



Appeal Decision

Site visit made on 20 January 2023

by Chris Forreth BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/G5750/W/22/3302751

770 Romford Road, Manor Park, London E12 6BU

- 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. Muhammad Arif Raja against the decision of London Borough of Newham.
 - The application Ref 21/02994/FUL, dated 19 November 2021, was refused by notice dated 10 February 2022.
 - The development proposed is the demolition of existing timber front structure and erection of a slimline metal structure consisting of four slim poles supporting a thin canopy.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice identifies the application number as 22/02994/FUL. However, the Council have confirmed that the application number should be 21/02994/FUL. I have therefore utilised the correct application number in the banner header above.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and whether the proposal would undermine the vitality and viability of the local/town centre.

Reasons

Character and appearance

4. The appeal site is located on Romford Road in a terrace of commercial properties at ground floor level almost opposite Oregon Avenue. The appeal building is three storeys in height and is of a traditional design. To the fore of the appeal property, and its immediate neighbours, there is a forecourt for which the adjoining premises to the west utilise as a car sales area, whereas the premises to the east had a limited display of goods under an awning canopy.
5. The appeal proposal would involve the removal of the existing unauthorised front extension which is the subject of an enforcement notice¹ by the Council.

¹ Reference 19/00604/ENFC which took effect on the 30 January 2020

The appeal proposal seeks to replace this with a slim line metal structure which would also include night-time security grills.

6. At my site visit, I saw several other premises along Romford Road to the west of the appeal site with canopies/awnings on the forecourts to their respective premises. However, none of these appeared to be of the scale or prominence of the existing extension or the appeal proposal.
7. The current scheme would project a significant distance from the main frontage of the original building. To my mind, the sheer extent of this projection would result in an incongruous addition to the host property and the streetscene in general.
8. Turning to the design and materials proposed, these do not reflect the character or appearance of the host property. However, whilst the design and materials of the development would give rise to some additional harm, I am conscious that the substantive harm which the proposal would give rise to is largely as a result of the excessive forward projection from the frontage of the building.
9. Whilst I acknowledge that the appeal proposal would represent an improvement over the existing unauthorised structure, it would still result in a development which is harmful to the character and appearance of the host property and the streetscene.
10. The Council has also set out that the proposal would be an unneighbourly development, but does not set out what that would be, other than in respect of the extent of the projection from the main building. Whilst I have already identified harm in this respect to the character and appearance of the area, given the commercial nature of the ground floor of the neighbouring premises I consider that this would not be unduly harmful to the neighbouring businesses or the occupants of the residential accommodation on the upper floors.
11. For the above reasons the proposal would harm the character and appearance of the area and would be contrary to Policies D1 and D4 of the London Plan (2021) and Policies S6, SP1, SP3, and SP8 of the London Borough of Newham Local Plan (2018) (NLP) which collectively seek to, amongst other matters, ensure that development is of a high quality design which takes advantage of, and enhances the positive and distinctive features of the Borough, including positive local distinctiveness. It would also be in conflict with the overarching aims of the National Planning Policy Framework (the Framework).

Vitality and viability

12. From the evidence before me, the appeal site is located outside of any defined town or district centre but is located on a main road where there are a significant number of commercial premises including various retail uses.
13. The Council has set out one of its objectives which is to consolidate commercial development within identified strategic locations to avoid trade leakage from the identified centres such as the local centre at Manor Park. As such, any expansion of commercial uses outside of these areas is not favoured by the Council.
14. The Councils delegated report states that the extension would be around 4.3 metres wide and would project from the host premises by around 5.7 metres.

This would equate to around 24.5 square metres of floor area. The internal floorspace of the existing premises is also modest in size but given the size of the extension it is clear that the proposal would not result in a significant increase in retail floorspace. To my mind, such an increase in retail floorspace would not have a significant impact on the vitality and viability of any of the nearby local or town centres.

15. In coming to that view, I acknowledge the general objective to direct new development to local and town centres. However, the proposal before me is an extension to an existing business which would not result in a significant increase in retail provision and as such any trade diversion as a result of the extension would be negligible.
16. Furthermore, the premises has a forecourt which forms part of the planning unit and is therefore part of the existing retail use, where the display of goods for sale could take place without any further planning permission.
17. The Council has also raised concern over the setting of an unwelcome precedent for such proposals. However, I give this little weight in my decision as each proposal must be considered on its individual merits.
18. For the above reasons the proposal would not adversely affect the vitality and viability of any of the nearby local or town centres. The proposal would therefore accord with the objectives of Policies SD6 and SD7 of the London Plan and Policies SP1, SP6 and J1 of the NLP which amongst other matters seek to protect the vitality and viability of local and town centres. It would also accord with the overarching principles of the Framework in this respect.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR