
Appeal Decisions

Site visit made on 25 August 2022

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/G5750/C/21/3276306 (Appeal A) **185 Altmore Avenue, London E6 2BT**

- 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 Nirpal Arora against an enforcement notice issued by the Council of the London Borough of Newham.
 - The enforcement notice is dated 6 May 2021.
 - 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 plan attached to the notice, and as shown edged in yellow on the photograph attached at Appendix 1 to the notice). 2. On completion of step 1 above, remove all materials and debris from the site.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Appeal Ref: APP/G5750/W/21/3276305 (Appeal B) **185 Altmore Avenue, London E6 2BT**

- 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 Vikrant Dahiya against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/02259/FUL, dated 14 October 2020, was refused by notice dated 10 December 2020.
 - The development is described as 'retrospective application for proposed front shutter'.
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Decisions

1. Appeal A is dismissed and the enforcement notice is upheld.
2. Appeal B is dismissed.

Main Issues

3. The main issues in both appeals are the effect of the development on: the character and appearance of the surrounding area; and the vitality and viability of strategic commercial centres in the area.

Reasons

Character and appearance

4. The property at 185 Altmore Avenue is a two storey building whose ground floor is occupied by a convenience store. The surrounding area is characterised

by a regular rows of residential terraces, a number of which terminate with corner shops at the junctions. In this instance, the appeal site is one of three such corner shops facing the junction where Burges Road and Altmore Avenue intersect. Although its description varies between the two appeals, the development in question is a structure comprising a single storey extension with shutters to the front and sides and a flat roof.

5. Despite some alterations, No 185 retains the form of a traditional urban corner shop, with a large shop window to the sides and the main entrance set within the chamfered corner. Previously, these elevations were set back from the pavement by a short distance. Conversely, the new extension projects from the Altmore Avenue façade towards the pavement. It thus breaks the established building line of the shopfront elevations.
6. The new flat roofed form is at odds with the form of No 185, which has a hipped main roof and a pitched roof to its lower rear extension. The metal frame of the unauthorised development is out of keeping with materials of the building, which are brick for the main elevations and what appears to be painted render and timber for the shop front. I accept that there are other roller shutters within the ground floor, but they are set back within brick surrounds, or integrated within the shopfront, which helps to lessen their effect in the streetscape.
7. By contrast, the new structure comprising roller shutters on three sides is entirely at odds with the prevailing character of the appeal site and the neighbouring properties. I note that the other shops have some awnings, but these appear significantly more lightweight, in contrast to the solid, heavy appearance of the extension when the shutters are down.
8. The appellant argues that the front shutter would be open from early in the morning until late at night, resulting in a more lightweight appearance that is similar to a shop awning or a market stall. On that basis, he argues that the development fits in with the commercial character and appearance of the premises. At the time of my visit, the front shutter was open and the side shutters were half raised. Whilst the extension was more visually permeable as a result, it was still overly prominent in the streetscape, due not least to the bulky shutter boxes which are permanently in view.
9. Drawing these factors together, I conclude that the extension does not maintain a high quality pedestrian environment, and unacceptably harms the character and appearance of the surrounding area, contrary to Policy SP3 of the London Borough of Newham Local Plan (LP), insofar as it requires all development to realise a high quality of urban design, and to reinforce local distinctiveness.

Vitality and viability

10. LP Policy S1 indicates that the overriding priority of the plan is to build and reinforce communities and places that work. LP Policy S6 seeks to increase employment through improvements to town centre vitality and viability, with a focus on accommodating new innovative forms of mixed-use development.
11. LP Policy SP6 resists the development of sites in a piecemeal way, particularly where this would be contrary to the Council's overall spatial goals and vision, and advises of the need to maintain a 'robust retail core'. This is reiterated in

LP Policy INF5, which requires development to contribute to the re-definition and management of Newham's retail infrastructure hierarchy and network. It seeks to focus accessible retail, services and employment within the designated centres in Newham, and to prevent ribbon development outside those areas.

12. LP Policy SP7 looks to consolidate ribbons of development into defined town and local centres and looks to prevent a sprawl of commercial uses outside these designated centres. The LP identifies strategic locations such as town and local centres for commercial development such as retail.
13. The appeal site is not located in any identified town or local centre location. The appellant's argument is that the commercial use at No 185 already exists, and that the development has simply enhanced that business. On that basis, he contends that the Council's policies relating to the consolidation of commercial development in identified strategic locations are not directly relevant, and that there should be no in principle objection to the appeal scheme.
14. The previous floorspace at the shop amounted to around 254.64sqm. The extension has added about 8.8sqm of floorspace to the business. Therefore, notwithstanding the harm I have found to character and appearance, the new structure is not a significant addition to the overall commercial capacity of the area.
15. Whilst I accept that the thrust of policy is to direct commercial development to strategic locations, the convenience shop appears to be a well-established use in this location. The extension, which cannot be accessed from within the shop, essentially amounts to a permanent store for some extra displays of goods just outside. The Council offer little evidence of quantifiable harm to the vitality and viability of commercial centres arising from the development. Indeed, they state that it has an imperceptible effect.
16. I agree that the incremental effect of proposals outside the strategic areas could have a detrimental effect if unchecked. However, each development is to be assessed on its individual merits. In this particular instance, I am satisfied that the unauthorised development is too limited in its size and scope to unacceptably harm the vitality and viability of strategic commercial centres in the area. No undue conflict therefore arises with the relevant policies above.

Other Matters

17. I have taken into account the support expressed for the appeal scheme, but this has not led me to a different conclusion on the main issues of the appeal.

Conclusion

18. For the reasons above, Appeal A is dismissed, and the enforcement notice is upheld. Appeal B is dismissed.

Elaine Gray

INSPECTOR