



Appeal Decisions

Site visit made on 18 March 2025

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal A Ref: APP/B5480/C/23/3325147

17 - 19 Billet Lane, Hornchurch RM11 1TS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Muhammet Oral against an enforcement notice issued by the Council of the London Borough of Havering.
 - The notice was issued on 2 June 2023.
 - The breach of planning control as alleged in the notice is, without planning permission, the construction of a front canopy and outdoor enclosure to the front (sitting area).
 - The requirements of the notice are to:
 1. Demolish the front canopy;
And
 2. Remove all tables, chairs and all equipment associated with the front seating areas;
And
 3. Remove all rubble and debris accumulated when taking steps (1) to (2) above.
 - The period for compliance with the requirements is: One month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) 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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Appeal B Ref: APP/B5480/W/23/3319714

17-19 Black Square, Billet Lane, Hornchurch, Havering RM11 1TS

- 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 Muhammet Oral against the decision of the Council of the London Borough of Havering.
 - The application Ref is P2094.22.
 - The development is alterations to the shopfront and the installation of an enclosed glass structure with openable roof at the front elevation of the premises (Retrospective).
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Decisions

Appeal A

1. It is directed that the enforcement notice is varied by:
 - the deletion of 1 month and its substitution with 2 months as the time for compliance.
2. Subject to the variation, 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.

Appeal B

3. The appeal is dismissed.

Preliminary Matters

4. In the banner heading for the appeal against the refusal of planning permission above, I have used the description as stated on the decision notice as this more concisely describes the proposal.

Appeal A - Ground (a), the deemed planning application, and Appeal B, the linked planning appeal

Main issue

5. The main issue in both appeals is the effect of the development on the character and appearance of the host building and the surrounding area.

Reasons

6. The appeal site is found along a parade of commercial properties that front Billet Lane. The parade is set back from the road and whilst there are a number of features to the frontage of the building, there is a distinct sense of spaciousness within the street, and this is reinforced by the visual permeability that exists across the frontages.

The existing structure and the deemed planning application.

7. The existing structure includes a metal framed canopy, with a roof and which is open to the front and sides. It projects from the front elevation and sits atop a covered seating area. The presence of this canopy serves to visually enclose the frontage of the commercial unit. The lack of enclosing elements to the front and sides does little to reduce the visual presence of the canopy, which obscures the whole of the frontage below the signage. The upright support posts which sit at its furthest extent from the building serve to impart a distinctly robust and solid appearance to the canopy.
8. As a result of the above, the existing canopy appears as a discordant feature to the front of what is an attractively open-fronted parade of commercial units. It is obtrusive in the streetscene and draws the eye, thereby resulting in an overly prominent and conspicuous addition to the frontage of the building, which is at odds with the prevailing character of the area.

The proposed structure and the linked planning appeal

9. The scheme put forward in the linked planning appeal proposed the removal of the existing canopy, which I have addressed above, and its replacement with a different structure. That proposed structure would be glazed to the sides and front, with a retractable roof.
10. As with the existing canopy, the proposed extension, while being glazed, would rise to a height just below the existing signage and extend across the whole front elevation of the unit. The glazing would be set within a frame, and this would be a significant visual feature present to the front elevation, and the divisions between the glazing as well as the access doors would serve to obscure further views of the building, and the parade as a whole. This would harmfully intrude upon the attractive openness of the location. The extension would also serve to enclose the frontage, with the transparency of the glazing doing little to ameliorate this.

11. Despite the glazed nature of the proposal, it would result in a discordant and inharmonious addition to the building, harming its appearance, as well as being intrusive in the street and thereby resulting in harm to the surrounding area.

Overall findings

12. While not harmful to character, the existing and proposed developments do and would result in harm to the appearance of the host building and the area. Therefore, both schemes conflict with policy 26 of the Havering Local Plan (adopted November 2021) insofar as it seeks to ensure that development is of a high-quality design by respecting the local streetscene and responds to local context by respecting visual integrity.

Other Matters

13. I am conscious that a number of the other commercial units in the parade have features, including seating areas, to their frontages. However, from my observations, none of the other units had similarly enclosed structures, such as that which exists, or which is proposed. There were low areas of decking present, as well as planters, and canopies and umbrellas. However, none served to enclose the frontage area of any of the units to the extent as I have identified above in regard to the appeal schemes. As such, the presence of these features does not lead me to find differently than I have above.
14. The appellant draws my attention to an extension that was granted planning permission to the front of a nearby building. However, that is a detached building, not one which forms part of a parade of units. As such, consideration of that scheme would be materially different, and I do not consider that the example is comparable to the appeal schemes.
15. I am mindful that there would be benefits that would follow from the appeal schemes, in terms of supporting the operation of the existing business at the site. However, such benefits are not sufficient to outweigh the harm that I have found.

Ground (f)

16. This ground of appeal is that the requirements of the notice are excessive and that lesser steps would overcome the objections. The enforcement notice seeks the demolition of the canopy as well as the removal of all tables, chairs and equipment. As such, the purpose of the notice is clearly to remedy the breach of planning control.
17. The appellant states that the requirement to remove the tables, chairs and equipment is excessive, particularly in light of the Council accepting that outdoor seating areas are acceptable in the area. However, the seating area is part of the breach set out in the notice and to allow the retention of the tables and chairs would not remedy the entire breach, which is as I set out above, the purpose of the notice. There are no other lesser steps put before me that would remedy the breach and accordingly the appeal on ground (f) must fail.

Ground (g)

18. The ground of appeal is that the time given to comply with the notice is too short. The notice requires the demolition of the canopy and the removal of the tables, chairs and equipment within one month. The appellant argues that a period of

three months would be reasonable, in light of the effect of the removal of the development on the finances of the business.

19. However, given the relatively straightforward nature of the works to remove the development, while bearing in mind the effect on the business, I consider that a period of three months would be excessive and that a period of two months would be reasonable to allow for the works to be undertaken, striking the appropriate balance between the needs of the appellant and their business, and the legitimate aim of remedying the breach of planning control.
20. Accordingly, the appeal on ground (g) succeeds to this extent.

Conclusion

21. For the reasons given above, both the appeal on ground (a) (the deemed planning application) and the linked planning appeal, are dismissed. I therefore 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 (f) also fails.
22. I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Martin Allen

INSPECTOR