

LONDON BOROUGH OF HAVERING**TOWN AND COUNTRY PLANNING ACT 1990****AGENT**

Alan Furze
35 Harman Drive
Blackfen
Sidcup
Kent
DA15 8SZ

APPLICANT

Munawar Iqbal
139 HORNCHURCH ROAD
HORNCHURCH
RM12 4SZ

APPLICATION NO: P1290.23

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **REFUSE PLANNING PERMISSION** for the following development :

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
Revised Description

Location: 139 HORNCHURCH ROAD
HORNCHURCH

The above decision is based on the details in drawing(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

for the following reason(s):

- 1 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 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 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.

INFORMATIVE(S)

- 1 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.

Date: 4th January 2024



Helen Oakerbee
Director of Planning

London Borough of Havering
Town Hall, Main Road
Romford RM1 3BB

IMPORTANT - attention is drawn to the notes overleaf

NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House. 2 The Square. Temple Quay. Bristol BS1 6PN or from the Planning Inspectorate's web site,

www.planning.inspectorate.gov.uk

2. When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, Town Hall, Main Road Romford, RM1 3BB. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
3. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
4. In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
5. The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £116 per request (or £34 where the related permission was for extending or altering a dwellinghouse) will be required.