



Appeal Decision

Site visit made on 15 September 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 October 2025

Appeal Ref: APP/Z5060/W/25/3367201

154 High Road, Chadwell Heath RM6 6NT

- 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 Richard Wood against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref is 24/01605/FULL.
 - The development proposed is for the change of use of forecourt from car sales to hand car wash including the installation of perspex screen to the front of the site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision, as the Council sought agreement with the appellant in this regard. This description aligns with that used in the appeal form.
3. The Council issued an enforcement notice in October 2021¹ requiring the use of the appeal site as a car wash to cease. This notice was subsequently appealed on grounds (b) the breach had not occurred, (d) that the time limited for enforcement has lapsed, and (f) that steps necessary to remedy the breach were excessive. That appeal was dismissed in March 2022², and the use of the appeal site as a car wash later ceased. The Council granted planning permission for a car wash in September 2023³ (the 2023 permission). At the time of my site visit, the site was not in use as a hand car wash. There is no dispute between the main parties that the conditions attached to the 2023 permission were not complied with within the required timescales and this permission is no longer extant. I shall have regard to the previous decisions insofar as they are relevant to the matters in dispute.

Main Issues

4. The main issues are the effect of the proposed development:
 - on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and
 - on highway safety and parking.

¹ Council ref: 21/00150/ENF

² Appeal ref: APP/Z5060/C/21/3286410

³ Council ref: 22/1950/FULL

Reasons

Living conditions

5. The appeal site occupies a corner position at the junction of Farrance Road and High Road (A118), within a busy area characterised by a mix of commercial and residential uses. I saw on my site visit that the site is currently being used primarily for the parking of vehicles, with a motorcycle repair workshop also operating within an internal bay. The sites use as a former petrol filling station is evident due to the presence of the canopy and forecourt area.
6. The submitted plans indicate the various stages of the proposed hand car wash process, including queuing, washing, finishing and vacuuming. The appellant states that vehicles would be moved through the site relatively quickly, with provision for a single car requiring longer valeting within the internal bay. The jet wash and vacuum units would be housed within part of the existing building, which would also accommodate a reception, waiting area and equipment storage.
7. The appellant's Environmental Noise Assessment (March 2023) (the Noise Assessment), prepared by an acoustic engineer with reference to the relevant British Standards⁴, identifies the nearest residential properties as the flats located on the opposite side of Farrance Road, in a building known as The Pinnacle. Some of these flats contain habitable room windows and balconies facing towards the appeal site. The Noise Assessment indicates that, during operation, noise from the jet wash and vacuum units would exceed the measured background noise level, which is primarily composed of road traffic. This assessment aligns with representations from neighbouring residents, who reported that noise from the previously unmitigated car wash could be heard from within their homes.
8. The Noise Assessment recommended mitigation in the form of curtain walls and shutter doors to allow vehicle access while containing noise. However, these measures do not form part of the current proposal. Instead, the appellant's subsequent Noise Mitigation Assessment (June 2023) (the Mitigation Assessment) proposed alternative measures that retain the semi-open layout of the forecourt. Whilst the siting of plant within the building, sealing of façade gaps for flexible pipework, and housing of the vacuum unit within an enclosure appear reasonable, the Mitigation Assessment itself acknowledges that these measures alone would not achieve complete attenuation. It highlights the need for additional site-based noise management, relying on a proactive and common-sense approach.
9. The Council's Environmental Health Officer does not object to the proposal subject to a condition requiring the submission and approval of further details in a noise management plan. The appellants willingness to manage noise through measures such as decreasing water pressure to the handheld 'wand', keeping all relevant doors shut during plant operation including reversing cars into the enclosed valeting bay for vacuuming and/or a full valet, regularly reviewing working practices, or upgrading plant with more modern equipment with improved noise control when possible are acknowledged. However, the success of such measures would depend heavily on the behaviour of operators and staff, which would likely vary over time. Therefore, I am not satisfied that planning conditions in these respects would be reasonable or enforceable.

⁴ BS4142:2014+A1:2019 – Methods for rating and assessing Industrial and Commercial Sound

10. A perspex splash screen supported by steel posts is proposed at the front of the site to prevent water spray from reaching the pavement. However, given that the part of the site closest to The Pinnacle would remain open to enable access, any noise attenuation of the proposed splash screen would likely be limited. Furthermore, the possibility of noise being channelled or amplified by spray impact is unknown.
11. I acknowledge the appellant's intention to implement a noise complaints procedure. However, should complaints be received, it is unclear what recourse would be available or how effective any response would be. This is particularly the case given that the Mitigation Assessment does not confirm what an acceptable noise level would be or provide for a monitoring regime at the site boundary.
12. The appellant's willingness to reduce operating hours to between 8:00 am and 5:30 pm daily, less than that originally proposed is also acknowledged. However, this would not address the potential harm to living conditions of neighbouring occupiers that would arise during hours of operation.
13. Overall, given the past experiences of neighbours and the lack of certainty that the proposed mitigation would achieve acceptable noise levels, securing such details by condition would not be acceptable. Although the 2023 permission included a similar condition and is an important material consideration in this case, given that it is no longer extant, this does not alter my conclusion based on the evidence before me. For the same reasons, a temporary consent would not be appropriate. Accordingly, I am not satisfied that it has been demonstrated that the potential harmful noise effects of the proposal could be appropriately mitigated.
14. I conclude that it has not been demonstrated that the proposed development would not result in harm to the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. In this regard it would be contrary to Policies D13 and D14 of The London Plan (2021) (TLP) and Policies DMD1 and DMSI3 of the London Borough of Barking and Dagenham Local Plan 2020 – 2037 (2024) (LP) which require noise-generating development to mitigate and manage any noise impacts for neighbouring residents, development proposals to consider the impact on the amenity of neighbouring properties and to mitigate the impacts of nuisance generated through the operation of development on people over the life of the development.
15. The proposed development would also conflict with the requirements of the National Planning Policy Framework (the Framework) which seeks to ensure new development avoids noise that gives rise to significant adverse impacts on health and the quality of life; and for new development to provide a high standard of amenity for future occupiers.

Highway Safety and Parking

16. Vehicle access to the site would utilise an existing dropped kerb on Farrance Road, close to its junction with High Road. High Road is a main route leading through Chadwell Heath, containing a bus lane and a light-controlled pelican crossing near the appeal site. Farrance Road is narrower, with footways and on-street parking bays on both sides. It also provides vehicle access to The Pinnacle, a children's nursery and a vehicle repair workshop, all located close to the junction. In the vicinity of the appeal site, parking is largely controlled through designated zones or

restricted by double yellow lines, zig-zag markings, access points and bus stops/lanes.

17. Although only a snapshot in time, I observed limited availability of residents' parking within the on-street parking bays, and similarly limited customer parking associated with the adjacent vehicle repair workshop.
18. The comments from Be First Transport indicate that the appellant's Site Management Plan (the Management Plan) would not be effective if the appeal site were to operate in conjunction with either the adjacent showroom or vehicle repair workshop. While the motorcycle repair workshop use would cease as a result of the appeal proposal, the status of the adjacent showroom, confirmed to be in the appellant's ownership, is unclear. Although currently vacant and outside of the appeal site boundary, there is no evidence before me to demonstrate that the car wash would not operate in tandem with the showroom, should the latter be brought back into use. From my site visit, it appeared that both uses would likely share the same access point and parking areas.
19. The submitted drawings show how an average-sized car could manoeuvre through the site, with directional signs proposed to facilitate a one-way system. However, vehicles reversing into the valeting bay or potentially manoeuvring into the showroom building could interrupt the smooth flow and speed of traffic progressing through the various stages of the car wash.
20. The Management Plan states that staff would man the access to prevent vehicles waiting or queuing on the highway. However, I am not satisfied that this method would be consistently effective, particularly during busy periods or if the site were understaffed. Many customers may prefer to return during quieter times to avoid waiting and there is the potential that the number of customers would therefore be self-limiting. However, this could not be guaranteed at all times. Moreover, even if customers were to return later, they may still initially turn into Farrance Road, especially if the extent of any queue is not immediately visible.
21. Consequently, there is a risk that traffic movements and demand for parking within the appeal site could lead to increased vehicular conflicts. It is acknowledged that traffic movements may be comparable to those associated with the former petrol filling station use, which may also have generated occasional queuing on the public highway. However, this does not justify the proposed use that could result in prolonged waiting times due to the slower pace at which vehicles would be able to progress through the multiple stages of the car wash, compared to the one stop nature of a petrol filling station. That said, this would be unlikely to equate any material adverse effect on pedestrian movements along the footway, having regard to this fallback position.
22. Overall, it has not been satisfactorily demonstrated that sufficient parking and manoeuvring space would be available for staff and customers of all businesses on and adjacent to the site, without the risk of obstructing Farrance Road. Accordingly, I cannot be certain that the proposal would not result in the potential for vehicles to park or queue on the road, impeding the free flow of traffic, to the detriment of highway safety. This would be particularly hazardous given the close proximity of this access point to the junction with High Road.
23. I conclude that the proposed development would result in harm to highway safety and parking. In this regard, it would conflict with Policies Policy T4 of the TLP and

Policy DMT1 of the LP which require development proposals to ensure adverse impacts on the highway network to be effectively mitigated, to seek to reduce the dominance of vehicles and to not increase road danger.

24. For the same reasons, the proposal would also be contrary to Paragraphs 115 and 116 of the Framework which requires safe and suitable access to the site to be achieved for all users and advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

25. The appeal proposal would provide car washing facilities for passing motorists and local residents on a former petrol filling site, making use of the existing canopy to provide cover for staff and utilising a forecourt that is already fitted with a suitable drainage system. Increased employment would be generated from bringing a site back into use contributing towards the local economy, following the closure of a previous business that ceased due to the adverse effect of the covid-19 pandemic. However, given the scale of the development, the benefits associated with the delivery of the hand car wash would be modest and would not justify the harm I have identified.
26. The application was recommended for approval by officers but refused at planning committee. The decision on whether to grant permission in this case was a matter of judgement which the committee was entitled to exercise. The appellant's personal circumstances referred to in the Planning Committee minutes and likely frustrations regarding timescales with particular regard to the 2023 permission are also noted. However, the Council's handling of this and previous applications is not a determinative matter in this case, which has been considered on the basis of the evidence before me. Whilst I acknowledge the efforts made by the appellant to engage with the Council and to do the right thing in terms of submitting the planning applications, this does not alter my decision on this appeal, which has been determined on its planning merits against the policies of the development plan.
27. The appellants confirmed that materials used in the cleaning of vehicles would be environmentally friendly, stored and disposed of appropriately. Measures to ensure the site is secure including the use of external lighting, CCTV and security systems is also proposed. The Council also identified no harm in relation to the principle of development, flooding, biodiversity or character and appearance. However, these matters are neutral factors and do not alter my findings on this appeal.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR