



Appeal Decision

Site visit made on 18 April 2024

by C J Leigh BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2024

Appeal Ref: APP/G5750/C/22/3312453

214 Kempton Road, East Ham, London, E6 2PB

- 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 Yashvant Ravalia against an enforcement notice issued by the Council of the London Borough of Newham.
 - The enforcement notice, numbered 21/00232/ENFC, was issued on 4 November 2022.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a front porch.
 - The requirements of the notice are:
 1. Demolish the front porch (as shown in edged yellow on the photograph attached at Appendix 1).
 2. On completion of step 1, remove all materials and debris from the site.
 - The period for compliance with the requirements is three months from the date the notice takes effect.
 - The appeal is proceeding on the ground set out in sections 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.
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Formal decision

1. The appeal is dismissed and the enforcement notice is upheld.

The appeal on ground (a) – the deemed planning application

2. The main issue in this appeal is the effect of the development on the character and appearance of the surrounding area.
3. I saw at my site visit there are ground floor extensions and projections to the front of many properties along Kempton Road. These vary in form and design, and the depth and width of many of these are similar to the porch at No. 214. However, a consistent element in the great majority of those extensions at other properties is that roof forms lie notably below the cill height of the first floor and are mono-pitched towards the street. This general uniformity contributes to the character of the area.
4. The porch at No. 214 differs: it has a dual-pitched roof that rises significantly above the height of projections at other properties. This height and roof design leads to an unduly prominent impression in views along the road, which is a discordant feature and harmful to the wider appearance of the area.
5. The appellant refers to other porches of similar scale, and provided photographs of certain properties. I do not have any details on location or the circumstances as to when those were built, and whether any have permission from the Council. In any event, from my observations at the site visit I saw

that the appeal property is within an area where porches of such scale and design are not common. I did, though, see the porch of similar design nearby at No. 194 and in its completed form it displays the shortcomings that I see at the appeal property: it is discordant and out of character with the consistency of the wider area. Hence, I do not consider that the few examples in the wider area should be used as a precedent to allow another porch that would be harmful to the area.

6. The development therefore harms the character and appearance of the area, which is contrary to Policies D3 and D4 of the London Plan 2021, and Policies SP1 and SP3 of the London Borough of Newham Local Plan 2018, which require designs to respond positively to local character and distinctiveness, and it would conflict with the recommendations in the London Borough of Newham Altering and Extending Your Home Supplementary Planning Document 2018.

Conclusion

7. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice 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

8. 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.

C J Leigh

INSPECTOR