



Appeal Decision

Site visit made on 30 April 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/N5090/C/23/3319343

1 Station Road, Barnet EN5 1NG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Michel Reichmann against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice was issued on 20 February 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the use of the car park as a car wash.
 - The requirements of the notice are cease the use of the car park as a car wash.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary matters

2. During the course of this appeal, the Barnet Local Plan 2012 (LP), and policies contained within it, has been replaced with the Barnet Local Plan, adopted in March 2025 (BLP). This must now be given full weight in the decision-making process. Both parties have been given the opportunity to comment on the new Local Plan, and so have not been prejudiced. I have therefore not assessed the development against the policies of the superseded LP.

Main Issues

3. The main issue is the effect of the development on:
 - the living conditions of nearby residential occupiers of 1 Station Road and Russell Court, with particular regard to noise and disturbance; and
 - the character of the area.

Reasons

Living conditions of nearby residential occupiers of 1 Station Road and Russell Court with regard to noise and disturbance

4. The appeal site relates to a ground floor car park attached to the rear of 1 Station Road, a 10/11 storey block of flats. The site lies adjacent to Russell Court, a 4-storey building containing residential flats with a communal garden at the rear. As such, whilst there are some commercial uses in the wider area, the site itself is in a predominantly residential area, where noise levels are likely to be relatively lower, and there is a susceptibility for the living conditions of neighbouring occupiers to be affected by the introduction of a more intensive and commercial use of the site.
5. The unauthorised development relates to the material change of use of the car park to a car wash. The car wash operates 7 days a week between the hours of 09:00 to 18:00 on Monday to Saturday, and 11:00 to 17:00 on Sundays and Bank Holidays.
6. The Council's Environmental Health Officer (EHO) visited the site on 9 February 2023, and lists the following concerns regarding the unauthorised car wash use:
 - "The site has a high potential to cause a noise nuisance to neighbouring residents and will certainly negatively impact the local amenity due to high noise levels."
 - "These flats at Russell Court and the lower floor flats within 1 Station Road with windows facing the site are most likely the worst affected as they have a clear line of sight to all the activities within the car park and the noise is loud. There are many flats with windows overlooking the site. Also, flats without windows with direct line of sight but above the entrance of the car park area will be significantly impacted."
 - "Many more flats are affected because this noise carries a significant distance. I walked around the front of Russell Court and despite no direct line of sight to the activity I could clearly hear the jet washes at least 50m from the site (and the men shouting within the site)."
 - "The cars enter the site between Russell Court and 1 Station Road, they then drive into an open basement car parking area underneath the building. The cars are covered with soap (high power spray) then there are two jet washers used to remove the soap. The cars are then cleaned internally and externally afterwards using hoovers (there are potential attachments in at least five locations with three being operational during the visit). The main Hoover plant is in the basement at the rear. All plant is in a basement room."
 - "The sound of all mechanical plant is high pitched and loud."
 - "For the sprayer, jet wash and hoovers:
 - The sound levels are high;
 - The sound levels of the plant are high frequency, tonal, intermittent and impulsive. All of which give the noise added annoyance as recognised with BS 4142:2014+A1:2019: Methods for rating and assessing;

- Industrial and commercial sound; the Standard used to demonstrate when commercial or industrial activity is likely to cause noise complaints at existing residential."
 - "There is also (less) noise from cars arriving, leaving and cars waiting with engines idling."
 - "There is sound reflection due to the enclosing high walls and concrete ceilings; this reflects and amplifies the sound which is then funnelled out through the open sides and upwards to impact on all neighbouring residents."
 - "It would certainly affect residents overlooking the site at considerable distance in the tower block above."
 - "I walked away from the site in front of Russell Court along Station Road and noted that the sound of the washers was audible even at 40m with no line of sight. Station Road is relatively quiet making the sound of the car wash more significant."
7. As highlighted above, the car wash operates in close proximity to a number of residential flats above the appeal site and adjacent at Russell Court. No noise report has been submitted by the appellant to demonstrate that the noise generated from the unauthorised use is inaudible from the nearest neighbouring occupiers. Nevertheless, the EHO has advised in his experience of car washes and the associated noise levels is likely to cause complaints from neighbours, and that this is not a suitable site. His concern specific concern relates to the high density of residents living in close proximity to the car wash and likely to be significantly affected by the car wash use. Indeed, several complaints have been lodged by neighbouring residential occupiers in relation to noise, nuisance and disturbance arising from the car wash use.
8. During my site visit, I too observed that the noise from the car wash, including from the use of jet washers and sprays was clearly audible from further away on Station Approach. The site had several cars waiting to be cleaned whilst I was there between 12:30 and 12:45 on a Wednesday and thus appears to be a relatively busy car wash. There was also noise from staff conversing, cars entering and leaving the site, and cars waiting near the entrance to the site, with engines idling.
9. Furthermore, noise and general disturbance resulting from the car wash use is a frequent occurrence and includes weekends and bank holidays at a time when neighbouring residential occupiers should reasonably expect a quieter living environment. Noise from the car wash at this time would be more intrusive and consequentially more harmful. This would be particularly noticeable during summer months when residents are likely to have windows open for ventilation, and more likely to be using the communal garden for play space/relaxation.
10. The appellant purports that the car wash has resulted in a reduction of unsocial behaviour. However, little evidence has been submitted to support this claim, and I note the objections raised from neighbouring residents outlining concerns regarding the current unauthorised use of the site in relation to noise and

disturbance. I therefore place more weight on the concerns raised from the EHO and neighbouring occupiers.

11. I appreciate that the site is a car park for the residential block of flats. However, the current unauthorised use results in a commercial use of the site, and a greater intensity of the use than the car park use. This has resulted in objections raised from neighbouring residents.
12. I therefore conclude that the development fails to provide acceptable living conditions for the neighbouring residential occupiers at 1 Station Road and Russell Court, with particular regard to noise and disturbance. Accordingly, the development conflicts with Policies CDH01 and ECC02 of the BLP. Amongst other things, this states that the Council will expect development proposals to provide a good standard of amenity that is consistent with other policies in the Plan; and development proposals will be expected to avoid generation of unacceptable noise levels close to noise sensitive uses is avoided.

Character and appearance

13. The Council are concerned that the use of the appeal site as a car wash harms the residential character of the area. Whilst there are commercial uses further afield along Station Road, this section of the road contains predominantly residential flats at 1 Station Road and at Russell Court. I observed during my site visit, which was undertaken during a weekday afternoon, that this suburban residential area is reasonably quiet, and therefore there is the potential for the quality of the environment to be harmed by a more intensive and commercial use of the site.
14. I accept that the car wash use takes place within the ground floor of the multi-storey car park to the rear of the site. Nevertheless, the external signage of the car wash at the entrance of the site, together with carwash customers entering and leaving the site with customer vehicles queuing at the entrance, is highly visible from public vantage points on Station Road, as well as from neighbouring residential flats close at 1 Station Road and Russell Court.
15. Furthermore, the noise of machinery associated with the carwash use is particularly high comprising the use of sprays, jet wash and hoovers and cars engines idling. The appearance of the site for commercial operations in combination with the loud noise generated from the use is in stark contrast with the quiet, residential, suburban character and feel of this section of Station Road.
16. I therefore share the Council's views that the development harms the residential character of the area, in conflict with Policies CDH01 of the BLP. This states that the Council will expect development proposals to respond sensitively to the distinctive local character and design, building form, patterns of development, scale, massing, roof form and height of the existing context.

Other matters

17. In support of their appeal, the appellant has referred to another decision by the Council where planning permission was granted for a car wash at 2A Athenaeum Road. I do not have full details for that other approval. However, from the limited evidence provide it appears that that application was supported by an acoustic report which is not the case for the development before me. Furthermore, the hours of operation for that car wash is Mondays to

Fridays between the hours of 09:00 to 17:00 only which is not the same as the current appeal before me, which is operating Mondays to Sundays, including bank holidays. Therefore, the circumstances of that appeal are not the same as the development before me. I therefore attach little weight to that other decision.

Conclusion on Ground (a) and the Deemed Planning Application

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development has a harmful effect on the living conditions of neighbouring occupiers and the character of the area in conflict with the development plan taken as a whole. None of the other matters raised by the appellant, including the local employment benefits outweighs the harms identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
19. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

The Appeal on Ground (g)

20. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The appellant asks that the time for compliance is extended from 1 to 6 months, as there are over 6 months outstanding on the contract with the tenant and so the appellant would need to come to an agreement with the owner to end the contract. It is further stated that more time is needed to relocate to another site to avoid any loss of local jobs.
21. However, the appeal was lodged approximately two years ago, and so the appellant's statement regarding the time remaining on the contract no longer applies. Furthermore, I have found under the ground a) appeal that the unauthorised development results in harm to the living conditions of neighbouring occupiers and to the character of the area. As such, 6 months requested by the appellant to comply with the notice is disproportionately excessive and would result in the harms identified above occurring for a longer period.
22. There would not be any complex building operations required to cease the use as a carwash. In these circumstances, I conclude that the time period given by the Council would be reasonable and proportionate time to comply with the notice and the appeal on ground (g) fails.

Conclusion

23. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R. Satheesan

INSPECTOR