

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0555.23

WARD: Elm Park

Date Received: 11th April 2023

ADDRESS: 10 St Andrews Avenue
Hornchurch

PROPOSAL: Use of rear outbuilding for private laundry business.

DRAWING NO(S): 064_PL_010
064_PL_011
064_PL_012
064_PL_013
064_PL_020
064_PL_030
064_PL_031
064_PL_0100
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064_PL_0102
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064_PL_0301
064_PL_0101 Rev A

RECOMMENDATION: It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The application site consists of a detached private garage situated to the rear of and utilising a shared access between nos. 10 and 8 St Andrews Avenue. The site is neither listed nor within a Conservation Area.

DESCRIPTION OF PROPOSAL

Consent is sought for the use of a detached garage to the rear of a residential property for use as a commercial laundry business.

RELEVANT HISTORY

There is no relevant history for the site.

CONSULTATIONS/REPRESENTATIONS

Following from public and neighbour consultation, four objections were received from those consulted, with those comments summarised below:

- Inappropriate use/location in residential environment
- Increased parking stress/comings and goings
- Noise and disturbance/pollution
- Loss of property value
- Impact on services
- Loss of property value

OFFICER RESPONSE: Loss of property value and impact on existing services are not material planning considerations. Where material the above matters will be considered.

In addition to the above, interest was shown by Cllrs Nunn, Mugglestone and Wilkes, however no call in was made. The comments made are summarised below:

- Residential area not a business area
- Overlooking/loss of privacy
- Noise and disturbance resulting from use
- Hazardous materials/Chemicals
- Smells
- Back gardens in residential areas are for recreation not to run a Laundry Business.
- All the above will affect the neighbours enjoyment of their home gardens/amenities.

INTERNAL AND STATUTORY CONSULTEES

LB Havering Highway Authority - No objection on grounds of highway safety

LB Havering Public Protection - No objection subject to conditions

LB Havering Waste and Recycling - Domestic waste collections will apply as normal. The business will require suitable waste contract to meet the requirements of the business Commercial waste will require suitable storage arrangements.

RELEVANT POLICIES

Having Local Plan 2016-2031, Policies 7, 12, 23, 24, 26 and 34.

London Plan

NPPF

MAYORAL CIL IMPLICATIONS

The proposals would not require a contribution under CIL regulations.

STAFF COMMENTS

The key issue for consideration is whether the introduction of a business use such as that sought is appropriate within a predominantly residential environment and whether it creates conditions likely to be harmful to residential amenity.

By way of background the use had previously commenced and was subject to enforcement investigation by the Council which has prompted the current application. In the intervening period it is clear that the use has continued and has done so in a way which is in contrast to the use described currently (as set out in the amenity section of this report). Based on representations received, the use has attracted visitors to the premises in connection with the use throughout the early morning, day and evening and has created issues with noise, disturbance and parking.

PRINCIPLE OF DEVELOPMENT

The proposal would introduce a business use into a residential area. It is generally accepted that part of a residential dwelling can be used for employment purposes by its occupier provided that: it does not result in a material change of use in the residential unit; and does not result in unacceptable levels of impacts on the area (such as noise or traffic generation). For example, use of single room in a house as an office (for remote working) can be acceptable depending on other impacts. Similarly outbuildings can be used as offices and in some circumstances other small scale uses.

The area is characterised by residential properties and introducing a business use in such an area has the potential to erode the character and amenity of the area in the long-term. Business operations in the residential environment are usually only acceptable in the short-term (possibly as a temporary permission) and typically only if run by the occupant of the donor property (as a personal permission, or controlled use). To that end, the business proposed is not run by the occupiers of the main dwelling, they do not/will not reside at the dwelling. The intent is to use the garage independent of the main dwelling and officers understand that this is how the business has operated historically.

In some circumstances conditions could be imposed to control a business use. For example conditions to prevent any staff other than the applicant and a restriction on operating hours. However given the disconnect from the main dwelling house and intent to use the business separately from the main dwelling, officers do not consider that the proposals are appropriate in the residential environment and that a harmful precedent would be set. Further assessment follows in this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Paragraph 124 of the NPPF states that planning decisions should take into account the desirability of maintaining an area's prevailing character. At Policy 26 of the Havering Local Plan 2016-2031 these objectives amongst other considerations are replicated.

The proposals are not suggestive of any alterations to the garage, there is no indication of any signage proposed. Views of the building from the public realm would be limited, however the use of the garage as a separate planning unit disconnected from the main dwelling would have the potential to have an impact on residential character. This would present through comings and goings and activity not associated with the main dwelling and from review of representations made it is clear that residents are aware of the business function and that it has been conspicuous in the past.

These points are considered in the following sections of the report.

IMPACT ON AMENITY

The application is not proposing any alterations to the building which is an existing feature and therefore there would not be any impact on neighbouring amenity in terms of daylight, sunlight, outlook and sense of enclosure. The activities would be contained within the building which is removed from the main dwelling house and adjoins the unattached neighbour's detached garage. Access is shared.

The change of use of the building as noted in preceding sections of this report would have the potential to change the residential character of the area, in fact it is evident that to some degree this has already occurred through representations made during the consultation process.

The applicant describes the use as follows:

- Garage is used as a private laundry business and not as a public launderette.
- Machines are domestic in nature rather than commercial units and comprise of 3No. Washing Machines and 2No. Dryers. Evidence of this was provided to officers and layout drawings were revised (received 28-04-2023).
- The business involves the washing of bedding covers, for approximately 10 Beds with associated drying and ironing. This is carried out for one client, on a 3-4 day week basis. The space is utilised between 4-5 days per week, between the hours of 9am and 5pm.
- There are no visitors to the site, the business is being operated by a couple with one person collecting and delivering whilst the other uses the machines/irons
- The site is not used by the occupants of the main dwelling

It is clear that there is a disparity between what is proposed and what has operated historically. The suggestion from representations is that the building has been used outside of the stated required hours and that the level of activity is vastly different to a two-person operation with visits to the site occurring more frequently and vehicle movement greater than one person coming and going.

Whilst mindful of the stated hours of operation and intensity of use described within the application, officers are mindful that representations indicate this is not residents experience of the laundry service activity that has previously taken place here. It is considered that significant weight should

be applied to the representations received, as they appear to be based on residents lived experience of the impacts of the use. Recently dated representations refer to delivery of washing to the site at 05:20am, indicating a potential to cause unacceptable noise and disturbance in a residential environment. Whilst there is potential to impose planning conditions, it must be considered the extent to which they are both reasonable and enforceable.

Whilst the use described above, would be limited to daytime hours which could potentially be controlled by planning condition it would be difficult to impose conditions to limit the intensity of the use which may fluctuate and to ensure that no customers visit the premises. The applicant indicates that approx 10 beds are washed for one client however has not detailed how this translates to the days and hours outlined. It would not be possible to restrict the business to one client as this would likely place unacceptable restrictions on the business, in conflict with the NPPF, and would not be easily monitored and enforced. There is a concern that encouraging business use from this premises would lead to conditions whereby the business would expand from that stated within the application and lead to the sort of harm to amenity identified by local residents and their elected representatives. The ability to effectively monitor and enforce such conditions on a regular basis would be unreasonably onerous.

The test in this instance would be whether any activity associated would be compatible with the residential environment and in the opinion of officers, the fact that the building would form a planning unit independent of the main dwelling house and would be operated by persons not occupying the main dwelling presents a barrier to the acceptability of the proposals and would set a harmful precedent. Where businesses operate in the suburban environment they are typically low-key and have a meaningful connection to the main dwelling house, in the sense that those rooms or buildings used when no longer required would return to their former domestic use. Of course it is recognised that temporary or personal permission could be secured through planning condition, however this would not address the incongruous nature of an independent business in the residential environment. No evidence has been provided which would indicate that the running of the business would be comparable to the use of the garage as part of the main dwelling house. In fact given the level of activity independent of the house this certainly weighs against the proposals.

Access to the garage makes use of a shared access between two dwellings and officers would contend that there would be a clear distinction between the business and the occupiers of the dwellings and that this would likely be perceptible to surrounding neighbouring occupiers through the disconnect to the main dwelling. This is exacerbated further by the shared nature of the access and close relationship to the entrances of those dwellings on either side. It would be a somewhat incongruous arrangement as outlined previously, in so far as that those running the business are not themselves residents. The Planning Practice Guidance: Noise (PPG) recognises that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. Therefore, it is also important to consider the effect of the characteristics of the noise. The PPG sets out that a contributory factor includes non-continuous sources of noise which would extend beyond the operation of machinery but to the comings and goings to the site which would be harder to control and enforce.

Officers accept that the use of the garage for utility purposes is not of itself unusual, there is no reason why a garage could not be used to accommodate washers and dryers in connection with a family dwelling house. However there is no evidence before officers that this business functionality would be equivalent to or of the same level of intensity as the use of the garage in connection with a single dwelling house even were it occupied by a multi-generational family. In fact to an extent this

would be undermined wholly by the business owners not living at the site thus generating activity removed from the main dwelling house. Officers have had regard to conditions which may control the business use, however the intensity of the use may fluctuate and enforcing those conditions would be problematic.

It is considered the case that primarily the proposal would lead to a level of noise and activity, from increased comings and goings, picking up, dropping off, collecting laundry etc that is incompatible with a residential area. Given the narrowness of the access, it is likely that vehicles connected with the use will have to park on street in front of the properties or wherever parking can be obtained. There is no guarantee they can park on the frontage of the donor property, as they are not resident/owner of this property. The potential frequency of this activity and the potential hours this may take place, based on representations, is likely to give rise to material harm to residential amenity. In particular the activity would take place in very close proximity to no. 8 St. Andrew's Avenue, which shares the driveway with the subject property

On balance, given the implications of allowing a business independent of the residential dwelling house with which it shares a plot, run by those who do not occupy the main dwelling house, officers consider that the proposals would be in contrast to the objectives of the Local Plan Policy 26 through erosion of the established residential character, London Plan Policy D13 which requires proposals that have not clearly demonstrated how noise and other nuisances will be mitigated and managed are resisted and the NPPF which at Para 130 requires that development add to the overall quality of the area, maintain a strong sense of place and make provision for a high standard of amenity for existing and future users.

Further to this the use would in the absence of further detail on its function and intensity hold the potential to have an unacceptable impact on neighbouring amenity, the donor property, and the area more generally and would be unacceptable when assessed against Havering Local Plan 2016-2031 Policies 26 and 34. Officers have had regard to imposing conditions to control the use however consider that they would either unacceptably restrict the business use, or prove challenging to enforce and would not address the wider in principle issue identified.

HIGHWAY/PARKING

The site has a Public Transport Access Level (PTAL) of 3 (moderate). Little substantive information has been given over frequency of visits to and from the site, but it is not unreasonable to conclude that there would be vehicle movement to and from the site, rather than staff using public transport to collect and deliver.

CAR PARKING

Para 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative Impacts on the road network would be severe.

The use of the garage would be lost for occupiers of the main dwelling house. One parking space exists at the front of the site. The loss of parking for the donor property would create a parking deficit in this location. There is limited on-street parking in the area in the form of marked bays. There is no evidence before officers that there is not existing parking stress in this location.

The indication is that there would only be two staff members, one collecting and dropping off and one on site using the machines/ironing. However representations made suggest more comprehensive vehicle movement to and from the site has occurred. Whilst officers accept that the use described by the applicant is presented as being low-key this does not reflect the activities which were stated to have taken place previously and which could take place were permission granted. It would not be possible to enforce a condition restricting the intensity or frequency of vehicle movements to and from the site as monitoring this would be problematic. As a commercial function this could translate to a large panel van attending the site throughout the day. Further to this there would be no way to prevent the shared access from being obstructed to the detriment of the amenity of occupiers of the host/neighbouring dwelling out of convenience. There would of course potentially be times where it would not be possible to find an on-street parking space within the immediate vicinity and use of the access may prove more convenient.

Without information to determine otherwise, the scheme cannot provide adequate parking and access for the needs of both the dwellinghouse and the proposed use which would be wholly removed from the residential function of the site. It is clear that the proposed use would create additional vehicle movement to and from the site simply by not being connected to it. There is observed to be parking stress in the vicinity and this is supported by representations made. As such it is unclear in the absence of any evidence otherwise, whether this would be an unacceptable increase and lead to further parking stress. Consequently, the scheme would be unacceptable when assessed against London Plan Policy T6 and HLP Policies 23 and 24.

CYCLE PARKING

The Local Plan, NPPF and London Plan 2021 support development that promotes more sustainable modes of transport; such as walking and cycling. It is not considered, given the nature of the operation proposed, that the provision of cycle parking would need to be pursued.

OTHER ISSUES

It is not clear how, or where waste would be managed on site (including domestic, commercial, and any medical or hazardous waste), particularly in terms of storage and separation of domestic refuse and that of the business. It is accepted that an arrangement could be secured through condition in the event of approval in any case.

KEY ISSUES/CONCLUSIONS

Given the separation of the garage/business from the main dwelling house officers do not consider the development proposals to be appropriate. The nature of the site and its shared access with the neighbouring dwelling is not compatible with the residential business proposed. This is reinforced by the representations received from local residents. Despite the stated low key nature of the proposals, the potential for the business to grow and difficulty to enforce adequately through planning conditions weighs against the proposals. The benefits of the use in economic terms is not sufficient to outweigh the harm identified. Removing the disconnect from the main dwelling house would not remove the grounds for refusal identified as this would not address the ambiguity over the use and difficulty to reasonably control and enforce conditions.

Upon full assessment of the submitted material supporting the application, taking into account all material considerations, it is considered the objectives of the development plan have not been met, and planning permission should be REFUSED.

RECOMMENDATION:

It is recommended that **planning permission be REFUSED** for the following reason(s)

1 Refusal non standard

The proposed business use , which operates independently of the main dwelling, would give rise to material harm to the character and amenity of the locality, by introduction of a commercial use which would give rise to unacceptable levels of noise and activity from comings and goings, and the drop off, pick up/collection of laundry, with the potential to take place at unreasonable hours of the day, in close proximity to neighbouring residential properties. The likely potential scale and intensity of the use is considered not to be adequately able to be controlled by conditions and would be harmful to and would fundamentally alter the residential character of the locality and result in an intensification of the use of the site beyond that acceptable within a residential environment contrary to Policies 26 and 34 of the Havering Local Plan 2016-2031, Paragraph 130 of the NPPF and London Plan 2021 Policies D3 and D13.

2 Refusal non standard

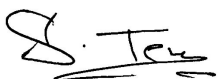
The proposal does not make adequate provision for parking for both the donor property and the proposed laundry business and would create vehicle movement to and from the site where there is observed to be existing parking stress. The likely increase in vehicle movement associated with the business operation would lead to increased parking stress and increased competition for on-street parking spaces therefore contrary to Policies 7, 23 and 24 of the Havering Local Plan 2016-2031 and also London Plan 2021 Policy T6.

INFORMATIVES

1 Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the agent in writing 15-06-2023

Authorising Officer:



Suzanne Terry

15th June 2023