



Appeal Decision

Site visit made on 21 January 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2020

Appeal Ref: APP/T5150/W/19/3236631

115-117 Ealing Road, Wembley, HA0 4BP

- 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 Celebrations by Shree Venilal's Ltd. against the decision of the Council of the London Borough of Brent.
 - The application Ref: 19/1883 dated 23 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is described as the erection of glazed structure with aluminium frame canopy to front forecourt of shop.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The area in which the appeal property is located is described in the Council's Delegated Report as 'busy and vibrant'. From my observations during my site visit I concur with this description. I observed a substantial number of people walking along the street and browsing the goods on display in the forecourts of the shops that predominate on the ground floors of the properties along this section of Ealing Road.
4. Some of the forecourts of the properties in the vicinity of the appeal property on both sides of Ealing Road contain structures to which the appellant has drawn my attention and which I saw for myself during my site visit. These include a large permanent open-fronted structure on the forecourt of 113-115 Ealing Road adjacent to the appeal site, a permanent open-sided and open-fronted structure at 133-135 Ealing Road and another permanent open-fronted structure at 137-139 Ealing Road.
5. Between Nos. 113-115 and Nos. 133-135 there were some outdoor displays of goods in the forecourts of two shops and outdoor seating in the forecourt of a restaurant with a glazed screen to the front boundary. However, the frontages between these properties are generally more open, with the only other structures being temporary canopies at No. 123. Although the appellant has submitted photographs of structures at 119-121 and 99-103 Ealing Road on the other side of the appeal property there were no structures in the forecourts

of these properties at the time of my site visit, nor, other than awnings, in the forecourts of other properties to the north beyond Nos. 113-115.

6. Importantly, the other existing structures are open-fronted, as are those opposite the appeal site on the other side of Ealing Road. The ability to appreciate and move in and out of these more open frontages contributes positively to the character and appearance of the area and its vitality. In contrast, the proposed development would have enclosed sides and frontage with only a double door for access. Notwithstanding that it would be glazed, it would therefore represent a solid barrier between the activity on the street and the interior of the premises. When closed, the roller shutter would emphasise this solidity.
7. Although to be found in the main shops, such solidity is not a characteristic of the more informal areas on the forecourts, which are more permeable. The proposal would be a single-storey front extension rather than a canopy over a forecourt. The existing shopfront of the host property is of no particular architectural merit and the new shopfront would be similar to the existing in having large areas of glazing, but the new shop front would be at odds with the front elevations of other properties along the back edge of the highway.
8. The nature and appearance of the proposed structure would therefore be out of keeping with the nature and appearance of the other canopies in the area. Although it would be hidden from view when approaching from the north by the existing opaque-sided structure at Nos. 113-115, it would be clearly visible when passing, approaching from the south and from across Ealing Road.
9. Notwithstanding that some canopies remain the Council's Delegated Report refers to the removal of more than 10 canopies in this area following the dismissal of appeals¹ against enforcement notices. Although I do not have the full details of these appeals, they represent evidence of a concerted and consistent effort by the Council to maintain a degree of openness along this section of Ealing Road. Granting permission for the proposed development would undermine these efforts and, from the evidence before me, be inconsistent with the approach taken by a number of my Inspector colleagues.
10. I therefore conclude that the proposed development would be harmful to the street scene and would diminish the characteristic nature of the activity in the area. It would therefore be contrary to Policies DMP1 and DMP4A of the London Borough of Brent Local Plan Development Management Policies (2016) (DMP) which set out, in combination and amongst other things, that development should complement the locality and adjoining properties. The development would also not accord with Principle 4 of the Council's Shopfronts Supplementary Planning Document (SPD3), which sets out that the proposed design of a shopfront should relate in architectural style to the host building and wider street scene.

Conclusion

11. For the reasons given above, the appeal is dismissed.

Martin Small INSPECTOR

¹ APP/T5150/C/01/1074199, APP/T5150/A/02/1090330, APP/T5150/C/98/649858, APP/T5150/C/98/650005, APP/T5150/C/98/650007, APP/T5150/A/01/1040722, APP/T5150/A/00/1040724, APP/T5150/C/97/648083, APP/C/97/T5150/648072, APP/T5150/C/02/1090810