
Appeal Decision

Site visit made on 12 September 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/G5750/W/16/3151268

A S Mini Market, 376 Katherine Road, Forest Gate, London E7 8NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Jeeva against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/00660/FUL, dated 3 March 2016, was refused by notice dated 1 June 2016.
 - The development proposed is described as 'Proposed overnight security cage to front forecourt of shop facing Katherine Road'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is an end of terrace retail unit on a prominent corner plot at the junction of Katherine Road and Bristol Road. Katherine Road consists of a mix of commercial/retail and residential units of varying design. As with other terraces within the immediate locality, the terrace benefits from a paved forecourt between the front of the shop and the pavement. Street furniture, including a lighting column and bus stop, was evident in proximity to the appeal site. At the time of my site visit, fresh produce was displayed under a canvas awning on the forecourt directly in front of the unit.
4. The appeal proposal seeks to erect an overnight security cage and the appellant intends to remove the cage during opening hours. I am mindful of the fact that the site has been the subject of a previous refusal for planning permission¹ and a subsequent dismissal at appeal². As such, I am aware that the appellant has aimed to address the reasons for refusal and has reduced the size and removed the top surface so that the cage would not be fully enclosed.
5. Notwithstanding the amendments made to the proposal, when the 6 steel mesh sheets are erected, the cage would represent an unattractive and utilitarian feature on the building frontage at the ground floor. I do however accept that

¹ Council reference 14/00266/FUL

² Appeal reference APP/G5750/A/14/2220333

the sheets are not solid metal sheets. Nevertheless, the proposal would result in an incongruous feature which would disrupt the building lines within the terrace and dominate the corner plot. As such, I find that the proposal would have a significant adverse effect on the character and appearance of both the host building and the wider locality.

6. I acknowledge that the proposal would be installed overnight. However, it was evident from my site visit that Katherine Road benefits from a good level of street lighting. I therefore consider that the proposal would appear as an intrusive feature within the street scene, even during the hours of darkness.
7. I note the concerns of the appellant with regards to a lack of space to display produce. However, I am not satisfied that this factor alone is sufficient to warrant permitting the proposal.
8. The appellant has also drawn my attention to examples of other units with a variety of security and storage installations within the locality. Rather than providing justification for the development in question, if anything, their presence points to a need for such proposals to be carefully controlled if the character and appearance of the area is to be safeguarded. Moreover, I have little information relating to the particular circumstances of these developments but from my site visit it was apparent that the examples were either permanent features or in-situ during the day time. As such, a comparison is of limited relevance in this instance. I have therefore considered the appeal before me on its individual planning merits.
9. Accordingly, I therefore find that the proposal fails to accord with Policies S1, S6, SP1, SP3 and SP7 of the Newham's Local Plan – The Core Strategy 2012, Policy SP8 of Newham's Local Plan – Detailed Sites and Policies Development Plan Document and Policies 7.1, 7.4, 7.5 and 7.6 of The London Plan – Spatial Development Strategy for Greater London (consolidated with alterations since 2011) 2016 which, amongst other things, seek to ensure that new development does not have an adverse impact on the character and appearance of the area. The proposal would also conflict with the design aims of the National Planning Policy Framework.

Other Matters

10. The concern raised by the appellant regarding the handling of the application by the Council has been acknowledged. However, this is a procedural issue which is removed from the planning merits of the case. Accordingly, I have not attached any weight to this matter.

Conclusion

11. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR