



Appeal Decision

Site visit made on 28 August 2019

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/B5480/C/18/3211565

Land at 177 St Mary's Lane, Upminster RM14 3BL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Mehmet Gilgil against an enforcement notice issued by the Council of the London Borough of Havering.
- The enforcement notice was issued on 2 August 2018.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a ground floor rear extension.
- The requirements of the notice are: (i) Remove or demolish the unauthorised ground floor rear extension, and; (ii) Remove all waste materials associated with compliance in 1 above and restore the land to its condition prior to the construction.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Ground (a) appeal

Main Issue

1. The main issue in this appeal is the effect of the ground floor rear extension on the character and appearance of the area.

Reasons

Character and appearance

2. The appeal site contains a two storey terraced building with a hot food takeaway on the ground floor and a residential flat above. The building is located mid-way along a row of properties of similar age, appearance and external materials, forming part of a parade of shops in Upminster town centre. A service road runs along the back of the row.
3. The rear of the building has been extended at ground floor level to provide the takeaway with a cold room for storing meat and a covered store. The cold room element has white plastic panel walls, whilst the covered store has walls consisting of plywood sheeting on three sides. The roof of the extension has been roughly covered with roofing felt.
4. The extension has a utilitarian and somewhat makeshift appearance. This is due in no small part to the functional, modern and lightweight nature of the external materials, the contrasting finishes and the poor external condition of the structure. These factors pay little regard to the more refined architectural

characteristics and traditional external materials of the host building and the rest of the row. Single storey rear extensions of a similar scale at other nearby properties are generally in keeping with the character and materials of their host buildings and surrounding development. Therefore, the extension is entirely at odds with the character of the host building and the prevailing characteristics of development in the vicinity. The extension is viewed as an alien feature in the surroundings, particularly from the adjacent service road. For these reasons, I find that the extension has caused unacceptable harm to the character and appearance of the area.

5. The appellant submitted a scheme of proposed works to be undertaken to the extension. The scheme included cladding the cold room in brick slips to match the brickwork of the host building, rebuilding the covered store in brick with timber gates, re-laying the roof and installing a fascia and guttering. A pre-existing addition to the rear of the host building would also be clad in brick slips. As the scheme largely involved modifying the extension, it would constitute a part of the development described in the notice, for which permission has been sought under the deemed planning application. At s177(1) (a), the Act provides that planning permission may be granted in respect of the whole or part of the breach described in the notice. Therefore, it is appropriate to consider whether permission should be granted for the extension as modified by the scheme.
6. However, from the details provided I have serious reservations over whether cladding the cold room walls with brick slips would mean that the extension could achieve a satisfactory degree of integration with the host building and surrounding development. It was unclear whether it was intended to mimic the mortar jointing between existing brickwork and if this were the case, how a suitable finish would be achieved. There was also nothing to indicate that using brick slips would provide a practical, durable and reasonably permanent form of cladding to the extension. Even if the other works in the scheme were executed, failure of the cladding to faithfully reproduce the appearance of the existing brickwork and mortar jointing of the host building and adjacent buildings would have the effect that the extension would remain an alien feature in its surroundings. Therefore, I find that the scheme would not address the harm identified above. It follows that granting permission for the extension as modified by the scheme does not represent an obvious alternative to upholding the notice.
7. By failing to maintain the character and appearance of the local area the extension does not accord with Policy CP17 and Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document. For a similar reason, the extension does not accord with Policy 7.4 of the London Plan (LP). Also, by not being of the highest architectural quality or having details and materials that complement the local architectural character, the extension fails to accord with LP Policy 7.6. Furthermore, the failure to achieve a well-designed place is inconsistent with Section 12 of the National Planning Policy Framework.

Other matters

8. I acknowledge that there has been no unacceptable harm to the living conditions of occupiers of adjoining residential properties through either

overshadowing, loss of light or loss of privacy. However, the absence of such harm does not weigh in favour of granting permission for the extension.

Conclusion

9. 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 deemed application.

Formal Decision

10. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Stephen Hawkins

INSPECTOR