Appeal Decision

The Planning Inspectorate
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Hearing held on 7 April 2009
Site visit made on the same day

by Jacqueline North **BSc MSc**

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

Decision date: 22 June 2009

Appeal Ref: APP/B4215/A/08/2081513
Garage at rear of 470 Wilmslow Road (Gledhill Street), Withington, Manchester, M20 3BG

- 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 Bilal Tariq against the decision of Manchester City Council.
- The application Ref 086626/FU/2008/S1, dated 16 May 2008, was refused by notice dated 7 July 2008.
- The development proposed is a change of use from joinery workshop to vehicle repair.

Decision

1. I dismiss the appeal.

Main issues

2. The effect of the proposed development on: (i) the availability of parking spaces for visitors to the Withington district shopping centre; and (ii) the living conditions of neighbours including consideration of fumes, noise and disturbance.

Procedural Matter

3. My attention has been brought to a 1991 appeal, reference T/APP/C/90/B4215/9/P6, against an enforcement notice issued by Manchester City Council concerning the use of the appeal site for vehicle repairs. The Inspector in that case concluded that there had been no material change of use from the permitted use as a joiners' workshop to the use of the site at the time of that appeal as a vehicle repair centre. He dealt with the appeal as a breach of a condition, because a 1984 permission for the use of the site as a joiners' workshop had a condition imposed restricting the use of the premises to a joiners' workshop unless permission was obtained from the local planning authority.

4. Notwithstanding that he found use as a joinery workshop and as a vehicle repair workshop to fall within what is now B2 Use, the Inspector upheld the enforcement notice (subject to variation) with respect to a breach of condition. He concluded that there was a substantial objection to the grant of planning permission for the continuance of use for the repair and maintenance of motor vehicles, given the nature of the use and the close proximity of housing. The

condition remains in force, and therefore planning permission for the proposed use is required.

Reasons

5. The appeal relates to a single storey brick building with a corrugated sheet roof located to the rear of 470 Wilmslow Road. The building occupies 100% of the site and is currently in use as a joinery workshop. Access is via Gledhill Street and the public car park for the Withington District Shopping Centre.

6. Dealing with the first issue, the building is long and narrow with double doors opening into the shoppers' car park. The appeal site does not incorporate any external car parking. The building would have to accommodate all vehicles awaiting work, being worked upon and awaiting collection. I appreciate that there would be space for four or five cars within the building and that the business would only employ up to two employees which would restrict the number of vehicles worked on at any time. However, I consider it likely that customers would wish to drop off vehicles early in the morning before work, or pick up vehicles after normal work hours. This would result in cars being left in the spaces in the public car park adjacent to the appeal building or the nearby streets. In addition as space is restricted within the appeal site it would be necessary to drive vehicles into and out of the premises throughout the day in order to reposition the vehicles to carry out the repair work and arrange them for collection.

7. At the site visit I saw that the shoppers' car park is well used, there were no spaces available and some vehicles had been parked in the circulation spaces. I accept that there is a large amount of public car parking available adjacent to the appeal site, but this is for the use of visitors to the district shopping centre. The inevitable spillage of vehicles from the proposed repair business into the car park would reduce the availability of parking spaces for visitors to the Withington district shopping centre and would be contrary to Policy T2.5 of The Manchester Plan, the Unitary Development Plan for the City of Manchester (UDP) which seeks to protect the availability of parking in district centres.

8. I appreciate that the Inspector for the previous appeal considered that the lack of parking was not sufficient in its own right to dismiss the appeal, but concluded that it added weight to harm due to noise and disturbance. The proposal before me is for a larger scale business with up to two employees, therefore I have given greater weight to the lack of parking than the previous Inspector. The scale of the proposed vehicle repair business, the likelihood that customers would want to drop vehicles off early in the morning and collect repaired vehicles on an evening lead me to conclude that parking could not be controlled by the imposition of a condition requiring all vehicles to be retained within the premises at all times.

9. Turning to the second issue, there is a housing scheme comprising blocks of two-storey flats on the other side of Gledhill Street on Strathblane Close, and there are a number of flats above the retail units on Wilmslow Road. The existing use of the site as a joinery workshop is a use from which I would normally expect a certain amount of noise. The workshop contained several wood working machines, and although at the Hearing I was told that there had been a number of complaints relating to noise and other disturbance in respect

of a previous tenant of the joinery workshop there was no evidence of any nuisance resulting from the current tenant.

10. There would also be noise if a vehicle repair workshop was operated from the site. The Inspector at the previous appeal considered that, due to the proximity of housing and the type of noise likely to be caused by a vehicle repair business, the continued use of the premises for vehicle repairs would result in an unacceptable degree of noise and other disturbance to local residents. These concerns remain relevant, and having taken into consideration the larger scale of the proposal before me, the use of the premises as a vehicle repair business would be harmful to the living conditions of local residents due to unacceptable noise levels and other disturbance such as fumes from the running of engines. I accept that conditions could be imposed requiring the installation of acoustic insulation and that the doors remain closed. However, in my experience vehicle repair garages tend to operate with the doors open to prevent unacceptable working conditions for employees.

11. UDP Policy H2.2 seeks to protect residential accommodation from adverse effects of development, including noise. Given the nature of the proposed use and the close proximity of housing, I consider that the use of the site for vehicle repairs would result in unacceptable harm to the living conditions of nearby residents due to noise and other disturbance.

12. I appreciate that the appellant has previously operated a vehicle repair business at the site without complaint, and that he does not proposed to spray vehicles or operate an MOT test centre. However, ownership of the business may change and if the use were to be intensified as a result, additional, noise, fume, dust and other nuisance creating activities could take place.

13. I also appreciate that the appellant operates a vehicle repair business in inadequate accommodation close to the appeal site, across the shoppers' car park. But this does not persuade me to allow an appeal which I have found to be materially harmful.

Conclusion

14. I conclude that the use of the appeal site for vehicle repairs would reduce the availability of parking spaces for visitors to the Withington district shopping centre and would be harmful to the living conditions of local residents.

Jacqueline North

Inspector

APPEARANCES

FOR THE APPELLANT:

Tony Loftus	26 Knowsley Road, Cressington park, Liverpool, L19 0PG
Bilal Tariq	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

David Morris	Manchester City Council
Robert Tyrer	Manchester City Council

INTERESTED PERSONS:

Councillor Andrew Fender	21 Burton Road, Withington, Manchester, M20 3GD

DOCUMENTS

1 Notification of the hearing
2 Extract from the Regional Spatial Strategy