



Appeal Decision

Site visit made on 26 August 2025

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/G5750/W/25/3368590

4 - 6 Constance Street, North Woolwich, London E16 2DQ

- 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 Das and Mr Yusuf Dugan against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/01445/FUL.
 - The development proposed is described as *'Enclosure of an existing covered verandah to form a new shop area for fruit and vegetables.'*
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - i) Whether or not the proposed shop area would have an adverse impact on the vitality and vibrancy of the Borough's existing local and town centres, and;
 - ii) The effect of the proposed development on the character and appearance of the area.

Reasons

Impact on town centres

3. The appeal site comprises commercial units occupied by a grocery store located on the eastern side of a cul-de-sac on Constance Street. The site is within what the Council define as a 'Local Shopping Parade'¹ located on the ground floor of a mixed-use apartment building. The area is characterised with similar residential apartment blocks. The site is located within the residential areas between the A112 to the south of the site and Hartmann Road (which also serves London City Airport) to the north.
4. The proposal seeks permission for an extension to the shopfront to create a veranda with two roller shutters. The extension would stretch the full width of the site, and would be finished in rendered cement blocks and red face bricks to match the existing. This extension would expand the internal area of the shop in order to provide floor area for the sale of fresh fruit and vegetables.

¹ See Officer's Report, page 1

5. As detailed within the Appellant's Appeal Statement, the proposal would enable the provision of such items in what they consider is a significant availability gap in this location. In the absence of evidence to the contrary from the Council, there is little in the evidence before me to dispute this claim by the Appellant. As such, it appears as though the service provided by the existing retail unit is an important local community facility; where residents can travel a short distance on foot to purchase convenience goods.

6. The Council consider that as the proposal is not within a designated Local or Town Centre, the intensification proposed would harm the vitality and vibrancy of the Borough's Local and Town Centres. However, the proposed extension in this case is fairly modest. Whilst it would enlarge the floor area of the existing retail unit, to most observers it would remain as a relatively small local convenience shop. Furthermore, the *Newham Local Plan 2018* at Policy INF5, supports the:

'The need to retain, and exceptionally create isolated shops together with small groups of shops which contribute to 400m accessibility benchmarks, but which are not in areas suitable for local centre scale growth, for retail use only, designating them as Local Shopping Parades – as set out in Table 13 below and on the Policies Map – and Protected Isolated Shops;'

7. Whilst it is unclear as to which specific 'Local Shopping Parade' area the proposal would fall into under the Table 13 definition within the Policy, it remains clear that the general thrust of the Policy seeks to support both Local Shopping Parades (which the Council indicate they consider the site is within) and 'protected isolated shops'. The latter do not appear to be specifically defined. However, the supporting text of Policy INF5 set out at Paragraph 6.66 states:

'Conversely, some groups of shops are found to be very limited in their offer and locational potential and hence scope for growth to include other community uses, but from a food access perspective, together with other clusters, they fill an important local role, where larger defined Local or Town Centres are further away. This is the justification for the lower-level designation of Local Shopping Parade (LSP), with concern to protect retail rather than allow deterioration to a collection of hot food takeaways, as risks happening in some. The evidence base detailed in the 2014 paper Evidence Base - Local Shopping Parades, and the Options Appraisal (2015) sets out the justification for the designations and an analysis of the form and function of the parades.'

8. Furthermore, there is a paucity of evidence provided by the Council which demonstrates how the provision of around 48sqm proposed² for what is a local convenience store would result in a change of shopping habits to an extent that would be realistically detrimental to Local or Town centres. The reality is that for larger or monthly food purchases residents may choose to visit a large supermarket. However, for smaller daily or weekly purchases a convenience store, such as that in this case, would typically be the choice for most people. In this light, I find that the proposal (which already provides a retail shop) would not have a demonstrable adverse impact on the vitality and vibrancy of the Borough's existing local and town centres.

² As detailed on the Application form

9. Accordingly, I find that the proposal would accord, insofar as they relate to this issue, with Policies INF5, SP1 and SP6 of the *Newham Local Plan 2018*, which, amongst other aims cited above, seek to ensure that development proposals will be supported where they help transform the borough and its attractiveness as somewhere to live, work and stay. It would also accord with the Policies set out in Chapter 7 of the *National Planning Policy Framework* (the Framework) which seek to support the role that town centres play at the heart of communities.

Character and appearance

10. The existing shop front comprises stallrisers with large single glazed area windows on top, and with fascia boards with the shop name above, and set underneath the existing canopy which runs across the whole terrace of shop frontage. Access is gained via a glazed metal framed sliding door.
11. The proposal seeks the erection of two rows of six over six windows and two rows of two over two windows with two inset roller doors. The windows would be situated on what appear to be a course of concrete blocks or brick (coloured a sandy colour on the submitted drawings). It is unclear as to the finish of these given that the Application Form only refers to White double glazed uPVC windows and cream coloured metal roller shutters. Nonetheless, this design would be at odds with the existing design of the shop front; with no stallrisers for example.
12. It is also unclear as to how this space would be secured when the shop is closed – for example at night. Whilst there would be roller doors on the external entrances, it is unclear as to whether the fruit and veg would be stored away overnight elsewhere, or whether it would be left and how the area would be secured. It may well be the case that some form of signage would be put in the proposed windows; but these details are not put forward on the submitted drawings. As such, the logical assumption is that the windows would not be covered or have any form of securing over them when the shop is closed.
13. It is also unclear as to how the proposed floor area is envisaged to flow; with two entrances/exits into and out of the proposed area but only one into the shop itself. This is compounded by the limited visibility possible from the counter area to the proposed area owing to the screening affects of existing displays in the current windows. Whilst I note that no objections were received from the Council's Urban Design and Conservation Officers, and no comments made by the Metropolitan Police in terms of designing out crime in this scheme, aspects such as these indicate a poor or unclear design in this case.
14. I note that the Appellant points to other examples where this type of development has been used successfully; such as in Newham, Tooting, West Ham and other places. I have not been provided with the full details of those other examples. But in any case, the proposal for which permission is sought here would not reflect good design in that it would not reflect the shop front vernacular in this location.
15. As such, the proposal would have an adverse effect on the character and appearance of the area. Accordingly, it would conflict, insofar as it relates to this issue, with Policies D3 and D8 of the London Plan, and Policies SP1 and SP3 of the *Newham Local Plan 2018*, which, amongst other aims, seek to

ensure that developments enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape.

16. The proposal would also conflict with Policies set out in the Framework, including at Paragraph 131, which sets out that:

'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Conclusion

17. Whilst I have not found conflict in terms of town centre policies, I have found harm arising in terms of the character and appearance of the area. This is harm which I consider would outweigh the potential healthy eating and retail choice benefits of the proposal in this case.
18. When the development plan is considered as a whole, I find that the proposal would not accord with it, and there are no material considerations which indicate a decision otherwise in accordance with the adopted development plan.
19. For the reasons given above the appeal should be dismissed.

C Parker

INSPECTOR