



Appeal Decision

Site visit made on 10 October 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2023

Appeal Ref: APP/W5780/C/22/3308818

Land at 142 Ilford Lane, Ilford IG1 2LG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr K Patel against an enforcement notice issued by the Council of the London Borough of Redbridge.
- The notice, numbered E0558/21, was issued on 16 September 2022.
- The breach of planning control as alleged in the notice is without permission the erection of a front extension.
- The requirements of the notice are to: remove the front extension in its entirety.
- The period for compliance with the requirement is: the steps above to be complied with in full no later than 14th December 2022.
- The appeal is proceeding on the ground set out in section 174(2)(a) 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.

Decision

1. It is directed that the enforcement notice is corrected by:
 - the deletion of '14th December 2022' and the substitution of '2 months after this notice takes effect' as the time for compliance.
 - after requirement 1. in paragraph 5 add '2. remove all materials from the land relating to that extension and return the land to its previous condition'.
2. Subject to the corrections, 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.

The Enforcement Notice

3. I have a duty to ensure that the enforcement notice is in order. Under s176(1) of the Act, as amended, it is open to me to correct any defect, error or misdescription in the enforcement notice or to vary its terms provided I am satisfied that the correction or variation will not cause any injustice.
4. The enforcement notice contains a requirement to remove the front extension, but there is no requirement to remove all materials from the land relating to that extension or to return the land to its previous condition. I sought the parties' comments on whether the notice should be amended to this effect, and whether such a change may or may not cause an injustice. Based on these, I consider that amending the notice in this manner would not cause an injustice.
5. The time period for compliance is a specific date which the appellant cannot, in exercising their right of appeal, comply with, given that it has now passed. By changing the date to a time period i.e. two months it puts the notice on a proper footing. The two month time period is the same length of time as the dates specified on the notice, so no injustice will be caused as a result.

Reasons

The appeal on ground (a)

6. The main issue is the effect of the proposal on the character and appearance of the area.
7. The site relates to a two-storey end of terrace located on the corner of Ilford Lane and Howard Road. The ground floor is used for commercial purposes, with residential accommodation at first floor level. The appeal property forms part of a terraced row of properties. Ilford Lane is characterised by a mixture of uses split across ground and upper floors, with the ground floors containing a range of commercial uses and associated shop front designs.
8. The front extension projects forward of the terrace's established front building line, and in combination with its steel framed construction and the use of roller shutters for its façade, it has created an uncompromising form of development that does not reflect the character of the building or terrace that it forms part of. The extension may be subservient to its host, allow natural light to enter the premises when the roller shutters are up and use a flat roof to minimise its impact, but its dominant design is not high quality, and it has removed the openness to the front of the premises. I do not consider that it respects the local character of the area or makes a positive architectural and urban design contribution to this location.
9. Numerous other commercial premises benefit from awnings above their shop fronts, but these do not detract from the openness of their frontages or the pedestrian footway that they open out onto. There are also examples of extensions in front of shop fronts. Those at 116 to 130 Ilford Lane are part of a separate terrace, which have a mixture of front and side extensions that mean its front building line is not particularly strong. This terrace is also separated from the appeal site by a church.
10. The example at 94 Ilford Lane is not dissimilar to the front extension subject of the notice. However, I do not know how the extension at No 94 came to be and whether it benefits from planning permission. Even so, No 94 is a fair distance from the appeal property and there are various shop front designs and building lines along the part of the road around No 94. Therefore, it does not justify the harm that the proposal causes to the terrace's unaltered building line.
11. The example at 141-143 Ilford Lane is on the opposite side of the road to Nos 116-130 but viewed within the same part of the street. I do not know whether the front extensions at Nos 141-143 benefit from planning permission but their context and in particular the irregularity of front building lines is more varied than the appeal property.
12. The front extension at 243-245 Ilford Lane is a fair distance from the appeal property to the south and its projection forward of adjoining commercial units does not stand out bearing in mind the use of awnings nearby.
13. Accordingly, the examples referred to do not justify the harm that the appeal proposal causes to the character and appearance of the area. For these reasons, I conclude that the proposal harms the character and appearance of the area, and it conflicts with Policies LP26 and LP28 of the Redbridge Local Plan 2015 – 2030 and Policy D3 of The London Plan. Jointly, these policies, among other things, seek development to consist of high-quality details and

materials and respect the overall character of the building on which they are located, so that they respond to local distinctiveness.

14. Although the appellant refers to London Plan Policy D1 it is applicable to plan making rather than decision-making cases such as this.

Other Matter

15. I agree with the appellant that the front extension does not cause harm to existing residents' living conditions. Be as that may, it does not alter or outweigh the harm that the extension causes to the character and appearance of the area. Moreover, as there are no details before me in relation to the materials and means of construction used, or to substantiate the appellant's points that the proposal enhances the vitality and viability of the area, these matters do not weigh in favour or against the proposal.

Conclusion

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

Andrew McGlone

INSPECTOR