



Appeal Decision

Site visit made on 24 January 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/B5480/W/22/3305417

71 Craigdale Road, Hornchurch, RM11 1AH

- 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 Jakub Osiewacz against the decision of the Council of the London Borough of Havering.
 - The application Ref P1342.21, dated 7 July 2021, was refused by notice dated 13 June 2022.
 - The development proposed was described as "*Proposed extension to the existing ground floor to provide new kitchen within shared undercroft, also to extend ground floor sitting room. To provide new up and over garage door to undercroft providing free access and right of way for 69 Craigdale Road*".
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey side extension at 71 Craigdale Road, Hornchurch, RM11 1AH in accordance with the terms of the application, Ref P1342.21, dated 7 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos AW/CR/21/01 A, AW/CR/21/02 B, AW/CR/21/03 B and AW/CR/21/04.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The application proposal was amended through the submission of revised plans to which I have had regard in my decision. These removed an originally proposed up and over garage door.
3. My formal decision reflects the description of development that was used by the Council in their decision notice. Not only is this a more concise form of words compared with those that were used on the original application form, which I have quoted in the banner heading above, but they also reflect the form of the development as it was amended.

Main Issue

4. The main issue is the effect of the proposal upon car parking in the area with particular regard to highway safety and residential amenity.

Reasons

5. Craigdale Road is a long and straight residential street lined with primarily two-storey, semi-detached and terraced dwellings dating from the late Victorian period, all with fairly shallow front gardens. There is a controlled parking zone (CPZ) operating in the area, with residents only parking to both sides of the road along the significant majority of its length.
6. The appeal property is a two-storey dwelling. Together with its attached neighbour at No 69, the building stands out within the street scene as unique for a number of reasons. They appear as an obvious, more contemporary semi-detached pair compared with others, and are recessed behind the otherwise uniform forward building lines, being located at a point where there is an uncharacteristic and short hammerhead configuration to the road alignment. They also have an undercroft area that is open to the front and which is off-centre, appearing similar in width to a double sized garage.
7. The appeal property has only a very narrow ground floor frontage width, but over sails the entirety of the undercroft area at first floor. The red line application site boundary includes all of the ground floor footprint of No 71 and the entirety of the undercroft area up to the ground floor side elevation of No 69, with the planning application form certifying this land within the applicant's ownership. The same declaration was made as part of the appeal submission. I have no reason to dispute these assertions but understand that the owners of No 69 enjoy a right of way over land within the undercroft nearest to their property.
8. The proposal would infill half the frontage width of the undercroft with a side extension to No 71 that would step closer to No 69 towards the rear part of the extension, leaving a pedestrian width access at this point to the rear garden of No 69. The remainder of the undercroft space would be kept open. The Council's officer's report infers that the proposal would be tantamount to creating two units or otherwise would increase the size of the unit from two to three bedrooms. I am satisfied that neither of these scenarios is correct. The application drawings clearly show the extension would provide for a new kitchen and enlarged sitting/dining area, with other internal organisation providing a lounge and two bedrooms at first floor. This would be consistent with the slightly unorthodox layout of the dwelling, which currently has kitchen and lounge/dining space at first floor level.
9. The Council asserts that the proposal would result in a net loss of two off-street parking spaces. The appellant asserts that this would not be the case. In the first instance the appellant argues that the land in the undercroft adjacent to No 69 does not provide a legally bound parking space for their neighbour's use and further that, as owners of No 71, they have never owned a car. In addition, they argue that in any event, space would be retained in the undercroft adjacent to No 69 affording the possibility of one off-street space, with a second space to be re-provided on the land immediately adjacent to the front elevation of No 71 enabling a car to park parallel to the road.

10. Regardless of car ownership, a situation that cannot reasonably be controlled as part of the planning process in this instance, one available undercroft parking space adjacent to No 71 would be lost. In addition, I am not persuaded that the retained width adjacent to No 69 would be capable of accommodating a parked car, even if right to use the land for this purpose was permitted. There is no formal proposal to create a parking space in front of No 71 and based on my own observations, the area is tightly constrained with any parked car likely to block access to the property's front door, or else overhang the adjacent footpath. Any vehicle using the space would also need to undertake an awkward manoeuvre that would have the potential to create a hazard to pedestrians and other road users. Based upon these findings, I conclude that the proposal would result in the loss of at least one parking space on-site and most probably two. This would have the potential to increase on-street parking demand in the area.
11. Parking along Craigdale Road is already an established part of the street scene, with marked bays to both sides for most of its length. The impact of two further cars parked on Craigdale Road would not affect the appearance or character of the street scene.
12. The presence of a CPZ along Craigdale Road does not automatically mean that parking in the area is at saturation level. There is no evidence from the Council to suggest that this is the case and neither is there any anecdotal evidence before me to suggest that there is an unacceptable level of parking stress affecting residents. On the other hand, the appellant has presented the findings of their own observations taken morning and night over a 12-day period in July 2022.
13. The photographic evidence, which has not been disputed by the Council, shows on-street parking spaces commonly available both early morning and mid-evening within the immediate proximity of the appeal site. The appellant has also provided photographs showing other spaces available at similar times slightly further afield but within reasonable walking distance of No 71. My own attendance during the early afternoon on a weekday also showed spaces to be available at that time.
14. Whilst use of any on-street parking space within the locality is controlled by permits, based on the evidence before me, I am unable to concur with the Council's findings. In my assessment, from the information available to me, the loss of a maximum of two off-street parking spaces would not result in any level of overspill parking that could not be accommodated, or which would affect either highway safety or the residential amenity of the area. Given this I am satisfied that there is no absolute need for the off-street spaces at the appeal property and therefore no conflict with Policy 24 of the Havering Local Plan 2016-2031, adopted in 2021, which deals with parking provision and design, or with Policy 26, which deals with urban design and the effects of development upon the character and function of the local area.

Other Matters

15. I have noted and carefully considered the neighbour's assertions over their rights of access and the extent of land over which this is afforded. However, these matters are not directly related to the planning merits of the case. In any event, a grant of planning permission does not override private legal rights regarding land ownership and/or access.

Conditions

16. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the proposal is finished with materials to match the existing.

Conclusion

17. For the reasons given, I find that the proposal would not result in any harm to highway safety or residential amenity. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR