



Appeal Decision

Site visit made on 22 September 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Appeal Ref: APP/B5480/W/20/3249514

6 Broadway Parade, The Broadway, Hornchurch, RM12 4RS

- 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 K. Kalayci against the decision of the London Borough of Havering Council.
 - The application Ref P0026.20, dated 9 January 2020, was refused by notice dated 6 March 2020.
 - The development is the use of the public highway for the placing of 2 tables and 8 chairs in an area measuring 2mx4m in connection with restaurant at ground floor level.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. At the time of my site visit, the tables, chairs and planters were in place, but the decking, shown on the submitted plans, was not. In addition, although the description used in the application forms, and used in the header above, describes the area as being 2m x 4m, the plans show the depth to be 2.4m and hence I have considered the appeal on that basis.

Main Issues

4. The main issue in this case is the effect of the development on highway safety.

Reasons for the Recommendation

5. The appeal site comprises an outdoor seating area to the front of the 'Istanbul Grill' restaurant on the south side of Broadway Parade. It is situated within a local commercial area with a moderate pedestrian footfall which most likely increases at peak hours. The seating area is enclosed by planter boxes and occupies approximately half of the width of the pavement. A lamppost lies between the seating area and the edge of the public highway and a mature tree and rubbish bin are also sited in close proximity to the proposal area.
 6. The appellant asserts that the proposal would allow for enough space for the passage of pedestrians side-by-side on the pavement in front of the site and
-

the safe use of the space by wheelchair users. However, given the busy pedestrian flows at peak times, the location of the lamppost between the seating area and the kerb and the prevalence of other street furniture nearby, I consider that the proposal's siting would impede pedestrian movement and adversely affect pedestrian safety.

7. There is also a bus stop in close proximity which suggests pedestrians may congregate in the direct vicinity of the appeal site. In my view, the retention of the seating area and the installation of timber decking would reduce the useable width of the pavement and, would exacerbate pedestrian congestion on the already constrained footway, particularly at peak times.
8. Also, the proposed installation of timber decking on the public highway would introduce a permanence to the seating space and would not allow for the area to be cleared each day to enable standard street cleaning.
9. I note the previous approval for temporary outdoor dining referred to by the appellant, but this did not include permanent decking so is not comparable. Whilst I acknowledge that the proposal would provide the business with an attractive feature, and a valuable one at the present time in view of the current Covid-19 pandemic, I am not satisfied this outweighs the permanent harm to highway safety I have identified.
10. I consider that the proposal would harmfully affect the safety of pedestrians using the public highway and so would conflict with Policy DC32 of Havering Borough Council's Core Strategy and Development Control Policies Development Plan Document which states that development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR