



Appeal Decision

Site visit made on 6 August 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/R5510/C/18/3214822

Land at 29-31 Joel Street, Northwood Hills, Northwood HA6 1NU

- 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 Locker Room Northwood Limited Co. Regn. No. 10674563 against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice was issued on 1 October 2018.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material alteration to the exterior of the building with the attachment of timber cladding to the front and side elevations at ground floor level.
 - The requirements of the notice are: (i) Remove the timber cladding affixed to the front and side elevations of the exterior of the building at ground floor level; (ii) Remove all fittings and fixtures used to secure the timber cladding to the building; (iii) Immediately following compliance with requirements (i) and (ii) above, restore the building to its previous condition in terms of its design, materials, colour and external finishes before the unauthorised works were carried out; and (iv) Remove from the Land all materials, debris, plant and equipment associated with requirements (i) to (iii) above.
 - The period for compliance with the requirements is: One calendar 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.
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Summary of Decision

1. The appeal succeeds in part and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

The ground (a) appeal

2. The main issue is the effect of the timber cladding on the character and appearance of the area.

Reasons

3. The site forms part of a parade of commercial premises along Joel Street. It is a prominent building situated on a corner plot which includes a frontage onto Briarwood Drive, which itself is then primarily residential in character.
4. The commercial premises along Joel Street vary in appearance but there is a degree of rhythm in terms of shopfront design and use of materials. The evidence is that the building was clad in stone at ground floor level, which differs from other buildings in the area. I could however also see during my site visit that timber cladding is not commonly used to clad the entirety of ground-floor frontages in the immediate area, rather, it is largely restricted to fascia's

that contain advertising. The introduction of timber cladding on this prominent building has therefore resulted in it contrasting sharply with those around it.

5. An appeal to retain the timber cladding has also been dismissed¹ in February 2019 where the Inspector found it to be *'incongruous within the street and out of keeping with the other commercial buildings along Joel Street.'* The Inspector also considered that whilst *'the previous shopfront was also markedly different from others in the area, that does not justify a development that causes considerable harm to the street scene.'* I have little additional evidence from the appellant to persuade me to differ from this assessment or to convince me that the timber cladding is more in keeping, or causes no greater harm, than that of stone.
6. The timber cladding is therefore not a far more natural and sympathetic design as owing to its profiling and prominence it is unsympathetic to the host building and detracts from the appearance of the street-scene and character of the surrounding area. It also does not harmonise with the original building. The use of timber cladding therefore does not enhance the built environment or contribute positively to the overall character of the area.
7. I appreciate the proportions and position of the premises, being on a corner, differentiates it to some extent from others along the parade. Whilst the original building could, perhaps, have been painted without the need for planning permission, I have little evidence to convince me that painting the cladding, either in whole or in part, would satisfactorily ameliorate its detrimental effects or aid to compliment or improve the character of the area.
8. I also note that the site is not within a Conservation Area and that the building is not a designated heritage asset or listed building. However, the absence of designations is not a positive factor in favour of the development and so only attracts neutral weight.
9. I conclude the timber cladding is harmful to the character and appearance of the area and so fails to accord with Policy BE1 of the Hillingdon Local Plan: Part 1, Strategic Policies, 2012, and saved Policies BE13, BE15, BE19 and BE28 of the Unitary Development Plan, 2007. These Policies, amongst other things, seek to ensure that all new development: achieves a high quality of design; harmonises with the existing street scene and architectural composition of the original building and shopfronts; and, compliments or improves the character of the area. For the same reasons the timber cladding fails to accord with the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document, Shopfronts, 2006.

The ground (f) appeal

10. The purpose of the enforcement notice is to remedy the breach of planning control. Therefore, for an appeal on ground (f) to succeed it would be necessary for the appellant to explain why the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control and propose alternatives.
11. Aside from granting planning permission subject to a condition that the timber cladding be painted, which I have dealt with under the ground (a) appeal, the appellant does not propose alternative requirements. Painting would also not

¹ APP/R5510/W/18/3209397

remedy the breach of planning control, namely the attachment of the timber cladding.

12. The appellant's Statement of Case also specifies that the shopfront cannot be returned to its previous condition as the stone cladding has been removed and disposed of. However, during my site visit it was possible to glimpse behind areas of the timber cladding where it appeared it was affixed to the original stone cladding by means of timber batons. Even if I am wrong, the enforcement notice does not explicitly require the use of the original stone cladding, but rather the building at ground floor level be restored to its previous condition. This could therefore be undertaken using alternative stone cladding providing it was of the same design, materials, colour and external finishes before the unauthorised works were carried out. I am therefore not persuaded on the evidence before me that the steps exceed what is achievable.
13. Accordingly, the appeal on ground (f) must fail.

The ground (g) appeal

14. Whilst it is open to the appellant to pursue an alternative external treatment for the building, that would be a separate planning matter requiring a further planning application. However, I have little evidence to convince me as to any overriding necessity for an alternative treatment or why this could not be pursued at a later date; particularly as I have found the requirements of the enforcement notice to not be excessive. An alternative scheme therefore does not provide sufficient justification, in my opinion, to truncate the compliance period to some nine months, or longer, if agreement between the parties could not be found.
15. However, I appreciate that one calendar month is unlikely to amount to a sufficient period to enable the appellant to instruct contractors and for the required works to be completed. Accordingly, a period of 3 months would be appropriate to carry out the works and so to this extent the appeal on ground (g) succeeds.

Formal Decision

16. I direct that the enforcement notice be varied by substituting "*Three calendar months*" as the period for compliance.
17. Subject to this variation, the enforcement notice is upheld.

Paul T Hocking

INSPECTOR