

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1290.23

WARD: Hylands & Harrow Lg **Date Received:** 18th August 2023

ADDRESS: 139 HORNCHURCH ROAD
HORNCHURCH

PROPOSAL: Retention of internal alterations, change of use of No 139 from shop to tyre fitting, balancing and repairs (sui generis), and part extension to the front including new shop front and roller shutter door, and the use of the forecourt of No 141 for vehicle turning, only during opening hours of No 139

DRAWING NO(S): Site Location Plan 52007 Revision: 02
Pre Existing Block Plan 52007 Revision: 00
Proposed Block Plan 52007 Revision: 00
Pre Existing Layout 52007 Revision: 001
Proposed Layout 52007 Revision: 001

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 comprises of No. 139 Hornchurch Road, Hornchurch, which is a two storey semi-detached property, with a commercial use at ground floor and residential accommodation above. The adjoining property at No. 141 Hornchurch Road comprises of two flats on the ground and first floors of the building. The site is not designated.

DESCRIPTION OF PROPOSAL

The application is for the retention of internal alterations, change of use from shop to tyre fitting, balancing and repairs (sui generis) and part extension to the front including a new shop front and roller shutter door.

The supporting statement states that the proposal relates to a change the use of the ground floor from a former shop/office premises to a tyre fitting, balancing and repairs (Sui Generis). The former care services ceased in early 2021 and the property has been vacant for some time before the applicant acquired the property in April 2021. The property remains unused until this application has been determined. It is expected that the new use will employ 2-3 people working full time. The application form states that there would be three full time and three part time staff.

The proposed opening hours are 08:00 to 18:00 Monday to Saturday and 10:00 to 16:00 on Sundays.

During the course of the application, it was noted that the Site Location Plan on Drawing No. 52007 Revision:01 only showed No. 139 Hornchurch Road outlined in red as the application site. However, the Proposed Block Plan on Drawing No. 52007 Revision: 00 showed the front garden of No. 141 Hornchurch Road outlined in blue as a forecourt/manoeuvring area and parking in connection with the proposed use. The agent confirmed that the front garden of No. 141 Hornchurch Road forms part of the application site and amended the Site Location Plan accordingly (by outlining the front garden of No. 141 in red and outlining the remaining land in blue). Neighbours were re-consulted for 21 days.

RELEVANT HISTORY

L/HOR/585/63 - Garage and extension - Refused.

L/HOR/276/64 - Extension - Approved.

L/HOR/276/A/64- Alterations and extensions - Approved.

L/HAV/1515/67 - Erection of porch with room over - Refused.

L/HAV/576/68 - New porch - Approved.

L/HAV/1715/68 - Extension - Approved.

L/HAV/269/69 - Extension - Approved.

L/HAV/2640/72 - Front porch for reception area for existing offices - Refused.

L/HAV/1544/73 - Change of use front porch to reception area - Approved.

L/HAV/89/73 - Illuminated fascia sign and display case - Refused.

L/HAV/2638/73 - Enclosing porch - Approved.

L/HAV/08/77 - Rear extension dwelling/storage - Approved.

7235/77 - First floor rear extension - studio/bedroom - Approved.

P1197.21 Internal alterations, change of use from Use Class B1(a) (Office) to Use Class E(a) (Shops) and part extension to front, including new shop front and fascia sign

Withdrawn - Invalid 25-06-2021

A0029.21 Illuminated fascia sign

Awaiting Decision

p0968.21 Proposed internal alterations, change of use from office to shop and part extension to the front including new shop front and roller shutter door

Awaiting Decision

P1279.07 Change of use of ground floor to offices and first floor to 4 bedroom self contained flat

Refuse 06-09-2007

P0013.07 Change of use to offices (B1)

Refuse 27-03-2007

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 21 neighbouring properties. One letter of objection was received with detailed comments that have been summarised as follows:

-Queried if these alterations and an extension to the top left of the building have been carried out with no planning permission.

In response to the above comments, the internal alterations and part extension to the front including new shop front and roller shutter door are retrospective. There is an enforcement case, reference ENF/519/21, for the construction of high walls to the rear of the property, the alteration of the front elevation and front extension and the use of the premises as tyre fitting, balancing and repairs, which is currently being investigated.

The following stakeholders were also consulted:

StreetCare Department - No domestic waste associated with this application. The business should have a suitable waste collection/contract to meet the requirements of the business.

Highway Authority - There is concern in regards to parking stress. The loss of parking which appears to currently be used by residents of number 41 does raise a concern in regards to where these vehicles will be parking going forward and what impact this will have on the highway (potential to intensify parking stress on the public highway). The PTAL rating for the area is 2 and therefore maximum, not minimum parking standards apply within the local plan. Therefore, the Case Officer should consider this concern when balancing the overall merit of the proposal.

Public Protection Department - Recommend that this application be recommended for refusal on noise grounds. Detailed comments are detailed elsewhere in this report.

RELEVANT POLICIES

Policies 7 (Residential design and amenity), 19 (Business growth), 23 (Transport connections), 24 (Parking provision and design), 26 (Urban Design), 34 (Managing pollution) and 35 (On-site waste management) of the Havering Local Plan (2016-2031) as well as the Havering Community Infrastructure Levy Charging Schedule.

Policies D4 (Delivering good design), D14 (Noise), E4 (Land for industry, logistics and services to support London's economic function), T4 (Assessing and mitigating transport impacts), T6 (Car parking), T6.1 (Residential parking) and T9 (Funding transport infrastructure through planning) of the London Plan are relevant.

The National Planning Policy Framework is relevant.

MAYORAL CIL IMPLICATIONS

There is a discrepancy on Section 18 of the application form, as it states that the application doesn't involve any net additional gross internal floor space, which is incorrect.

The single storey front extension has a gross internal floor area of less than 100 square metres and

therefore, it's not liable for CIL or Havering CIL.

STAFF COMMENTS

There is an enforcement case, reference ENF/591/21 for the construction of high walls at the rear, without planning permission, both the alteration of the front elevation and extension to the front and the use of the premises as tyre fitting, balancing and repairs, which is under investigation.

In accordance with the current protocol for site visits, an in-person site visit was not considered to be necessary. Site photos were provided by the applicant/agent in support of the application. In determining this planning application, photos, Google Street View™, aerial view images and submitted drawings were used to assess the site constraints.

The main issues in this case are the principle of the change of use, the impact of the proposal on the streetscene and on residential amenity and any highway or parking issues.

PRINCIPLE OF DEVELOPMENT

The supporting statement states that the application site is located in a local centre. However, this is incorrect, as the site is not designated. The Havering Local Plan states that Hornchurch Road Local Centre comprises of Hornchurch Road, 134-194 (evens), 202-228 (evens), 121-137 (odds) and this doesn't include the application site at No. 139 Hornchurch Road.

The ground floor of the premises were previously occupied by 'Prior Care - providing homecare and domestic services within the community'. Given that the ground floor of the premises were formerly in office/commercial use, there is no objection in principle to a change of use from a shop to an alternative commercial use, subject to acceptability in terms of other material planning considerations, such as amenity and parking.

The supporting statement refers to examples of other similar units in the borough comprising of: Supply N' Fit Tyres, 10-12 Roneo Corner, Hornchurch Road and Hornchurch Tyre, 228 Hornchurch Road, Hornchurch. Although, each planning application is determined on its individual planning merits.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The application involves the retention of internal alterations and a part extension to the front including a new shop front and roller shutter door.

It is noted that the front elevation of the property has been extended previously, although as the previous single storey front extension did not extend the full width of the property, the two storey bay window front projection was retained at ground and first floor level, which retained a degree of symmetry with the attached dwelling at No. 141 Hornchurch Road. In comparison, the part extension to the front extends the full width of the property. It is considered that the part extension to the front, by reason of its depth, siting and position close to the boundaries of the site is harmful to the character and appearance of the host property and wider streetscene.

IMPACT ON AMENITY

It is noted that the premises have been converted internally to tyre fitting, balancing and repairs, although the agent has advised that the property remains vacant.

The Planning Statement states that "There will be some noise, but this will be very minimal, as the applicant has purchased equipment which emits low noise". The proposed opening hours are 08:00 to 18:00 Monday to Saturday and 10:00 to 16:00 on Sundays.

The adjoining property at No. 141 Hornchurch Road comprises of two flats on the ground and first floors of the building. It is considered that the part extension to the front, by reason of its depth, siting and position close to the boundaries of the site is harmful to the amenity of the ground floor flat at No. 141 Hornchurch Road, as it is intrusive and visually overbearing in relation to the main ground floor habitable room windows of this flat.

The ground floor of the premises were previously occupied by 'Prior Care' and were formerly in office/commercial use. It is considered likely that there were far less levels of activity and associated noise, disturbance and vehicular and pedestrian movements associated with the office/commercial use, than which would be generated by tyre fitting, balancing and repairs (Sui Generis).

There are significant concerns regarding noise and disturbance combined with the proposed opening hours, which are 08:00 to 18:00 Monday to Saturday and 10:00 to 16:00 on Sundays, particularly as the premises are located adjacent to two flats at No. 141 Hornchurch Road. In particular there would be concerns with the opening time, given that vehicles of staff or those awaiting tyre fitting and repairs may well arrive at the site before the appointed opening time, leading to vehicles waiting on the forecourt and associated noise and disturbance, such as engines idling, vehicle fumes and emissions, music from car audio systems etc.

The Public Protection Department was consulted and provided the following comments. Insufficient information has been provided to demonstrate that the noise from the proposed development will not cause a loss of amenity to the occupiers of the nearby residential properties/proposed residential properties, nor has suitable mitigation been suggested to overcome these concerns. The applicant is advised to demonstrate how they intend to minimise the noise. The Public Protection Department recommends that this application be recommended for refusal on noise grounds at this stage, unless suitable mitigation is proposed. Given that the application is recommended for refusal on other grounds, the Case Officer did not request further information from the agent to demonstrate that the noise from the proposed development will not cause a loss of amenity to the occupiers of the nearby residential properties/proposed residential properties and details of mitigation measures.

It is considered that the change of use from a shop to a tyre fitting, balancing and repairs (Sui Generis) would, by reason of its location and relationship to neighbouring properties, result in an unsatisfactory relationship by way of noise and disturbance caused by levels of activity, delivery and vehicle movements and associated plant and machinery within the premises and combined with the proposed hours of use, be unacceptably detrimental to the amenities of occupiers of adjacent residential properties, particularly the ground and first floor flats at No. 141 Hornchurch Road, contrary to Policies 7 and 34 of the Havering Local Plan, Policy D14 of the London Plan and the

guidance in the National Planning Policy Framework.

HIGHWAY/PARKING

According to the supporting statement, "there is a single yellow line outside No.'s 139 and the applicant's adjoining property at No. 141, with hours of parking restricted between 08:00 and 18:30 hours. Customers will be invited to pre-book dates and times, so there is not an excessive number of vehicles attending the site at any one time. If there are no pre-bookings at any particular time, then customers will be able to attend for the repair, etc. required, but if there is a high number of attendees, then motorists will be asked to come back another time and pre-book".

During the course of the application, the Site Location Plan has been amended to include the front garden of No. 141 Hornchurch Road as a forecourt/manoeuvring area and parking in connection with the proposed use.

The Highway Authority was consulted and commented that there is a concern with regard to parking stress, as well as the loss of parking for the residents of no.41 and lack of clarity where these residents would be able to park.

The site would be subject to Policy T6.1 (Residential parking) of the London Plan, which provides for a maximum parking provision of up to 0.75 spaces per 1-2 bedroom dwelling. No. 141 Hornchurch Road comprises of two flats. The photographs submitted by the agent show one vehicle parked in front of the garage and one vehicle parked in the front garden of No. 141 Hornchurch Road. The proposal involves utilising the front garden of the two flats at No. 141 Hornchurch Road as a forecourt/manoeuvring area and parking in connection with the proposed use, therefore, there are concerns that the flats at No. 141 would not have use of their garage or front garden for off street parking, which would result in the loss of off street car parking provision for the flats.

It is considered that utilising the front garden of No. 141 Hornchurch Road for parking and as a forecourt/manoeuvring area in connection with the proposed use would be harmful to the amenity of occupiers of no.141 due to the parking and manoeuvring of unrelated vehicles in front of their access and habitable room windows and would further result in the loss of off street car parking provision for the two flats at No. 141 Hornchurch Road, which is likely to result in increased parking congestion in surrounding streets contrary to Policies 7 and 24 of the Havering Local Plan, T6.1 of the London Plan and the guidance contained in the National Planning Policy Framework.

The Council's StreetCare Department was consulted and advised that the business should have a suitable waste collection/contract to meet the requirements of the business. Therefore, details of refuse can be secured by condition if minded to grant planning permission.

KEY ISSUES/CONCLUSIONS

It is considered that the part extension to the front, by reason of its depth, siting and position close to the boundaries of the site is harmful to the character and appearance of the subject property as well as the wider streetscene and the amenity of the ground floor flat at No. 141 Hornchurch Road contrary to Policies 7 and 26 of the Havering Local Plan and the guidance in the National Planning Policy Framework.

It is considered that the proposal would, by reason of its location and relationship to neighbouring properties, result in an unsatisfactory relationship by way of noise and disturbance caused by levels of activity, delivery and vehicle movements and associated plant and machinery within the premises and combined with the proposed hours of use, be unacceptably detrimental to the amenities of occupiers of adjacent residential properties, particularly the two flats at No. 141 Hornchurch Road contrary to Policies 7 and 34 of the Havering Local Plan, Policy, D14 of the London Plan and the guidance in the National Planning Policy Framework.

It is considered that utilising the front garden of No. 141 Hornchurch Road for parking and as a forecourt/manoeuvring area in connection with the proposed use would be harmful to the amenity of the occupiers of no.141 and would also result in the loss of off street car parking provision for the two flats at No. 141 Hornchurch Road, which is likely to result in increased parking congestion in surrounding streets contrary to Policies 7 and 24 of the Havering Local Plan, T6.1 of the London Plan and the guidance contained in the National Planning Policy Framework.

RECOMMENDATION:

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

1 Refusal non standard

The part extension to the front, by reason of its depth, siting and position close to the boundaries of the site is harmful to the character and appearance of the subject property and the wider streetscene, as well as materially harmful to the amenity of the occupiers of the ground floor flat at No. 141 Hornchurch Road by virtue of its height, bulk and proximity to the main habitable room window, contrary to Policies 7 and 26 of the Havering Local Plan and the guidance in the National Planning Policy Framework.

2 Refusal non standard

The proposal would, by reason of its location and relationship to neighbouring properties, result in an unsatisfactory relationship by way of noise and disturbance caused by levels of activity, delivery and vehicle movements and associated plant and machinery within the premises and combined with the proposed hours of use, be unacceptably detrimental to the amenities of occupiers of adjacent residential properties, particularly the two flats at No. 141 Hornchurch Road contrary to Policies 7 and 34 of the Havering Local Plan, Policy, D14 of the London Plan and the guidance in the National Planning Policy Framework.

3 Refusal non standard

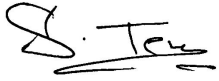
Utilising the front garden of No. 141 Hornchurch Road for parking and as a forecourt/manoeuvring area in connection with the proposed use would be harmful to the amenity of occupiers of no.141 by reason of noise, disturbance and obstruction of their access and would also result in the loss of off street car parking provision for the two flats at No. 141 Hornchurch Road, which is likely to result in increased parking congestion in surrounding streets contrary to Policies 7 and 24 of the Havering Local Plan, T6.1 of the London Plan and the guidance contained in the National Planning Policy Framework.

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 Alan Furze via email on 4th January 2024.

Authorising Officer:

A handwritten signature in black ink, appearing to read 'S. Terry', with a horizontal line underneath.

Suzanne Terry

4th January 2024