



Appeal Decision

Site visit made on 22 August 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/G5750/W/23/3314417

546 Romford Road, Manor Park, London E12 5AF

- 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 B Kalsi against the decision of the Council of the London Borough of Newham.
 - The application Ref 22/02300/FUL, dated 26 September 2022, was refused by notice dated 21 November 2022.
 - The development proposed is the erection of a front canopy.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether, having regard to local and national policy, the proposal would undermine the vitality and viability of town and local centres; and
 - the effect of the proposed development on the character and appearance of the host property and the area.

Reasons

Vitality and viability of town and local centres

3. The appeal property forms the end of a two-storey terrace. It has a commercial unit on the ground floor with residential units above. The surrounding properties are also in mixed use with residential properties confined to the levels above ground floor.
4. Policies SD6, SD7 and SD8 of the London Plan (March 2021) (LP) are consistent with the National Planning Policy Framework (the Framework), in that they promote a town centres first approach, discouraging out-of-centre development of town centre uses. One aim of these LP policies is to promote and enhance the vitality and viability of London's varied town centres. Further, Policy SD7 requires an impact assessment for extensions to existing edge or out-of-centre development for retail uses that are not in accordance with the development plan.
5. Policies S1, SP6 and INF5 of the Newham Local Plan 2018 (December 2018) (NLP) accord with the above approach and seek to focus main town centre uses in town and local centres in order to, amongst other things, focus investment, economic growth and regeneration in such areas.

6. The area surrounding the appeal property is identified as a Micro Businesses Opportunity Area, is accessible and comprises a number of commercial uses, such as shops, food establishments and other service providers. Although the appeal property is located within a local centre 400m buffer zone, it is outside of any town or local centre identified in Policy INF5.
7. The appellant contends that the proposal would not extend or intensify the existing town centre use and indicates that the proposed canopy would not be used to create additional floor space or be used as a display area. However, no information has been provided as to the intended use of the covered area created and I am satisfied that the proposal would constitute an extension of the existing retail use and would further engrain a town centre use in an out-of-centre location.
8. Additionally, I have not been provided with an impact assessment or any other substantive evidence to suggest the scheme would not harm the vitality and viability of nearby town and local centres. Whilst it may be argued that the impact of the proposal on the vitality and viability of nearby town and local centres would be very low, the cumulative impact of such incremental changes would have significant effects, and this has not been addressed.
9. Therefore, having regard to local and national policy, I conclude that the proposal would undermine the vitality and viability of town and local centres. It would conflict with Policies SD6, SD7 and SD8 of the LP and Policies S1, SP6 and INF5 of the NLP where they promote a town centres first approach. The proposal would also conflict with the Framework where it requires development to support the role that town centres play at the heart of local communities, ensuring their vitality and viability.

Character and appearance

10. The proposal would be located at the front of the premises. Many of the surrounding commercial premises make an ad-hoc use of land to their frontages with various methods of demarcating space visible within the street scene.
11. The proposed canopy would be fixed and would awkwardly abut the front elevation. Although the proposal has been reduced in scale compared to the previous scheme¹, it would extend significantly across the shop frontage and would obscure a large proportion of the existing shop and signage. While the proposal would have open sides, it would protrude significantly into the street scene, closing the existing gap between the building and the adjacent bus stop. When viewed in combination with the bus stop, it would appear bulky and would be a dominant addition to the host property and an incongruous feature in the street scene.
12. My attention has been drawn to other developments in the area which provide alterations to the frontages of commercial properties. Nos 556 and 621 Romford Road comprise retractable canopies with low level railings and are not comparable to the appeal scheme before me. Nos 562-564 Romford Road appears to be comparable, however there is no bus stop in front of the fixed canopy structure. In any event, the fixed canopy appears bulky and dominant

¹ Application Reference: 21/02887/FUL

and does not contribute positively to the area and its presence is therefore not a reason, on its own, to allow further unacceptable developments.

13. It has been suggested that the proposal would improve the appearance of the area, by removing various items which currently occupy the frontage of the host property. However, I am not satisfied that the proposed canopy would be the only means of achieving this improved appearance and therefore it is not a reason on its own to allow the appeal.
14. Overall, I conclude that the proposed development would harm the character and appearance of the host property and the area. It would conflict with Policies D1, D3 and D4 of the LP and Policies S6, SP1 and SP3 of the NLP which collectively require developments to be of a high-quality design which enhances features of the borough. The proposal would also conflict with the Framework where it requires development to be visually attractive as a result of good architecture while being sympathetic to the surrounding built environment.

Conclusion

15. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR