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## Appeal Decision

Site visit made on 3 February 2026

by **Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2026

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**Appeal Ref: APP/Z5060/C/24/3347470**

**Land at the front of 275 and 277 Oxlow Lane, Dagenham RM10 7YU**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mr Nadeem Karim against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham.
  - The notice was issued on 11 June 2024.
  - The breach of planning control as alleged in the notice is 'Without planning permission, the unauthorised development of a metal framed structure at the front of the shops.'
  - The requirements of the notice are:
    - Remove the metal frame structure at the front of 275-277 Oxlow Lane, in its entirety.
    - Remove all subsequent waste material from land.
  - The period for compliance with the requirement is 3 months after this notice takes effect.
  - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended) (the 1990 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 1990 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 Matter

2. Since the appeal was submitted, the London Borough of Barking and Dagenham Local Plan 2020-2037 (2024) (Local Plan) has been adopted. As a result, the policies that are cited in section 4 of the enforcement notice have been superseded. The Council has stated that the relevant policies in the Local Plan are DMD 1, DMD 5 and DMSI 3. The main parties have been given the opportunity to comment on this during the appeal process.

### Appeal on Ground (a) and the Deemed Planning Permission

3. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issue** is the effect of the development on the street scene.

### Reasons

4. The appeal relates to a hard surfaced forecourt area that sits in front of a small parade of three storey brick-built ground floor commercial units with residential flats above. It is located in an area that is characterised by a mixture of commercial, community and residential uses.

5. Most buildings on the northern side of Oxlow Lane are set back from this highway and follow a broadly linear building line. These factors, along with the low front boundary walls and fences, or open frontages give this part of Oxlow Lane a relatively well-ordered spacious layout and appearance. Furthermore, the properties on this side of the road have not been extended outwardly from their front elevation and have a common solidity of appearance as the predominant building materials are brick and render.
6. However, the use of the contrasting basic metal frame materials, when combined with the development's projection into the forecourt, has disrupted the building line to the extent that it has resulted in a jarring and conspicuous feature that is at odds with the brick materials of the appeal property and parade. Whilst no footways have been obstructed, it also erodes the spacious qualities of this part of the road.
7. I have been made aware that the metal framed structure was installed with the intention of creating an outside seating area for No 275 and 277 and I have been provided with the plans that are to be included in the submission of a retrospective planning application for this. The value of this potential development to the local community and benefits to the vibrancy of the area and the local economy have also been mooted. However, the deemed planning application is made in respect of the unauthorised development as referred to within the enforcement notice. As such, I can only take into consideration the metal framed structure and not any potential future development or any benefits that may be derived from it.
8. Accordingly, I find that the metal framed structure has an unacceptably harmful effect on the street scene. As such it conflicts with Local Plan Policy DMD 1 which seeks, amongst other things, high quality design that makes a positive contribution to the character of the surrounding area. Whilst the Council has also referred to Policies DMD 5 and DMSI 3 of the Local Plan, these are concerned primarily with householder extensions and managing nuisance so are not directly applicable to this appeal.

## **Conclusion**

9. The development conflicts with the development plan and there are no other considerations to warrant taking a decision otherwise than in accordance with it. For the reasons given above, I conclude that the appeal should not 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

*Mark Caine*

INSPECTOR