



Appeal Decision

Site visit made on 30 April 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/B5480/W/24/3355024

155A Wingletyre Lane, Hornchurch, RM11 3AR

- 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 UK Childcare Limited against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1021.24
 - The development proposed is the change of use from a residential dwelling (Use Class C3) to a residential institution for up to 4 children (Use Class C2)
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect of the proposed development on, firstly, the living conditions of adjoining occupiers by virtue of noise and disturbance and, secondly, highway and pedestrian safety.

Reasons

Living conditions

3. The property is a substantial detached house that is set-back from Wingletyre Lane, with a rear garden and front parking area. Residential properties adjoin and the wider area is residential. The proposal would see the house used for the care of up to four children and their length of stay would vary. The appellant explains there would be carers on a one-to-one basis, and an occasional house manager on site. This would lead to a change-over in staff at the site which would occur when shifts begin and end.
4. The level of occupation within the property, and the general activity at the property, is higher than might be reasonably expected for a dwelling of this size when one considers both children and adults and the changeover of staff. However, the entrance to the property is directly onto the busy Wingletyre Road, where I saw there is a frequent flow of traffic. The front entrance to the property does not directly adjoin neighbouring houses and the vehicular access to the property is similarly set away from neighbours. I therefore consider that comings and goings from the property, although greater than might occur from a dwelling, would not lead to any material change to the living conditions of adjoining occupants.

5. Children living at the property are likely to use the garden as well as the house. The Council comment that, due to the nature of children accommodated, there may be more noise arising which would be disturbing to neighbours. I agree with the appellant's submission that a family occupying a dwelling this size might have four children which could lead to noise, and that it cannot be said with certainty there would be a difference in the character of that noise. I further agree that, with a one-for-one carer basis, any excessive noise is likely to be addressed. I do not consider the activities of the adult staff in their regular work is likely to give rise to any degree of intrusion to the area. Thus, due to the size of the property, the relationship with adjoining houses, and the nature of occupation, I consider the use of the property and the garden itself would not give rise to unreasonable disturbance to adjoining occupiers.
6. Policies 6 and 16 of the London Borough of Havering Local Plan 2021 support the provision of specialist housing accommodation and social infrastructure provided certain criteria are satisfied, including that there is no adverse impact on the surrounding area. Policy 7 of the Local Plan requires residential development to not give rise to unacceptable levels of noise and disturbance, and Policy 34 sets out a similar requirement that all development does not unduly impact upon amenity by virtue of noise. On the first main issue it is concluded that the scale and nature of the proposed development would not give rise to an unacceptable level of noise and disturbance to existing occupiers, and hence there would be no conflict with these policies.

Highway safety

7. The submitted drawings show three existing car parking spaces at the front of the property. It is proposed to use these for staff and visitors, and a new cycle store would also be provided.
8. As noted earlier, Policy 6 of the Local Plan supports the provision of specialist housing accommodation, but this requires there to be a robust demonstration of matters including that the site is well served by public transport, there would not be an unacceptable impact on parking conditions and traffic congestion, and adequate provision for visitor and carer parking is provided. Policy 16 supports social infrastructure provided that, amongst other matters, it is accessible by public transport and active travel and ensures highway safety.
9. The appeal site is in an area not well served by public transport, having a Public Transport Access Level rating of 1b. With continual care at the property, including changes in shift at late and early times, I consider it reasonable to expect that staff members are likely to be largely reliant on private cars to reach the premises, even with the proposed cycle rack. Due to the parking area accessing onto a busy road, and the flow of traffic on the surrounding highway network, it is important to ensure that any parking demand can be accommodated, and that there is safe access and egress from the site.
10. The Council explain there are no parking standards for the proposed use (as it would not be a dwellinghouse), with an assessment made on an individual basis using a transport assessment. There are three spaces, but the Council have raised concerns regarding the manoeuvrability of vehicles on the site to access these. I saw that space is limited on the driveway and there is no detailed information to demonstrate that vehicles could turn or access the spaces safely, without manoeuvres that may prejudice safety on the footway or highway. These three on-

site car parking spaces would be used by up to five members of staff at the property. There would be additional demand for use of the spaces and driveway during shift changeover period: a new staff member would need to arrive and park before an existing member leaves. There would be further pressure on the demand for parking spaces from visitors to the property.

11. The appellant states that there is spare capacity on the surrounding roads for parking. Wingletyre Road contains free-flowing traffic, including commercial vehicles, and I saw with many junctions and access points. Surrounding roads varied in the amount of parking levels. I have no objective evidence to demonstrate that the level of parking demand, at various times of day and night, could be safely accommodated on the highway network without causing harm to highway and pedestrian safety and the free flow of traffic.
12. The appellant says that parking could be provided on adjoining land at 155 Wingletyre Lane. This is land outside the appeal site, and I have not been provided with any documentation that demonstrates this is firm and permanent commitment. I therefore do not consider this to be a solution to provide parking for the appeal premises.
13. Policies 6 and 16 of the Local Plan are clear in requiring there to be adequate parking provision and no harm to highway safety in order for proposals such as this to receive support. Due to the low public transport accessibility of the site this is a matter that must be resolved. I am not persuaded on the basis of the evidence before me that these requirements are satisfied. I cannot leave the matter to be agreed though a planning condition that requires the submission of a travel plan, since the absence of information means I am not reassured a travel plan could address the identified shortcomings.
14. On the second main issue it is therefore my conclusion that the proposed development would be harmful to highway and pedestrian safety. This would conflict with Policies 6 and 16 of the Local Plan.

Conclusions

15. I have referred to the support for the provision of the proposed use in Policies 6 and 16 of the Local Plan. Policies S1, S2 and H12 of the London Plan 2021 further support the provision of specialised housing and development that meets the social infrastructure of London. These policies weigh in favour of the proposal.
16. However, Policies 6 and 16 of the Local Plan set out the circumstances in which such proposals will be allowed and are clear in setting out what must be satisfied in order to receive support under those policies. The development the subject of this appeal satisfies a number of these matters, including my findings on the first main issue. However, it is my overall conclusion that the harm to highway and pedestrian safety outweighs the other considerations in this appeal. The proposal therefore conflicts with the development plan as a whole, and the appeal is dismissed.

C J Leigh
INSPECTOR