



Appeal Decision

Site visit made on 13 August 2019

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 13 September 2019

Appeal Ref: APP/T5150/C/18/3214605 324 Harrow Road, Wembley HA9 6LL

- 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 by the Blue Star Pub Company Limited. against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice, ref. E/18/0280, was issued on 14 September 2018.
 - The breach of planning control alleged in the notice is the erection of a front canopy extension.
 - The requirements of the notice are to:
 - STEP 1. Demolish the unauthorised front canopy extension and restore the building's frontage back to its original condition before the unauthorised development took place.
 - STEP 2. Remove all debris, materials and items associated with the unauthorised canopy extension from the premises.
 - The period for compliance with the requirements is 1 month.
 - 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. The prescribed fees have been paid within the specified period, and the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended fall to be considered.
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Decision

1. The appeal is allowed on ground (g), and it is directed that the enforcement notice be varied by:

DELETION of *one month*; and

SUBSTITUTION of *two months* as the period for compliance.

Subject to this variation 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 matters

2. The appeal property is a substantial public house now known as 'The Arch' standing on the north-eastern side of Harrow Road at its junction with Oakington Manor Drive. The front canopy extension that is subject of the notice is on the forecourt of the building, which faces across the open space at the junction of the two roads. It is attached to the main building, set behind the railings and brick piers forming the site boundary.

3. The Arch is locally listed as a building that the Council say is a well-proportioned landmark, and as such is a non-designated heritage asset. Paragraph 197 of the National Planning Policy Framework (NPPF) advises that the effect of an application on a non-designated heritage asset should be taken into account in determining that application.
4. A planning application for installation of a retractable roof structure to create a covered outside seating area to the front of the premises was refused in May 2018¹. The application drawings indicate this was essentially the same structure as now built.

The appeal on ground (a) and the deemed planning application

5. This ground is that planning permission should be granted for the matters alleged in the notice.
6. From my inspection of the site and the surroundings and from all that I have read I consider the main issue to be the effect of the development on the character and appearance of the property, bearing in mind its designation as a locally listed building, and on the street scene in its vicinity.
7. The canopy is an open sided structure with a low-pitched roof on permanent metal supports. It is in three sections projecting from the face of the building almost to the front railings and is roughly half the overall width of the building. The main roof covering is a grey opaque material I understand it can be retracted when not required. However, there is a fixed Perspex section of the roof running the full width of the building, which provides a straight abutment for the retractable section against the concave faceted shape of the front wall.
8. The building itself is of two-storeys plus an attic storey. It is constructed of red brick with a hipped tiled roof set behind a parapet. The front is arranged with 5 tall rectangular windows on the first floor above arched openings below. This motif is carried around onto the Harrow Road end elevation, and probably onto the other end elevation - although this is largely concealed by a box-shaped windowless structure. The three-centred arches and intervening piers are carefully and elaborately detailed with imposts of tile creasing, and tile-creased quoins to the piers alternating with darker red brickwork. Window heads and the parapet cornice are detailed in a similarly elaborate way.
9. The concave front elevation in three facets is a particularly significant feature. As the appellant says, together with the forecourt this has the effect of creating a pleasant courtyard. In my view it also provides a visual focus at the corner of the two roads and addresses the small area of grassed open space with trees on the northern corner of the road junction. It is a conspicuous and handsome building, prominent in the street scene, particularly on approach along Harrow Road from the north-west.
10. The canopy itself is also highly conspicuous, and to my mind is bulky and obtrusive. It largely conceals the building's lower storey and the attractive arrangement and details of the five arches and intervening piers. The constructional materials and rather utilitarian metal framework are incongruous in the context of this finely detailed building. Furthermore, the presence of the canopy significantly reduces the effect of the concave front elevation together

¹ Decision notice ref. 18/1012, dated 8 May 2018.

with the forecourt, and its importance in the street scene. In my opinion the canopy causes significant harm to the significance of this locally listed building.

11. The appellant says the canopy is only in place during inclement weather. The Council dispute this, saying that it is only retracted during warm weather in the summer months. Photographs have been put in showing the canopy in place on a number of dates in May 2018 and 2019, indicating this may be the case. However, the metal framework and fixed parts of the roof are permanent elements, and the materials and forms of these are themselves harmful to the building's significance and are incongruous features in the street scene. I consider harm arises whether or not the roof is retracted.
12. I accept that there may be a benefit in providing shelter for patrons during bad weather. However, as the Council say, this public house has a sizeable existing internal floor area, and there are already external sheltered areas for customers wanting to smoke, or to be outdoors during poor weather. Although the appellant claims that removal of the canopy would have a severe negative impact upon the trading ability of the pub and threaten job security, there is little evidence that this would be the case for an attractive public house/hotel close to Wembley Stadium.
13. I conclude on the main issue that the development causes significant harm to the character and appearance of the appeal property, bearing in mind its designation as a locally listed building, and to the street scene in its vicinity. The development does not accord with the development plan, in particular with regard to Policies 7.4 and 7.8 of the London Plan of 2015, which seek to promote local character and protect heritage assets. Nor does it accord with Policies DMP 1, DMP 4A and DMP 7 of the London Borough of Borough of Brent Development Management Policies, which include aims to conserve or enhance the significance of heritage assets and their settings, and to ensure that development on forecourts demonstrates high quality design, complementing the building and adjoining properties.
14. As a result of my conclusion on the main issue, the appeal on ground (a) must fail, and I intend to refuse planning permission on the deemed planning application.

The appeal on ground (g)

15. This ground is that the compliance period is too short. The appellant argues that 1 month would be inadequate to choose and instruct a contractor and ensure the works do not affect trading. It is claimed that a period of 6 months should be allowed.
16. The canopy would be relatively straightforward to take down, and I concur with the Council's view that it could be dismantled and removed from site within a few days. However, one month may well be too short a time to find and instruct a suitable contractor. I consider a more realistic period would be two months – allowing a month for choosing and instructing the contractor, and a month for execution of the works.
17. The appeal therefore succeeds to the limited extent on ground (g) and I will vary the enforcement notice accordingly.

Conclusions

18. For the reasons given above and having regard to all other matters raised I conclude that a reasonable period for compliance would be 2 months, and I am varying the enforcement notice accordingly, prior to upholding it and refusing to grant planning permission on the deemed application.

Stephen Brown

INSPECTOR