

Appeal Decision

Site visit made on 9 January 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th January 2017

Appeal Ref: APP/T5150/Z/16/3158413

205 Preston Road, Wembley, Middlesex HA9 8NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Levant Cafe against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2800, dated 1 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is a shop front.
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Decision

1. The appeal is allowed and planning permission is granted for a shop front at 205 Preston Road, Wembley, Middlesex HA9 8NF in accordance with the terms of the application, Ref 16/2800, dated 1 June 2016, and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no SB/31 dated 16 May 2016.
 - 3) The external facing materials of the development hereby approved shall accord with samples which shall have been submitted to, and approved in writing by the local planning authority.

Procedural Matters

2. The application proposal is described as 'retention of shop front' by the appellant. However, 'retention' is not development as defined by Section 55 of the Town and Country Planning Act 1990 and so I have amended the description of the proposal to 'shop front'.
 3. At the time of my site visit I noted that a development has been carried out at the appeal site. However, the photographic evidence submitted with the appeal shows that further alterations have taken place since the application was determined. For the avoidance of doubt, I shall determine the appeal on the basis of the plans before me and which were subject of the application.
 4. The Council determined the application in the context of Policy SH21 of the Brent Unitary Development Plan (UDP) 2004 which has now been superseded by Policy DMP4a of the Brent Development Management Policies (DMP) which was adopted in November 2016. The Council clarify that the relevant policies for consideration of the appeal proposal are now Policies DMP1 and DMP4a of the DMP and Policies CP2 and CP17 of the Brent Core Strategy 2010. Both parties have had the opportunity
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to comment on those policies. I shall, therefore, consider the proposal on the basis of the updated policies.

Main Issue

5. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal property is situated within the Primary Shopping Frontage of Preston Road District Centre. The centre is comprised of three storey buildings with commercial on the ground floor and residential above. The parade is characterised by a variety of shop fronts, including some modern aluminium shop fronts with deep fascia panels.
7. Policy DMP4A of the DMP states that proposals for shop fronts and forecourts will be required to retain shop fronts of architectural or historic merit, demonstrate a high quality of design, complementing the building and adjoining properties. The Policy is supplemented by detailed guidance contained in The Supplementary Planning Guidance (SPG) 7 'Shopfronts and Shop Signs' 2003 which states that shop fronts require high quality design which complements the design of the building as a whole and the frontages of adjoining properties. Timber constructions are preferred and large expanses of glass should be avoided if possible by introducing traditional mullions and transoms into the design. Fascias should be positioned below the first floor window sill between the corbel.
8. The scheme plans indicate a shop front of timber construction with wooden transoms and mullions which sub-divide the glass. Furthermore, they show a wooden fascia of a modest size and simple design which is positioned well below the window sill. These aspects of the design comply with the SPG which weighs in favour of the proposal.
9. The scheme plans indicate that the shop front is recessed by approximately 1.35 metres and show a timber balustrade on both sides of the shop front. The Council is concerned that the recessed seating area is out of keeping and harmful to the established building line of shop fronts. The Council's delegated officer report states that *'other shop fronts along the street are not recessed, and therefore the shop front design does not meet the objectives of Policy S21'*. Although a significant proportion of shop fronts directly abut the street, attention is drawn to a numerous examples of recessed shop fronts on both sides of Preston Road. In particular I noticed on my site visit that numbers 201 and 213 Preston Road both have a substantial recess and are within clear view of the appeal property. Furthermore, the recessed shop front at 220 Preston Road was granted planning permission in the same development plan and SPG context.
10. Although the SPG is silent on the specific issue of recessed shop fronts it, nevertheless, expects shop fronts to complement the frontages of adjoining properties. Taking into account the variety of shop fronts in the area and in particular the inter-visibility of other recessed shop fronts, I do not consider that the scheme shown on the plans and photos has a materially harmful effect on the character and appearance of the area. Furthermore, the simple design of the scheme utilising traditional materials with a modest fascia meets the guidelines set out in the SPG.
11. I, therefore, conclude that the scheme shown on the plans and photo is not contrary to CP17 of the CS which seeks to protect and enhance the suburban

character of Brent. In addition, no conflict arises with criterion a of Policy DMP1 of the DMP which seeks to ensure that, amongst other things, the materials and design complements the locality. Furthermore, no conflict arises with the SPG. Moreover, no conflict arises with Policy DMP4A of the DMP. Finally, no conflict arises with paragraph 17 and 56 of the Framework which seek to secure high quality design.

12. Policy CP2 of the CS which relates to population and housing growth is not directly relevant to the appeal proposal.

Conditions

13. As I am determining the appeal on the basis of the application plans, and noting that this is not the form of development which was in place at the time of my site visit, I have imposed the standard time limit condition. I have also imposed a condition specifying the relevant drawings as this provides certainty.
14. The Council has suggested a condition requiring that all new external work shall be carried out in materials that match in colour, texture and design detail those of the existing building. On the basis of the evidence before me and as the scheme is partially retrospective the existing materials are not readily apparent. I, have, therefore, amended the condition to require the development's accordance with samples submitted to and approved by the local planning authority in the interests of the character and appearance of the area.

Conclusion

15. For the reason stated and taking all other considerations into account I conclude that the appeal should be allowed.

Caroline Mulloy

Inspector