



Appeal Decision

Site visit made on 3 February 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 14TH February 2022

Appeal Ref: APP/W5780/W/21/3280375

Bakers Yard, Grove Road, Chadwell Heath, Romford, RM6 4PE

- 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 John Merritt against the decision of the London Borough of Redbridge.
 - The application Ref. 2006/21 dated 6 May 2021, was refused by notice dated 9 July 2021.
 - The development proposed is alterations to the roof, removal of spray bake facility and extraction flues from body shop, internal alterations
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Decision

1. The appeal is allowed and planning permission is granted for alterations to the roof, removal of spray bake facility and extraction flues from body shop, internal alterations at Bakers Yard, Grove Road, Chadwell Heath, Romford, RM6 4PE in accordance with the terms of the application, Ref 2006/21, dated 6 May 2021, and the drawing Nos. 20-622-P00, 20-622-P01, and 20-622-P02 submitted with it.

Preliminary matters

2. The description of the proposed development set out in the application form was removal of spray bake facility and extraction flues from single body shop unit. The description given in the officer's report and on the refusal notice was as I have set out in the heading above; it appears to me to be a clearer description of the development proposed. At my site visit I saw that the development has taken place.

Main Issues

3. The issue arising from the refusal notice is the effect on the outlook and living conditions of neighbouring residential occupiers in Barleyfields Close.

Reasons

4. I consider that it is helpful to set out the full reason for refusal, which was stated as: *"The development by reason of its excessive height, its width, and position close to the southern boundary of the site, is considered an intrusive and overbearing development, and has a serious and adverse effect on the provision of outlook and visual amenity of neighbouring residential properties, and in particular on 12 Barleyfields Close. The proposal is contrary to Policy D3 of the London Plan and Policy LP26 of the Council's Local Plan."* Reading this

reason it appears to refer to a proposed new structure, or the retention of an existing structure, having excessive height and width, set close to a boundary, that would be intrusive and overbearing.

5. However, as shown in the description of the development as amended by the planning officer, the development consists of the removal of external flues and an internal spray bake facility connected to the flues. This is clear from the plans. Drawing No.20-622-P01, titled Existing Workshop Plan and Elevations, shows a floor plan of a building, with equipment notated as "duct Units"; and elevations showing 2 ducts rising from the roof, one larger than the other. Drawing No.20-622-P02 has the title "Proposed workshop Plan and Elevations". The floor plan of the building on this drawing, noted as "Proposed Workshop Plan", shows it to be empty of any equipment; whilst the "Proposed Elevations" show the roof with no projecting flues or other apparatus. These conform to what I saw at my site visit.
6. The officer's report, where it discusses the proposal states "The proposal is for the retention of the existing unlawful building" This is a misunderstanding of the development proposed, possibly because the officer had been involved in discussions with the applicant about the future of the building. Be that as it may, there is no mention of the word "retention" in the applicant's description of the proposal, but rather the only word describing activity is "removal".
7. On that basis I conclude that the removal of the flues (and the spray bake facility that goes with them) brings a beneficial effect on the outlook and living conditions of neighbouring residential occupiers in Barleyfields Close, and therefore the appeal should be allowed.
8. In reaching this conclusion I have read the representations made by neighbouring residential occupiers about the effect of the business that operates in association with the appeal building, and I wish to be clear that, since it appears that this building was erected without permission, nothing in my decision should be taken to affect the status of the building itself in terms of whether it might be the subject of enforcement action taken by the council (noting that the appeal statement refers to it as having been built to replace a previous building in the same location).

Conditions

9. Since the development has now been carried out, and no conditions have been suggested by the council, I am satisfied that no conditions are necessary.

Terrence Kemmann-Lane

INSPECTOR