



Appeal Decision

Site visit made on 22 July 2025

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/G5750/C/23/3332070

Land at 681 Romford Road, Manor Park, London E12 5AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Mohammad Shahid Ullah (Moon Chai Nan and Coffee) against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 11 October 2023.
 - The breach of planning control as alleged in the notice is the erection of a front extension.
 - The requirements of the notice are to:
 1. Demolish the front extension (as shown in the approximate location edged in blue on the attached plan, and as shown edged in 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.
 - The appeal is proceeding on the ground set out in section 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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Decision

1. 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.

Preliminary Matters

2. By the time of my site visit, the front extension had been removed, and the Council has confirmed that the enforcement notice has been complied with. Nevertheless, s181(1) of the 1990 Act provides that compliance with any of the requirements contained in an enforcement notice shall not discharge the notice. If the requirements are complied with but there is a later breach of them, s181(1) and (2) mean that remains enforceable under s179 of the 1990 Act.
3. The appellant asserts that he was forced to remove the structure by the Council, even though an appeal had been made against the enforcement notice. However, the appellant has provided a photograph of a notice of forfeiture at the property, which is separate from the planning process and is evidently concerned with the Council's role as lessor (rather than as local planning authority), and the appellant's role as lessee. The forfeiture notice is not therefore a matter for this appeal.

Main Issues

4. The main issues are the effect of the development on:
 - the vitality and viability of local and town centres; and

- the character and appearance of the area.

Reasons

Vitality and viability

5. Newham Local Plan (2018) (LP) Policy INF5 states, amongst other things, that town centre uses will be directed to the designated Town and Local Centres first as appropriate to their scale and that the consolidation of existing commercial and community uses into defined centres of an appropriate scale will be encouraged. The policy justification explains that a key component of the policy is that town centre related investment should be focused into centres, where that focus means it can have maximum effect on vitality and viability in terms of spend and qualitative impact, and that a clear corollary to this is that existing out of centre development should be encouraged to either fall away, or re-locate into centres.
6. The appeal site does not fall within a designated town or local centre. The ground floor is used as a café/restaurant, which is a main town centre use as defined by the National Planning Policy Framework. Proportionately, the front extension would have significantly increased the floorspace of the premises and the amount of covers available to customers. Such an enhancement of the café/restaurant amounts to a town centre related investment in the property and the likelihood of it competing with existing comparable town centre businesses.
7. In support of its position, the Council has sought to draw my attention to an appeal decision¹ relating to the provision of additional retail capacity, through the erection of a front structure at No 696 Romford Road. In that case, the Inspector found that the development would likely *“result in a reduction in patronage and turnover of such premises within designated town and local centres as well as reduce foot fall to these locations due to consumers procuring goods at the appeal property instead of travelling to a designated centre.”*
8. The Inspector goes on to note that the *“incremental effect of these types of development would be likely to have a detrimental effect on the strategic commercial centres if they are allowed to go unchecked.”* Those conclusions can be similarly applied to this appeal, albeit through patronage of the café/restaurant, rather than the procurement of goods.
9. I therefore find that the development would likely contribute to adversely affecting the vitality and viability of local and town centres, contrary to LP Policies INF5, SP1, SP6, SP7 and S6, and London Plan Policies SD6 and SD7. Those policies highlight, amongst other things, the importance of consolidating ribbon developments of commercial and community uses into defined Local and Town Centres and Local Shopping Parades.

Character and appearance

10. The appeal site sits within an area characterised by a mix of properties of varying types, design and ages. No 681 sits at one end of a 1960s block of development, set back from the adjacent building line and the back edge of the footway.
11. The pre-existing front extension ran to the full width of the property, with a footprint largely colonising its front forecourt area. Although it would have been partly

¹ Appeal Ref: APP/G5750/C/21/3285798

obscured by the projecting building line to the southwest, it would have been highly prominent and unduly obvious when approaching the site from the opposite direction, and in views from the opposite side of the road. Because of its makeshift design and construction and busy, cluttered appearance, it would have amounted to a very poor form of development, having little or no regard to the built context in which it was viewed. Moreover, although the photograph attached to the notice shows that the extension was partly open in nature, the main shopfront would have been largely obscured by that harmful form of development.

12. In views from the northeast in particular, the extension would also have been seen in combination with the Earl of Essex public house, which is a grade II listed building situated on the opposite side of the road that is finished in red brick with contrasting stucco architectural features and detailing, including octagonal corner tower and oriel window with octagonal turret and tented spire.
13. I appreciate that there is variety to the style of buildings within its context, but the poorly designed, makeshift appearance of the appeal extension would have degraded the street scene and appeared in stark contrast to the attractive and highly decorative style of the listed building, thereby detracting from its setting.
14. Given the high position of the Bovril mural, the presence or otherwise of the extension is unlikely to make a difference in terms of protection from vandalism.
15. The appellant's case provides photographic examples of what he describes as a proliferation of this type of development along the entire road. However, I saw no reasonably comparable structures along the stretch of the road in which the appeal site sits and where the extension would have been primarily seen and experienced.
16. Moreover, as pointed out by the Council, the Inspector for the above referenced appeal found that:

"The presence of similar developments within the surrounding area, of which the appellant suggests several of these are of a poor quality, does not provide justification for the unauthorised development in question, and if anything, their presence points to a need for such proposals to be carefully controlled if the character and appearance of the area is to be safeguarded."
17. I fully agree with those findings, so the examples cited do not serve as precedent for allowing that before me.
18. In the appeal form the appellant sets out his ground (a) appeal as *"Property in use for several years. Not used. Not looked after by local authority."* The first two sentences appear to contradict each other and, even if the property was not looked after by the Council in its capacity as landowner, it does not justify allowing the harm that would have arisen from the pre-existing front extension.
19. I therefore find the development would, if reinstated, result in unacceptable harm to the character and appearance of the area, contrary to London Plan Policies D1 and D4 and LP Policies SP1, SP3, and SP8. Those policies seek, amongst other things, to reinforce or create positive local distinctiveness, whilst securing integration and coherence with the local context.

Conclusion

20. For the reasons given above, I conclude that the appeal development is contrary to the development plan as a whole, and that material considerations do not indicate that the appeal should be determined otherwise than in accordance with the development plan. The ground (a) appeal should not therefore 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.

Richard S Jones

INSPECTOR