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# Appeal Decision

Site visit made on 21 March 2023

**by R Satheesan BSc PGCert MSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 April 2023**

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## **Appeal Ref: APP/B5480/C/22/3303966**

### **150 Upminster Road, Upminster RM14 2RB**

- 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 Paul Tindal against an enforcement notice issued by the Council of the London Borough of Havering.
  - The enforcement notice was issued on 1 July 2022
  - The breach of planning control as alleged in the notice is without planning permission, operational development comprising the installation of a roller shutter facing Norfolk Road.
  - The requirements of the notice are:
    1. Remove the roller shutter facing Norfolk Road; AND
    2. Remove all debris rubbish or other materials, from the site as a result of taking step1 above.
  - The period for compliance with the requirements is two 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. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the installation of a roller shutter facing Norfolk Road at 150 Upminster Road, Upminster RM14 2RB referred to in the notice.

## **Main Issue**

2. The main issue is the effect of the development upon the character and appearance of the host building and area.

## **Reasons**

3. The appeal site relates to a two-storey end of terrace building, with a Florist on the ground floor and a residential unit at first floor level. The site is located within a terrace characterised by commercial uses on the ground floor with predominantly residential uses above. The unauthorised roller shutter has been installed at ground floor level along the side boundary of the site, facing towards Norfolk Road, and provides a further additional display and sales area for the Florist during opening hours.

4. The roller shutters are adjacent to a single storey kitchen and wardrobe joinery workshop, which has a utilitarian appearance. This section of Norfolk Road comprises the rear yards, outbuildings and garages primarily used in connection with the ground floor commercial units on Upminster Road. The boundary treatments of these properties comprise, high boundaries, walls, fences and gates, a number of which contain roller shutters and/or solid doors. In this respect, the character and appearance of this section of Norfolk Road is more commercial and utilitarian in appearance than the remainder of Norfolk Road, beyond the mini roundabout, which is characterised by two storey residential properties. Overall, the development respects the mixed-use character and appearance of the appeal site and terrace.
5. Furthermore, prior to the unauthorised development, the boundary treatment comprised a high solid wall which did not provide an open, nor active frontage to the streetscene. In contrast during opening hours of the business, the roller shutters provide an additional opportunity for the display and sales of goods for the Florist, thereby creating an additional active frontage for part of the day.
6. I therefore conclude that the unauthorised development preserves the character and appearance of the host building and area, in accordance with policy 26 of the Havering Local Plan 2016 – 2031, adopted in 2021(Local Plan), and Policies D1, D3 and D4 of the London Plan, 2021. Amongst other things, these seek to deliver good design and require that development proposals respect character and reinforce and compliment the local streetscene.

*Other matters*

7. The Notice also refers to Policy 7 of the Local Plan. However, this relates to residential design and amenity which does not appear to be relevant to this commercial premises and the case advanced by the Council in the Notice, which does not cite harm to the living condition of neighbouring occupiers as a reason for serving the notice.
8. No conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

**Conclusion**

9. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the enforcement notice as corrected. The appeal on ground (g) do not therefore fall to be considered.

*R Satheesan*

INSPECTOR