



Appeal Decisions

Site visit made on 4 December 2024

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2024

Appeal A Ref: APP/W5780/C/23/3325956

Appeal B Ref: APP/W5780/C/23/3325935

692-694 Chigwell Road, Woodford Green IG8 8AL

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended (the Act).
 - The appeals are made by Mr Ali Melin of Melin Enterprises Ltd (3325956) and Mr Savinderjit Kalsi of Forte Enterprises (South East) Limited (3325935) against an enforcement notice issued by the Council of the London Borough of Redbridge.
 - The notices were issued on 15 June 2023.
 - The breach of planning control as alleged in the notice is without planning consent, the construction of external higher walling around the existing flat roof, and that above the main entrance, as well as the construction of an unauthorised side extension and use of exterior stone cladding in the Woodford Bridge conservation area.
 - The requirements of the notices are to:
 - i. Remove the external higher walling including that above the entrance and bring back to the original roof height; and
 - ii. Remove the unauthorised side extension on the eastern side; and
 - iii. Remove the external cladding; and
 - iv. Clear all materials and debris from the site.
 - The period for compliance with the requirements is six months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a) and (g) of the Act. 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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Appeal C Ref: APP/W5780/W/23/3340731

692-694 Chigwell Road, Woodford Green IG8 8AL

- 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 Sagar Parvez of Kyto Group Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 2429/23.
 - The development proposed is described as "part retrospective lowering of as built parapet wall on western side with the reduction of height of the as built side extension to match the original level of the parapet wall of the western side. In addition to this a proposal to change the plastic cladding to brick on the newly built side extension. retention of marble cladding. retention of side extension to form kitchen area of 61m2 on ground floor".
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Appeal D Ref: APP/W5780/W/23/3320187

692-694 Chigwell Road, Woodford Green IG8 8AL

- 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 Ali Melin of Melin Bar and Restaurant against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 2761/22.
 - The development proposed is described as "erection of a side stand to accommodate an enlarged kitchen space with the provision of the ground floor side to be used as refuse store."
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Decision

Appeal A

1. It is directed that the enforcement notice is varied in Section 6 by deleting "6 months" and substituting instead "18 months".
2. Subject to the variation the appeal is dismissed, and the enforcement notice is upheld.

Appeal B

3. It is directed that the enforcement notice is varied in Section 6 by deleting "6 months" and substituting instead "18 months".
4. Subject to the variation, the enforcement notice is upheld.

Appeals C and D

5. The appeals are dismissed.

Preliminary Matter

6. At the time of my site visit, there were air conditioning units located on the extension to the east. Whilst these air conditioning units are detailed in the Councils amended description of development for planning application ref 2761/22, they were not included in the appellants original description of development, nor are they detailed on the proposed plans. The air conditioning units do not form part of the enforcement notices. There is minimal evidence from any of the main parties in terms of whether there is support or objection to these air conditioning units. On this basis, the air conditioning units do not form part of my assessment of these appeals.

Appeal A – ground (a), and Appeals C and D

7. The ground of appeal for appeal A, is that planning permission ought to be granted for the matters alleged in the notice. The proposals in appeals C and D are similar to matters alleged in the notice with the primary concern with appeal C being the cladding to the extension to the west and the concerns with appeal D being with the extension to the east. I have considered each appeal on its individual merits. However, to avoid duplication I have dealt with the appeals together, except where otherwise indicated.

Main Issues

8. The main issues are whether the alterations preserve or enhances the setting, character and appearance of the Woodford Bridge Conservation Area and nearby listed buildings and the effect of the alterations on the living conditions of occupiers of neighbouring properties in respect of noise.

Reasons

Conservation Area and Listed Buildings

9. The appeal property lies within the Woodford Bridge Conservation Area (WBCA). The grade II listed buildings of 637-641, 643, 645 and 647-649 Chigwell Road, as well as Church of St. Paul are all within close proximity to the appeal site.

10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Also, in accordance with the duty imposed by Section 72(1) of the LBCA Act I am required to pay special attention to the desirability of preserving or enhancing the character of the conservation area. Moreover, paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
11. The WBCA, particularly within close proximity to the appeal site, is characterised by a mix of uses including commercial and residential. The buildings are mainly modest two storey structures with traditional materials of brickwork and render. In my view the significance of the WBCA is derived from the architectural character, design and materials of the buildings collectively.
12. The grade II listed buildings of 637-641, 643, 645 and 647-649 Chigwell Road, located directly opposite the appeal site, were built in the 18th Century being two storey. They are a mix of render and brick buildings with slate and pantile roofs as well as timber sliding sash windows. The grade II Church of St Paul listed building on Manor Road was constructed around 1860 and is decorated gothic of grey stone, coursed rubble, nave and chancel with steep pitched roof, side aisles with shallow buttresses. These listed buildings both individually and collectively have historical and architectural significance within the area.
13. Although the appeal property is not a listed building, its architectural design and scale positively contributes to the character and appearance of the WBCA and the surrounding listed buildings. The appeal building sits in a prominent location amongst the built form and plays an important role in the significance of the setting of the grade II listed buildings and within the WBCA.
14. The cladding on the west extension, due to its colour and texture, is an intrusive material which detracts from the character and appearance of the surrounding area. It differs significantly from the existing material palette of buildings in the area and does not respect or compliment the architectural character of the surrounding built environment. The cladding does not blend in with the appearance of the main appeal building having a compromising effect on the traditional character of the overall appeal property.
15. The higher walling to the west extension unbalances the appearance of the building. The additional walling to the top of this extension given its scale and height makes the building a discordant structure that has an adverse effect on the character and appearance of the appeal building and surrounding locality.
16. The side extension to the east of the building is an incongruous structure given its siting and materials which includes the glass balustrades. The design and colours of the extension are not in keeping with the appeal property or the surrounding area, detracting from the historic environment. I note the existing boundary treatment in front of the side extension as well as existing rear extensions to property 696-702 Chigwell Road. Nevertheless, the side extension is prominent and highly visible in the street scene and the gap between the existing properties has been removed which is to the detriment of the surrounding built form.

17. I find that the additions do not preserve or enhance the setting, character and appearance of the WBCA or the nearby listed buildings. The additions are in conflict with Policies LP26 and LP33 of the Redbridge Local Plan and Policies D3 and HC1 of the London Plan which seeks the promotion of high-quality design and ensure heritage assets are conserved, protected and enhanced.
18. The additions are harmful to the WBCA and the setting of the nearby listed buildings, and thereby the significance of the heritage assets. Nevertheless, I consider the harm to be less than substantial and in accordance with paragraph 208 of the Framework, that harm should be weighed against any public benefits of the development.
19. The appellant states that the development does offer public benefit by ensuring the sites ongoing and viable operation as a business, which contributes to local employment and fosters social interaction within the community. Whilst this may be the case, no substantive evidence has been submitted to convince me that the removal of the additions would adversely affect the ongoing and viable operation of the business. Minimal weight is attributed to these public benefits which do not outweigh the cumulative harm to the WBCA and the nearby listed buildings which I have identified above.
20. The additions would, therefore, fail to sustain or enhance the setting, and thereby the significance of, the designated heritage assets. They would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.
21. I have had regard to the appellants statement of case as well as the submitted Heritage Statement which determines that the development addresses a post construction feature of a building with a century of modifications tailored to its function as a pub and restaurant. The current form of the appeal building has been shaped by previous planning applications including extensions, fenestration alterations, boundary installations, and blending traditional and modern elements. The appellant also argues that the cladding is an improvement to the previous white render that was on the building. These matters, however, do not alter my findings above and the harm that is caused by the additions.

Living conditions

22. The Council are concerned that the roof of the west extension will be used by customers of the restaurant and therefore the effect this would have on the living conditions of occupiers of neighbouring properties in terms of noise.
23. Whilst there are doors leading onto the roof of the west extension, the submitted plans do not indicate that the roof is to be used as space for customers. The appellant also confirms in their statement of case that the roof is not to be used by customers.
24. From the evidence before me, I am satisfied that the west extension roof is not used by customers at present. Subsequently, the living conditions of occupiers of neighbouring properties are not harmed in terms of noise.

Conclusions

25. I have found that the alterations do not compromise the living conditions of neighbouring occupiers. This matter, however, does not outweigh the harm I have identified with regards to the effect on heritage assets.
26. The unauthorised development described in the notices of appeal A and the proposals in appeal C and D conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweighs this finding.
27. For the reasons given above, I conclude that appeal A on ground (a) fails and appeal C and D should be dismissed.

Appeals A and B – ground (g)

28. Ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellants seek a maximum of 18 months rather than six months to comply with the requirements of the notice.
29. The appellants, for appeal B, case for ground (g) is that there are legal issues including ownership of the appeal property which would affect the period to comply with the requirements. The Council have accepted this case and confirm that they consider 18 months to be an acceptable period for compliance. In light of these circumstances, 18 months is therefore considered to be a reasonable time for compliance.
30. The appeals on ground (g) therefore succeed and I have varied the enforcement notice accordingly.

Chris Baxter

INSPECTOR