
Appeal Decisions

Site visit made on 28 March 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal A Ref: APP/B5480/W/24/3353116

3 Fairview Parade, Mawney Road, Romford RM7 7HH

- 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 Erjon Lushi against the decision of the Council of the London Borough of Havering.
 - The application reference is P0842.24.
 - The development proposed is described as a retrospective application to retain a front structure with retractable awning roof and two front fascia signs.
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Appeal B Ref: APP/B5480/Z/24/3353117

3 Fairview Parade, Mawney Road, Romford RM7 7HH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulation 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Erjon Lushi against the decision of the Council of the London Borough of Havering.
 - The application reference is A0020.24.
 - The development proposed is described as a retrospective application to retain a front structure with retractable awning roof and two front fascia signs.
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Decisions

Appeal A Ref: APP/B5480/W/24/3353116

1. The appeal is dismissed.

Appeal B Ref: APP/B5480/Z/24/3353117

2. The appeal is dismissed.

Preliminary and procedural matters

3. Appeal A seeks planning permission for a single storey structure with a retractable awning roof at the front of the appeal property. Appeal B relates to the display of 2 projecting signs on the front elevation of the main building. Although there are 2 separate appeals before me to determine, both relate to the same property and a main issue is broadly common to both cases. I shall, therefore, deal with the appeals together in one letter albeit under separate subheadings, for clarity.
4. The proposals in each appeal are in place, and these appear to be generally in accordance with the submitted plans.
5. Retention is not an act of development under the above Planning Act. I have assessed the appeals as seeking planning permission and advertisement consent, retrospectively.

6. On 12 December 2024, a revised National Planning Policy Framework (the Framework 2024) was published with an amendment issued on 7 February 2025. The Framework 2024, as amended, does not raise any new matters that are determinative to the outcome of these appeals.
7. In Appeal B, reference is made to various planning policies and guidance, to which I have had regard as relevant considerations. Powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. In my determination of Appeal B, the planning policies and guidance have not therefore by themselves been decisive.

Main issues

8. In Appeal A, the main issues are the effect of the development on the character and appearance of the local area and on the living conditions of the occupiers of nearby residential properties with particular regard to smell and potential noise and general disturbance.
9. In Appeal B, the Council raises no objection in relation to public safety. From the submitted evidence, I have no reason to disagree with that finding. The main issue is, therefore, the effect of the advertisements on the amenity of the local area.

Reasons

Appeal A: the front structure

10. A restaurant operates from the appeal premises, which is a ground floor unit within a 2-storey, mid-terrace property. At the front of No 3 is a part glazed structure with a retractable roof that provides an additional seating area for customers. It is this structure that is the subject of Appeal A.
11. No 3 forms part of a parade with retail and commercial units on the ground floor, some of which include flats above. The parade is set back from the road behind a footway and a forecourt that is largely used for vehicle parking.

Issue 1: Character and appearance

12. The appeal structure extends across the full width of the appeal premises and outwards from the main front wall towards the back edge of the footway. It is, therefore, a sizeable addition. By stepping forward of the main building, the appeal structure is also a highly conspicuous feature of the wider terrace. With its black metal frame, large-glazed units and a retractable roof, the appeal structure has a substantial, semi-permanent presence in the local street scene.
13. When seen from Mawney Road, in both directions, the appeal structure draws the eye due to its size, design and prominent position. In these views, the appearance of No 3 markedly contrasts with the largely open frontages of the other units within the same terrace, which follow a similar front build line and face onto a forecourt that is generally free of built structures. In that context, the appeal structure is a visually disruptive, uncharacteristic and unwelcome addition to the local area.
14. On the first main issue, I therefore conclude that the appeal structure is out of keeping with the character and appearance of the local area. Accordingly, the development conflicts with Policy 26 of the Havering Local Plan 2016-2031 (LP).

This policy promotes high quality design and supports development that, amongst other things, respects, reinforces and complements the local street scene.

Issue 2: Living conditions

15. According to the appellant, the restaurant operates between 0600 and 2300 hours, 7 days a week. As the appeal structure might be used as an additional seating area during these times, it could generate some noise and activity from customers well into the evening or early in the morning. It is at these times that residents of the nearby flats are more likely to be at home and reasonably expect quieter conditions in which to relax and sleep.
16. In its position at the front of No 3, noise from customers talking and smells from cooked food could drift towards the nearby flats within the same terrace. During summer months, the effects of noise and odour would be more pronounced if the roof of the appeal structure is pulled back or the windows are left open to allow ventilation. In the absence of any detailed evidence to demonstrate otherwise, such as a noise and odour assessment of the proposal, I consider that the use of the appeal structure would materially harm local residents' reasonable enjoyment of their homes.
17. I acknowledge that some of the commercial and retail outlets within the same parade as No 3 have opening hours that extend into the evening, including the adjacent food store. No 3 also fronts Mawney Road, which is a busy highway. Consequently, a degree of noise is to be anticipated for residents of such areas. Even so, residential occupiers are still entitled to a reasonable standard of amenity.
18. The question then arises whether a balance can be struck that would limit the use of the appeal structure by, for instance, restricting the number of people within this area or the hours in which they may do so. The appellant has also offered to comply with a condition that requires the windows and roof of the appeal structure to remain closed during certain hours. However, smells and noise could still occur, and it may also be difficult to enforce these restrictions, as the Council points out.
19. Given the proximity of the flats within the same terrace as No 3, it seems likely to me that, whatever the efforts of the appellant, there is a reasonable prospect of a significant nuisance arising from the smells, noise and general activity of people using the appeal structure. On the second main issue, I conclude that there is insufficient evidence to conclude that the use does not unduly harm the living conditions of nearby flats. Accordingly, the development conflicts with LP Policies 7 and 34 insofar as they aim to safeguard residential amenity.

Appeal B: the advertisements

20. Two internally illuminated signs project outwards from the front elevation of the main building just above the appeal structure. These signs are circular and include letters and an image on a black background. With two signs, each being significant in size and occupying a prominent high-level position, these are repetitive and conspicuous features of the host building. The presence of these signs would be particularly evident when illuminated during darker mornings and evenings in the winter months. As the only examples of projecting signs above shop fascia level within the same terrace, the appeal advertisements are visually intrusive, and they unacceptably harm the visual amenity of the local area. Restrictions on the

intensity of illumination and the times in which the signs could be illuminated would not effectively mitigate their harmful impact.

21. Being noticeable reflects a main purpose of the advertisements, which is to attract the attention and potential custom of passers-by. In doing so, the signs promote the appellant's business. No 3 is also part of an established terrace containing retail and commercial uses upon which advertisements are an expected feature of the local street scene. From what I saw, projecting signs are also a common feature within Romford town centre. However, an appropriate balance needs to be struck between allowing occupiers and advertisers to engage with prospective customers and safeguarding the visual character of the local area. In this case, the elevated position and illumination of the signs emphasise the presence of the advertisements and draw undue attention to signage that is a discordant feature at this location.

Other matters

22. I appreciate that seating to the front of a café or restaurant is typical within a town centre, and it can serve to promote the wider aims of increasing footfall and improving the vitality of the business and the local area. Providing an area for customers that is enclosed or partly open allows the business to adapt to different weather conditions. However, these matters do not outweigh the significant harm that I have identified.
23. Interested parties raise several additional concerns including the effect on highway safety, vehicle parking, privacy and the prospect of setting a precedent for others to follow suit. These are important considerations, and I have taken into account all the submitted evidence. However, given my findings on the main issues in each appeal, these are not matters that have been critical to my decision.

Conclusion

24. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that each appeal should be dismissed.

Gary Deane

INSPECTOR