



Appeal Decision

Site visit made on 10 February 2020 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/G5750/Z/19/3240015

88 Kempton Road, East Ham, London E6 2LB

- 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 Dushan Mahendran against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/02075/FUL, dated 21 July 2019, was refused by notice dated 18 September 2019.
 - The development is an external shop front roller shutter with frame with integrated awning.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. During my site visit, I observed that the development had already been implemented, albeit that the metal frame is painted bright green not black as shown on the plans. Nonetheless, I have provided my recommendation on the basis that this appeal relates to a retrospective application.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the site and surrounding area.

Reasons for the Recommendation

5. The appeal site comprises a two-storey corner property situated at the junction of Kempton Road and Latimer Avenue. The ground floor is in use as a retail unit. The surrounding area is residential in nature and characterised by its long terraces of dwellinghouses and tree-lined streets.
 6. The plans show that the development extends across the full width of the appeal property, projects more than 2.5m from the front façade and has a height of over 2.6m. Due to its scale, its steel materiality and the extent of its projection forward of the front building line of the adjoining terrace, the development is highly visible within the surrounding area. It is clearly visible from the junction of Streatfeild Avenue and Kempton Road around 70m to the
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west, from the junction of Altmere Avenue and Kempton Road around 70m to the east, and within views from Latimer Avenue to the south. The development has the appearance of a shopfront that would be typical of a commercial high street. However, as the site is located within a quiet residential area, the development has a highly incongruous appearance that appears discordant within the context of the surrounding terraced dwellinghouses. The development therefore contrasts poorly with the surrounding streetscene and causes unacceptable harm in terms of character and appearance.

7. The appellant has drawn my attention to other examples of similar development. However, in each case, there are other shops, restaurants or commercial units located within their immediate vicinity which means they do not have an incongruous appearance. However, in the case of the appeal site, it is the only non-residential use within the surrounding area and therefore the development has a particularly obtrusive and incongruous appearance within this surrounding context. As such, these examples are not directly comparable to the development and do not provide any justifiable precedent. Regardless, each appeal must be considered on its own merits, and I have found that the development before me is unacceptable for reasons set out above.
8. While I accept that the shutters are not drawn down for most of the day, I have nonetheless found that the development is unacceptable even when the shutters are drawn up. Furthermore, regardless of the condition of the previous traditional awning and any aesthetic improvement that the current development provides, it is unacceptable for reasons set out above.
9. For the above reasons, I conclude that the development causes unacceptable harm to the character and appearance of the site and surrounding area. The development therefore conflicts with the National Planning Policy Framework (2019), Policies 6.10, 7.1, 7.4, 7.5 and 7.6 of the London Plan (2016), Policies D1 and D7 of the Draft London Plan (2019), and Policies S6, SP1, SP3, SP5, SP8 and INF2 of the Local Plan (2018) which, together, seek that development should respond to local character, enhance residential environments, achieve good neighbourliness, be designed to the highest quality and provide a high quality public realm. However, I do not find that the development conflicts with Policy 7.3 of the London Plan (2016), Policies D10 and T2 of the Draft London Plan (2019) or Policies SP2 and SP6 of the Local Plan (2018), as these relate to matters of crime and security, health and the viability of town and local centres, rather than design.

Other Matters

10. The appellant has stated that the development benefits the commercial business and helps to provide additional security from burglary. However, these matters do not outweigh the unacceptable harm that is caused by the development to the character and appearance of the site and surrounding area.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR