



Appeal Decision

Site visit made on 10 March 2026

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

an Inspector appointed by the Secretary of State

Decision date: 25 March 2026

Appeal Ref: APP/G5750/C/24/3341442

Land at 30 Broadway, Stratford, London, E15 4QS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Detar Hekuri against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 28 February 2024.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a first floor extension.
 - The requirements of the notice are to:
 1. Demolish the first floor 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) and return the affected elevation of the property to its form prior to the unauthorised works being undertaken.
 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 grounds set out in section 174(2)(a) and (g) 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. It is directed that the enforcement notice is varied by the deletion of three months and the substitution with six months as the period for compliance.
2. Subject to the variation, the enforcement notice is upheld.

Main Issues

3. The main issues are the effect of the development on the:
 - character and appearance of the area, including whether the development preserves or enhances the character or appearance of the Stratford St John's Conservation Area; and
 - the amenities of the users of the neighbouring property with particular regard to outlook, light and privacy.

Reasons

Character and appearance

4. The appeal property falls within the Stratford St John's Conservation Area. As highlighted in the Character Appraisal and Management Proposals for the same (CAMP), the special interest of the area is derived from the survival of its irregular pre-industrial plan form, which forms a wishbone shape around the centrepiece of St John's Church and the trees in its churchyard. The townscape is bolstered by

the prominence and quality of its nineteenth century landmarks, most notably the church, No 63 Broadway, the Old Town Hall and the Old Magistrates Court.

5. The appeal site is situated on Broadway, which is a wide thoroughfare giving prominence to the buildings on each side of it as well as the landmarks in the middle. The appeal relates to a first floor front extension to a two storey commercial premises in use as a restaurant, with ground and first floor level seating. The extension is utilised to provide additional seating to the first floor area.
6. The site forms part of a long two-storey building constructed in dark grey brick, featuring a ground-floor colonnade with recessed commercial frontages and an upper storey articulated by alternating solid (painted) brick projections and recessed façades with horizontal banding with windows. Those features combine to create a clear and deliberate architectural rhythm to the block.
7. The first floor extension occupies part of one of the recessed areas and in doing so materially disrupts that rhythm. Whilst I understand the appellant's intention to create a visually lightweight, predominantly glazed structure, that is plainly at odds with the architectural composition of the building, particularly its heavy and consistent solid to void ratio at first floor level. Consequently, the extension appears to have an awkward relationship with the host building and appears out of place.
8. I appreciate that the site forms part of a run of commercial buildings on the western side of Broadway which are identified in the CAMP as having a negative impact on the conservation area. However, that does not justify allowing the additional harm arising from the appeal development, which is compounded by its prominent first floor position in a busy town centre location.
9. I therefore find the development to be harmful to the character and appearance of the area and as a result fails to preserve or enhance the conservation area, contrary to section 16 of the National Planning Policy Framework (the Framework), London Plan Policy HC1, Newham Local Plan (LP) Policies S2, SP1 and SP3 and the CAMP¹. Those state, amongst other things, that designated and non-designated heritage assets will be conserved and enhanced.
10. In this case I conclude that the development leads, at the lower end of the spectrum, to less than substantial harm to the conservation area as a whole. In such circumstances the Framework requires that any identified harm is weighed against any public benefits the development might secure.
11. Although the additional capacity generated, relative to the remainder of the premises is not large, the outlook and general attractiveness of the first floor space to customers is likely to have been enhanced by the development. That in turn will no doubt have a positive effect on the restaurant business, which is located in a sustainable town centre location. The appellant also argues that the development helps to generate more opportunities for employment, local spending and social gatherings, as well as enhancing the vitality and viability of the town centre, thereby contributing to the local economy and culture.

¹ The corresponding reason for issuing the enforcement notice also cites conflict with London Plan Policies D1 (London's form, character and capacity for growth) D4 (delivering good design) and LP Policy SP2 (healthy neighbourhoods). However, I find those policies to have limited relevance to this main issue.

12. The appellant states those considerations to be in line with the relevant ambitions of the various commercial designations for the appeal site, such as the Stratford Central Strategic Site, Stratford Metropolitan Centre, and Stratford Metropolitan Employment Hub. However, relevant plans and documents have not been provided to allow such matters to be properly considered in the heritage balance. Moreover, it is not shown that the extension is critical to achieving the benefits identified or that they couldn't be achieved by other means which would avoid the harms described.
13. Nevertheless, paragraph 85 of the Framework states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth, taking into account local business needs.
14. However, the significant weight attracted in that regard is outweighed by the great weight the Framework expects to be given to the conservation of designated heritage assets, irrespective of whether that harm is substantial or less than substantial. I therefore find that the public benefits of the proposal do not outweigh the less than substantial harm identified.

Neighbouring properties

15. By infilling part of the recessed area at first floor level, the extension has internalised the existing side window of the adjacent office premises. Even though the elevations to the extension are largely glass, the roof is solid, so it is very likely that the amount of light entering the office has been materially reduced, particularly as there is no other window in its main front facing elevation.
16. The use of the extension will also allow staff and customers of the restaurant to look directly through the window into the adjacent office premises, resulting in a clear loss of privacy. The appellant says that the tables are strategically positioned to ensure the privacy of the office, but I saw that they are positioned directly in front of the window. In any case, it is not shown, given the space constraints, that it would be possible through table placement to avoid significant overlooking opportunities by staff and customers. I saw the blind in place as referred to by the appellant, but if that is only used after the working hours of the neighbouring office, then it would be of no benefit in terms of protecting privacy.
17. If, on the other hand, the blind is used during working hours, privacy issues would be resolved but at the cost of removing any source of light from that window as well as closing off the outlook from the same.
18. The extension therefore represents an unneighbourly form of development that is harmful to the amenities of users of the adjoining commercial premises, contrary to London Plan Policy D13 and LP Policy SP8². Those policies state, amongst other things, that all development is expected to achieve good neighbourliness and fairness from the outset by avoiding negative and maximising positive social, environmental and design impacts for neighbours on and off the site.

² The corresponding reason for issuing the enforcement notice also cites conflict with London Plan Policies D1 and D4 but I find those policies to have limited relevance to this main issue.

Conclusion on Ground (a)

19. For the reasons given above, I conclude that the first floor extension 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.

The Appeal on Ground (g)

20. The ground (g) appeal is that the three months given to comply with the notice is too short because the restaurant operates with advanced customer reservations. A period of six months is requested so that the restaurant is able to honour the reservations and requests for that period of time. In support of his case, the appellant has provided a list of reservations made from August to December, 2024.
21. However, it is not shown that there isn't sufficient capacity to accommodate the likely number of forward bookings without the space provided by the first floor extension, particularly given the relatively low number of covers therein, compared to the rest of the restaurant.
22. Moreover, it is likely that the removal of the extension would be fairly straight forward, having regard to the relative simplicity of the structure. Nevertheless, the notice also requires the affected elevation to be reinstated to its previous form, and both the removal and rebuilding works would be complicated by the adjacency of the first floor restaurant seating, which would likely be affected for much of the duration of the works.
23. A period of six months would therefore strike a reasonable and proportionate balance between any difficulties the appellant may encounter, including disruption to the business, and the public interest in this case.
24. The appeal on ground (g) succeeds.

Richard S Jones

INSPECTOR