
Appeal Decision

Site visit made on 17 December 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2026

Appeal Ref: 6000181

37 Park Lane, Hornchurch RM11 1BD

- 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 Satwant Singh & Sukhwinder Kaur Deol against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1079.24.
 - The development proposed is change of use from residential to childcare/nursery, and the erection of a ground floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the proposal on the living conditions of nearby occupiers with regard to noise and disturbance
 - the effect of the proposal on highway safety; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

3. The application has been supported by a Noise Assessment (Hepworth Acoustics, Report No. P23-530-R01v1). The report includes a 48-hour unattended survey and presents representative external ambient noise levels, including a daytime LAeq of approximately 53 decibels (dB) and daytime background LA90 of about 42 dB, with the dominant source identified as road traffic on Park Lane (and to a lesser extent Clifton Road).
4. While children's play noise is not straightforwardly assessed using British Standard BS 4142:2014, the proposed development would involve outdoor activity and increased arrivals and departures.
5. For outdoor activity, the Noise Assessment predicts a level of around 51.8 dB LAeq,16h at the nearest habitable room window (stated to be approximately 8 metres from the outdoor play area), based on an assumption that no more than five children will be outside at any one time and that play will be staggered. The report then concludes that the impact will be low because the predicted outdoor

play LAeq,16h is below the measured daytime ambient noise level of around 53 dB.

6. However, the methodology relies on long-period energy averaging (LAeq,16h) with a time-correction applied to represent partial use of the outdoor area, which may not adequately reflect the potential for intermittent and impulsive, readily perceptible activity and noise due to the acoustic characteristics of children playing. It also does not substantively address the relationship between the predicted noise level and the measured background noise level (LA90). In particular, the report presents a background level of around 42 dB LA90 but does not use this metric to evaluate audibility or distinguishability of the proposed outdoor activity, which is predicted to be around 10 dB above the background noise level. At such a level, significant adverse impacts are likely and complaints may be expected.
7. While such activity would occur during daytime hours, when sensitivity to noise is typically lower than in the evening, and may not take place outside for as long a duration as the Council suggests, the evidence before me does not satisfactorily demonstrate that the proposed use would avoid significant adverse noise impacts on the living conditions of neighbouring residential occupiers.
8. The Noise Assessment references World Health Organisation community noise guidance and notes that the predicted outdoor play level is within the “serious annoyance” guideline limit of 55 dB LAeq. However, guideline values are not, in themselves, determinative of acceptability; local context, intermittency, proximity, and the capacity to secure effective controls, amongst other matters, are key considerations in assessing the impacts. For the reasons given above, these key considerations have led me to come to a different conclusion.
9. Whilst the noise and disturbance could be mitigated for, as was the case in the appeal that was allowed at 1 Ambleside Avenue and the application permitted at 152 and 154 Suttons Avenue, this is not demonstrated in the present case. In those cases, it would appear that specific mitigation was proposed to be installed between those sites and nearby receptors in the evidence that related to the predicted noise from those schemes.
10. In this case, however, whilst mitigation has been suggested, including numbers of children using the garden and opening hours, for the above reasons it is not evident that these would be sufficient to avoid significant adverse impacts. Furthermore, whilst the appellant has offered to install other physical mitigation measures, it has not been demonstrated what specific mitigation measures would be necessary to be installed to ensure this particular development would have no significant adverse impact on the living conditions of existing residents.
11. Without such specific mitigation measures related to this scheme, I am not satisfied that appropriate mitigation could be secured by condition. In the absence of a more robust assessment or substantiated mitigation and management, the proposal is considered likely to result in harm to the living conditions of nearby occupiers through noise and disturbance, particularly at the closest receptor.
12. The nearby school may reopen at some point, however, it is currently closed and based on the information before me has been for some time. It is not evident that it would reopen and if it did it has not been substantiated what measurable effect that would have on the background noise level in relation to this proposal. Even if it

was to open again, the playground for the school appears to be located further from nearby receptors than the appeal property which is an end terrace dwelling.

13. The Council concluded that the noise generated during pick up and drop off times would be transient and not cause significant disruption to nearby occupiers. Based on the evidence before me, the site-specific circumstances with the building located in a predominantly residential area where on street parking appears to be prevalent, I concur that the noise and disturbances from comings and goings from the nursery would not have a significant adverse impact. However, this would not overcome the above concerns.
14. Therefore, for the reasons given above, the noise and disturbances from the proposal would cause harm to the living conditions of the nearby occupiers, and the scheme would not accord with Policies 6, 7, 16, 17, 26 and 34 of the Havering Local Plan (LP). These expect developments to, amongst other matters, demonstrate that there would be no significant adverse impact on the amenity of existing residents.

Highway Safety

15. The proposed development would have two parking spaces for staff; one accessed via Park Lane and the other from Clifton Road. There would also be four cycle stands provided at the front of the site. The Council does not dispute that the number of parking spaces provided would be appropriate for the proposed use in terms of on-site staff and based on the evidence before me I concur. However, no drop off or pick up facilities would be provided on site due to the layout of the property and available space, or lack thereof. The surrounding roads have parking restrictions that limit who can park vehicles on the street and at what times. During the likely morning and evening pick up times parents could park on the surrounding streets but during the day this would not be permitted.
16. The Council notes that the appeal site has a Public Transport Accessibility Level of 2, which ordinarily indicates comparatively limited access to public transport. However, the submitted Transport Statement and Travel Plan identify that frequent bus services operate along Brentwood Road throughout the day, with the nearest bus stop located a short walking distance from the site. Furthermore, Romford Railway Station lies approximately a 12-minute walk away, and the route comprises street-lit pavements with pedestrian crossing facilities, making it a reasonable option for many users, including those with pushchairs even during inclement weather.
17. The proposal also includes cycle stands available to both staff and parents, thereby supporting sustainable travel choices. In addition, the site is situated within a predominantly residential area that is readily accessible on foot via street-lit pavements, making walking a realistic and convenient option for nearby residents. The accompanying Travel Plan further sets out measures designed to promote and encourage sustainable travel among both staff and parents. On this basis, there is no compelling evidence to demonstrate that parents and staff could not or would not utilise modes of transport other than the private car to visit the nursery.
18. It has not been substantively demonstrated that staff and parents would arrive or depart simultaneously, and it is reasonable to expect that drop-off and collection times would be staggered due to individual schedules and variations in attendance patterns. Short-stay drop-off and pick-up movements would also be permissible

within the operational hours of local parking restrictions. Consequently, even where vehicles use nearby on-street parking, such activity would be dispersed over a period of time and would typically be of short duration and thus the impact of that on the free flow and safe movement of traffic would be limited, even if this occurred alongside other schooltime traffic.

19. If parents were unable to park nearby due to the parking restrictions, given that the roads have street lit pavements they would be able to park further away and walk to the building. The nearest roads without parking restrictions are a short distance from the appeal building and taking into consideration of the wider areas characteristics I find no compelling reasons to believe people would not park further away and walk to the proposed nursery.
20. Given the modest scale of the proposed nursery, the associated traffic generation and parking demand would therefore be modest. While some increase in vehicle movements may occur, it is unlikely to reach a level that would result in significantly harmful congestion or an unacceptable impact on highway or pedestrian safety. Particularly given that the pavements are wide, street lit and there is tactile paving on the junction between Park Lane and Clifton Road.
21. As long as vehicles are parked safely, which is a matter of individual behaviour rather than the use of the building, it has not been shown on the balance of probability that the development would significantly harm the free flow and safe movement of traffic, including for pedestrians, cyclists and motor vehicle users
22. Therefore, for the reasons given above, the proposal would not cause harm to highway safety and would comply with Policies 16, 17, 23 and 24 of the LP. These expect developments to, amongst other matters, demonstrate that drop offs and pick-ups can be catered for safely and are accessible by public transport and active travel.

Character and Appearance

23. The proposed development would involve the conversion of the building and the erection of a small infill extension at ground floor level. The Council concluded that the overall visual impression would not be far enough removed from the existing for this element to be opposed. Given the limited scale of the extension which would use similar materials as that used in the host building, I find no reason to conclude otherwise that this element of the proposal would not be harmful to the character and appearance of the building or the wider area.
24. The appeal site is in a predominantly residential area although near to 37 Park Lane is a large school and further down the road is a group of retail units. Other than the school building, the properties in the area are generally two storey terrace or semi-detached buildings set back behind shallow front gardens, and this appears to result in the roads being used for on street parking. The detailed design of the buildings can vary and as such, the scale and siting of them is the most consistent characteristic. Overall, the area has a residential character interspersed with a limited number of alternative uses.
25. Given the limited amount of physical development proposed, externally the building would remain similar in appearance to as it does now and thus would not appear significantly different to the surrounding properties. The proposed use would likely result in notably more comings and goings from the building

throughout the day. However, given that on street parking appears to be prevalent in the area, any additional vehicles parked on the road would not necessarily appear out of character.

26. Furthermore, the appellant sets out that there are standards set by Osfted which are controlled and managed outside of the planning system concerning the size of internal and external spaces for such uses. It has not been substantively evidenced that the property could not comply with these standards. Given that much of the activity would occur in the property, the use would not necessarily be apparent within the street scene. Overall, the scale and siting of the building would remain similar to the development around it and in light of the modest scale and likely comings and goings from the nursery, the use would not harmfully detract from the residential character of the area.
27. Therefore, for the reasons given above, the proposed development would not cause harm to the character or appearance of the area. Accordingly, the scheme would accord with Policies 16 and 17 of the LP. These expect development is, amongst other matters, of high-quality design as well as not adversely impact on residential character.

Planning Balance

28. It has not been substantiated that there are no relevant development plan policies, or the policies which are most important for determining the application are out of date. Consequently, paragraph 11d)ii) of the National Planning Policy Framework (the Framework) is not engaged.
29. The Framework identifies that it is important that a sufficient choice of early years places are available to meet the needs of existing and new communities. The delivery of early years childcare would provide social benefits by providing an important service to local people as well as economic benefits during construction and through creating employment opportunities and facilitating a return to work for parents.
30. It is not disputed between the main parties that there is a local need for the proposed use. Given the modest size of the proposal and the provision of 25 additional early years childcare spaces I attribute moderate weight to the benefits in favour of the development. This is especially so when factoring in that the proposal would make effective use of previously developed land.
31. However, whilst I have found the proposal would not have an unacceptable impact on highway safety and would not harm the character and appearance of the area, significant harm is identified by virtue of the schemes likely significant adverse impact on the living conditions of nearby occupiers from noise and disturbance. This harm would not be outweighed by the scheme's benefits, even when considered cumulatively.

Conclusion

32. The proposed development would conflict with the development plan as a whole, and the material considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR