



Appeal Decision

Site visit made on 19 May 2022

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Ref: APP/F5730/C/20/3262564

Unit 1, Building 2, Granville Works, Coronation Road, London NW10 7QE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Medusa Lounge against an enforcement notice issued by Old Oak and Park Royal Development Corporation.
 - The notice was issued on 23 September 2020.
 - The breach of planning control as alleged in the notice is the material change of use of the property to a mixed use consisting of a shisha café and restaurant (sui generis) ("the unauthorised development").
 - The requirements of the notice are 1. Cease the shisha café component of the unauthorised development; 2. Cease the restaurant component of the unauthorised development; 3. Remove all material, furniture, fixtures, fittings, equipment and paraphernalia brought onto the property to facilitate the unauthorised development; 4. Remove all bathroom facilities, kitchen facilities and associated drainage connections which facilitate the use as a shisha café and restaurant; 5. Demolish the front extension, side extension and rear extension which facilitate the unauthorised development and restore the external walls of the building to its former state using materials to match the existing building; 6. Remove from the property all signs and advertisements which promote and facilitate the unauthorised development; and 7. Remove from the property all debris resulting from compliance with the above steps.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issues are; first, whether the unauthorised development results in an unacceptable loss of industrial floorspace; and second, the effect of the unauthorised development on the character and appearance of the building.

The first issue – industrial floorspace

3. The appeal building is located in an area designated as a Strategic Industrial Location (SIL). Policy E1 of the Old Oak and Park Royal Development Corporation (OPDC) Local Plan (OPDC LP) states that the OPDC will protect, strengthen and intensify land within the designated SIL boundary by ensuring proposals, amongst other things, are comprised of uses suitable for broad industrial type activities and achieve no net loss of industrial floorspace capacity. OPDC LP policy E1 carries forward the requirements of policy E5 of the London Plan 2021 (2021 LP).

4. The proposal is the retention of the unauthorised development at the appeal property, a shisha café and restaurant. Such a use of the property, whilst it does

provide some employment, is not, as a matter of fact, a 'broad industrial type activity' and, as admitted by the Appellant, has resulted in a net loss of industrial floorspace. The proposal would result in an unacceptable loss of industrial floorspace and conflicts with OPDC LP policy E1 and with 2021 LP policy E5.

5. The Appellant's Agent maintains that OPDC LP policy E1 states that "...the net loss of industrial floorspace will be resisted *where feasible...*" (his emphasis). The policy, as a matter of fact, states that "...the net loss of industrial floorspace will be resisted and where feasible, intensify the use of sites..." (emphasis added). The issue of feasibility relates to the intensification of the use of sites, not to the net loss of industrial floorspace. There is nothing in evidence to indicate that the premises could not provide industrial opportunities.

The second issue – the character and appearance of the building

6. The appeal property is the ground floor of a part of a two-storey, flat roofed, brick building at the west end of a group of buildings in predominantly industrial uses, particularly at ground floor level. The frontage of the building is set back from the pavement to Coronation Road by a few metres, and the side elevation of the building is set away from the property boundary also by a few metres. Photographic evidence indicates that the original building had a utilitarian appearance befitting its lawful and previous industrial use.

7. The building has been extended at ground floor level to fill in the areas between the building and the pavement and the property boundary. These timber extensions have a somewhat makeshift appearance and, as they fill the gaps, result in the building having a cramped appearance. Materials used are black or are painted black. Consequently, the extensions have a forbidding and dull appearance. Furthermore, the extensions detract from the utilitarian and plain appearance of the original building that can be seen above them.

8. Taking all of these factors into account the two extensions that have been erected on the land have had a significant adverse effect on the character and appearance of the building. The proposed retention of the unauthorised development thus conflicts with OPDC LP policy SP9 and with 2021 LP policy D3.

9. The Appellant's Agent has argued, given other similar uses on Coronation Road nearby, that the unauthorised development is "...wholly considerate of the prevailing character and integrates sympathetically with this part of Coronation Road". The Council has taken enforcement action against the other similar uses and it is known that appeals against the issued enforcement notices have been withdrawn. Once the requirements of those notices have been complied with the unauthorised development at the appeal property, if it were allowed to be retained, would be out of character and unsympathetic.

Other matters

10. The Council claims that the unauthorised development has a detrimental effect on the living conditions of occupiers of first floor residential properties and contributes to anti-social behaviour in the area. The unauthorised development has been one of three such developments at Granville Works and it is not possible to determine whether it is the cumulative effect of the three developments that has caused the harm claimed or whether the effect can be attributed to the development that is the subject of this appeal. In any event, the conclusions reached on the main issues provide sufficient reason to dismiss the appeal.

Conclusion

11. The proposed retention of the unauthorised development would result in an unacceptable loss of industrial floorspace and would maintain a significant adverse effect on the character and appearance of the building. Planning conditions would not alleviate the harm that is, and would be, caused. Planning permission must therefore be withheld and the ground (a) appeal thus fails.

John Braithwaite

Inspector