



# Appeal Decision

Site visit made on 21 February 2024

**by K Williams MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> March 2024**

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**Appeal Ref: APP/F4410/W/23/3331668**

**Corner of Wembley Road, Moorends, Doncaster DN8 4PR**

- 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 Ryan Lee, RX Motors Ltd against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 22/02604/FUL, dated 28 November 2023, was refused by notice dated 18 October 2023.
  - The development proposed is change of use to allow for a hand car wash.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. In December 2023, the Government published a revised National Planning Policy Framework (the Framework). The revisions do not relate to anything that is fundamental to the main issues in this appeal. Consequently, the views of the parties have not been sought in this instance. Updated paragraph numbers have been referenced where relevant.

## Main Issues

3. The main issues are:
  - Whether the proposal would harm the living conditions of the occupiers of nearby residential properties, with particular regard to noise, disturbance and water spray; and
  - Whether the proposed development would harm highway safety.

## Reasons

### *Living conditions*

4. The proposed hand car wash would operate within the confines of a small area of land used for car parking located on the corner of Wembley Road and the busy Marshland Road. It is partly enclosed by low metal rails, and a small toilet block occupies part of the site. There are a variety of residential and commercial uses in close proximity to the site.
5. With regard to disturbance from the proposed hand car wash, this could occur due to the general comings and goings of customers and staff. I have taken into account that the site was used as a car park. There is also access to the rear of the commercial and residential units fronting Marshland Road. As such

- there would be an expectation that there would be comings and goings generated here.
6. There is no noise assessment before me, but the noise associated with the use would include car engines, doors opening and closing, car radios and general conversing. The proximity of the site to Marshland Road and the noise generated by passing traffic means that the site is not a completely quiet environment, and it is likely that some level of noise could be accommodated.
  7. I appreciate the appellant's intention to focus on hand car washes and use quieter electric pressure washers and enclose these activities, as well as operate under a canopy. Whilst these may provide a degree of attenuation from noise there are no scaled details before me of the appearance of the brick storage building, screen or canopy. The need to submit further information and the design of these could not be conditioned as it needs to be demonstrated that they would mitigate the effects and may require planning permission in their own right. However, notwithstanding the above in the absence of any indication as to how loud the pressure washers, and associated operational noise would be, and in the absence of any details as to background noise levels, the effectiveness of the storage or canopy in reducing noise and preventing water spray outside the site is not known.
  8. In this respect there is a risk that the living conditions of neighbouring residents could be adversely affected by unacceptable levels of noise and water spray. In particular properties with windows facing the site above the commercial units opposite, those with rear windows above the commercial units facing Marshland Road and the property and garden area of 3 Wembley Road would be in relatively close proximity to the site. The effect of excessive noise and water spray would make the garden and rooms served by these windows less attractive to use.
  9. I note the hours of operation suggested by the Council's Senior Environmental Health Practitioner, and that the appellant agrees to these. However, there is insufficient information provided, and in relation to the controls proposed to prevent noise and disturbance from the proposed development from unacceptably harming the living conditions of nearby residents for me to be certain that this control would allow the satisfactory operation of the proposed development.
  10. I therefore conclude that there is an unacceptable risk that the proposal would be materially harmful to the living conditions of neighbouring residents. Accordingly, the proposal would conflict with Policy 46 of the Doncaster Local Plan 2021 (DLP). This seek to ensure that new development does not have unacceptable negative effects upon the amenity of neighbouring land uses or the environment. Conflict would therefore also arise with paragraph 135 of the Framework which requires new development to have a high standard of amenity for existing users.

### *Highway Safety*

11. Although not in Doncaster city centre, I observed that Marshland Road was busy and I observed a steady stream of traffic turning into Wembley Road. A bus stop is located next to the proposed entrance and exit point. There is an access gate to the back of the units that front Marshland Road to the north. There were also numerous vehicle movements associated with the commercial

- businesses opposite the site, which parked on the forecourt in front of these. The area also had pedestrian activity. Whilst my site visit on a weekday morning is only a snapshot in time, due to the above characteristics competing vehicular and pedestrian movements occurred around the junction in close proximity to the appeal site.
12. The access and egress to the site would be from Wembley Road. The proposed layout and tracking shows a one-way system in which a car would enter the site through the access. It would then need to undertake various reversing and turning manoeuvres within the site before reaching the canopy for washing and then exiting back onto Wembley Road. The tracking plan shows several 4.8 metres cars would be able to wait within the site alongside the Wembley Road frontage.
  13. I do not have any detail regarding how the business would manage the traffic if the site became full or at its busiest times. Notwithstanding the above, in order to ensure that the arrangement would not result in queues onto Wembley Road, to my mind this would need to be predicated on an orderly flow of vehicles through the site.
  14. The appeal site is narrow, and as shown on the plans, in order to enter and exit as envisaged, the body of the cars would come in very close proximity to the site boundaries to the east and west. The proposed car wash plan shows the green line, which represents the body of the car, would in fact overlap the site boundaries. This would bring vehicles into conflict with the fence of the residential property at No 3, and the site boundary to Marshland Road, which separates the site from the pedestrian footway. This would likely make cars undertake increased or wider manoeuvres to avoid conflict than is shown.
  15. I therefore cannot be certain that the arrangement would enable a smooth flow of vehicles through the site, or that it would not restrict the vehicles entering the site if drivers take a wider berth to manoeuvre. The Council's Highway comments identify that the access gate to the back of the shops that front Marshland Road would need to remain accessible at all times. There would be potential for vehicles exiting that site to potentially block the entrance. It has not been fully evidenced that users of that land do not have access to the site, but in any event this arrangement would continue alongside the proposed development.
  16. In the circumstances that customers could not enter the site, they would almost certainly need to wait along Wembley Road. Given the short distance to the junction, and surrounding road characteristic referred to above, this arrangement could result in queues and cause an obstruction to other road users. In addition, motorists could approach the site along Wembley Road from two opposing directions with the potential that westbound cars could block the proposed exit. Stationary or parked vehicles waiting to enter the site, here would be a risk to highway safety given the obvious danger and inconvenience to other highway users that could materialise in trying to go around them. As such the proposal would not minimise the scope for conflicts between road users.
  17. Although the Council has raised concerns about parking for staff, this has not been transposed to the reason for refusal. I have no evidence that parking in the nearby area and streets is limited and would not be able to accommodate the small number of staff on nearby or surrounding roads.

18. The proposal would conflict with Policy 13 of the DLP which seeks to ensure new development does not result in unacceptable impact on highway safety. The proposal would also conflict with the Framework at paragraphs 115 which also seeks to prevent development if there would be an unacceptable impact on highway safety.

### **Other Matters**

19. My attention has been drawn to a hand car wash located less than 100m to the appeal site. Whilst this benefits from planning permission, I do not know all the circumstances surrounding that development. Although accessed from the main road, the site appears to be substantially larger. Therefore, I do not consider the appeal site is the same nor can I be certain that the effect on living conditions of neighbouring residents or highway safety would be similar to the appeal proposal. In any event, I have judged the appeal on its own merits, and the similarity of other schemes does not justify harm.
20. It is noted that drainage of the site does not raise any concerns from Yorkshire Water, and I see no reason to disagree. It is also appreciated that the proposal could employ three people and would provide a quality facility for local people which is a benefit. However the overall scale of these benefits are small, and do not outweigh the harm to the living conditions of neighbours and highway safety.
21. The conduct of the Council during the determination of the planning application is outside the scope of my assessment on the acceptability of the appeal scheme.

### **Balance and Conclusion**

22. For the reasons given above, I find that the proposal would conflict with the development plan and other relevant considerations do not indicate that a decision contrary to the development plan should be reached.
30. I therefore conclude the appeal should be dismissed.

*K Williams*

INSPECTOR