



Appeal Decision

Site visit made on 24 August 2012

by Sheila Holden BSc MSc CEng TPP MICE MRTPI FCIHT

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

Decision date: 21 September 2012

Appeal Ref: APP/T2215/A/12/2176086
18/20 The Brent, Dartford, Kent DA1 1YN

- 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 Besim Seferi against the decision of Dartford Borough Council.
 - The application Ref DA/11/01363/COU was refused by notice dated 11 April 2012.
 - The development proposed is a change of use from yard/storage space to that of hand car wash with dropped kerb for access.
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Procedural Matter

1. On the decision notice the Council amended the description of the development to read: "change of use of yard/storage space to hand car wash with additional vehicular access". This description was also used on the appeal form and I have determined the appeal in accordance with this description.

Decision

2. The appeal is allowed and planning permission granted for a change of use from yard/storage space to that of hand car wash with additional vehicular access at 18/20 The Brent, Dartford, Kent DA1 1YN, in accordance with the application Ref: DA/11/01363/COU, subject to the following conditions:
 - 1) The development hereby permitted shall begin within 6 months of this decision and the use hereby permitted shall be for a limited period of 12 months from the first day of operation, seven days written notice of which shall be given to the local planning authority. At the end of the 12 month operational period the use shall be discontinued and all equipment used for washing and cleaning vehicles shall be removed from the site.
 - 2) Otherwise than required by conditions (3), (4), (5) and (6) the development hereby permitted shall be carried out in accordance with the layout shown on the plan submitted with the application and dated 21 March 2012 and the site location plan dated 25 October 2011.
 - 3) No development shall take place until details of the surface water drainage system for the development (including storage facilities where necessary) have been submitted to and approved in writing by the local planning authority.
 - 4) Prior to the first day of operation of the use hereby permitted the system of surface water drainage shall have been implemented in accordance with the approved details.
 - 5) No development shall take place until details of the additional vehicular access have been submitted to and approved in writing by the local planning authority.

- 6) Prior to the first day of operation of the use hereby permitted the additional vehicular access shall have been constructed in accordance with the approved details and thereafter there shall be no obstruction exceeding a height of 600mm within the visibility splays.
- 7) The site shall be limited to 2 wash bays and mechanical equipment shall be limited to 2 jet washers and 2 vacuum cleaners.
- 8) No customer is permitted to be on the site or machinery operated outside the following hours:

0830 – 1830 hours Mondays – Fridays;
0830 – 1200 hours on Saturdays;
and at no time on Sundays, Bank or Public Holidays.

Preliminary Matters

3. This application was determined after the Government had published its National Planning Policy Framework (the Framework), at the heart of which is a presumption in favour of sustainable development. The Framework confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
4. Paragraph 215 allows decision-takers to give due weight to relevant policies in existing plans according to their degree of consistency with the Framework. In its decision notice the Council referred to Policies B1, T19, T20, T23 and H12 of the Borough of Dartford Local Plan, adopted 1995. In determining the appeal I have had regard to these local policies, alongside relevant government advice and guidance set out in the Framework.

Main issues

5. The main issues are the effect of the proposed development on:
 - a) the living conditions of occupants of adjoining properties with particular reference to noise and disturbance;
 - b) the adequacy of parking provision in the area;
 - c) highway safety.

Reasons

Living conditions

6. Nos 18 and 20 The Brent are deep two storey semi-detached properties on the corner with Shenley Road. They front a busy road, which is one of the main routes into Dartford town centre, and includes a mix of commercial and residential uses. At the time of my site visit the ground floor appeared to be in use as a furniture store. The first floor has recently been converted into residential use as four bed-sits. To the rear of the building the site is approximately 40m deep and is currently partially hard surfaced and appears to be in commercial use by a vehicle hire company.
7. The proposal would involve changing the use of part of the rear yard into a hand car-wash facility, with 2 bays. This would occupy the full width of the site alongside the buildings and extend outwards for approximately 22m. The nearest part of the area would be 2m from the rear elevation of the building.

The entrance would use an existing access and an additional access would be created to serve as the exit to the site.

8. The site has an established commercial use and vehicles currently enter and leave as part of a vehicle hire business, but otherwise the site appears to be under-utilised. A garage undertaking car maintenance and repairs abuts the northern side of the site and there are other commercial and retail activities in the vicinity, particularly along The Brent, which generate noise and disturbance. However, the remainder of Shenley Road is a quiet residential street, predominated by modest two-storey terraced properties.
9. The residents who would be most directly affected by any noise and disturbance from the use of a jet hose or a vacuum cleaner are the occupants of the bed-sits within Nos 18 and 20. The appellant's agent stated that only bathroom windows exist to the rear of the first floor bed-sits and therefore no habitable rooms would overlook this commercial activity. With the exception of the properties directly overlooking the site, other dwellings are physically separated from the proposed area of activity. I do not consider that a hand car wash is an intrinsically noise generating business, although hoses and vacuums may cause some intermittent noise that some could find disturbing, from further away from the immediate source.
10. In the context of this particular site, which has been in commercial use for many years but adjacent to a quiet residential street, it seems to me that any unacceptable noise nuisance could be avoided through the imposition of conditions on the hours of operation. Nevertheless, I note that a number of local residents have expressed concern about the level of disturbance that could arise and that the Council's officers recommended a temporary permission for 12 months to permit monitoring of the situation, combined with various conditions to control the scale and hours of operation on the site.
11. Saved Policies B1(a), B1(d) and H12 of the Dartford Borough Local Plan seek to protect the local area and its residents from the unacceptable effects of additional noise arising from new development. I conclude that the proposal would be unlikely to result in unacceptable harm to the living conditions of occupiers of nearby dwellings, arising from additional noise and disturbance. However, in order to ensure that the proposal would comply with the aims of these policies, I consider that a temporary permission to allow monitoring to take place would be appropriate in this case.

Provision of parking

12. Shenley Road is well used by local residents for on-street parking as the houses do not have garages or off-street spaces. There are double yellow lines to protect the junctions but elsewhere there are no parking restrictions and the area is not part of a residents' parking scheme. At the time of my site visit, in the middle of the day, there were cars parked along both sides of the street, but there were some spaces available along its length. I accept that in the evenings the pressure on on-street parking is likely to be greater and it may be difficult for residents to find a convenient place to park near their homes.
13. However, customers of the car wash would be able to park on the site as four spaces are proposed for that purpose. The restriction of the number of car wash bays to two would ensure that there was sufficient space on the site to accommodate cars being washed and others waiting either before or after

being cleaned. There is therefore no reason to suppose that the development itself would increase the demand for car parking on street. Furthermore, the proposed car wash facility would only operate during the daytime and its hours of operation at weekends and holidays could be limited by condition to prevent potential customers competing for kerbside parking at the times when it is most needed by local residents.

14. The creation of the additional access onto the highway would only result in the loss of one space. This would not significantly affect the provision of parking for the street as a whole and therefore cannot be a reason for withholding planning permission in this case. In any event the highway authority did not raise any objection to the creation of the additional access or the loss of on-street car parking.
15. I therefore conclude that the proposed development would not result in inadequate provision of car parking either on or off the site. In this respect it would comply with saved Policies B1(f) and T23 of the Local Plan, which seek to ensure that new development provides adequate off-street parking.

Highway safety

16. Whereas it appears that The Brent carries significant volumes of traffic, Shenley Road does not. It was suggested that Shenley Road is used as an alternative route into the town centre but no substantive evidence was presented about the volume of traffic using it to support this assertion. In any event the street is subject to a 20mph speed limit and has traffic calming measures incorporated along its length. There was no specific evidence presented about the amount of traffic that could be generated by the car wash. However, it seems to me that the number of additional trips would be likely to be modest and most would approach the site from The Brent and therefore would only use a short section of Shenley Road. The additional access would provide an entrance and exit to reduce potential conflict between vehicles entering and leaving the site.
17. In these circumstances I am not persuaded that the proposed development would result in any material harm to highway safety. I note that the highway authority concur with this assessment but have sought to protect the safety of pedestrians by requiring the provision of appropriate visibility splays at the entrance and exit. These could be secured by condition. In any event, Paragraph 32 of the Framework advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. I do not consider that there is any substantiated evidence to suggest that this would be the case here.
18. I therefore conclude that the proposed development would not adversely affect highway safety and in this respect it would comply with the Framework and saved Policies T19 and T20 of the Local Plan.

Conclusions

19. I have found that the proposed development of a two bay car wash on the site would be unlikely give rise to unacceptable noise and disturbance, would provide adequate parking and would not adversely affect highway safety. This combination of factors demonstrates that the proposal would not represent an over intensification of use of the site.

20. However, in view of the concerns expressed by residents and officers, particularly in relation to the potential for noise disturbance I consider that a precautionary approach is appropriate in this case and therefore planning permission should only be granted for a temporary period. I have imposed conditions to this effect providing clarity for the appellant in respect of what is required before the operation can commence, allowing a 12 month operational period and giving details of what should happen when the use ceases. This will enable the Council to monitor the situation and assess the acceptability or otherwise of the use in this location in the longer term.
21. I am also mindful that in the event the appeal was to succeed the Council has suggested a number of other conditions. I have considered these in the light of the advice set out in Circular 11/95: *The Use of Conditions in Planning Permissions*, taking account of the investment that will be required by the appellant to implement a temporary permission and the concerns expressed by local residents.
22. Otherwise than as set out in the decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans. A condition to this effect is justified for the avoidance of doubt and in the interests of proper planning. Conditions to agree, and secure provision of, adequate surface water drainage are required to reduce flood risk. It is necessary to require details of the access arrangements and their implementation through conditions in the interests of highway safety. Conditions restricting the scale of the development and the hours of operation are justified in order to protect the living conditions of nearby residents.
23. For the reasons given I conclude that the appeal should be allowed and, subject to conditions, planning permission granted for a temporary period.

Sheila Holden

INSPECTOR