
Appeal Decision

Site visit made on 24 January 2017

by Mr N P Freeman BA(Hons) DipTP MRTPI DMS

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

Decision date: 26 January 2017

Appeal Ref: APP/G5750/C/16/3155023
562-564 Romford Road, London, E12 5AF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Ali Aydemir against an enforcement notice issued by the Council of the London Borough of Newham.
- The enforcement notice, numbered 16/00146/ENFNOT, was issued on 24 June 2016.
- The breach of planning control as alleged in the notice is "Without planning permission the erection of a canopy structure".
- The requirements of the notice are:
 1. Demolish the canopy structure (as shown edged blue on the attached plan, and edged in yellow on the photographs attached at Appendix 1).
 2. Remove from the site all debris arising from compliance with the above step.
- The period for compliance with the requirements is one month after the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Main issue

1. This is the impact of the development on the street scene and the character and appearance of this key linear gateway.

Reasons

2. The premises are in use as a grocery shop trading under the name of the "International Food Centre". The canopy in question spans the full width of the frontage of 562-564 Romford Road projecting about 3m from the shopfront which incorporates perforated metal shutters, painted blue. It appears to be a permanent structure which is not taken down when the shop is closed. It is used to cover an external display of fruit and vegetables and is constructed of a metal frame (posts and fascia) with a sloping roof comprising perspex sheeting.
3. The Council have explained that Romford Road is a busy arterial road which constitutes a strategic linear gateway that makes an important impression on people's perception of Newham as a place to live, work and stay. Following the receipt of a high number of complaints from residents about the local environment a project has been instigated to improve the character and appearance of this "gateway" by seeking the removal of unacceptable unauthorised development. To this effect a leaflet was sent to properties in Romford Road on 19 January 2016 warning traders that such development was

likely to be the subject of formal enforcement action. A survey of properties was then conducted on 10 February 2016 with pre-enforcement letters sent on 12 February 2016 to those properties where an unacceptable breach of planning control was observed. The Council argue that the canopy structure at the appeal premises did not exist at the time of the survey and has subsequently been erected with it first being noticed by an officer on 17 June 2016. This then led to the service of the notice. This background makes clear that the Council have not singled out the appeal property alone but are pursuing a coordinated approach to what they perceive as harmful unauthorised development which damages the character and appearance of Romford Road.

4. The appellant's agent argues that the canopy is constructed of high quality materials and therefore accords with the policy framework that applies to such development as contained in the National Planning Policy Framework (NPPF), The London Plan and Newham's Core Strategy. The Council refute this claiming that what has been erected is a highly conspicuous and prominent structure in the street scene which, due to its size and the incongruous materials from which it is constructed, fails to respect the traditional character of the host building and is at odds with the local and national policies that are applicable.
5. I am in agreement with the Council's position that what has been constructed, due to its substantial projection in advance of the shopfront and its fundamental construction of modern materials, has had a detrimental impact on the street scene in the vicinity. The design does not respect the host building but has a jarring relationship which detracts from its character and appearance. For these reasons I find that it conflicts with the requirements of paragraph 64 of the NPPF and the policies relied on by the Council, in particular Policies 7.4 and 7.6 of The London Plan and Policies S6, SP1 and SP3 of the Core Strategy. It also runs counter to the thrust of Policy SP7 of the latter which seeks to improve the character and appearance of linear gateways such as this by quality urban design interventions and the specific initiative in this respect that is being pursued along Romford Road. Indeed allowing this development would undermine this local strategy and could make it more difficult to resist or remove similar unauthorised development on this road.
6. I have had regard to the photographs supplied by the appellant's agent of other shops in Romford Road where external displays beneath projecting canopies exist. It seems to me that these are just the sort of developments that the Council is trying to remove or control in its efforts to improve the character and appearance of the street. Moreover I have no details of the history of these developments and it may be that they have been in existence for many years unlike the development at the appeal property which it is not disputed has only been in place for less than a year. If this were the case it is possible that these other examples are immune from enforcement action due to the passage of time. Alternatively they may be developments that the Council is taking action against in line with the overall strategy for Romford Road described above. A further point is that at least two of these examples are not comparable due to the nature of the buildings to which the canopies are attached. 911-917 Romford Road is a single-storey flat roofed building of utilitarian design and 793 Romford Road is a relatively modern building with a horizontal emphasis in terms of its form. These buildings are therefore of a distinctly different age and design to the appeal building.

7. I have taken account of the point for the appellant that the canopy provides an external covered area which enables shoppers to browse the merchandise out of the elements in a safe and healthy manner. I consider that this objective could still be met by other means such as traditional retractable blinds which would be temporary rather than permanent features, retracted when the shop was not trading. This is the historical way in which external displays protected from the rain have been provided and I see no reason why such an alternative could not be considered instead.
8. Finally I am mindful of the Council's point that appeals against similar canopy structures in the Borough, including one in Romford Road, have been dismissed by other Inspectors. I do not have the details of these cases but the decisions add some weight to the arguments against allowing the development in question to remain.

Conclusions

9. Bringing these findings together, I conclude that the development that has taken place has had a harmful impact on the street scene and the character and appearance of this key linear gateway, contrary to the relevant local and national policy framework outlined above. For these reasons it should be resisted and the appeal should not succeed. I shall therefore uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Decision

10. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

NP Freeman

INSPECTOR