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# Appeal Decision

Site visit made on 7 November 2023

**by P Terceiro BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 January 2024**

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**Appeal Ref: APP/W5780/W/23/3319464**

**424 Cranbrook Road, Ilford, Redbridge IG2 6HW**

- 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 Ilir Gashi against the decision of the Council of the London Borough of Redbridge.
  - The application Ref 1471/22, dated 4 May 2022, was refused by notice dated 2 March 2023.
  - The development proposed is described as *front canopy*.
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## Decision

1. The appeal is allowed and planning permission is granted for a single storey front extension/canopy to enclose outdoor seating area at 424 Cranbrook Road, Ilford, Redbridge IG2 6HW in accordance with the terms of the application, Ref 1471/22, dated 4 May 2022, subject to the following conditions:
  - 1) The development hereby approved shall be retained in accordance with the following approved plans: Site Location Plan, 02 – As Built Elevations, 04 – As Built Plan, 06 – As Built Elevations and 09 – Roof Plans.
  - 2) Unless within six months of the date of this decision a Fire Strategy is submitted in writing to the local planning authority for approval, and unless the approved Fire Strategy is implemented within three months of the local planning authority's approval, the use of the extension shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within eight months of the date of this decision, the use of the extension shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved Fire Strategy specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

### **Preliminary Matters**

2. The description of development in the heading above has been taken from the planning application form. However, Section E of the appeal form provides a different description of development to that in the application form, albeit it indicates that the description has not changed. For clarity, I have used the description of development provided in the appeal form in my decision above, but have omitted any superfluous text that is not in itself development.
3. At the time of my site visit it was evident that the proposal had been constructed. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.
4. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my approach.

### **Main Issue**

5. The main issue is the effect of the proposed development on the character and appearance of the area.

### **Reasons**

6. The appeal site is a ground floor café located within a terrace which includes commercial uses on the ground floor with other uses above. The site is part of the retail parade of Cranbrook Road, which comprises a range of shops, services and restaurants, amongst others.
7. The site is located by the Gants Hill roundabout, between Eastern Avenue and the A123. The row of terraces is curved, as it follows the design of the roundabout and of these two roads. The pavement in this location is wide. Most of the units within the retail parade have their frontages flush with the pavement. However, during my site visit I observed some other units in the wider area such as on Cranbrook Road and on Woodford Avenue with awnings and front extensions. Although I appreciate that these are not in the immediate vicinity, they are nonetheless part of the retail parade and of its character.
8. Whilst the development introduces an additional feature into the street scene, it is limited in scale. The siting of the canopy is well positioned in relation to the host building and the building line echoes that of the parade. The design is appropriate to the use of the unit as a café and the development is externally finished in muted colours. As such, the development does not result in a conspicuous structure within the street scene.
9. Given the siting and overall modest scale of the canopy compared with the wide pavement, the development preserves key views around the perimeter of the roundabout. Therefore, the development does not appear incongruous nor at odds with the pattern of development along the retail parade.
10. In conclusion, the development is not harmful to the character and appearance of the area. The development accords with Policy D3 of the London Plan 2021 and with Policy LP26 of the Redbridge Local Plan 2015-2030, insofar as it

optimises site capacity through a design led approach and is high quality design.

### **Other Matters**

11. The Officer Report does not raise concerns in relation to live or amplified music and there is limited evidence before me to indicate that this takes place within the extension. As such, I am satisfied that the development does not result in greater noise and disturbance than that which would have occurred prior to the site being extended.
12. I note the evidence regarding smoke-free legislation. The Officer Report does not raise concerns in this regard. Furthermore, as the use of the extension in this respect concerns other legislation, this matter has not altered my overall decision.

### **Conditions**

13. A condition is necessary to require the development to accord with the approved plans, as this provides certainty and precision.
14. A condition securing the submission of a Fire Strategy is imposed to ensure that such a strategy is submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure approval and implementation of the Fire Strategy before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

### **Conclusion**

15. For the reasons given above, I conclude that the development complies with the development plan read as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, the appeal should succeed.

*P Terceiro*

INSPECTOR