
Appeal Decision

Site visit made on 28 December, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 7th February, 2017

Appeal Ref: APP/W5780/W/16/3150615

28A Woodford Avenue, Ilford, Redbridge, IG2 6XG

- 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 T Islam of the Redbridge Islamic Centre against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0667/16, dated 21 January, 2016 was refused by notice dated 13 April, 2016.
 - The development proposed is a rear canopy.
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Decision

1. The appeal is allowed and planning permission is granted for a rear canopy at 28A Woodford Avenue, Ilford, Redbridge, IG2 6XG. The permission is granted in accordance with the terms of the application Ref. 0667/16, dated 21 January, 2016 and the plans submitted with it numbered 01, 02, 03, 04 and Location Plan.

Procedural Matter

2. The rear canopy has already been erected and the description on the application form describes the development as "retention of a rear canopy". However the term "retention" is not a description of development, and I have accordingly omitted it from the banner heading and formal decision.

Main Issues

3. The main issues are the effect on the character and appearance of the area, the effect on the living conditions of occupiers of adjacent properties in respect of outlook, and whether the development would undermine the function and attractiveness of Gants Hill as a District Centre.

Reasons

The effect on the character and appearance of the area

4. Nos 28 and 28A Woodford Avenue make up a two storey, semi-detached building with a deep, single storey shop front extension and single storey rear extension. It is currently in use as the Redbridge Islamic Centre. It sits in a run of similar retail and commercial properties along Woodford Avenue, some of which have residential uses above, and it backs on to the rear garden of No 15 Roll Gardens. There is a passage to the side of No 28, leading to a rear yard area and substantial, two storey, freestanding brick building, directly
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- behind No 26a, and also in use as part of the centre. The yard is covered by the lightweight canopy structure which is the subject of the appeal.
5. The area around the appeal site is a small retail and commercial centre focused on the Gants Hill Roundabout. It contains a variety of shops, restaurants and other local services and community facilities, often with residential use above.
 6. The areas to the rear of the frontage retail and commercial premises on either side of the appeal site are generally functional yards with parking, subsidiary buildings, storage, refuse storage and other facilities supporting the frontage uses. While some of the structures in rear yards adjacent to the appeal site include canopies, which the Council has indicated are the subject of enforcement action, there are also a number of large and more substantially constructed buildings.
 7. The yard to the appeal site is bounded by high walls and fences on the north and east side, and by the frontage building and freestanding building to the west and south respectively. The canopy has a central ridged portion, which runs up to the single storey rear extension to the frontage building, but has a broad, flat roofed margin which separates it from the rear boundary with the garden of No 15 Roll Gardens. There are further flat-roofed areas of canopy covering the side passage to the yard, the margin adjoining the freestanding building, and the circulation space outside it. The covered yard appears to be in use as an overspill or temporary area for worship.
 8. The canopy can be glimpsed along the passageway from the frontage, and a small portion is visible from the south, from the car park and service area behind 9 Sevenways Parade, being otherwise largely screened from that direction by the rear freestanding building. It was not possible to view it from the rear of premises to the north of the appeal site, as it is screened from view by some of the permanent structures to their rear. I was not asked to view it from within any houses or gardens in Rolls Garden, but it is not visible from the pavement in that road. The flat roofed set back from the boundary with 15 Rolls Garden and a line of tall trees along that boundary mean that only the apex of the ridged section is likely to be glimpsed from that direction. It is not as a result readily visible from adjoining areas and does not therefore appear as a significantly over-scaled or obtrusive element in the area.
 9. In the area adjacent to the appeal site rear yards are often characterised by substantial functional buildings supporting the commercial use of the frontage. While the appeal structure covers the whole yard area, the ridged element has a low pitch and is set back from the buildings around the yard, therefore reducing its size and height. As a functional structure within a rear service space in this retail and commercial setting it does not as a result appear uncharacteristic or overly large or dominant in relation to its setting.
 10. The construction of the canopy, although lightweight, is neatly executed in timber members and polycarbonate sheeting and appears permanent. I conclude therefore that this structure, while simple and workmanlike, is not of a temporary, makeshift or untidy appearance which would harm the appearance of the area.
 11. I conclude therefore that the appeal structure does not harm the character and appearance of the area, and does not therefore conflict with Policy SP3 of the Redbridge Core Strategy Development Plan Document 2008 (the CS) and Policy

BD1 of the Borough Wide Primary Policies Development Plan Document 2008 (the BWPP) which both seek development which respects the character of the area in which it is located.

The effect on the living conditions of occupiers of adjacent properties in respect of outlook

12. There were indications of residential use on the upper floors of Nos 26A and 30 Woodford Avenue at the time of my site visit, although it was not clear then, nor is it clear from the submitted drawings, whether or not there is a self-contained residential use in the upper floor of No 28 or 28A. I have, nonetheless, considered the effect of the appeal proposal as if there was.
13. The ridge line of the canopy structure sits below the cill height of the rear windows on the upper floors of Nos 28/28A and adjacent buildings. Furthermore the pitched roofed element stops where it meets the single storey rear extension to No 28/28A. The highest part of the canopy is therefore set back by several metres from the line of the upper floor rear elevation of that building and of others along Woodford Avenue. The flat roofed element to the canopy in the part of the site closest to No 26A sits below cill level of windows on the upper floor of that building. The layout of the canopy and adjacent buildings indicate that from No 26A views of the ridged element of the canopy are oblique, and partly screened by the two storey freestanding building to the rear.
14. While the higher, pitched roof element of the canopy will be visible to occupiers of dwellings on the upper floors adjacent to the appeal site, as a result of its set back from residential windows facing the appeal site and low pitch it is likely to be seen when looking down towards the former yard area, and not to interfere significantly with views directly out or of the sky. As I have concluded above, it is only partially visible from Rolls Gardens. As I have also concluded above, the canopy is well constructed in a workmanlike but permanent fashion. It is not therefore likely to intrude significantly into the outlook of occupiers of dwellings adjacent to the appeal site, and where it is seen, its appearance is not likely to have a harmful effect on their outlook.
15. The Council has referred to an appeal decision¹ relating to a structure at the rear of No 36 Woodford Avenue where its effect on the outlook of neighbouring occupiers was a reason for dismissal. I have had regard to this decision. The unauthorised structure in that case was a building, and extended fully to the rear boundary of the appeal site with residential properties on Rolls Gardens. As the current appeal relates to a canopy, the highest part of which is set away some distance from the boundary with premises in Rolls Gardens, which is adjoined by a lower, flat-roofed section, I conclude that the circumstances of the cases are not directly comparable. It does not therefore cause me to alter my conclusions on this appeal.
16. I conclude therefore that the appeal proposal does not have a significantly harmful effect on the outlook of occupiers of adjacent dwellings and does not therefore conflict with Policy SP3 of the CS or Policy BD1 of the BWPP which both seek new development which is compatible with the amenities of its locality.

¹ Ref. APP/W/5789/C/15/3018143 &3028165

Whether the development would undermine the function and attractiveness of Gants Hill as a District Centre

17. The effect of the appeal proposal on the function and attractiveness of the Gants Hill District Centre, which would be contrary to Policies SP1 of the CS and Policy GH5 of the Gants Hill District Centre Area Action Plan 2009 (the GHAAP), was given as a reason for refusal. However no detailed consideration of this matter has been put before me.
18. Policy SP1 of the CS states that some new development, including community facilities, will be permitted in District Centres, of which Gants Hill is one, and will be expected to improve and enhance the public realm. As I have concluded above, the appeal proposal is not be easily visible from the public realm, nor does it have a significantly harmful effect on it. I consider therefore that it would not conflict with this policy.
19. Policy GH5 of the GHAAP concerns the land use strategy for the area. The appeal site is not one identified as having significant redevelopment potential through the Gants Hill Area Action Plan Supporting Studies Document 2007. Where sites are not specifically considered in the supporting study, this policy states that development proposals will be considered on their merits, but that mixed use schemes with active retail/commercial ground floor uses will be required, in order to create or add to human activity and vibrancy in the district centre.
20. The appeal proposal relates to the existing use of the frontage building rather than presenting an opportunity for a new retail or commercial use. In that respect Policy GH5 of the GHAAP would not apply. However, the canopy supports the operation of that building as an active community facility. I do not therefore consider that it would undermine the function or vibrancy of the Gants Hill District Centre. It would not therefore conflict with Policy GH5 of the GHAAP.

Conditions

21. I have considered the condition put forward by the Council, but as the development has already been carried out, do not conclude that it is appropriate to require implementation of the proposal in accordance with the approved plans.

Conclusion

22. For the reasons given above and taking into account matters raised, I conclude therefore that the appeal should be allowed.

S J Buckingham

INSPECTOR