



Appeal Decision

Site visit made on 4 February 2010

by David Stephenson OBE
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**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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Decision date:
10 March 2010

Appeal Ref: APP/X5210/A/09/2114018

4 Castlehaven Road, Camden, London NW1 8QU

- 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 Abdi Abdi against the decision of the Council of the London Borough of Camden.
- The application Ref: 2009/1262/P, dated 27 February 2009, was refused by notice dated 15 September 2009.
- The development is the change of use from coffee and sandwich bar to cab office.

Decision

1. **I dismiss the appeal.**

Main Issues

2. I consider that the main issues in this case are the effect of the proposal firstly on the living conditions of occupiers of nearby dwellings in terms of noise and general disturbance, and secondly on highway safety and the free flow of traffic in Castlehaven Road.

Reasons

3. The appeal site is within a row of predominantly commercial properties on the south east side of Castlehaven Road, though I understand that there is residential use above it. Opposite there is residential development, with some dwellings fronting Castlehaven Road and others in Leybourne Street and Hawley Street surrounding a small park. The area is close to the vibrant and busy Camden High Street and Camden Markets and numerous clubs, restaurants and public houses. Castlehaven Road is a busy one-way road that takes traffic from Chalk Farm Road and Camden High Street.
4. The change of use has already taken place and although the cars operate under the Transport for London (TfL) Private Hire system and the premises act as the control and dispatch centre for pre-bookings, the Appellant accepts that some bookings are taken from customers who walk in and the unit is clearly signed and advertised as a mini-cab service and is open to members of the public. There is therefore no restriction to customers congregating at the site, ordering a mini-cab and waiting to be picked up by the allocated vehicle.
5. Due to the proximity of the clubs and pubs and other outlets which serve the night-time economy of the area I consider that many customers may wish to do this rather than telephone for a mini-cab and wait for it to arrive outside the club or pub. This would result in customers congregating late at night in the area close to the residential properties near the appeal site. Notwithstanding

the general background noise and disturbance that could be expected from the surrounding area, this would be an additional level of noise at a time when residents could expect to have some peace and quiet in order to sleep. This would harm the amenity of these nearby residents which saved Policy SD6 of the London Borough of Camden Replacement Unitary Development Plan, adopted in 2006 (UDP) seeks to prevent.

6. Parking in Castlehaven Road is restricted, and where allowed is limited to Car Club members or those with residents permits. Leybourne Street, which is a dead end where it meets Castlehaven Road, is restricted to residents permit parking, though at my site visit I noted 2 vehicles parked which displayed permits but also advertised they were part of the TfL Pre-Booked taxi system. Although I have no knowledge that these particular vehicles were connected with the appeal site, it appears there would be little to prevent this from being the case and this could lead to parking congestion and obstruction for residents as well as noise and disturbance from picking up customers waiting in the area. While parking infringements could be enforced against by the local authority, the potential for abuse of the system adds to my concern as far as disturbance to the amenity of local residents is concerned.
7. Although saved UDP Policy R6 does not seek to prevent town centre uses outside Use Classes A1, A2, A3, A4, A5, B1a or D2, such as this cab office which has no Use Class, it does seek to prevent harm to the amenity of the area with consideration of the effect on nearby residential uses and amenity, and vehicular stopping and parking associated with the development and their effect on noise and highway conditions. For the reasons given above I conclude on the first main issue that the change of use is detrimental to the living conditions of occupiers of nearby dwellings in Castlehaven Road and Leybourne Street by reason of unacceptable noise and general disturbance late at night and is in conflict with UDP Policies SD6 and R6.
8. As referred to above, Castlehaven Road has parking restrictions. Although illegal parking would cause obstruction to the free flow of traffic, this could be enforced against. It would be more difficult to control, however, mini-cabs stopping to pick up customers outside or close to the site in Castlehaven Road. This could cause obstruction and possible risk to customers crossing the road to reach a mini-cab. I conclude on the second main issue that the operation of the mini-cab service would adversely affect highway safety and the free flow of traffic in Castlehaven Road, and would conflict with UDP Policy R6.
9. I note the letters of support for the mini-cab service, and the employment that it creates. While this is important I consider that this does not outweigh the harm I have identified above in both main issues, caused particularly by the unrestricted operation of a walk-in booking service for members of the public and the clear advertisement of a mini-cab operation from the site encouraging such walk-in custom.
10. For the reasons given above I conclude that the appeal should not succeed.

David Stephenson

INSPECTOR