
Appeal Decision

Site visit made on 23 February 2015

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 February 2015

Appeal Ref: APP/Q5300/A/14/2227359

5 Bourne Hill, London, N13 4DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andreas Michaelides against the decision of the Council of the London Borough of Enfield.
 - The application Ref 14/02743/FUL, dated 9 July 2014, was refused by notice dated 2 September 2014.
 - The development is described as *'proposed change of use from existing materials storage yard to hand car wash facility with associated alterations to site exit.'*
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on highway safety with regard to access and site capacity; and,
 - the effect of the development on the living conditions of the occupiers of nearby dwellings in terms of noise and disturbance.

Reasons

Highway safety

3. My site visit confirmed that the development applied for has already been undertaken. The appeal site is enclosed by metal palisade fencing. There is a zebra crossing a short distance to the south of the appeal site, across Bourne Hill. To the north east, the location of the vehicular exit is almost opposite the T-junction between Hoppers Road and Bourne Hill. Opposite and adjacent to the appeal site are residential dwellings. There is also another hand car wash facility and church hall in close proximity to the appeal site along Bourne Hill. Nonetheless, the immediate context of the appeal site is a mostly residential area, with limited examples of commercial or social uses located to the west and south of the appeal site.
4. My site visit took place between approximately 09:00 and 09:30, during which time I was able to see both the type and intensity of usage of the Bourne Hill highway. This confirmed that the road itself is a very busy thoroughfare, with traffic including pedestrians, cars, cyclists, lorries and buses. Within the appeal

- site itself the plans show that there would be capacity for six cars. This is on the basis of two cars under a canopy (the details of which have not been submitted), with a further two cars stationed parallel to these and a further one car to the front and rear of these. However, views from the exit turning right onto Bourne Hill would be obscured by vehicles parked on the highway owing to the lack of on street parking controls. Moreover, when exiting the site either left or the right, vehicles leaving would be subject to traffic entering or leaving the T junction with Hoppers Road, which I saw was frequently used.
5. I am mindful that there is limited evidence before me that suggests the existing hand car wash business on the opposite side of Bourne Hill has resulted in short term traffic issues, with vehicles waiting on the highway to use the facility. Indeed, the appellant points to the fact that the appeal scheme would increase the capacity for meeting this demand in the same catchment area. They also point to the fact that when both hand car washes were operating for two days, there were no queues on the highway, with the assertion that with only one car wash present there would have been queues. However, I do not find this justification compelling.
 6. The written evidence suggests that the popularity of the car washes means that cars back up on the highway during busy periods. Yet there is only very limited anecdotal evidence over two days that the provision of a car wash on the appeal site alleviates pressures on the highway. What is more, I saw that there is very limited space within the washing forecourt of the appeal site for vehicles and their occupiers to safely wait to use the hand car wash. The result being that during busy periods potential customers would have to wait on the highway, as is suggested the case with the existing hand car wash in the area. This fact, added to the proximity of the car wash to the nearby junction and zebra crossing and the busy character of Bourne Hill, means that cumulatively the proposed development would result in unacceptable harm to highway safety in terms of access and site capacity.
 7. Accordingly the proposed development would be contrary to Policies (II) GD6 and (II) GD8 of the Unitary Development Plan, and Policy 6.13 of the London Plan 2011, which, amongst other aims seek to ensure that regard is had to the traffic likely to be generated by the development and its implications for the locality in terms of the capacity of the highway network and junctions in the vicinity.
 8. The proposal would also be contrary to the provisions of Policy 45 of the Submission Version Development Management Document 2013 (DMD). However, given its unadopted status, I can only afford this policy limited weight, which in any case does not alter my findings in respect of the adopted development plan policies above.

Living conditions

9. The appellant has submitted a noise assessment which concludes that '*it is predicated that noise associated with the hand car wash operations will not result in any unacceptable noise impact to residents in Bourne Hill*'. The hand car wash itself is located directly adjacent to Nos 3 and 5 Bourne Hill, which are residential dwellings, and opposite Nos 38-46 Hoppers Road. The submitted noise survey gives limited consideration to the potential impact in terms of the noise and disturbance created by vehicle movements within the site and approaching the site, and also from car doors being opened and closed. The

primary focus of the survey is on the use of a vacuum cleaner and two jet washes. However, when one considers the cumulative effects of the noise from the appeal scheme car wash; created by the coming and going aspects of the operation and jet washes, added to that from the existing car wash opposite and the noise from the road, the result is a development which fails to enhance or improve the places in which people live. Moreover, when this is considered with the overall intensity of the operation of the site for seven days a week and up to 19:00 on weekdays and Saturdays and up to 16:00 on Sundays, in what is mainly a residential area, it fails to create a good standard of amenity for existing occupants of land and buildings, giving little opportunity for respite from the use of the land for car washing and the associated noise and disturbance for local residents.

10. In isolation, the noise arising from the development may be considered acceptable in certain circumstances. Nevertheless, the cumulative impact in this case arising from the context of the site is such that the proposal would result in material harm to the occupants of nearby residential dwellings on Bourne Hill and to a lesser degree on Hoppers Road. I therefore conclude that the proposed development would result in unacceptable harm to the living conditions of neighbours in terms of noise and disturbance. Accordingly the development is contrary to Policies CP30 and CP32 of the Core Strategy, Policy 7.15 of the London Plan 2011 and the National Planning Policy Framework, which, amongst other aims, seek to ensure that planning decisions should seek to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within or in the vicinity of, development proposals.
11. The proposal would also be contrary to the provisions of Policy DMD68 of the DMD. However, given its unadopted status, I can only afford this policy limited weight, which in any case does not alter my findings in respect of the adopted development plan policies above.

Other Matters

12. The appellant has directed me to the fact that the appeal scheme supports three full time and two part time jobs. As a result the development results in a limited economic benefit by creating these jobs for the 48'000 residents of the Borough. This is supported in planning policy terms by CS objectives 6 and 7, and Core Policy 16. However, I do not find that this limited economic benefit outweighs the significant and demonstrably harm to highway safety and living conditions above. Accordingly this matter does not weigh heavily in favour of allowing the appeal scheme.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR