowledge that the appellant has intentions to comprehensively redevelop the whole site and that the current use is to prevent squatting and property from becoming vacant. This is a social benefit of the scheme as it seeks to improve the character of the area. I therefore give this matter moderate weight.
19. The appellant states that the change of use is for storage and maintenance of a private car collection, for use solely by an individual. I have therefore considered whether it would be appropriate for a personal planning condition to be granted to the appellant. However, planning permission runs with the land and the Planning Practice Guidance (PPG) advises that it is rarely appropriate to provide otherwise, except where exceptional need has been demonstrated. The evidence before me does not sufficiently demonstrate such exceptional need would exist.

Planning Balance and Conclusion

20. The appeal scheme does not accord with the development plan in relation to living conditions of the neighbouring occupiers, the effect of the proposal on highway safety and fire safety standards. It would however make suitable arrangements for waste management subject to a suitably worded condition. I afford the conflict with the relevant development plan policies referred to above significant weight. The current temporary use to prevent the building from becoming vacant and the creation of additional employment opportunities attract moderate weight in favour of the proposal. This leads me to conclude that the proposal would not accord with the development plan when considered as a whole and that the benefits of the proposal would not amount to material considerations that indicate that the

decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

H Senior

INSPECTOR