
Appeal Decisions

Site visits made on 16 and 17 April 2015

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 27 April 2015

Appeal A - Ref: APP/W5780/C/14/2220089

692-710 Chigwell Road, Woodford Green, Woodford Bridge IG8 8AQ

- 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 Naveed Rahman against an enforcement notice issued by the London Borough of Redbridge.
 - The Council's reference is 0640/14S.
 - The notice was issued on 9 May 2014.
 - The breach of planning control as alleged in the notice is: the change of use of the property from car park to car sales for 45 cars.
 - The requirements of the notice are to cease the unlawful use of the land and,
(i) The removal from the land all vehicles associated with the car sales business and cease the use of the land for the sale of vehicles.
 - The period for compliance with the requirements is 4 weeks.
 - The appeal is proceeding on ground (a) only, as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
-

Appeal B - Ref: APP/W5780/A/14/2217282

692-710 Chigwell Road, Woodford Green, Woodford Bridge IG8 8AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Naveed Rahman against a refusal of planning permission by the London Borough of Redbridge.
 - The application Reference No. 3136/13 and dated 5 August 2013 was refused by notice on 21 March 2014.
 - The development proposed is a change of use of a car park to a car sales site for 45 cars
-

Decisions

1. The Appeals A and B are both dismissed (see formal decisions below).

Background information and relevant policy

2. The site is located to the rear of 692-710 Chigwell Road, Woodford Bridge and lies to the rear, and to the north, of the former White Hart Public House. It is located within the Woodford Bridge Conservation Area. Access to the site is by a short road from Chigwell Road which goes between No 690 and the former public house. This road also gives access for service vehicles and cars to a car park behind Nos 648 to 690 Chigwell Road to the west of the site.

3. To the north west of the site there is a small terrace of four houses (Nos 51 to 57 Stoneycroft Road) and to the north east there is another row of houses in Rose Tree Mews. The gardens to properties between 696 and 716 abut the south east

boundary of the site. There is a sign indicating car parks to either side of the access road, although clearly the appeal site is not currently used as such.

4. On behalf of the appellant it is stated that, the fact that it has previously been used as a car park should not be a determining factor since the land is private land and the former car parking use was illegal. It is also stated that, if not used for car sales, the land will be secured to prevent its use as a car park.

5. The application for planning permission (now Appeal B) was submitted in August 2013 and refused on the basis of lack of information to demonstrate a safe access; being prejudicial to future development of the site for housing; its effect on the character and appearance of the area; its effect on the living conditions of nearby residents and its general effect on highway safety. Similar reasons were given in relation to the issuing of the enforcement notice.

6. The relevant development plan policies are BD1 (All Development); T5 & T6 (Transport/Traffic policies) and H1 (Housing Provision) of the Borough Wide Primary Policies Development Plan Document (BWPP) and Core Strategy policy SP3 (Built Environment). These policies are up-to-date with the National Planning Policy Framework (NPPF) and I have taken the relevant policies into account including those which relate to the need to ensure the building of a strong economy; the requirement of good design and conserving and enhancing the historic environment (in this case the Woodford Green Conservation Area).

The Main Issues – Appeal A on ground (a) and Appeal B

7. The main issues in both Appeals, A and B, are firstly, the effect of the use on the character and appearance of the area, having regard to the future use of the site for housing; secondly, the effect on the living conditions of nearby residents and, thirdly, the effect on highway safety. As well as my site visit carried out on 17 April 2015, I walked around the area and noted the nearest housing developments adjacent to the site on 16 April 2015.

Effect on character and appearance

8. The site has been designated as part of a housing development opportunity site and the Council contends that the proposal to continue the car sales use would impact on the housing potential of the site. However, as far as I am aware from the representations, there is no proposal put forward for housing on the site and so I do not consider that this reason, in itself, can justify withholding permission for any other appropriate use of the site. Irrespective of its designation, the question to be asked in relation to this first issue must be: what is the effect of the car sales use on the existing character and appearance of this part of the Woodford Bridge Conservation Area?

9. Having inspected the sales area and the surrounding streets, I consider that the car sales use appears as an alien and obtrusive use, so close to the gardens of the houses in Stoneycroft Road, Rose Tree Mews and some of the houses along Chigwell Road. It is a very tight and cramped site and, due to the number of cars for sale, there was very little circulation space around the sales area. Cars were parked hard up against the fences to the residential properties and I consider that this has detrimentally affected the character and appearance of the surrounding residential properties.

10. Policies BD1 of the BWPP and SP3 of the Core Strategy aim to ensure that developments are compatible with, and contribute to, the distinctive character and amenity of the area in which they are located. The policies also seek to ensure that developments respect the amenity of adjoining properties and the locality

generally. Policy SP3 specifically refers to the need to preserve or enhance the character or appearance of **conservation areas in order that the Borough's built environment** will be of a high quality that is able to serve the long term needs of all residents.

11. Having viewed the site from within, as well as from a distance (and closer to the housing), it is my view that the use as carried out is visually harmful to the appearance of the conservation area. It introduces an obtrusive non-residential use into the midst of the existing surrounding houses. Having paid special attention to the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I do not consider that the use either enhances or preserves the character or appearance of this part of the Woodford Bridge Conservation area. I accept that the car park to the west is also within the conservation area but this exists to serves the retail uses along this part of Chigwell Road.

12. Even when used as a car park previously, the appeal site is distinctly different in character to the other car park to the west. Due to the harm caused to this part of Woodford Bridge by the car sales use of the site, I conclude that the appeal should fail on the first issue.

Effect on the living conditions of nearby residents

13. Whilst acknowledging that it was previously used as a car park and irrespective of whether or not that was, or is, its lawful use, the site abuts the residential boundaries referred to above. Having noted the proximity of the gardens of **these properties to the activities on the site, I share the Council's** concerns about the effect that a continued car sales use would have on the living conditions of residents.

14. Clearly there would have been some noise and disturbance when the site was being used as a car park but, in my view, the car sales use is likely to be more intense and consistent in its aural nature than the simple comings and goings of people using a car park. It would, therefore, be distinctly more noticeable and aggravating to existing residents than a simple car park use.

15. During my visit I noted that at least one car engine was running and that cars were able to be cleaned and prepared on site. This would normally involve vacuum cleaning and other equipment that could generate some noise. Due to the very tight nature of the plot and the number of cars involved (up to 45), it is also likely that there would be more manoeuvring of vehicles into the site, out of the site and around the site. In my view, this would lead to unacceptable levels of noise and disturbance for residents, particularly in relation to the use of their gardens on the other side of the boundary fences.

16. In conclusion on this point I consider that the living conditions of residents would be unacceptably affected by a continued car sales use of the land. The appeal also fails, therefore on this second issue.

Effect on Highway Safety

17. This has clearly always been a very busy area in terms of vehicles accessing the car park to the retail area and the appeal site when used as a car park. In terms of the numbers of traffic movements it is more than likely that the car sales use attracts less daily vehicle movements than it did when in use as a car park. I **acknowledge the Council's and other interested persons' comments relating to the loss of the appeal site as a car park causing issues for the remaining car park.**

18. However, I do not consider that the car sales use will have significantly altered the previous situation regarding the amount of traffic (moving off and on to Chigwell Road) which accessed the rear of the retail premises and the former car park on the appeal site. Although the spaces between buildings are tight and there is potential for conflict between pedestrians and vehicles, I do not consider that the highway safety position will have been changed significantly by the car sales use of the site. On this issue, therefore, I find in favour of the appellant.

Overall conclusion and the planning balance

19. On the highways issue I have concluded above in the appellant's favour.

However, this positive aspect is significantly outweighed by the harm I have identified in relation to the effect on the character and appearance of the area and on the living conditions of existing residents. For the reasons set out above I consider that the car sales use is contrary to Policy BD1 of the BWPP and to Policy SP3 of the Core Strategy.

20. I also consider that the use does not accord with the relevant policies set out in the NPPF and in particular the core planning principle relating to the need for a good standard of amenity for all existing and future residents (paragraph 17 bullet point 4) and the need set out in Section 12 relating to conserving and enhancing the historic environment: namely the Woodford Green Conservation Area.

Other Matters

21. In reaching my conclusions in both appeals I have taken into account all of the other matters raised in support of the appellant. These include the detailed grounds of appeal in Appeal B and those set out in relation to the ground (a) appeal in Appeal A; the full planning history of the site; the planning considerations; the comments on the reasons for refusal; the final comments in **relation to the Council's statement(s) and the photographic evidence submitted as part of the statement.**

22. However, none of these matters carries sufficient weight to alter my conclusions set out above in relation to Appeal A on ground (a) and Appeal B. Nor is any other factor of such significance so as to change my decisions that both appeals should fail and that planning permission should not be granted for the use of the site for car sales.

Formal Decisions

23. Appeal A is dismissed and the enforcement notice is upheld.

24. Appeal B is dismissed.

Anthony J Wharton

Inspector