



Appeal Decision

Site visit made on 30 May 2023

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2023

Appeal Ref: APP/A5270/C/22/3297753

Premises known as Grand Junction Arms, Western Road, Southall, Middlesex UB2 5JU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Mr Daljit Chopra against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice, numbered 22EN0110(1), was issued on 18 March 2022.
 - The breach of planning control as alleged in the notice is without planning permission the bricking up of an original entrance to the building and the formation of a new front entrance and the installation of a metal roller shutter and step.
 - The requirements of the notice are:
 1. Remove the metal roller shutter and step;
 2. Remove the new front entrance and reinstate a window to match the same dimensions and design of window that existed prior to the new entrance being formed, as shown within the photograph attached to this enforcement notice; and,
 3. Reinstate entrance doors to match the same dimensions and design of doors that existed prior to the entrance being bricked up, as shown within the photograph attached to this enforcement notice.
 - The period for compliance with the requirements is within three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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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Decision

1. It is directed that the enforcement notice be corrected by:
 - In section 2 of the notice, delete the words 'premises known as' and replace them with the words 'Land at'.
2. Subject to this correction, the appeal is dismissed, 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.

Preliminary Matters

3. The appeal site is described in the Enforcement Notice (the notice) as 'premises known as Grand Junction Arms, Western Road, Southall, Middlesex UB2 5JU'. However, on the appeal form, the appellant refers to the site as being '2 Bulls Bridge Road, Southall UB2 5LU'. It is clear from the HM Land Registry Title Plan that the land subject to the notice is identified correctly as being the Grand Junction Arms, Western Road, Southall, UB2 5JU. The plan shown in the Title Plan also corresponds with the plan appended to the notice. Therefore, I am satisfied that no confusion arises.

4. However, it is the convention in enforcement notices to cite the address to which the notice relates with the prefix 'Land at'. The notice in this case does not follow that convention and, in deference to the normal convention, I will correct the notice to refer to 'Land at'. I am satisfied that no injustice would be caused by my so doing.

The appeal on ground (a)

5. The ground (a) appeal seeks that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. Therefore, in making an appeal on ground (a), the appellant is seeking planning permission for the bricking up of an original entrance to the building and the formation of a new front entrance and the installation of a metal roller shutter and step.
6. From a review of the evidence before me, the main issue is the effect of the development on the character and appearance of the host building and on its significance as a non-designated heritage asset.
7. The Grand Junction Arms is a 19th century public house that fronts onto the Grand Union Canal with access via Bulls Bridge Road and a pedestrian towpath. The property is included on the Local Planning Authority's Local List as being of architectural and historic significance. Therefore, whilst not statutory listed, the appeal property is considered a non-designated heritage asset. The National Planning Policy Framework (the Framework) requires that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The appeal property comprises a central two storey projecting gable section, part clad in horizontal weatherboarding, flanked by subordinate recessed single storey sections. It is constructed of red brick with pitched roofs covered in red tiles. Tall chimney stacks with decorative brick detailing contribute to the building's vertical form and architectural quality. The central gable elevation is a prominent part of the building's architectural composition. It is symmetrically designed and prior to the unauthorised development comprised of two centrally positioned timber doors flanked by three sets of casement windows on either side. Above the entrance is a further set of six casement windows located centrally within the elevation. The symmetrical composition of this gable elevation and its traditional appearance contribute greatly to the building's overall character and heritage significance as a prominent building of Victorian origin.
9. The loss of the central entrance doors and traditional windows, and their replacement with an off-centre entrance, fails to respect and detracts from the symmetry of the building, thereby harmfully eroding its architectural and historic value as a heritage asset. In particular, the positioning of the new entrance to the right of the original opening disrupts the orderly arrangement of the gable elevation, while the use of modern fully glazed doors is at odds with the more traditional palette of materials used throughout the building.
10. The grey roller shutter and its surrounding frame along with the composite cladding to either side, appear as discordant contemporary additions to the building. To my mind these modern elements are overly assertive and dominate the principal elevation, detracting from its simple historic character. I

find the composite cladding, with its gloss-like finish, to be particularly stark and jarring with the traditional historic character and appearance of the property.

11. The step up from the highway provides access to the new entrance for customers and is unlikely to pose a significant safety risk to the public. It is constructed of red bricks and topped with paving slabs. On its own, it is somewhat discreet in appearance. However, it is an integral part of the development, and so it contributes to the harmful loss of symmetry described above. I acknowledge the appellant's point that the step is to facilitate ease of access to the building. However, the new entrance sits higher off the pavement than the previous centrally positioned entrance and there is no evidence before me to suggest that access was previously an issue or problem.
12. I appreciate the appellant's desire to make the property more secure to prevent theft, burglary and damage from anti-social behaviour, and I note the crime statistics for the area that have been presented to support this argument. However, it has not been demonstrated that the proposed development would be the only, or least harmful, way of achieving these aims.
13. The appellant suggests that the new entrance was required under the Council's licensing regime to provide double doors which are 'airlocked' as a sound reduction measure, in effect providing an internal vestibule. Nevertheless, no evidence has been presented to suggest that a similar arrangement, of a more suitable appearance, could not be achieved by utilising the original central opening.
14. Bringing all these points together, I find that the development is causing considerable harm to the character and appearance of the host building and is thereby detracting from its significance as a non-designated heritage asset. Therefore, the development is contrary to Policies HC1 and D3 of the London Plan 2021 and Policies 7.4, 7B and 7C of the Ealing Development Management Development Plan Document 2013 which together, amongst other things, requires a design-led approach, incorporating high quality architecture that conserves the significance of heritage assets and their contribution to local character.

Other Matters

15. In their final comments the appellant suggests that they are not in a financial position to comply with the requirements of the notice. I acknowledge that in meeting the requirements of the notice there will be a financial impact. However, having regard to the severity of the harm I have identified, I consider the requirements and the compliance period to be reasonable and proportionate.
16. Interested parties have raised concerns in relation to patrons blocking the public highway outside the appeal property and also in relation to the use of a separate entrance to an allegedly unauthorised new dwelling. Comments have also been made in relation to a recently created carpark at the site and its effects on a Willow tree that is subject to a Tree preservation Order. Building Control and Fire Safety regulations are also cited in relation to the capacity of the appeal site. Nevertheless, these matters do not relate to the breach of planning control as identified in this case, and so fall outside of the scope of this appeal.

Conclusion

17. I have found the development to be causing considerable harm to the character and appearance of the host building and thereby detracting from its significance as a non-designated heritage asset. In this regard, the proposal is contrary to the above cited policies of the development plan and no material considerations of sufficient weight have been advanced to overcome this.
18. Therefore, for the reasons given, I conclude that the appeal should not succeed. I shall uphold the enforcement notice, with the correction set out above, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

J M Tweddle

INSPECTOR