



Appeal Decision

Site visit made on 14 December 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/B5480/W/23/3323020

Dental Surgery, 28 Rosewood Avenue, Hornchurch, RM12 5LH

- 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 Kamran Aval against the decision of the Council of the London Borough of Havering.
 - The application Ref P2029.22, dated 14 December 2022, was refused by notice dated 27 April 2023.
 - The development proposed is a new conservatory to the back of the existing building to provide space for the patients and staff. Reducing the kerb to accommodate a new driveway and relocating 3 car parking spaces to the front of the building.
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Decision

1. The appeal is dismissed insofar as it related to reducing the kerb to accommodate a new driveway and relocating 3 car parking spaces to the front of the building.
2. The appeal is allowed and planning permission is granted for a new conservatory to the back of the existing building to provide space for the patients and staff, at Dental Surgery, 28 Rosewood Avenue, Hornchurch, RM12 5LH, in accordance with the terms of the application, Ref P2029.22, dated 14 December 2022, and subject to the following condition:
 - 1) The conservatory hereby permitted shall be carried out in accordance with the details and materials shown on the following approved plans: Drawing Nos. 1000-SLA-A-0030 (conservatory plans only), 1000-SLA-A-0040 (proposed elevation plans) and 1000-SLA-A-1000 (location plan).

Preliminary Matters

3. The existing and proposed drawings submitted do not show a two-storey side extension, which was approved under a separate planning permission and had been completed at the time of my visit.
4. I have been provided with two different versions of Drawing Nos. 1000-SLA-A-1002 and 1000-SLA-A-0040, which do not contain revision numbers or revision dates. I have also been provided with a Drawing No. 1000-SLA-A-0020, which is not listed on the Council's decision notice. The submitted drawings show different access arrangements. As I am dismissing the appeal in so far as it related to the new access and parking, and none of the access drawings submitted would address my concerns, it is not necessary to seek clarification on the correct access drawing. I have determined the appeal based upon the drawing that shows all four elevations of the proposed conservatory and the floor plan of the conservatory shown on drawing No. 1000-SLA-A-0030, which

is listed on the decision notice and matches the extracts in the appeal statement.

Main Issues

5. The main issues are:

- The effect of the development on the character and appearance of the site and the surrounding area;
- the effect of the development on the living conditions of occupiers of adjoining residential properties; and
- the effect of the re-located car parking, access and driveway on highway safety.

Reasons

Character and appearance

6. The appeal relates to a semi-detached property, originally a dwelling, which has been used as a dental surgery for many years. It has a two-storey extension to the side and a single storey extension to the rear. The building sits within a large triangular corner plot, fronting onto a mini roundabout. Other semi-detached properties on corner plots, fronting onto the same roundabout, have been significantly extended to the side and rear, have single storey outbuildings to the rear, and have large areas of hardstanding used for car parking to the front. These other large extensions, outbuildings and parking areas form part of the established character and appearance of the area.
7. At the time of my visit the footings for the rear conservatory had already been laid. However, it is evident from photographic images provided that this area was previously laid out, surfaced and utilised for car parking in connection with the dental surgery.
8. The conservatory would be set well back from the highway and screened on all other sides by the host building, boundary walls and fences, and trees and landscaping in neighbouring gardens. It would be small in scale and height, with a flat roof that would tie in with the existing flat roof extension to the rear of the property. The proposed vertical timber cladding and the grey aluminium framed vertical windows, which would match the windows in the new two-storey side extension, would give the conservatory a modern, high-quality and contemporary appearance.
9. The remainder of the existing hard surfaced parking area would be retained to the side of the conservatory. Given the width of this rear part of the site, it would not appear cramped or overdeveloped by the addition of the proposed conservatory. Nor would the proposal result in the loss of or harm to any open vista or view through this part of the site.
10. The proposed new access crossover would not result in the loss of any grass verge or street planting. Part of the low boundary wall and hedging adjacent to the pavement has already been removed. The proposal would retain a small lawned area, together with some boundary hedging and other soft planting, which would prevent the parking area from being visually intrusive in the streetscene. This would be similar to other surrounding properties, particularly No.26 Rosewood Avenue, which is directly opposite the front of the appeal site.

11. I therefore conclude that the proposals would not be harmful to the character and appearance of the area and would not be contrary to Policy 26 of the Havering Local Plan 2016-2031 (the Local Plan). This seeks amongst other things to ensure that development proposals are informed by, respect, reinforce and complement the local streetscene.

Living conditions

12. The conservatory would be set in from the boundaries of the two adjoining properties, both of which have existing boundary walls and planting that protect their privacy. The flat roof conservatory would be only 3 metres high and would not be located close to any windows or to any patio areas immediately outside of the adjacent properties. Given the limited height of the building and its position set in from the site boundaries, any loss of light or overshadowing of neighbouring gardens would be minimal and limited to the edges already occupied by outbuildings and planting.
13. The relocated car parking spaces would be situated close to the large ground floor window in the front of adjoining No.1 Carnforth Gardens. The boundary treatment between this window and the proposed car parking area currently comprises a low timber rail fence. The introduction of car parking in this area would result in some loss of privacy, together with some noise and disturbance associated with the movement of cars, people and headlights. However, this would generally be during weekdays and Saturday mornings, when the dental surgery is open. Whilst I acknowledge that there will be some early evening appointments and some emergency appointments on weekends and bank holidays, these would not be frequent. Given that only three spaces are proposed, and the appellant would be willing to erect improved boundary treatment, details of which could be conditioned, the increased activity created would not be harmful to the living conditions of occupiers of the adjacent dwelling. I noted that the majority of residential properties in the immediate surrounding area have car parking to the front of them, which will have similar impacts on neighbouring residents, including during evenings and weekends.
14. I therefore conclude that the development would not have an adverse effect on the living conditions of occupiers of adjacent dwellings and would accord with paragraphs 135 and 191 of the National Planning Policy Framework 2023 (the Framework), which require decisions to take account of amenity standards and living conditions. I also find no conflict with Policy 7 of the Local Plan, which relates to proposals for new residential development.

Highway safety

15. Notwithstanding the fact the Local Highway Authority did not object to the proposed development, the Council raised concerns in its report regarding cars reversing onto the highway.
16. Due to the limited width of the site frontage, it is unlikely that cars that enter the proposed parking spaces in forward gear, would be able to turn within the site to also leave in forward gear. Vehicles reversing out of the proposed new parking bays and driveway would not be able to see pedestrians approaching. No tracked turning space is shown on the submitted drawings. The submitted drawings also fail to show any visibility splays, or the new two-storey side extension that is only set back one metre from the edge of the footpath. Although a condition could be used to ensure the boundary hedgerow, or part

of it, is maintained below an agreed maximum height, the new extension would also restrict pedestrians from seeing cars approaching the vehicle exit. Given the limited space, it is also possible that more of the wall and hedge would need to be removed than shown, to enable vehicles to manoeuvre.

17. Although the conservatory would reduce the parking space available to the rear of the site, some would be retained and unrestricted on street parking is also available close to the site at most times of day. Moreover, the site is well served by public transport, has a bus stop directly opposite and is likely to be within walking or cycling distance of some staff and patients. There is no evidence before me to suggest that the onsite staff parking spaces that would be replaced by the conservatory must be relocated in order for the business to continue to succeed in serving the local community.
18. I therefore conclude that based on the information before me, I cannot be satisfied that the new parking and access arrangements to the front of the site would not be detrimental to pedestrian and highway safety. Accordingly, it would not accord with paragraph 115 of the Framework. However, from the evidence before me it is unclear how the proposal would conflict with Policy 24 of the Local Plan or Policy T6.1, which I have not been provided with but is referred to in Policy T6, as referring to residential parking standards.

Conditions

19. As work on the construction of the conservatory has already commenced, a time limit for commencement condition is not necessary. I have conditioned the drawing numbers for certainty as to what has been approved. As the materials proposed to be used in the external surfaces of the conservatory are shown on the approved elevation drawings and are acceptable, a separate materials condition is not necessary.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

R. Bartlett

INSPECTOR