



Appeal Decision

Site visit made on 28 May 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/B5480/W/19/3225643

140 & 142 North Street, Hornchurch RM11 1SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Dr Petrus Odendaal against the decision of the Council of the London Borough of Havering.
- The application Ref J0033.18, undated, was refused by notice dated 17 December 2018.
- The development proposed is change of use from B1a to 2 No. flats (C3) prior approval

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) for the change of use from B1a to 2 No. flats (C3) at 140 & 142 North Street, Hornchurch RM11 1SU in accordance with the application Ref J0033.18, undated, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 3, Class O of the Order.

Procedural Matters

2. A description of the proposed development was not included on the application form, which referred to the supporting statement. The Council described the development as change of use from B1a to 2 No. flats (C3) prior approval in its decision notice and this was used on the appeal form. This accurately describes the proposal and I have used it in the banner heading.
3. The application form was undated, but the Council's Decision Notice refers to the information provided by the developer to the Local Planning Authority on 25 October 2018. I have therefore dealt with the appeal on the basis that the Decision Notice was issued within 56 days of the submission of the application, on 17 December 2018, as required by Paragraph W(11) of the Order.
4. The provisions of Class O of the Order require the local planning authority to assess the proposed development on the basis of transport and highway impacts of the proposed development; contamination risks on site; flooding risks on the site; and impacts of noise from commercial premises on the intended occupiers of the development. The Council has confirmed that the sole matter in contention in this appeal is the transport and highway impacts.

Main Issue

5. The main issue is therefore the effect of the proposed development on transport and highway safety.

Reasons

6. The appeal site is an end of terrace property with a dental practice on the ground floor and vacant office on the first floor. It lies just outside the centre of Hornchurch, in an area characterised by a mixture of residential and commercial uses. It is within a parade of shops and other businesses, some of which appear to have residential uses on the upper floors. Properties in the parade, including the appeal site, have forecourts to the front which are used informally for parking. The site also has parking to the rear of the building. The rear yard is narrow and is not laid out formally for parking, but could accommodate several cars in a tandem arrangement. The appeal site faces onto North Street, which is one-way at this point with a pedestrian crossing outside the site.
7. The appeal proposal would create 2 No. one bedroom flats on the first floor in place of the previous B1 office use. The development plan is relevant insofar as it sets out the Council's maximum levels of parking standards, in Policy DC33 of the Havering Core Strategy Development Control Policies Development Plan Document (the DPD). It indicates a maximum requirement of one parking space per dwelling. In terms of public transport accessibility levels (PTAL), the site is rated 3. This means it has moderate accessibility to public transport links, with bus stops and train stations within walking distance. It has good public transport connections to central London, with local facilities and services within walking distance of the site. In view of its location, it would not be unreasonable to assume that future occupiers could have limited reliance on the private car to access day to day facilities and services, and therefore less than the maximum parking provision of two parking spaces may be appropriate.
8. The appellant has argued that these parking spaces could be accommodated on site. I am aware that permission was granted¹ for the change of use of the ground floor shop to a dental practice last year, and this appears to have been implemented. This included a total of five parking spaces, with two to the front and three to the rear. The appellant proposes that these spaces could be shared with the proposed flats, but in view of the permitted hours of opening of the dental surgery², this would be impractical as there would be overlap between the two uses. The potential for additional parking to the rear is limited by the width of the yard, and while a tandem arrangement could be practical for staff, it is unlikely to be a suitable arrangement for occupiers of flats. It would be possible to accommodate more than two cars on the forecourt to the front of the building, but as this land is not included within the appeal site, and it is not clear that it is within the appellant's control, parking spaces could not be secured in perpetuity. It is therefore not clear that the parking requirements could be accommodated on site, and it may therefore add to demand for on-street parking spaces in the area.

¹Application ref P0755.18

² 08:00 to 21:00 Monday to Friday and 09:00 to 18:00 on Saturdays

9. On street parking is restricted in the vicinity of the site on North Street³, but I saw on my site visit that parking is not controlled in some of the nearby residential roads, and at the time of my site visit, which was early to mid-morning on a weekday, there were on-street parking spaces available. I appreciate that this is only a snap shot of local parking conditions, and it would be reasonable to assume that on-street parking demand would be greater in the evenings and at weekends. I also acknowledge the Council's concern that the proposal could add to pressure for on-street parking spaces in the locality. However, there is no firm evidence that parking pressure is at a level where there would not be capacity in the surrounding streets for the parking needs generated by the development, or that this would cause transport or highway safety problems. Moreover, the authorised B1 use would be likely to generate its own parking requirements. Thus, the net impact of the residential use would be likely to be slight.
10. I therefore find that there would be sufficient capacity to accommodate the parking requirement generated by the proposed development through local on-street parking, without causing an unacceptable level of parking congestion on surrounding roads. Accordingly, I conclude that the proposed development would not be harmful to transport and highway safety.

Other Matters

11. There is a local concern that the building has insufficient sound proofing with the adjoining flat. However, this is not a matter that is subject to prior approval, as the assessment of noise is only concerned with the effect of noise from commercial premises on the intended occupiers of the development. The concern regarding the erection of a new fence on railway land is a private matter and does not have any bearing on my decision.

Conditions

12. Paragraph O.2(2) states that development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date. Further standard conditions are set out in paragraph W(12), whilst Paragraph W(13) of the Order allows conditions to be imposed that are reasonably related to the subject matter of the approval.
13. The Council has suggested a condition relating to the management of the parking spaces, but as I have found that the proposed development does not require the use of the on-site parking areas in order to be acceptable, such a condition is not necessary.
14. The Council has also suggested a condition requiring a noise and vibration assessment in relation to noise from the railway line, but as the prior approval is concerned only with noise from commercial premises, this is not a matter that is subject to prior approval and therefore the condition cannot be imposed. As the proposal has not been put forward as a 'car free' development, there is no need to require a legal agreement as suggested by the Council to restrict future occupiers from applying for parking permits.

³ Between 8am and 6.30pm on Monday to Saturday

Conclusion

15. For the reasons given above, taking into account all matters raised, I conclude that the appeal should be allowed.

N Thomas

INSPECTOR