
Appeal Decisions

Site visit made on 1 June 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 19 June 2017

Appeal Ref: APP/W5780/W/17/3171256
361 Green Lane, Seven Kings, Ilford IG3 9TQ

- 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 Nadeem Chaudhry against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1257/16, dated 21 March 2016, was refused by notice dated 9 September 2016.
 - The development is erection of extractor duct at rear flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for erection of extractor duct at rear flat roof at 361 Green Lane, Seven Kings, Ilford IG3 9TQ in accordance with the terms of the application Ref 1257/16 dated 21 March 2016.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the surrounding area, and the effect of the development on the living conditions of nearby residents, with particular regard to odours and fumes.

Reasons

Character and appearance

3. The appeal site at 361 Green Lane is located a mixed commercial and residential area which is within the Seven Kings Key Retail Parade. The unit has been operating under a temporary change of use from shop (A1) to restaurant (A3) under permitted development rights, although the two year period for this use has now lapsed. In association with the restaurant use, an extract fan has been installed to the rear of the premises at No 361. The structure runs horizontally across a flat roof, and has been painted black in response to the Council's concerns over its appearance.
 4. The duct is visible from the public realm on Seven Kings Road, but is set back at a distance from the road. It is relatively low in height, and I found that it was difficult to view the structure in its entirety from any single vantage point from Seven Kings Road.
 5. Moreover, the rears of the appeal property and neighbouring properties on Green Lane have a piecemeal, utilitarian and somewhat unattractive
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appearance typical of well-established commercial properties which have been subject to alterations in line with changing business needs. The residential floors above also have a disparate appearance. The new duct is, in my view, consistent with this visual context. It is seen against the backdrop of a taller flat-roofed structure, railings, and brick walling of various colours. In the foreground is a blue metal container, which adds a further discordant element to the mix.

6. Given the above context, I do not consider that the development has resulted in an unacceptably adverse effect on the character and appearance of the surrounding area. It therefore accords with Policy SP3 of the London Borough of Redbridge Core Strategy (CS, March 2008), insofar as it requires all new development to respect the amenity of adjoining properties and the locality generally, and Policy BD1 of the London Borough of Redbridge Borough Wide Primary Policies (BWPP, May 2008), which amongst other things requires development to be compatible with its location.

Living conditions

7. The extract system appears to have been in operation for some time. However, there is no evidence before me to show that the Council's Environmental Health Team has received or investigated any complaints of the system causing any statutory nuisance in terms of odours.
8. I have taken into account representations from a resident on a neighbouring street raising a number of concerns about the duct. Nonetheless, there is insufficient evidence to demonstrate the actual problems, if any, that are being experienced by those living in close proximity to the development. I conclude therefore that the development has not resulted in an unacceptably adverse effect on the living conditions of nearby residential occupiers in terms of odours. As a result, I find no conflict with BWPP Policy BD1, insofar as it seeks to resist development which would have an adverse impact on surrounding uses in terms of fumes and smell nuisance.
9. I have had regard to the other concerns raised, including the correct installation of the equipment, noise, heat (and possible fire risk), cleaning chemicals, carbon monoxide, the loading of the structure beneath, and other health and safety matters. However, I note that the Council have raised no concerns in relation to these matters, and there is no detailed evidence before me relating to the problems that have been alluded to. In any event, the safe and efficient operation of the system is a matter for control under environmental health and other relevant legislation. These matters have therefore not led me to a different conclusion.

Conditions

10. The Council has not suggested any conditions. I consider that none are necessary given that the proposal has been implemented.

Conclusion

11. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

Elaine Gray INSPECTOR