
Appeal Decision

Site visit made on 5 January 2021 by Emma Worby BSc (Hons) MSc

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/B5480/W/20/3255751 66 Dagenham Road, Romford RM7 0BX

- 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 Manjit Ram against the decision of the Council of the London Borough of Havering.
 - The application Ref P1932.19, dated 30 December 2019, was refused by notice dated 9 March 2020.
 - The development proposed is a single storey side extension to A5 (takeaway) and rear outbuilding/storage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issues

3. The main issues in the appeal are:
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties in relation to noise and disturbance; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons for the Recommendation

Living Conditions

4. The appeal site is occupied by a two-storey end of terrace property with a barber shop at the front of the building on the ground floor and a maisonette style residential property occupying the remainder of the ground floor and the first floor. It is located on a corner plot between Dagenham Road and Birkbeck Road and the surrounding area is comprised of a variety of commercial and residential properties. The proposal includes a single storey side extension to be used as a takeaway food shop and an outbuilding in the rear garden to be used as storage.

5. The appeal site is located at the end of a row of terraced properties, all of which are residential in nature. There is a parade of shops including a café adjacent to the appeal site, separated by Birkbeck Road, as well as a tyre fitting shop on Birkbeck Road opposite the appeal site. However, the remainder of Birkbeck Road, including to the rear of the appeal site, is largely residential. Dagenham Road is a relatively busy thoroughfare, however as the row of terraced properties are set back from the road, traffic noise is not as intrusive. The tyre fitting shop generates some noise during the day however the remainder of Birkbeck Road, to the rear of the appeal site, is a quiet residential area.
6. Although there are currently customers of the barber shop visiting the appeal site, the sign on the shop indicates that this is only open until 7.30pm. Similarly, the tyre fitting shop and café operate during the daytime only. Clarification was sought from the appellant regarding the proposed opening hours as it was not clear from the submission. In an email dated 22 February 2021, the appellant has confirmed that the takeaway shop would be open from 1000 until 2200. Even though not clear from the planning application, the Council considered the planning application on the basis of operation until 2300. However, even if I were to consider operation until 2200, this late evening use would result in a significant number of additional comings and goings to the appeal site at a considerably later time than is currently experienced in the area directly surrounding it.
7. The noise generated from these additional coming and goings from staff and customers visiting the shop in the late evening when it is likely to be quieter in the area with less vehicular movements and pedestrian footfall, along with the proximity to a number of residential properties, would therefore be detrimental to the living conditions of neighbouring occupiers. This would include those within the row of terrace dwellings in which the appeal site sits and dwellings to the rear on Birkbeck Road as well as the residential property on the appeal site itself, all of which would be in close proximity to the proposed shop. It is noted that there are some similar takeaway premises on the adjacent parade of shop. However, these are some distance from the appeal site, on Rush Green Road, and are located in an established row of shops which is busier and more commercial in nature than the area directly surrounding the appeal site.
8. Consequently, for the reasons above, I conclude that the proposed development would be harmful to the living conditions of the occupiers of the surrounding dwellings and would therefore conflict with Policy DC55 of the Core Strategy and Development Control Policies Development Plan Document (2008). This policy states that planning permission will not be granted if it will result in exposure to noise above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation.

Character and Appearance

9. The proposed side extension would sit between the existing building and the side boundary with a mono-pitched roof. Although it would be highly visible in the public realm and would have a limited shop frontage when compared to others in the area, the modest proportions of the proposed extension would not result in an overdevelopment of the site or appear as an overly incongruous addition to the streetscene. However, the proposed flue located to the rear of the extension would be a significant height in comparison to the side extension

and highly visible from both Dagenham Road and Birkbeck Road. Its industrial appearance would conflict with the largely residential setting of this row of terraces and would appear incongruous within its surroundings to the detriment of the character and appearance of the area.

10. The proposed outbuilding would be a significant addition to the rear garden of the appeal site and would be larger than the existing garage which it would be sited next to. The rear garden environment of the row of terrace dwellings, in which the appeal site is located, is currently residential and open in appearance with only some smaller domestic outbuildings. The proposed outbuilding would be a dominant addition with a commercial appearance, therefore appearing out of keeping with the current garden environment to the rear of the dwellings. This would be exacerbated by the corner plot location of the site, with the outbuilding being highly visible within the streetscene resulting in significant harm to the character and appearance of the surrounding area.
11. Therefore, although the side extension would have a limited impact on streetscene, for the reasons above I conclude that the proposed flue and outbuilding would be harmful to the character and appearance of the area contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document (2008). This policy requires new development to maintain, enhance or improve the character and appearance of the local area.

Other Matters

12. The council has raised concerns regarding the impact on highway and pedestrian safety in their report, however it has not been included as a reason for refusal. The proposal would result in the loss of car parking spaces to the side of the building. However, there is parking to rear of the property by way of a garage and small driveway and informal off-road parking directly in front of the existing barber shop. There are also several public car parking spaces adjacent to the site on Birkbeck Road which could be used by patrons of the takeaway shop. Therefore, it is not considered that the proposed development would result in a significant additional need for car parking which would harm highway or pedestrian safety.
13. A similar development at Saffron Restaurant has been brought to my attention by the appellant. However, although it is located at the other end of Birkbeck Road, it is some distance from the appeal site and is located in a more spacious environment further from the residential properties to the rear. Therefore, it is not directly comparable to the appeal before me.
14. The appellant has stated that they received no communication from the Council's Planning Officer. However, this does not affect my consideration of the planning merits of the appeal.

Conclusions and Recommendation

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

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

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

Zoe Raygen

INSPECTOR