



Appeal Decision

Site visit made on 3 April 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 May 2025

Appeal Ref: APP/B5480/W/24/3349504

48 – 50 Station Lane, Hornchurch, Havering RM12 6NB

- 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 Mrs Elena Karami (Onyx) against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0723.24.
 - The development proposed is a first floor rear extension to replace existing structure.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) the living conditions of neighbouring occupiers, with particular regard to noise, outlook and privacy.

Reasons

Character and Appearance

3. The appeal site is a two-storey terraced building within the town centre area. Many of the buildings in the immediate area are occupied by commercial premises on the ground floor with residential spaces above.
4. The proposed development would involve the construction of a first-floor rear extension which would be utilised as an additional restaurant dining space. This would follow the demolition of an existing first floor structure. It is notable that the depth of the proposed extension would broadly align with the rear elevations of the buildings either side, and that it would be stepped back from the rear of the ground floor. Furthermore, the roof height of the extension would be well below the ridge of the existing building which fronts onto Station Road, while the adjoining property to the south would still be noticeably taller. Taking these design features into account, I am satisfied that the development would not appear as being visually dominant or imposing.
5. Moreover, several of the properties within the terrace appear to have benefitted from rear extensions of different kinds over the years and so the proposed scheme in this instance would not appear incongruous or out of place. The proposal does include the provision of a sizable flue on the roof of the extension. However, such features are very common on commercial premises and so it would not look unusual or result in harm.

6. I therefore conclude that the proposed development would preserve the character and appearance of the area. It would therefore conform with Policy 26 of the Havering Local Plan 2016 – 2031 (the HLP), as well as Policy D4 of the London Plan 2021. Taken together, the relevant aspects of these policies seek to ensure that new developments are well designed and complement existing character.

Living Conditions

7. The proposed extension would have a closer relationship with existing residential accommodation than the current restaurant space on the ground floor. Furthermore, the application form notes that the large dining space would be used by customers until late into the evening when noise from the normally busy surroundings would likely be reduced.
8. In addition, the proposed flue would likely emit noise during opening hours. I note that the appellant has indicated that the flue would operate within the relevant noise guidelines. The appellant has also suggested that, if noise from the flue was considered to be an issue, barrier mats could be installed around it to mitigate the problem. However, I have no substantive evidence before me to allow me to conclude whether such mitigation measures are necessary, and so a condition requiring the installation of barrier mats would not be appropriate.
9. Without a suitable noise assessment, I simply do not have sufficient certainty that the living conditions of neighbouring occupiers would not be adversely affected by customer noise and noise emanating from the flue. This is an important matter that must be afforded significant weight.
10. In terms of privacy, I observed on my site visit that the proposed extension would be a reasonable distance from the apartments within Brazemore Court. Furthermore, the only windows within the extension would be within the rear elevation, facing outwards towards the public car park. On this basis, I am satisfied that existing levels of privacy would not be compromised. Given that the extension would be broadly in line with the rear elevations of the existing buildings either side, I also find that it would not result in harm to the outlook of neighbouring occupiers.
11. Nevertheless, due to the potential for harm in relation to noise, I conclude that the proposal would conflict with Policies 7, 26 and 34 of the HLP, which in part, seek to preserve living conditions, including in relation to noise, and ensure that developments are well designed. There would also be conflict with the relevant parts of the Residential Extensions and Alterations SPD which have similar aims. I do not find conflict with HLP Policy 13 given that the only reference to living conditions is in relation to changes of use which is not of relevance in this instance.

Conclusion

12. I have found that the appeal proposal has the potential to cause harm in relation to noise. Consequently, the proposal would conflict with the development plan taken as a whole, notwithstanding that I have found no harm with regards to character and appearance, privacy and outlook.
13. Both local and national policy are supportive of developments that provide economic benefits and make efficient use of land. However, while I attribute

moderate weight to these considerations, they do not outweigh the potential harm to living conditions which must be afforded significant weight.

14. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR