



Appeal Decision

Site visit made on 11 October 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/W5780/W/21/3271989

118 Aldborough Road South, Seven Kings, Ilford IG3 8EZ

- 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 Solly Ahmed against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3731/20, dated 7 November 2020, was refused by notice dated 2 February 2021.
 - The development proposed is the change of use of the pavement in front of, and adjacent to, Kings Grill & Lounge restaurant at 118 Aldborough Rd to an area for outdoor seating of a small external seating area through the siting of 8 no. tables, 16 no. chairs as shown on the submitted drawings.
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Decision

1. The appeal is allowed and planning permission is granted for single storey front extension to provide an outdoor seating area at 118 Aldborough Road South, Seven Kings, Ilford IG3 8EZ under the terms of the application Ref 3731/20, dated 7 November 2020, and in accordance with the following conditions:
 - 1) The development hereby permitted shall be begun no later than the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 003, 004, Site Location Plan, Block Plan.
 - 3) The use of the single storey front extension hereby approved by customers shall only take place between the following hours: 10:00-19:00.
 - 4) No music shall be played within the single storey front extension hereby approved.

Procedural Matter

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises a single storey front extension to provide an outdoor seating area. The Council dealt with the proposal on this basis and so have I, as reflected in my formal decision above.

Main Issue

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

Reasons

4. The appeal relates to a small area of open space directly in front of the Kings Grill and Lounge. This establishment is located within a parade of commercial units which occupy the southern section of a terrace of two storey properties.
5. The other commercial units have similar open spaces before them. The retail outlets have active frontages and make good use of these spaces, with cages, shelving units and signage set under awnings offering a multitude of goods. This is not clutter, but the trappings of commercial activity which offer a sense of vibrancy to the area. The Council has suggested that these items may not have planning permission, but they appeared to me to be readily movable and temporary in nature and extent.
6. The proposed use of the open space for public dining would be complementary to this existing human activity. Despite its depth and width, the structure would be a low, lightweight and subservient addition. The canopy roof would be akin to an awning. Given such, whilst I recognise that there are not comparatively scaled or designed seating areas in front of the terrace currently, the street scene would not be compromised by the proposed development.
7. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the relevant aims of Policy LP26 of the Redbridge Local Plan 2015–2030 (adopted 2018) (RLP) and the National Planning Policy Framework. The Council has also referred to Policy LP28 of the RLP, but I understand that that policy relates to shopfronts.

Conditions

8. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. A condition is not necessary to clarify the relationship between the proposal and the public highway as any incursion on to the highway could be dealt with under separate legislation. In the interest of the living conditions of neighbouring residents, it is essential for a condition to prevent the playing of music within the seating area and restrict its times of use. Given the scale of the proposal and its immediate access to the public realm, in addition to the fire safety requirements contained in separate legislation, I do not consider it necessary for a condition to address this issue.

Conclusion

9. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeal.

Matthew Jones

INSPECTOR