



Appeal Decision

Site visit made on 6 February 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/G5750/W/23/3326803

491 Katherine Road, Forest Gate, Newham, London E7 8DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Farooq Hussain against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/00831/FUL.
 - The development is a retrospective application to retain existing shopfront, canopy and decking and rear roller shutter.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form, it is stated that the description of development has not changed but nevertheless, a different wording has been entered from that on the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application.
3. A shopfront extension incorporating decking and a canopy is on site, as is the roller shutter. Therefore, I have considered the appeal on a retrospective basis.
4. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. I have had regard to the revised Framework in so far as it is relevant to this appeal.

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the host property and the area.

Reasons

6. No 491 Katherine Road is an end-of-terrace property. It is located within an area of mixed character. Katherine Road and nearby Romford Road and Green Street contain many commercial properties. However, many of the streets beside these main roads predominantly contain residential properties. This includes Sherrard Road, on the corner of which the appeal site is situated.
7. The host property incorporates the remnants of an historic shopfront, some ornate detailing to some of its window surrounds, a chimney and it is largely constructed of brick with a slate roof covering. Therefore, the host property

- exhibits traditional design features which contribute positively to its character and appearance and the street scene.
8. Generally, the neighbouring properties within the terraced row that the appeal site forms a part and which face onto Katherine Road, are served by a front yard and their front elevations are set well-back from the highway. Although the structural framework design, canopy roof and substantial areas of glazing provides for a partly transparent appearance, the shopfront extension is nevertheless a significantly sized structure. Even though it is within the bounds of the host property's plot, the extension significantly projects forwards towards the highway which is at odds with the consistent set-back of the properties it adjoins on Katherine Road.
 9. By reason of its scale, the shopfront extension partly obscures from view the remaining historic shopfront detailing of the property. Principally owing to its aluminium framework material finish, the shopfront extension has a contemporary appearance. Although some of the materials utilised are, I accept, of high quality, I nevertheless find that the contemporary aesthetic displayed harmfully contrasts with the historic shopfront detailing.
 10. Together, the shopfront extension's scale, projection and detailed design detracts from the character and appearance of the host property and forms an unsympathetic addition to the street scene. I have been referred to other front extensions of varying design and quality within the area. However, I do not have the full circumstances that led to their erection before me and this limits the weight which I can attribute to them. Besides, I have set out the reasons why the particular shopfront extension in this case would be harmful.
 11. The roller shutter has a utilitarian appearance and is of quite considerable width and height. Situated at the back of the site, the roller shutter addresses Sherrard Road, rather than the commercial Katherine Road and is adjacent to a traditionally designed terraced row of residential properties. Although on this side, the host property contains other roller shutters, these are smaller in comparison and they are situated farther from the residential terraces. Given its size, appearance and its siting right next to residential properties on a street with a predominately residential character, the roller shutter is a harmfully unsympathetic addition to the area. In coming to this view, I acknowledge that there are a number of roller shutters in the local area but they are generally seen within a more commercial context and for the reasons I have set out, the particular siting and design of this roller shutter is inappropriate within its surrounds.
 12. For the above reasons, the development has resulted in unacceptably harmful effects upon the character and appearance of the host property and the area. Therefore, the development conflicts with policies D3 and D4 of the London Plan 2021 (LP) and policies S6, SP1, SP3, SP7 and SP8 of the Newham Local Plan 2018 (NLP). Amongst other matters, these policies seek to ensure that development delivers good design which responds positively to existing character and local distinctiveness and contributes towards place curation. The development also conflicts with the advice within the Framework which seeks to ensure that development is visually attractive, adds to the overall quality of the area and is sympathetic to local character.
 13. The Council's reason for refusal also refers to policy D1 of the LP and policy SP2 of the NLP. Policy D1 focuses principally upon processes to define an area's

character and capacity for growth whilst policy SP2 seeks to ensure healthy neighbourhoods. The content of these policies is largely irrelevant to this main issue and so I find no conflict with them.

Other Matters

14. The shopfront extension may serve a purpose of providing a location for customers to wait and its canopy allows for the space to be enclosed. However, I have no substantive evidence before me which demonstrates to me that prior to its erection, customers caused any particular problems if they congregated outside the premises on the footpath nor that they were put to any particular inconvenience. I also have no substantive evidence that, prior to the shopfront extension being developed, the area to the property's front suffered from excessive fly tipping. Moreover, it has not been shown to me that the shopfront the subject of the appeal was the only design option available to seek to remedy any such issues.
15. I have no reason to doubt that the existing business contributes in various ways to the local community. However, I have no compelling evidence before me of what detrimental effects would be wrought in the development's absence, nor of what the development's particular contribution towards broadening the range of commercial premises in the local area is.
16. Given these findings, the merits of the development which have been put to me are not sufficient to outweigh the harm I have identified in my main issue.
17. The Council's officer report articulated some concern that the roller shutter may be noisy. However, the Council's reason for refusal does not reference this matter. I have no compelling evidence that the roller shutter or the shopfront extension is causing any harm to the living conditions of neighbouring occupiers. Even so, this is a neutral factor in my determination and does not weigh in favour of the development.

Conclusion

18. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR