



Appeal Decision

Site visit made on 6 December 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JANUARY 2023

Appeal Ref: APP/G5750/W/22/3296451

101 Burges Road, East Ham, London E6 2BJ

- 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 Thevapalan Abraham against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/03189/FUL, dated 27 December 2021, was refused by notice dated 22 February 2022.
 - The development proposed is 'proposed external shop front with new glazing and roller shutter system with frame to create a permanent structure for the sale of fruit & veg'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit, I observed that there was a structure in place in the location of the proposed external shop front. The application form identifies that development commenced on 27 September 2021 (before the submission of the application) and would be complete by March 2022. However, the structure I observed does not match the details shown on the submitted plans. Neither party has commented on this. I have therefore determined this appeal on the basis of the submitted plans as that is what permission was sought for.
3. The Council has provided a copy of an Enforcement Notice affecting the property. However, I have determined this appeal on its own merits.

Main Issue

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

Reasons

5. The appeal site is a two-storey end-terrace property at the junction of Burges Road and Altmere Avenue. It is in use at ground floor as a convenience store, as are two of the other three corner properties at this junction. I observed other similar 'corner shops' at other junctions in the area. The surrounding area is characterised by a regular pattern of straight streets with terraces of predominantly brick residential properties.
6. The layout of the area provides for long views along the straight roads. While there are differences in the detailing of the properties along Burges Road, and projecting features such as porches, gables and bays are common, there remains a clear set back from the edge of the pavement and the front elevations of the properties. The proposed extension, due to its flat roof and

depth enclosing the forecourt, would appear as a prominent and uncharacteristic feature in the street scene. Although a brick stall riser is proposed, the proposed grey metal frame and metal roof would be poorly related to the predominant materials of the host property and surrounding area.

7. The appeal proposal would also result in the loss of the chamfered corner of the property, which is a feature of the other commercial properties at this junction. Along with the open forecourts, they give the junction a more open appearance which recognises its character of being the location for services for the surrounding community. As a result, the chamfered corners make a positive contribution to the local distinctiveness of the area. Its replacement with a square corner would enclose the junction and be detrimental to that local distinctiveness.
8. The plans show that much of the structure would be glazed, and the appellant has highlighted that the roller shutters would be raised for the majority of the time given the opening hours of the shop. While this would mitigate the prominence of the extension to a limited extent, it would not address the other harms I have identified above.
9. The design and access statement submitted with the planning application highlighted similar structures in the wider authority area. I observed at my site visit the extension to the property directly opposite the appeal site and another commercial property on Burges Road with a structure enclosing the forecourt. I do not have any details as to the planning status of these works. However, the presence of projecting structures is not the predominant characteristic of the surrounding area and would not be a reason to allow development that would harm the character and appearance of the surrounding area in its own right.
10. The Council's decision notice refers to a several planning policies. Newham Local Plan 2018 (NLP) Policy S6 sets out the strategic criteria and spatial strategy for urban Newham and NLP Policy SP2 seeks to promote healthy lifestyles, reduce health inequalities and sets out means by which the planning system can help to achieve these aims. It also refers to Policies D1 and D4 of the London Plan, adopted March 2021 (the London Plan). Policy D1 sets out requirements for Boroughs to undertake character area assessments and plan for growth when preparing Development Plans. Policy D4 concerns the use of tools for design analysis, design review processes and maintaining design quality through to completion. I find none of these are directly relevant to the main issue in this case.
11. I therefore conclude that the extension would have an unacceptable effect on the character and appearance of the area. It would not provide high-quality development that would reinforce the local distinctiveness and historic context of the area contrary to NLP Policies SP1 and SP3 and London Plan Policy D8, as well as the policy in section 12 of the National Planning Policy Framework that development should be visually attractive and add to the overall quality of an area.

Other Matters

12. I acknowledge that the forecourt has been used as part of the shop premises, and that a permanent structure would reduce the potential for theft and this

weighs in support of the appeal proposal. However, this would not outweigh the harms I have identified above.

13. The appellant has also put forward that the proposal is also for safety purposes to stop damage to the shop and reduce the potential for antisocial behaviour from groups of people using the open forecourt into the evening. However, any built structure could be liable to damage in the circumstances suggested. The area that would be enclosed by the development is limited in size, such that any groups in the area causing disruption would be capable of doing so on the surrounding pavement. There would not be a benefit on these issues were the appeal to be allowed, and as such I consider them to be neutral factors.
14. I note that the Council consider the application would not increase recreational pressure on the Epping Forest Special Area of Conservation. As I have found this proposal to be unacceptable on other grounds, I have not considered this matter further.

Conclusion

15. For the reasons given, the appeal scheme would conflict with the development plan and there are no material considerations of sufficient weight that would indicate a decision should be taken otherwise. Therefore, the appeal should be dismissed.

J Downs

INSPECTOR