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## Appeal Decision

Site visit made on 27 February 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

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**Appeal Ref: APP/B5480/W/24/3348081**

**143 North Street, Romford, Havering RM1 1ED**

- 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 Mr Lakhwinder Lal of Ldn Motor Traders Ltd against the decision of the Council of the London Borough of Havering.
  - The application Ref is P0397.24.
  - The development proposed is change of use from a coffee shop (Class E(a)) to a motor trade and hairdresser (Class E) including alterations to the shop front.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The change of use described in the banner heading above had taken place at the time of my visit. The description in the banner heading is taken from the planning application form, although I have removed reference to the proposal being retrospective, given this is not an act of development.
3. The updated version of the National Planning Policy Framework (the Framework), which came into force on 12 December 2024, introduces no changes that would materially affect the outcome of this appeal.

### Main Issues

4. The main issues are whether the proposed development would be acceptable in terms of:
  - highway safety;
  - the character and appearance of the area; and
  - the living conditions of the occupiers of nearby properties, with specific regard to noise, disturbance and parking pressure.

### Reasons

#### *Highway safety*

5. The appeal site comprises a commercial unit fronting North Street, a busy thoroughfare connecting Romford town centre to the south with the A12 to the north. The surrounding area features a mix of residential and commercial properties also fronting North Street.

6. During my visit, five cars were parked on the forecourt in front of the unit, displayed for sale and occupying most of the available space. All vehicles appeared to have been reversed onto the forecourt from the road. Additional vehicles were stored inside the unit, the frontage of which was open.
7. The adjacent Sainsbury's Local supermarket and several other nearby properties feature off-street parking accessed directly from the highway, with vehicles parked perpendicular to the road in a similar manner to the appeal proposal. Most of these examples, including the Sainsbury's site, benefit from formalised dropped kerbs providing vehicular access.
8. Although the appeal site does have a dropped kerb, it only serves the northernmost portion of the frontage. The majority of the site is fronted by a raised kerb. As such, vehicles accessing the forecourt must drive over the raised kerb and across the pedestrian footpath. The proposal does not seek to alter the access from the highway, meaning this arrangement would persist if the appeal were allowed.
9. Whilst no substantive evidence has been presented of any highway safety incidents since operations began, and although vehicle movements may be less frequent than at other nearby sites, the practice of vehicles crossing a raised kerb and pedestrian footway remains, in my view, inappropriate and presents a significant safety risk to pedestrians and road users.
10. Additionally, vehicles may be stored several deep, extending into the building. Retrieving a vehicle for sale or test drive could require moving multiple vehicles in quick succession via the forecourt and onto the highway. I have been provided with no substantive evidence of how such manoeuvring would be managed, or where vehicles would be temporarily stationed without disrupting the operation of the highway or compromising pedestrian safety.
11. Compass Way, immediately north of the appeal site, provides vehicular access to the adjacent residential development, as well as access to the rear of the appeal site and its associated parking. The Council has raised concerns regarding the impact of parked vehicles on visibility for drivers exiting Compass Way. However, the arrangement mirrors the parking situation at several other nearby sites. Provided vehicles were parked fully within the forecourt, as suggested by the plans and observed at my visit, I am not persuaded that the presence of parked vehicles would restrict sightlines to the extent that highway safety would be harmed. Nonetheless, the absence of harm in this regard is a neutral factor that does not overcome the previously identified harm.
12. For the reasons given above, particularly the need for vehicles to cross a raised kerb and pedestrian footway, and the implications of manoeuvring vehicles to and from the forecourt and building, I conclude that the development would be harmful to highway safety. It would therefore conflict with Policy 23 of the Havering Local Plan 2016-2031, Adopted November 2021 (the HLP), which supports development that ensures safe and efficient use of the highway, and seeks to avoid adverse impacts on the transport network. It would also conflict with the relevant provisions of the Framework, which have similar aims.
13. Although the decision notice also references Policy T6 of The London Plan, March 2021 (the LP2021), which addresses car parking standards, I find no specific conflict with the policy in relation to this issue.

### *Character and appearance*

14. Whilst vehicles are densely displayed on the front forecourt, this creates a visual appearance similar to many other properties in the area that also feature frontage parking. Given the site's commercial use within a mixed residential and commercial context, I am not persuaded that the parking of vehicles on the forecourt would harm the character or appearance of the area.
15. At the time of my visit the parking area was enclosed by white mesh fencing to the site's northern and southern side boundaries. However, the submitted plans also show this fencing partially extending along the site's front boundary with the footway.
16. Nevertheless, the precise extent or positioning of the fencing is not determinative in my assessment. Regardless of its location, the fencing appears visually intrusive and utilitarian, out of keeping with the surrounding context. It contrasts starkly with the higher quality boundary treatments seen at neighbouring sites, particularly near the entrance to Compass Way, and appears dominant and incongruous within the streetscape. Although the appellant states that fencing has been in place for several years, the lawfulness of the structure is not a matter for this appeal. I am required to determine this appeal based on the information and details before me, and this consideration does not alter my previous findings.
17. Therefore, whilst I find no harm arising from the parking of vehicles on the forecourt itself, I conclude that the fencing as proposed would harm the character and appearance of the area. In respect of this issue, it would conflict with Policies 26 and 27 of the HLP, and Policy D1 of the LP2021, which collectively seek to promote high quality design and landscaping. The development would also conflict with the relevant provisions of the Framework, which have similar aims.

### *Living conditions*

18. The Council and interested parties have raised concerns about ongoing noise and disturbance arising from the development, including frequent vehicle movements and associated comings and goings, particularly in relation to the impact on nearby residential properties.
19. However, a certain level of activity is to be expected from any commercial use in such a setting. I have been provided with limited evidence to demonstrate that the current use results in greater harm than alternative commercial uses, such as the site's former use as a coffee shop, or other lawful uses that could operate without the need for planning permission. On this basis, I am not persuaded that the proposal would result in harm to the living conditions of nearby occupiers with regard to noise and disturbance.
20. The appeal site benefits from a small parking area to the rear, which was fully occupied during my visit. Adjacent residential properties on Compass Way are served by surface and basement level car parks. At the time of my visit, some of these parking areas appeared to be freely accessible, with no visible signage indicating how they are managed or restricted. This contrasts with much of the surrounding area, where on-street parking is subject to permit or pay-and-display controls. Further north of the appeal site, the parking areas serving residential developments appear to be privately enforced.

21. I acknowledge that parking areas on Compass Way may occasionally be used by individuals unconnected to the residential properties they are intended to serve. However, I have limited substantive evidence of the frequency or scale of such occurrences, or whether they are directly attributable to the use of the appeal site, as opposed to other nearby commercial premises or residential properties.
22. Moreover, whilst the appeal site has limited on-site parking and parking restrictions are common in the wider area, there remains a reasonable supply of pay-and-display parking on nearby streets. As such, should parking pressures persist on Compass Way, it seems logical that controls on access or parking could be introduced and effectively enforced to address the issue.
23. For these reasons, I conclude that the proposal would not harm the living conditions of nearby occupiers in terms of noise, disturbance, or parking pressure. In respect of this issue, the proposal would accord with Policy 34 of the HLP, which seeks to ensure development does not unduly impact upon amenity. It would also accord with the relevant provisions of the Framework, which have similar aims.

### **Conclusion**

24. Although I have identified no harm in respect of the proposal's effect on the living conditions of nearby occupiers, it conflicts with the development plan as a whole, and there are no material considerations to indicate that the appeal should be decided other than in accordance with the plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*P Storey*

INSPECTOR