



Appeal Decision

Site visit made on 5 November 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/B5480/W/24/3343875

223 Upminster Road South, Rainham, Essex RM13 9BB

- 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 Nimesh Patel against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1450.23.
 - The development proposed is the retention of metal shutter, increased opening hours on Saturday 08.30 - 15.00PM.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The metal shutter was in place at the time of my visit and reflected the submitted details. For clarity, I have dealt with the appeal based on the submitted plans.

Main Issue

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

Reasons

4. The appeal site is an end terrace property fronting Upminster Road South which contains a vehicle repair and tyre shop on the ground floor. The site has a vehicular access from Waverley Road to the side which was previously gated and now contains the metal shutter which is subject of this appeal. The surrounding area contains a mix of both residential and commercial uses. The generally consistent two storey form, with buildings being set back from the highway and features such as bay windows with front gable features contribute to the harmonious character of the built form in the area.
5. The metal shutter extends to a height of around 3.3m with a width of around 7.1m. Although it would be lower in height than the adjoining single storey extension, the shutter would exceed the extension's eaves height and thereby appears an incongruous addition in this context. This size, its dark metallic finish in combination with its positioning to the edge of footway in an area where buildings are generally in a set-back position, results in it appearing as a visually intrusive feature.
6. Although the shutter is separated from the nearby residential property by an alleyway, it is nevertheless very prominent in views along Waverley Road

where it results in material harm to the character and appearance of the surrounding area.

7. I therefore conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the area. As such, it would conflict with Policies 7 and 26 of the Havering Local Plan 2016-2031, which seek, amongst other matters, high quality design that respects and compliments the distinctive qualities and character of the site and local area.

Other Matters

8. The appellant has referenced the need for the shutter to be at the height proposed to allow large vans through. Although it has been set out that this forms a large part of the business, I have not been provided with any evidence of the proportion of this type of custom for the business and this matter therefore only attracts very limited weight.
9. A number of similar shutters are in place locally on commercial/business premises which have been referenced as being near residential properties. These referenced examples are however on busier roads with the shutters seen amongst a range of other uses, unlike the proposed development which is mainly seen in views along the predominantly residential Waverley Road. As such, I do not consider that these referenced examples are comparable to the proposal, which I have dealt with on its own merits.
10. The Council has raised no concerns in relation to the extended opening hours on a Saturday subject to the imposition of conditions. I have no reason to disagree. This does not however outweigh the harm that I have identified on the main issue.

Conclusion

11. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the National Planning Policy Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR