



Appeal Decision

Site visit made on 9 August 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2022

Appeal Ref: APP/G5750/C/22/3296603

757 Romford Road, Manor Park, London E12 5AW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mohammad Ali against an enforcement notice issued by the Council of the London Borough of Newham.
 - The enforcement notice was issued on 11 March 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an extension.
 - The requirements of the notice are:
 1. Demolish the extension (as shown in the approximate location edged in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1).
 2. On completion of step 1, remove all materials and debris from the site.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (a) and the Deemed Planning Application

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the host building and area; and
 - the vitality and viability of the Borough's designated Town Centres and Local Centres.

Reasons

Character and appearance

3. The appeal site is a mid terraced traditional property which forms part of a terrace of similar three storey properties which have predominantly commercial uses on ground floor with mainly residential above. The appeal relates to an extension at the front of the property used as an outside seating area in

connection with the commercial unit at ground floor level, known as 'Chai Naan'.

4. The current extension to the front of the premises comprising timber decking, timber frame and timber roof, is at odds with the more traditional materials found elsewhere in the host building and the terrace. Owing to its poor quality design and prominent position to the front of the building, the development represents a visually discordant and incongruous feature within the street scene. I note that there are various extensions and canopies in the vicinity of the appeal site. However, the presence of these does not justify the harm identified above.
5. I therefore conclude that the development results in harm to the character and appearance of the host building and the area, contrary to Policies SP1, SP3 and SP8 of the London Borough of Newham Local Plan, 2018 (LP), Policies D1 and D4 of the London Plan, 2021 (London Plan). Amongst other things, these seek to deliver good growth through good design and high quality of urban design in the new buildings.
6. The development is also contrary with the National Planning Policy Framework, 2021 (Framework), which requires development to be sympathetic to local character and history.

Vitality and viability of the Borough's designated Town Centres and Local Centres

7. The appeal site is not located within a Town Centre or Local Centre. Policies SD6 and E9 of the London Plan states that the vitality and viability of London's varied town centres should be promoted and enhanced by ensuring town centres are the primary locations for commercial activity, and that development proposals should support convenience retail in all town centres.
8. Policies S1, SP6 and J1 of the LP seek to support Town and Local Centres and state that these should be vibrant, vital, and valued as components of local neighbourhoods and the Borough as a whole, being successful in social and economic terms. Policy SP7 of the LP highlights the importance of consolidating ribbon developments of commercial and community uses into defined Local and Town Centres and Local Shopping Parades, in line with Policies INF5, INF8 and SP6.
9. The unauthorised development extends over the forecourt of the appeal premises only and provides an additional outside seating area for the existing business. In this regard, the use of this area is not dissimilar to other commercial properties in the subject terrace and area which also use their forecourts for the sale of goods and services. Therefore, given the modest footprint of the extension, I am satisfied that the development does not harm the vitality and viability of the Borough's designated Town Centres and Local Centres. In this respect the development does not conflict with Policies SD6 and E9 of the London Plan and Policies S1, S2, SP6, SP7, J1 and INF5 of the LP, which seek the aforementioned aims. Furthermore, the development does not conflict with chapter 7 of the Framework, which seeks to support the vitality of town centres.

Conclusion on Ground (a) and the Deemed Planning Application

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless

material considerations indicate otherwise. I have found conflict with the development plan with regard to character and appearance. Lack of harm in respect of vitality and viability of town and local centre does not justify the harm I have identified above under the first main issue. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.

11. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

The appeal on Ground (g)

12. This ground of appeal is that the time given to comply with the notice is too short. The appellant asks that the time for compliance is extended from 1 to 6 months, given that the business has started operating during the pandemic period. He also states that more time is required to apply for planning permission for an alternative extension, and also that additional time is needed for carrying out the remedial works.
13. However, it is open to the appellant to apply for planning permission for an alternative scheme, and I noted during my site visit, the majority of the remedial works had already been carried out with removal of the timber frame and roof of the front extension. It was also clear that even without the covered front extension, the forecourt area was still in operation as an outside seating area for customers of the business. As such there is no longer any clear reason why the period for compliance should be extended beyond 1 month.
14. On this basis, the appeal on ground (g) fails.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R. Satheesan

INSPECTOR