
Appeal Decision

Site visit made on 9 May, 2017

by G. Rollings, BA(Hons) MA(UD) MRTPI

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

Decision date: 16th June, 2017

Appeal Ref: APP/B5480/W/16/3166190

St Cedd Hall, Sims Close, Romford, RM1 3QT

- 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 Bhupinder Brar (A & R Properties) against the decision of the Council of the London Borough of Havering.
 - The application Ref: P0872.16 dated 23 May, 2016 was refused by notice dated 15 December, 2016.
 - The development is described as Single storey extensions, dropped kerb, disabled ramp and raised decking area to rear of property with WC remodelling. Extension link between main building and outbuilding to create a reception area for nursery – part retrospective (raised decking only).
-

Decision

1. The appeal is allowed and planning permission is granted for single storey extensions, a dropped kerb, a disabled ramp and a raised decking area to the rear of the property, with WC remodelling, and an extension link between the main building and outbuilding to create a reception area for the nursery at St Cedd Hall, Sims Close, Romford, RM1 3QT in accordance with the terms of the application, Ref: P0872.16 dated 24 May, 2016 subject to the conditions attached at Annex A.

Main Issues

2. The main issue is the effect of the proposed development on: the living conditions of surrounding occupiers; pedestrian and highway safety; and outdoor space provision.

Reasons

Background

3. The appeal site accommodates a hall with a narrow area of hardstanding between the building and the street frontage, and a grassed garden area to the side and rear. Part of the hall is currently in use as a self-contained office, and no change is proposed to this part of the property. At the time of my visit, internal works were underway in connection with the proposed nursery use, and the raised decking area and external access shown on appeal plan MGM228/05 rev. B was in place. Simple balustrading lines the deck area at present, as opposed to the obscure uPVC glazing panels specified on the plan. The additional proposed works incorporate a new raised ground floor extension at the rear of property, a single-storey structure linking the main building to an existing outbuilding adjoining the side boundary of the site, internal works
-

including the expansion and reconfiguration of toilet areas, a new dropped kerb and crossover in addition to the existing, and the disabled ramp leading from the decking.

4. The Council has advised me that the current lawful use of the hall is a D1 use, which allows the operation of non-residential institutions such as clinics, nurseries, and places of worship. I am not aware of any conditions on earlier permissions that restrict the operation of any enterprise within the use class. Both main parties agree that the proposed use would be a lawful one. As such, a nursery would be able to operate from the site without additional planning permission, and with no planning-based restrictions on its composition, size, or activities.
5. The appellant's fallback position, should the appeal not be allowed, would be to operate the nursery from the site in its present state, without the benefit of planning permission. This would, in itself, represent an intensification of the current use of the hall. Whereas permission would enable the use of planning conditions to limit the impact of the facilities on the living conditions of surrounding occupiers, no such conditions would be applicable under the fallback scenario. Accordingly, the fallback option would potentially have a greater impact on living conditions, then if the appeal were to be allowed.
6. The Council has also suggested that allowing the appeal would result in an intensification of the nursery use. However, whilst the proposed building works in this appeal would expand the amount of internal floor space and improve the property, there is no information before me to suggest that this would be the case, or that the intended number of occupants would be greater than if the fallback position were to be implemented. Child welfare, including capacity, is within the remit of other legislation, including the Childcare Act 2006, and is separate from the planning regime. There is no evidence that the works before me, on their own terms, would constitute an 'overdevelopment' of the site, or contribute to same through occupation or other impacts.
7. Taking all of these matters into account, and given the status of the proposed use, its fallback position and the potential degrees of harm, I have considered the effects of the proposed building development on the surrounding area, in accordance with the issues raised by the parties.

Living conditions

8. The site's ground level falls away from the road. The extensions, including the existing decking and those which are proposed in this appeal, would be above the level of the rear garden area. I noted on my visit to the site that glimpses into the gardens of adjacent properties are possible from the existing building and decked area, but that direct views are largely restricted due to existing vegetation on the appeal site and neighbouring properties. Furthermore, given the distance between the decking and proposed extensions and neighbouring properties, and views from the existing building, there would be no additional loss of privacy to the gardens or habitable rooms of surrounding properties.
9. The extensions would be constructed in a style that would be similar to the main building, and with the exception of the decking, would not project further into the site. As such, although the works would be visible from adjacent properties, the existing separation distance between these and the building would remain. The building is separated from adjacent properties to the rear

by the existing garden, and given the separating distances both existing and proposed, there would be no significant additional enclosure of these properties. Additionally, the decking area has a lightweight appearance. For these reasons, the works would not appear overbearing or have a detrimental impact on the outlook of surrounding occupiers.

10. I have taken into account the representations received from concerned occupiers of neighbouring land regarding additional potential effects on their living conditions, including noise and disturbance. In this respect, there would be little differentiation between the proposed and fallback layouts, particularly with regard to use of the existing garden, and comings and goings to the property. However, the use of the decking would contain children in an external area, elevated slightly above the garden. The appellant has suggested the installation of obscure glazing panels to create a screen around the edge of the decking area, and I consider that this, along with the Council's suggested restrictions on operating hours, would assist in reducing the potential noise and disturbance to surrounding occupiers.
11. I therefore conclude that the proposed development would not have a significantly harmful impact on the living conditions of surrounding occupiers. There would be no conflict with the Council's adopted *Core Strategy and Development Control Policies Development Plan Document* (2008) (hereafter referred to as the DPD) Policies DC55 and DC61, which require development to not lead to unacceptable overshadowing, loss of privacy, or noise and disturbance.

Pedestrian and highway safety

12. Sims Close comprises a narrow carriageway passing the appeal site, with on-street parking along its southern side adjacent to the site, and parking restrictions along its northern side, along with pedestrian footways on both sides. At the time of my visit, the on-street parking was partially utilised, and there was one traffic lane available to moving vehicles.
13. The proposed crossover would result in the loss of one on-street parking bay, but would provide access to one new staff car parking bay for use of the occupiers of the self-contained office, along with access to on-site cycle parking. I spent some time on Sims Close observing passing traffic, which was generally infrequent and travelled at slow speeds past the site. Despite the parked cars, there are unobstructed sightlines between drivers of approaching vehicles and the location of the proposed crossover, assisted by the visually permeable front boundary. Given the slow speeds and decent visibility, it is unlikely that the proposed crossover would result conditions that are detrimental to the safety of road users.
14. Concerns have been put to me regarding the amount of parking available to staff on the site, and the potential for increased congestion resulting from users of the facility. Having carefully considered the evidence before me, I consider that there would be insignificant differences in highway usage between the proposed and fallback use scenarios. As such, the harm resulting from the appeal proposal would not be greater and that of the fallback use. I have also considered the effect of the loss of one on street parking bay which would, in effect, be replaced by an on-site space. During my visit, there was parking available on Sims Close, and I have no firm evidence to suggest that this is an area subject to parking stress. As such, the substitution of the

on-street parking bay is acceptable and would not result in additional harm to highway safety.

15. I therefore conclude that the proposed development would not have a harmful effect on highway safety. It would not conflict with DPD Policies DC26 or DC33, which require development including community facilities to be accessible and provide appropriate parking space, amongst other factors.

Garden space provision

16. The Council has expressed concern about the configuration of the proposed outdoor space and whether it would be sufficient to accommodate the proposed use. I have already considered the noise and disturbance impact, and given that the garden would be used in both proposed and fallback use scenarios, the provision of a screened decking area could assist in reducing some of this impact. The Council has no specific outdoor space standards applicable to the proposed use or its floor areas.
17. I therefore conclude that the proposed outdoor space provision is not inappropriate, and would not conflict with DPD Policies DC55 and DC61.

Conditions

18. The appellant and Council have recommended conditions which are considered in light of the tests set out in the *Planning Practice Guidance*. All but one of the Council's suggested conditions are necessary, reasonable and enforceable in the interests of securing an acceptable development. Condition 2 is necessary in the interests of proper planning and to ensure that the development is carried out as approved.
19. Condition 3 is required to preserve the character and appearance of the proposed development. The Council requested a condition requiring the submission of samples of the external cladding materials to be used, but I do not consider that such a condition would be proportionate to the scale of the works.
20. Condition 4 is required in the interests of parking safety. I have applied conditions 5 and 6 to assist in preserving the living conditions of surrounding occupiers. In particular, Condition 6 is intended to restrict the use of the decked area as play space to reasonable times, and both conditions are required to make its retention acceptable.

Conclusion

21. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

G Rollings

INSPECTOR

Annex A: Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: MGM228/05 rev. B; MGM228/06 rev. B; MGM228/07 rev. B; MGM228/08 rev. B.
- 3) The external materials used in the construction of the development hereby permitted shall match those of the existing building, unless agreed otherwise in writing by the Local Planning Authority.
- 4) Before the extensions and alterations hereby permitted are first used, the area set aside for car parking and the drop-off arrangements as indicated on drawing no. MGM228/05 rev. B shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.
- 5) Prior to using the decking area hereby approved, the obscure-glazed screening panels as indicated on drawing nos. MGM228/07 rev. B and MGM228/08 rev. B shall be installed, and shall thereafter remain permanently in place.
- 6) The decking area hereby approved shall be used by children at no times other than between 08:00 and 18:00 on Mondays to Fridays, and 08:00 and 13:00 on Saturdays, and not at any time on Sundays or on Bank or Public Holidays.