



Appeal Decision

Site visit made on 17 January 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2024

Appeal Ref: APP/D1590/W/23/3322928

52 and 52A Collier Row Lane, Romford, RM5 3BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mr D Kerai against the decision of Havering London Borough Council.
 - The application ref P0447.23, dated 17 March 2023, was refused by notice 24 May 2023.
 - The development proposed is two storey side extension involving creation of ground floor retail unit, extension at first floor to flat at 52A and demolition of 2 stores to rear.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application described the proposed development as “two storey side extension to create shop at ground floor, and first floor side extension to 52A”. The council changed this description to ‘two storey side extension involving creation of ground floor retail unit and demolition of 2x stores to rear’. This, to a degree, more clearly identifies the development proposed. However, what it does not make clear is that the first floor addition part of the proposal is an extension to the flat at 52A. I have therefore further changed the description to that given in the heading above, which more comprehensively and clearly identifies what is proposed.

Main Issues

3. The main issues in this case are: i) the effect of the proposal on the character of the area and the streetscene; and ii) the effect of car parking due to the proposed development in respect of on-street parking.

Reasons

4. The planning officer’s report notes that this is a re-submission of a previously approved planning application P1118.13 which has now lapsed, and identifies differences of the current proposal with that previously approved. However, this decision only deals with the merits of the scheme before me, in line with the local plan policies and other relevant matters.

5. The appeal site is a two storey end of terrace building with a shop unit on the ground floor and a residential flat (No.52A) at first floor level, together with the surfaced forecourt area immediately adjoining to the east of the shop unit. To the rear there is an outbuilding, and a row of garages beyond. The site is situated at the junction of Collier Row Lane with Wainfleet Avenue. The terrace, consists of retail/commercial units on the ground floor with flats above and is part of the Collier Row Lane Local Centre, the majority of which is on the opposite side of the road. The surrounding area is residential, predominately in the form two storey dwellings. Since the site is within the Local Centre, there is no objection in principle to the proposed retail unit.

The effect of the proposal on the character of the area and the streetscene

6. Whilst this is a proposal for a mixed use development, the officer's report relies largely on the guidance in Havering's Residential Extensions and Alterations Supplementary Planning Document (SPD). One element of the SPD that is relied on (paragraphs 6.10 to 6.13) is that the flank wall of side extensions to corner properties must be set back at least one metre from the back edge of the footway and should not project forward of the building line of properties along the adjoining street in order to maintain the building line. The proposal would be built up to the back edge of the footpath with no setback and would project forward of the building line in Wainfleet Avenue.
7. The flank wall of the existing building at No.52 does indeed line up with the building line of the houses in Wainfleet Avenue. But it is also the case that the first house facing Collier Row Lane (No.52/52A), on the other side of the junction, has its flank elevation built just behind the back edge of the footpath, with its flank elevation well forward of the building line on the east side of Wainfleet Avenue. Furthermore, the appeal site is well separated from the first of the houses in Wainfleet Avenue by the open car parking area in front of the run of garages proposed to be retained.
8. Thus the proposed development would be in conformity with the local pattern of development as required by policy 26 of Havering Local Plan 2021. Amongst other things, this policy requires development to respect, reinforce and complement the local streetscene, provide active streets, fully integrated with neighbouring developments and provide well-defined public realm, all of which this proposal meets. At present this corner of the junction is demarcated with very utilitarian concrete posts and poor quality hard surfacing, which the proposed development would improve.
9. The National Planning Policy Framework promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. This corner site, it seems to me, is underused, and whilst the proposal includes only an enlargement of an existing flat, these are minor benefits of the scheme.

The effect of car parking due to the proposed development in respect of on-street parking

10. The appeal site is within an area classified as PTAL 2. As required by Policy T6.1 of the London Plan, for a site within PTAL 2-3 that has 3 plus bedrooms, the development needs to provide a maximum parking provision of up to 1

space per dwelling. The officer's report makes the point that no car parking spaces for the flat have been shown on the proposed plans, although the flat would be enlarged from 1 bedroom to 3 double bedrooms with 6 occupiers. It considers that the lack of car parking provision for the enlarged flat would result in an overspill of vehicles onto adjoining streets, contrary to policy 24 of the Havering Local Plan and T6.1 of the London Plan. However, since the maximum parking requirement is 1 space and the number of dwellings would not change, I see no force in this argument.

11. What is clear is that the proposal includes the demolition of two garages, with the retention of 4 garages to be used as storage for the chemist. I saw at my visit that the forecourts of the current 6 garages were well used for car parking, and that there was also kerb-side parking taking place. Three of the garages had signs stating that the parking in front of them was only for customers of the pharmacy. The officer's report suggests that the forecourt to the front of these garages would need to be kept free to maintain access to them, and that the proposal would be contrary to London Plan policy T6.
12. The appellant's appeal statement suggests that there are over 3 unused garages at the rear of the property, owned by the appellant, that could be used to provide parking for the enlarged flat. However, that does not correspond with the submitted proposed ground floor plan which shows each of the 4 garages at the rear being used as 'Chemists Store', which I have mentioned in paragraph 11 above. Clearly the use of the garages as chemist's stores precludes them from being considered as available for parking. Even if the forecourt of the garages was available for car parking, as shown on the submitted plan as 'car Park', there would still be a loss of 2 spaces, whilst the proposed development would include an additional retail unit likely to generate additional customer and delivery parking.
13. It is clear to me that the effect of the proposed development would be to increase the pressure for kerb-side parking in the area. I cannot see that this would be good for the local environment, for the convenience of local residents, or for trade in the Collier Row Lane Local Centre. The inconsistency between the use of the garages shown on the plan and the appellant's suggestion just referred to does not provide a convincing case. I am left with the conclusion that there would be a loss of available parking at the same time as an increase in demand. I therefore consider that allowing the scheme would have a harmful effect on the area by increasing the level of kerbside parking.

Conclusions

14. For the reasons that I have set out above, I conclude that the appeal proposal would not have a harmful effect on the character of the area and the streetscene, whilst the development of this underused site for a retail unit, and the enlargement of the existing flat, are minor benefits of the scheme.
15. I respect of the car parking issue, the appeal development would remove a significant amount of existing parking provision, with the likely increased demand being displaced to kerbside parking. For the reasons mentioned in paragraph 13 above, I consider that this would be harmful to the local environment, local people and local businesses. The minor benefits of the

appeal proposal, as mentioned in paragraph 9 above would not outweigh this harm. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR