



Appeal Decision

Site visit made on 17 January 2022

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2022

Appeal Ref: APP/F5540/C/20/3262409

Premises known as 368 Staines Road, Hounslow, London TW4 5BD

- 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 Mrs Faid Gradica against an enforcement notice issued by the Council of the London Borough of Hounslow.
 - The enforcement notice was issued on 9 October 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised erection of a front extension.
 - The requirements of the notice are: i. Demolish the front extension. ii. Remove all resultant 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) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld with a correction.

Preliminary Matter

2. The enforcement notice, at section 2, refers to the position of the property being edged red and marked on the attached plan with an 'X'. In fact, there is no 'X' on the plan, but it is edged red. Injustice to the parties therefore does not arise from deleting reference to this.

The ground (a) appeal

Main Issue

3. The main issue is the effect of the extension on the character and appearance of the area.

Reasons

4. The site is located on a corner plot and forms part of a short terrace of commercial premises at ground-floor level. The development enforced against relates to a front extension which provides a covered seating area used in connection with a restaurant.
5. The wider area has a relatively mixed character consisting of residential buildings, semi-detached properties as well as commercial premises. The

parade of commercial premises where the site is situated then have modest frontages, many with fabric awnings. The building's themselves are then small in scale, with only a first-floor above.

6. The extension is constructed on a dwarf wall with large windows and roofing panels. It is however conspicuous within the street-scene owing to its prominent siting and scale on a corner plot, even though it is designed to be partly at an angle with the adjoining footway.
7. The extension appears of makeshift quality and is poorly fenestrated in relation to the host building, given the large windows. It is therefore incongruous for a development along an active frontage within a commercial premises. It accordingly does not provide a high quality and attractive public realm and is overly dominant even in an area with the relatively mixed character I have described.
8. Whilst there are existing flat roof side and rear extensions at the site, these do not persuade me that the development enforced against, being on the frontage of the building, takes opportunity to conserve or contribute to the area's overall character.
9. I conclude the development is harmful to the character and appearance of the area in contravention of policies CC1 and CC2 of the adopted London Borough of Hounslow Local Plan 2015-2030. These policies, amongst other things, require that development should conserve and take opportunities to enhance particular features or qualities that contribute to an area's character and provide a high quality and attractive public realm. This is a harm to which I attach considerable weight.

Other Matters

10. I appreciate the restaurant serves food in the space provided by the extension and that there was originally a canopy in this location. The roof of the extension can also be partially retracted; however, this does not alter my findings in relation to the harm I have identified given its prominence. There is also very limited evidence that the extension provides a demonstrable economic benefit that would then outweigh my findings.

Conclusion

11. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal on ground (a) should be dismissed.

The ground (g) appeal

12. The appellant contends that the period to comply with the notice is too short at 3 months.
13. However, that the extension was said to have been built a while ago and its associated costs of construction are not matters which demonstrate why the compliance period is too short. Neither am I persuaded that the pandemic is an impediment to compliance within a period of 3 months.
14. The appellant indicates that they wish to have a permanent planning permission, but I have already considered this, above, and there is no evidence of an alternative scheme either before myself or the Council. There is therefore

very little evidence to demonstrate on the balance of probabilities that the compliance period is too short.

15. The appeal on ground (g) therefore fails.

Overall Conclusion

16. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the deemed application.

Formal Decision

17. It is directed that the enforcement notice be corrected by:

- deleting the words '*with the position of the property marked with an X*' from section 2 of the notice.

18. Subject to this correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul T Hocking

INSPECTOR