



Appeal Decision

Site visit made on 12 November 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 JANUARY 2025

Appeal Ref: APP/B5480/W/24/3345092

33 Prospect Road, Hornchurch RM11 3TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Xuan Zhang against the decision of the Council of the London Borough of Havering.
 - The application reference is P0149.24.
 - The development proposed is an outbuilding to the rear for use as a commercial office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised description of the proposed development was used on the appeal form; I have used that wording in the banner heading above as it provides a more concise description of the proposal than that on the planning application form.
3. At the time of my site visit, all but the base slab of an existing outbuilding described as having stood in the garden previously had been removed, and the excavation of footings for the proposed outbuilding had been partially carried out.
4. On 12 December 2024 the Government published a revised National Planning Policy Framework ("the Framework"), replacing the December 2023 version. The provisions most relevant for determining this appeal were not altered significantly, and I therefore consider that there is no requirement for me to seek further submissions on the revised Framework; I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

5. The main issue is the effect of the use of the proposed outbuilding as a commercial office on living conditions for neighbouring residents, with particular regard to noise and similar disturbance.

Reasons

6. No 33 Prospect Road is a two-storey, end terrace dwellinghouse in a residential area; the immediate surroundings are largely characterised by modestly-sized dwellings in close proximity to one another, though with relatively long rear gardens. The proposed development is an outbuilding, to be sited at the far end of the rear garden from the main house, which the appellant wishes to use as a commercial office. The submitted drawings show that it would be around 6.5m deep by 6.0m wide, with a flat roof and a maximum eaves height of 2.5m; it would be set

around 1.5m from the nearest boundary fence between the appeal property and the rear gardens of properties on Ravensbourne Crescent to the north.

7. The precise nature of the appellant's business is not set out in the evidence before me, but the proposed use was specified as falling within the description in paragraph (g)(i) of Schedule 2, Part A, Class E of the Use Classes Order¹: "an office to carry out any operational or administrative functions [...] being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit". The Council's 2011 *Residential Extensions and Alterations* Supplementary Planning Document ("the SPD") advises that "an outbuilding should normally only be used for purposes incidental to the enjoyment of the house", and that proposals for "commercial use (unless it constitutes working from home) in an outbuilding [...] will only be permitted in exceptional circumstances".
8. The proposed outbuilding would be used as an administrative office by two or three employees. People entering or leaving would do so by going through the main dwelling; these increased comings and goings would necessarily take place close to the habitable rooms of the neighbouring houses on either side, and would be likely to cause some noise disturbance to the occupiers of those properties.
9. The location is not especially well-served by public transport, as I found on my site visit, and I consider that employees (other than the appellant, who owns and resides at the site) would be likely to travel to work by car if they could. The entire front forecourt of the appeal property is hard surfaced, but its size means that it would provide off-street parking space for no more than two typically-sized cars. Furthermore, the narrow carriageway, as well as the fact that most other dwellings on the street also make full use of their front forecourts as parking areas, serves to limit the availability of safe on-street parking spaces on Prospect Road. The manoeuvring of vehicles as staff looked for a safe parking space, and the opening and (especially) closing of car doors as staff arrived at and left work would lead to further noise disturbance at the front of the property, much of which would again be very close to neighbours' habitable rooms.
10. I have considered whether the development could be made acceptable by the use of conditions, including those suggested by the appellant. However, it is not at all clear to me how, or even if, the suggested condition limiting commercial (but not private residential) use of the outbuilding to no more than two days in each Monday to Friday period could be monitored or enforced, while the suggestion that comings and goings might be minimised by limiting employees to one entry to and one departure from the site on any operational day would mean attempting to put an unreasonable, and almost certainly unenforceable, restriction on individuals' movements. I do not therefore consider that the suggested conditions would make the development acceptable.
11. The appellant has referred to neighbours frequently having loud gatherings in their gardens but, while this may not be welcomed by the appellant it is (I must assume) part and parcel of the normal residential use of those properties. Similarly, while various "household maintenance activities" may cause some noise disturbance, the examples given (plumbing, [installation of] underfloor heating, or heat pump installation) are usually short-term; it would be unusual in the extreme for any of

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

those things to be being carried out, and to cause disruption, on a long-term basis at any single dwelling. Again, none of these matters weighs significantly in favour of the appeal scheme.

12. From what I could see of neighbouring gardens during my visit, outbuildings of various sizes and forms are reasonably commonplace in the area, though there is nothing before me to suggest that any of those nearby are in commercial use. The appellant has referred to ostensibly similar developments granted planning permission elsewhere in Havering; two relating to changes of use to beauty salon type uses at 19 Rosslyn Avenue (LPA Ref: P0440.20) and 125 Havering Road (LPA Ref: P0570.21), and two relating to outbuildings for office use at 70 Petersfield Avenue (LPA Ref: P0739.23), and 9A Tudor Drive (LPA Ref: P0964.23). While I do not know the full circumstances of those schemes, it is evident from the information provided by the Council that there are significant differences. In the first two cases no employment of external staff was proposed, the third case related to an existing doctor's surgery close to a bus stop on a busy road (and where there were therefore already more comings and goings than at a private dwelling), while the last case did not involve the introduction of a commercial use. In view of the site-specific concerns I have set out above, none of these other examples carries significant weight in favour of the appeal scheme.
13. In the normal course of events, it seems unlikely that two or three people carrying out typical administrative work (which might include taking telephone or online calls, as well as talking to one another at least some of the time) would cause significant noise disturbance to neighbours in itself. However, while it may well be that little noise would emanate from within the building, this would not alleviate the harm which would be caused by increased comings and goings at the site.
14. The Council did not find any significant harm to neighbours' living conditions in respect of privacy, and they considered the proposed outbuilding to be acceptable in terms of its design and siting. None of the evidence before me leads me to disagree, but a lack of harm on these matters is a neutral consideration which does not outweigh the other harm I have found. Taking all the evidence together, the "exceptional circumstances" which the SPD seeks in relation to commercial use of the outbuilding have not been demonstrated.
15. For the reasons I have set out above, I consider that noise disturbance which would arise from the use of the proposed outbuilding as a commercial office would cause significant harm to neighbours' living conditions. The development would therefore conflict with Policy 7 of the 2021 Havering Local Plan which, among other things, seeks to ensure that development protects the amenity of existing and future residents.

Conclusion

16. For the reasons given above the appeal is dismissed.

M Cryan

Inspector