



Appeal Decision

Site visit made on 19 July 2023

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/W5780/C/22/3304935

Land at 402 Cranbrook Road, Ilford IG2 6HW

- 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 Remzi Savas against an enforcement notice issued by the Council of the London Borough of Redbridge.
- The enforcement notice was issued on 21 July 2022.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of an unlawful single storey front extension.
- The requirements of the notice are:
 - i. Remove the unauthorised single storey front extension.
 - ii. Clear all debris arising from above requirements.
- The period for compliance with the requirements is 6 months.
- 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.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a correction and variation in the terms set out below in the Formal Decision.

Preliminary Matter

1. At my site visit it became apparent that the front extension which is the subject of the notice sits forward of the red line shown on the plan attached to the notice. As such, the red line plan is inaccurate. However, when the description of the land in paragraph 2 of the notice is read together with the allegation in paragraph 3, it is clear what is attacked by the notice and this is consistent with the cases put forward by the appeal parties.
2. So I am satisfied I may correct the notice, drawing on my powers under section 176(1) of the 1990 Act, by deleting the plan attached to the notice. I have no reason to believe this course of action would cause any injustice to any of the appeal parties in this case.

Reasons

Ground (a)

3. An appeal on ground (a) is that planning permission ought to be granted for the matters stated in the notice. Based on the reasons for issuing the notice, the main issues in the ground (a) appeal are the effect of the appeal development on the character and appearance of the area and on highway safety.

Character and Appearance

4. The area is characterised by 3 storey buildings with commercial uses at ground floor level and flats above, either side of a busy road. A variety of shopfronts are seen at ground floor level.
5. The appeal development is a single storey front extension to the restaurant on the ground floor of the appeal building. It has been constructed such that it sits significantly forward of the established front building line on this side of the street. It is described by the Council as a black polymer cage with glass inset and it displays advertisements around the bottom pane of glass on each side. It is, in effect, a forward projection of the shopfront of the appeal building.
6. As a result of the combination of its projection forward of the established front building line and its materials, it appears as an incongruous and visually intrusive feature in the street scene. Other front extensions exist on this side of the street. But I do not know if these lawfully exist and, in any event, none of them have the same level of forward projection and materials as the appeal development before me.
7. The appellant considers that the extension's use of translucent materials and the presence of patrons creates visual interest and enhances the character of the locality. But in my view the same is true of any clear-glazed restaurant shopfront and so this is not a good enough reason to allow this extension.
8. I appreciate that neither the host building nor neighbouring buildings may be designated heritage assets. But this makes no difference to my conclusion on this main issue.
9. I conclude that the appeal development harms the character and appearance of the area. It therefore does not comply with Policy LP9, LP26 or LP28 of the Redbridge Local Plan 2015 – 2030, March 2018 (the Local Plan), insofar as these relate to shopfronts and design.

Highway Safety

10. The extension extends over the forecourt of the appeal building and on to the public footway. From my observations, this constitutes part of the highway and I have no reason to think it does not. The extension has significantly reduced the footway available for pedestrians.
11. I saw at my site visit that this is compounded by its close proximity to various pieces of street furniture, including a bus stop, where several bus services stop and people gather whilst waiting for bus services.
12. As a matter of my planning judgement, as a result of the above, the extension interferes with pedestrian flows and increases the risk of conflict on the footway.
13. The appellant states that the issue of building over a public footway is a land ownership matter. Be this as it may, it is also a matter of highway safety and may therefore be taken into account in consideration of the deemed planning application in this case.
14. According to the appellant, the amount and width of space on the footway is comparable with footway dimensions within the locality. But this takes no account of footfall or nearby obstructions, such as those described above.

15. The appellant considers the footway at the frontage of the appeal site is consistent with the standards and requirements for public footways. But no evidence has been provided to demonstrate that this is the case.
16. I conclude the appeal development has a harmful effect on highway safety. It therefore does not comply with Policy LP9, LP26 or LP28 of the Local Plan, insofar as these relate to highway safety or the pedestrian environment.
17. My attention has been drawn to Policy LP23 of the Local Plan. But it has not been explained how this is directly relevant to the main issues in this case and so I consider it weighs neither in favour of nor against the appeal development.

Conclusion on Ground (a)

18. I conclude that the appeal on ground (a) fails.

Ground (g)

19. An appeal on ground (g) is that the period for compliance with the requirements of the notice falls short of what should reasonably be allowed.
20. The appellant seeks 12 months to comply with the notice, stating that the period for compliance does not allow sufficient time to raise funds or identify contractors to carry out the works, or for contractors to physically carry them out. But no specific evidence to support the appellant's case in these regards has been provided.
21. However, since the notice was issued, the Council has reached a position where it considers that a period of 9 months for compliance is appropriate. I have no reason to disagree with the Council's new position in this regard and so the ground (g) appeal succeeds to this limited extent.

Conclusion

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

Formal Decision

23. It is directed that the enforcement notice is corrected by the deletion of the plan attached to the notice and varied by the deletion of 6 months as the period for compliance and its substitution with 9 months.
24. Subject to this correction and variation, the appeal is dismissed, 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.

L Perkins

INSPECTOR