
Appeal Decisions

Site visit made on 2 June 2021

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 8th June 2021

Appeal A Ref: APP/F5540/C/20/3255217

Appeal B Ref: APP/F5540/C/20/3255219

The Former New England Public House, Great West Road, Brentford, London TW8 0QP

- Appeals A and B are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Samir Farouk and Appeal B is made by Sophia Farouk against an enforcement notice issued by the Council of the London Borough of Hounslow.
 - The enforcement notice was issued on 1 June 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a hoarding fence fronting Great West Road and Brook Lane North
 - The requirements of the notice are
 - i. Demolish the erected hoarding fence fronting Great West Road and Brook Lane North
 - ii. Remove all resultant debris from the Land.
 - The period for compliance with the requirements is 1 month.
 - Appeals A and B are proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since appeals have been brought on ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.
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Appeal C Ref: APP/F5540/W/20/3251254

The Former New England Public House, Great West Road, Brentford, London TW8 0QP

- Appeal C 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 Samir Farouk and Sophia Farouk against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01244/AB/P11 dated 7 February 2020 was refused by notice dated 3 April 2020.
 - The development proposed is retrospective application for the erection of a hoarding around land at corner of Brook Lane North and Great West Road (former New England Pub Site) for a temporary period of two years.
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Decisions

Appeals A and B

1. Appeals A and B are dismissed and the enforcement notice is upheld and planning permission is refused on the applications deemed to have been made under Section 177(5) of the Act as amended.

Appeal C

2. The appeal is dismissed.

Procedural Matters

3. Appeals A and B against the enforcement notice are made on ground (a) and (g) and include deemed applications for planning permission for the development carried out. They therefore seek planning permission for the same form of development as applied for in the refused retrospective planning application, the subject of Appeal C. I have therefore determined all three appeals together. The refused planning application was for a temporary two year planning permission and the appellants wish that two year period to be considered for these appeals.

The appeals under ground (a) and the deemed planning application (DPA) and Appeal C

Main Issues

4. The main issues are (i) the effect of the development on the character and appearance of the area and (ii) the safety of other highway users.

Character and Appearance

5. The development consists of hoarding to part of the site of the former New England Public House on the junction of Brook Road North and Great West Road and is in close proximity to the M4 flyover. The hoarding originally benefitted from permitted development rights pursuant to Schedule 2, Part 4, Class A of the General Permitted Development Order 2015 during the construction period of residential units on the larger part of the former public house site. However, the hoarding remains in place following completion and occupation of the residential units as the appellants retained ownership of part of the site with a footprint of around 70m².
6. Behind the hoarding, there is the new residential block of units which is of varying heights but has 4 storeys facing Great West Road. The division of the original public house site results in a split boundary with both hoarding and dark wooden fencing with trellising next to each other on the boundary with Great West Road. Similarly, the other end of the hoarding on Brook Lane North is close to the same style of wooden fencing which runs along the northern boundary of the access road for the residential development. At my site visit, I observed that the hoarding is largely grey with graffiti and white borders rather than the original white hoarding shown in the photograph submitted.
7. The solid hoarding panels on a prominent corner location with its design and height contrast with the adjacent wooden fence panels with trellising used to mark the boundary of the residential site. The presence of hoarding also appears incongruous to the front of the completed residential development. The same visual harm would arise whether the hoarding was white or grey.
8. Although, the appellants state that the hoarding is needed to secure the site and to prevent fly tipping and squatting, a gap between the wooden fencing and the hoarding on Great West Road means that the appeal site is being used for fly tipping. There is no evidence that alternative options to hoarding have been considered to address any of these issues.

9. The development does therefore harm the character and appearance of the area due to its height, materials used and siting in a prominent location at the junction of two roads. The appellants consider that visual amenity should be assessed in the context of the temporary nature of the consent sought. Nevertheless, to allow visual harm to continue for a further period of two years would be unacceptable.
10. The development is therefore contrary to Policy CC5 (Advertisement Panels, Hoardings and Structures) of the Local Plan of the London Borough of Hounslow 2015-2030 (the Local Plan) which, amongst other things, states that any hoardings must respect their context with suitable regard to considerations of amenity. It also does not comply with Policies CC1 and CC2 of the Local Plan which, amongst other things, collectively seek to ensure that development complements the character of the area through high quality design. It would also not comply with Policy SV1 of the Local Plan which seeks to improve the visual amenities of the Great West Corridor.

Highway Safety

11. Vehicular access for the residential units is through gates that are set back on an access road onto Brook Lane North. There is a section of wooden fencing which marks the boundary between the residential site and the appeal site to the northern side of the access road which ends at the pavement. The section of hoarding that fronts onto Brook Lane North is then at an angle to the wooden fencing. Pedestrians walking south on Brook Lane North leave the pavement and cross the access road before re-joining the pavement. However, at the point where pedestrians wait to cross, the pavement extends beyond the hoarding so that pedestrians do not necessarily have limited visibility as a result of the hoarding. For similar reasons, I also do not share the Council's view that drivers would have no visibility of pedestrians or wheelchair or buggy users.
12. Drivers using the residential site would be aware of the proximity of the access road to the junction of Brook Lane North and Great West Road and the need to stop or at least slow down before exiting the residential site through the gates. Although the Council refers to diminished pedestrian comfort at the access road, the element of hoarding which fronts onto Brook Lane North does not take up pavement space.
13. I do not therefore consider that the hoarding does have an unacceptable impact on highway safety and as such does not conflict with Local Plan EC2 (Developing a Sustainable Local Transport Network) which seeks to ensure safe and free flow of pedestrian and vehicular traffic.

Conclusion on ground (a) and the DPA and Appeal C

14. I have found that the development does not have an unacceptable impact on highway safety. However, I have found that the development does harm the character and appearance of the area. There are no other material considerations to indicate that the appeal should be determined other than in accordance with the development plan. The appeal under ground (a) therefore fails.

The appeal under ground (g)

15. The appeal under ground (g) is that the time allowed for compliance with the notice is too short. The period for compliance is one month. The appellants are not saying that they require more time to remove the hoarding but instead repeat their request that the hoarding remain in place for a further 2 years by extending the period for compliance. To allow a compliance period of 2 years would be the same as granting a temporary planning permission. However, I have already addressed under ground (a) why a two year temporary planning permission is not appropriate. A breach of planning control has occurred and the Council is entitled to see the breach remedied within a reasonable time. The period of compliance of one month is therefore reasonable. The appeal under ground (g) fails.

Other Matters

16. The appellants refer to the Council being unwilling to discuss alternative boundary treatments. However, alternative boundary treatments are not a matter before me and would need to be discussed directly between the parties, as appropriate. Similarly, the dismissal of the appeals does not prevent discussions taking place between the parties about the future of the appeal site.

Conclusion

17. For the reasons given, I conclude that Appeals A and B fail and I shall refuse planning permission on the deemed applications and the enforcement notice is upheld. Appeal C is also dismissed.

E. Griffin

INSPECTOR