



Appeal Decision

Site visit made on 25 April 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2022

Appeal Ref: APP/F5540/W/21/3284162

74-76 Vicarage Farm Road, HOUNSLOW, TW5 0AB

- 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 Mr A Kakar against the decision of London Borough of Hounslow.
 - The application Ref 01151/74-76/P4, dated 22 June 2021, was refused by notice dated 4 August 2021.
 - The development proposed is a front extension to provide a canopy structure.
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Decision

1. The appeal is allowed and planning permission is granted for a front extension to provide a canopy structure (not including the shutters) at 74-76 Vicarage Farm Road, HOUNSLOW, TW5 0AB in accordance with the terms of the application, Ref 01151/74-76/P4, dated 22 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
74- 76vicaragefarmroad/2020/01; 74-76vicaragefarmroad/2020/02; 74-76vicaragefarmroad/2020/03; 74-76vicaragefarmroad/2020/04 and 74-76vicaragefarmroad/2020/05
except in respect of the shutters shown on the submitted plans, which are not approved as part of this decision.
 - 3) Prior to the erection of the canopy hereby approved, further details of the replacement canopy shall be submitted to and approved in writing by the Local Planning Authority and shall include details of proposed colours, materials and manufacturer specifications/brochures. The canopy shall be implemented in strict accordance with the approved details and retained as such for the duration of the development.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area; and the effect of the development on the public highway including pedestrian movements.

Reasons

Character and Appearance

3. As I observed on site, there is an existing canopy across the frontage of the shop. Such a feature is not out of keeping in this street where there are multiple retail frontages. The canopy is retractable but would likely be opened across the pavement for most daytime hours. The proposal is to replace with a new permanent canopy which would not be retractable, which the appellant states would make it easier to maintain and visually be an improvement over the existing.
4. Although the proposed replacement would be larger than existing, it would not be significantly more prominent as a feature in the street scene. It would have an appearance typical of such features within a retail 'high street' and be similar to existing. The main difference would be that it would not be retracted overnight, though in this context I am not of the opinion that this would be harmful to the visual amenities of the street at these times.
5. The proposal also included a metal shutter to the sides and front of the canopy when the shop is closed. Even if painted or perforated it is my opinion that this would have a visually obtrusive impact, especially given the extent of the shutters required. However, the appellant has stated that they would be willing to omit the shutters and so this can be addressed via a condition.
6. Overall, with the shutters omitted, the canopy as proposed would not be harmful to the visual amenities of the area, thereby being in accordance with Local Plan policy CC1. This policy seeks to require development to improve the character and qualities of the distinctive areas of the Borough and to refuse poor design, amongst other things.

Pedestrian Movements

7. As set out above, the shutters can be omitted by condition. The blind corners as set out by the Council when the shutters are down would therefore not occur. The canopy would cover a significant section of the public footpath, but this is an area with a wide footpath and so should not materially impede pedestrians passing the shop frontage.
8. The Council states that "The proposal would require that public rights of way over the area of footway be removed by way of a Stopping Up Order which is not considered acceptable." However, it is not clear if the situation would change if the shutters were omitted.
9. For these reasons the proposal accords with policy EC2 of the Local Plan, which seeks to secure a more sustainable local transport network, including opportunities for walking. The proposal would not materially impede people's ability to walk past the shop frontage as a result of the canopy.

Conditions

10. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.

11. I have attached the standard time limit condition and a plans condition as this provides certainty. The plans condition makes clear that the metal shutters as originally proposed are not approved as a result of this decision, for reasons explained above. I have also added a condition concerning materials and details of the canopy to ensure a satisfactory appearance.
12. As there is a condition to remove the shutters then it is not clear that a stopping-up order is necessary, as recommended with the relevant Council condition. It would be essentially a replacement canopy, albeit larger and non-retractable. If a stopping-up order is necessary then this would likely remain the case even if there was not a planning condition requiring its completion. As such, I am not satisfied that this recommended condition is necessary or that a stopping up order is required to mitigate an adverse effect of the new development.

Conclusion

13. For the reasons given I conclude that the appeal should succeed, subject to conditions.

Mr S Rennie

INSPECTOR