



Appeal Decision

Site visit made on 29 November 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/B5480/W/22/3301119

50 Harlow Road, Rainham RM13 7UB

- 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 John Ekeh against the decision of the Council of the London Borough of Havering.
 - The application Ref P0254.22, dated 19 February 2022, was refused by notice dated 27 May 2022.
 - The development proposed is a parking space width 6,578m, length 8,992m and dropped kerb existing driveway width: 6,578m pavement width: 2,451m.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of the occupants of 52 Harlow Road, with particular regard to noise and disturbance.

Reasons

3. The appeal property is situated at the first floor of a two-storey maisonette. The proposal would involve the construction of a brick-paved driveway at the appeal property's front garden and would include the removal of the front boundary wall and installation of a dropped kerb at the pedestrian footway.
4. The appeal property's front garden extends between two paths leading to the main door of each dwelling, with No 52 Harlow Road's front door situated on the building's front elevation and the appeal property's main door located on the building's flank.
5. The proposed driveway would occupy the full extent of the front garden, with only a small gap providing separation between the rear of the driveway and the building's front elevation. The proposed driveway would be situated in front of No 52's ground floor bedroom window.
6. The driveway would be generous in size and the appellant has stated that they do not intend to park vehicles near No 52's window. However, the proposed dropped kerb would extend across the full width of the plot thereby providing vehicular access across the whole driveway. The proposal includes no measures to prevent vehicles from parking near the window, and as such, there is a realistic prospect that vehicles would use the area of the driveway in close proximity of No 52's window.

7. The Council's Residential Extensions and Alterations Supplementary Planning Document 2011 indicates that the formation of parking spaces for first floor flats is unlikely to be acceptable where located adjacent to ground floor bedroom windows of neighbouring accommodation due to potential disruption to ground floor residents through noise and light pollution. I consider that vehicles parked close to No 52's bedroom window would expose occupants to noise generated from vehicle movements and disturbance from headlights.
8. The appellant has expressed their desire to purchase an electric vehicle which are typically quieter than traditional motor vehicles. However, this would not remove all forms of noise and disturbance nor prevent other types of vehicle from accessing the proposed driveway.
9. For the reasons set out above, the proposal would give rise to harm to the living conditions of the occupants of neighbouring accommodation at No 52. The proposal would therefore conflict with Policy 7 of the London Borough of Havering Local Plan 2016-2031 (2021) which seeks to ensure amenity and quality of life for existing residents is not adversely impacted and avoids development which would lead to unacceptable levels of noise and disturbance.

Other matters

10. On-street parking in the area surrounding the appeal site is controlled through parking bays which straddle the roadway and pedestrian footway. At the time of my site visit, many of the parking bays were occupied and therefore parking spaces appear limited and in high demand. The proposal would reduce the demand for on-street parking generated by occupants of the appeal property.
11. The proposal would enable the appellant to charge an electric vehicle which would otherwise not be possible in the on-street parking bays. Chapter 9 of the National Planning Policy Framework recognises the importance of the planning system in realising objectives relating to sustainable transport and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
12. The proposal would therefore deliver benefits through reducing demand for on-street parking and enabling the appellant to switch to an electric vehicle. However, such benefits do not outweigh the harm I have identified in respect of living conditions.
13. I acknowledge the appellant feels disadvantaged since many other dwellings in the area have off-road parking. However, I have reached my decision based on the proposal's merits which I have assessed against the development plan. The appellant's statement refers to a scheme which was granted planning permission for the formation of a driveway at No 68 Harlow Road¹. Having reviewed the information supplied by the appellant, I do not consider the scheme to be comparable to the appeal proposal, as that case would not result in vehicle parking near the ground floor window of neighbouring accommodation.

¹ Council of London Borough of Havering's application reference: P1037.14

Conclusion

14. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR