



Appeal Decision

Site visit made on 27 June 2022

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2022

Appeal Ref: APP/R5510/W/22/3297078

The Tichenham Inn, 11 Swakeleys Road, Ickenham UB10 8DF

- 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 J D Wetherspoon against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 6626/APP/2021/4578, dated 17 December 2021, was refused by notice dated 17 March 2022.
 - The development proposed is installation of a fixed glazed barrier system around the external seating area.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. That application is the subject of a separate Decision.

Preliminary Matters

3. There is some dispute over whether the extent of the outdoor seating area, as it currently exists, is lawful. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. For the avoidance of any doubt, my assessment of the appeal is confined to the effects of the fixed glazed barrier system proposed.

Main Issue

4. The main issue is whether the development would preserve or enhance the character or appearance of the Ickenham Village Conservation Area (the CA).

Reasons

5. The site lies within the historic core of the CA, which seems to derive some of its significance from a strong village character, mix of uses including commercial premises that open onto wide spacious pavements, and the historic and aesthetic value of its traditional buildings, many of which are clustered around the junction of Swakeleys Road with Long Lane/High Road.
6. The Tichenham Inn is located within a parade of commercial premises close to the junction of Swakeleys Road with Long Lane/High Road. There is an outdoor seating area on the wide pavement outside the premises, which at the time of my site visit was demarcated by some small, moveable planting boxes.

7. The proposal seeks to install a 1 metre high glazed barrier system around three sides of the seating area. The barrier system would comprise of individual toughened glass panels set between stainless steel posts.
8. I note that the height of the barrier system has been slightly reduced compared to a previous scheme submitted to the Council. Nevertheless, it would be a permanent structure divorced from the main building façade and positioned in a prominent and exposed location where it would be an intrusive element. The harm would be compounded by its overtly modern design and materials which would bear little regard to the surrounding historic townscape context in which it would be viewed. As a result, the proposal would detract significantly from the historic and visual qualities of the CA. Whilst the existing seating area already draws the eye, the design, materials, and permanence of the proposal would have a far greater discordance with its surroundings, particularly at times when the seating area is not in use. Consequently, I find that the proposal would not preserve or enhance the character or appearance of the CA, and would cause harm to its significance.
9. The harm to the significance of the CA would be classed as 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework), but that is nevertheless a matter of considerable importance and weight. This harm is not outweighed by any public benefits. The development is contrary to the policies in the Framework which seek to conserve and enhance the historic environment. In addition, there would be conflict with the design, heritage, and public realm objectives of Policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies (2012), and Policies DMHB1, DMHB4, DMHB11 and DMHB12 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020).

Other Matters

10. My attention has been drawn to the original planning permission for the outdoor seating area (ref: 6626/Z/97/1661), which the appellant advises was to be enclosed via a decorative metal balustrade. However, the proposed glazed barrier is not sufficiently comparable in its design, materials, and positioning. Thus, the previous planning permission does not represent a true fallback position. The appellant also suggests that the proposal could be carried out under permitted development rights for means of enclosure up to 1 metre adjacent to a highway. However, notwithstanding the height of the proposal, there is no clear evidence before me, such as a certificate of lawful development, to confirm that it would be possible to carry out the proposal under permitted development rights. Furthermore, I note that the land is not in the appellant's ownership, which raises doubt over whether they would even be able to utilise these permitted development rights as claimed. I therefore attach limited weight to these suggested fallback positions.
11. As requested by the appellant, I have given consideration to whether an iron balustrade could be conditioned in line with the original planning permission. However, this would conflict with the description of the development applied for, which specifically refers to a 'glazed barrier system', and is therefore not an appropriate course of action in this case. In any event, the appeal process should not be used to evolve a scheme. If the appellant thinks that the use of an iron balustrade would overcome the local planning authority's reasons for refusal they should make a fresh planning application.

12. The Council's handling of the planning application is not a matter which has any bearing on my consideration of the planning merits of the case.

Conclusion

13. The development would not preserve or enhance the character or appearance of the CA. As such, it would not accord with the development plan and Framework taken as a whole and there are no considerations to justify making a decision otherwise than in accordance with the development plan. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR