



Appeal Decision

Site visit made on 28 October 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24/11/2021

Appeal Ref: APP/B5480/W/21/3268262

55 Limerick Gardens, Cranham, Upminster, Essex RM14 1HZ

- 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 Mrs Melanie Moss against the decision of the Council of the London Borough of Havering.
 - The application Ref P0768.20, dated 11 June 2020, was refused by notice dated 19 August 2020.
 - The development proposed is described on the planning application form as "Convert existing detached garage to part beauty salon with small area retained for storage. New internal wall erected to separate salon from storage area. The garage already has an electricity supply, but will require a supply of hot and cold water, drainage will be connected to existing pipes in garden. Walls of beauty salon will be insulated and a new garage door, glazed entry door and window will be fitted."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development on the planning application form has been replaced by amended descriptions on the Council's decision notice and on the Appeal Form. However, the appellant states on the Appeal Form that the description of development has not changed and I have therefore used the description as given on the planning application form in the heading above. I have also taken the appeal site address from the Appeal Form as this accurately describes the location.
3. In its decision, the Council refers to the London Plan 2016. However, this was replaced by a new London Plan in 2021. In its Statement, the Council has specified which policies of the recently adopted London Plan it considers are relevant to this appeal, and the appellant has had the opportunity to respond. I have therefore proceeded to determine this appeal with reference to the London Plan 2021.
4. The Council also refers to the lack of a 'Full Statement of Case' from the appellant and that further documents were requested with no response. Nevertheless, I have considered this appeal on the basis of the evidence before me.

Main Issues

5. The main issues are the effect of the proposal on:

- Parking and highway safety; and
- The living conditions of neighbouring residents with regards to noise and disturbance.

Reasons

Parking and Highway Safety

6. The appeal proposal would be located in a detached garage which is currently accessed from a lane to the rear which serves a number of properties. This lane is relatively narrow with limited manoeuvring and turning space. A passageway to the side of the dwelling would also provide access from Limerick Gardens to the proposed beauty salon.
7. The proposal would lead to the loss of the parking space provided by the garage. The front garden of the property is paved to provide a parking area, although I saw that access to this is restricted due to landscaping in the public highway. Because of this, the proposal is likely to lead to an increase in demand for on-street parking from customers, and potentially displaced parking from the garage. Furthermore, even if parking is available to the front of the site, it has not been demonstrated how this would provide for customers with disabilities.
8. At the time of my visit, on-street parking was very limited in the vicinity of the appeal site due to the extent of dropped kerbs providing access to parking to the front of properties. Within this context, parking generated by the proposal on Limerick Gardens would unacceptably increase parking stress in this area. This may result in inconsiderate parking affecting access to nearby properties, or parking within the nearby turning head which would limit the ability of vehicles to enter this no-through road and exit in forward gear. This in turn may lead to awkward vehicle manoeuvres, which would increase the risk of collisions between vehicles and other highway users.
9. Alternatively, the proposal may lead to parking in the restricted rear lane, which would hamper the movement of vehicles to nearby properties and the access to garages which residents could reasonably expect.
10. I conclude that due to its location and arrangement, the proposal would lead to unacceptable harm to parking provision in the area and highway safety. The proposal would therefore be contrary to the parking and access requirements of policies DC33 and DC62 of the Council's Development Plan Document¹ as well as policy D3 of the London Plan. I find no conflict with policies D1 and D4 of the London Plan as these relate to wider strategic and design considerations, but this does not lead me to a different conclusion on this main issue.

Living Conditions

11. Due to the close-knit relationship with the rear gardens of nearby dwellings, the comings and goings of customers would be readily apparent to

¹ Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2008

neighbouring residents. Access could be provided via the side of the property or from a lane to the rear, but in either case the movements of customers would be apparent from the relatively secluded and private rear gardens of nearby properties.

12. The appellant refers to the relatively low level of custom proposed, as well as restricting opening to school hours on a limited number of days. However, noise and disturbance generated by people accessing the proposal would be apparent from neighbouring rear gardens, and when combined with the potential increase in traffic movements this would exceed the activity that nearby residents could reasonably expect to the rear of these dwellings. Whilst residents in the area may be at work when the business is operating, there is no certainty that this would be the case.
13. I conclude that the proposal would lead to significant harm to the living conditions of neighbouring residents with regards to noise and disturbance. The proposal would therefore conflict with the amenity requirements of policy DC61 of the Development Plan Document.

Other Matter

14. The appellant refers to the potential to revise the proposed working hours. However, even if the hours of operation were reduced or rearranged, this would not mitigate the harm I have identified due to the relationship of the appeal site with neighbouring properties and the highway.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR