
Appeal Decision

Site visit made on 23 March 2017

by Simon N Hand MA

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

Decision date: 31 March 2017

Appeal Ref: APP/F5540/C/17/3167285

19 Thornbury Road, Isleworth, Middlesex, TW7 4HQ

- 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 The Company Secretary Hujjitat Imanbara Shia Islamic Centre against an enforcement notice issued by the Council of the London Borough of Hounslow.
 - The enforcement notice, numbered BWR/2016/00600, was issued on 15 December 2016.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a brick built structure.
 - The requirements of the notice are demolish the brick built structure and remove all debris from the land.
 - The period for compliance with the requirements is 3 months.
 - 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.
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Decision

1. 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.

Background to the Appeal

2. The appellants operate from what was previously a church building in the Spring Grove conservation area. The building has a modest sized rear courtyard which is bordered by the back gardens of surrounding houses. At the bottom of this courtyard the appellants had a storage structure or large shed, which they have pulled down and begun to erect a rather larger brick structure. Following complaints the Council issued a stop notice and the structure remains only half built.
3. As I saw on my site visit it consists currently of three walls which do not appear to be complete to their full height, and are roughly 2.8m tall at the highest point. The front of the structure has not been started. The walls are double skinned, with a brick outer and concrete inner construction and insulation in the cavity. The walls that have been begun stand effectively right on the boundaries with neighbours.

The Appeal on Ground (a)

4. Local Plan policies CC1 and CC2 require that developments exhibit good design and complement their surroundings. CC4 deals with conservation areas and requires development to respect its surroundings and the existing architecture, as well as applying the standard test that it should preserve or enhance the character and appearance of the conservation area.
5. The appellants argue it is a well-designed building which is consonant with the variety of styles in the surrounding area. The conservation area in this location is indeed made up of a variety of different architectural styles, large Victorian style villas, terraces of larger houses and much smaller workers cottages which seem to date from the Georgian and Victorian periods, as well being interspersed with some more modern buildings. Altogether this adds up to an attractive and harmonious whole.
6. It is difficult to say what the finished structure would look like but the plans show it to be a simple rectangular brick shed with a front door with windows facing into the courtyard. It would have a flat roof, slightly sloping to the rear. In other words it is a determinedly utilitarian structure of no merit whatsoever. As it fills the back corner of the courtyard and would rise up considerably higher than surrounding garden fences it would be a dominant structure when viewed from neighbours' gardens and would appear to be an over-development of the site. It certainly seems to stand out as an excessively large structure in an area of back gardens and garden sheds. The structure is thus contrary to policies CC1, 2 and 4.
7. It is not clear from the appellants' representations what the structure would be used for, although neighbours suggest it may be for the storage of chairs. I have no doubt that a simple and utilitarian storage building could be found to be acceptable, especially bearing in mind that Class E rights of the General Permitted Development (England) Order 2015 would allow any of the neighbours to build a similar structure up to 2.5m tall on the boundary of their back garden. However such a compromise is not before me. I have to judge the structure on the basis of what is there and the plans for its completion. On that basis I find it to be contrary to the Council's policies and not to preserve or enhance the character and appearance of the conservation area. There are no countervailing arguments to outweigh those conclusions and the appeal on ground (a) fails.

The Appeal on Ground (f)

8. The appellants' arguments are essentially a re-run of the ground (a) appeal. I have no alternative scheme before me. It is entirely possible the appellants could reach agreement with the Council on a mutually beneficial scheme, but that is a matter between those two parties in the first instance. The appeal on ground (f) fails.

The Appeal on Ground (g)

9. The appellant argues they will need to source a reputable builder to alter the building, but the notice simply requires it to be demolished, which should take no time at all. However, the notice does allow for 3 months, and this seems to be ample time to negotiate a compromise with the Council and seek permission for an acceptable structure, which could incorporate parts of the existing

works. If that is possible the Council have the discretion to extend the compliance period if necessary. The appeal on ground (g) fails.

Simon Hand

Inspector