



Appeal Decision

Site visit made on 7 August 2023

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2023

Appeal Ref: APP/R5510/C/22/3299310

47 Swakeleys Road, Ickenham UB10 8DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
- The appeal is made by Mr Anupam Kumar of Jaat Homes Limited against an enforcement notice issued by the Council of the London Borough of Hillingdon.
- The notice was issued on 19 April 2022.
- The breach of planning control as alleged in the notice is without planning permission, alterations to front elevation of 47 Swakeleys Road, Ickenham, including changes to shop front, installation of entrance door and insertion of modern casement windows at first floor.
- The requirements of the notice are:
 - (i) Remove the modern shopfront and entrance door and replace with shopfront to match the design and appearance of the pre-existing shop front, including materiality, arrangement, multi-paned glazing, colours and signage illumination as shown on the image attached to the enforcement notice marked Appendix A.
 - (ii) Remove the two modern casement windows from the front elevation at first floor and replace with flush steel framed windows with traditional lead detailing to match the first-floor windows to the neighbouring attached properties (Nos 45 and 49), in terms of appearance, colour, glazing arrangement, lead detailing, materiality and opening mechanism.
 - (iii) Remove from the land all debris, items, building materials to include plant and machinery and fittings resulting from compliance with point (i) and (ii) above.
- The period for compliance with the requirements is three calendar 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.

Decision

1. It is directed that the enforcement notice is varied by the deletion of three calendar months and the substitution of five calendar months as the time for compliance in section 6 of the enforcement notice.
2. Subject to the variation, 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.

The appeal on ground (a) and the deemed planning application

3. The main issue is whether the changes to the shopfront, installation of the entrance door and the insertion of modern casement windows preserves or enhances the character or appearance of the Ickenham Village Conservation Area.
4. The character of Ickenham is a result of the railways Metroland development, with the significance of the Conservation Area being derived in part from its

development from a rural village, prior to the major development in the settlement from the 1920s.

5. The appeal site dates from the 1930s and forms part of a parade of shops, which the Council stated was one of the first to be built along Swakeleys Road as part of the Metroland development of the area. The appeal property is situated in a mid-terrace position in the parade, which is built in an Arts and Crafts style, characterised by mock-Tudor detailing at first floor and makes a positive contribution to the character and appearance of the Conservation Area.
6. It is evident that the previous shopfront included features which respect and reflect traditional shopfront design, including a recessed central entrance. Together with the multi-pane bowed windows, the shopfront provided design interest and made a positive contribution to the character and appearance of the Conservation Area.
7. In terms of the replacement shopfront, it exhibits few of the main elements of good shopfront design. Large, glazed display windows are not uncommon however, together with the large, glazed door, flush with the windows, the shopfront provides no visual relief or interest. Notwithstanding the retention of the fascia, stall riser and pilasters, the overall effect is a modern shopfront which does not respect or reflect the architecture of the building above. As such, it has a harmful effect on the character and appearance of the appeal building and does not preserve or enhance the character or appearance of the Conservation Area.
8. It appears from the Council's submissions that the first-floor windows were of notable historic and architectural interest and appeared to be original metal casements with leaded lights. The replacement UPVC windows with what appears to be 'stuck' on glazing bars, have a chunky, engineered, and modern appearance which does not respect the slim and delicate profiles of the original windows. Consequently, they adversely affect the architectural integrity of the appeal building and do not preserve or enhance the character or appearance of the Conservation Area.
9. There are a variety of shopfronts along the road and a number include elements of good shopfront design. However, the use of modern materials and shopfront design in several cases, has detracted from the character and appearance of the area, including the adjacent Coral betting shop, which is acknowledged by the Council.
10. Moreover, the proliferation of white UPVC, as illustrated in the appellant's submissions, undoubtedly has a detrimental impact upon the character and appearance of the Conservation Area and its significance.
11. Nevertheless, the slow degradation of the historic qualities of the area by such unsympathetic alterations, does not justify granting planning permission in the context of the special attention that must be paid to the desirability of preserving or enhancing the character or appearance of the area as a whole.
12. Given the scale of the proposal within the context of the Conservation Area as a whole, I consider the harm to be less than substantial. Nevertheless, I am mindful that the National Planning Policy Framework (the Framework) says great weight should be given to the conservation of a designated heritage asset and any harm to such assets should require clear and convincing justification.

13. Moreover, that where a proposal would lead to less than substantial harm to the significance of such an asset, that harm should be weighed against the proposal's public benefits including, where appropriate, securing its optimum viable use. This requires a balancing exercise of harm against the public benefits of the proposal.
14. The appellant stated that the new shopfront is more secure and thermally efficient, allows more light, makes the internal space larger and more open and inviting, and has improved disabled access to the building. Additionally, that it has made the restaurant viable which in turn contributes to the viability and vitality of the area.
15. However, since it has not been demonstrated that the appeal scheme is the only means by which such benefits could be achieved, they are of limited weight. The proportionate response and that supported by the development plan is that the appeal should be dismissed.
16. Consequently, the public benefits do not outweigh the great weight that I am required to attach to the heritage asset's conservation. Overall, I conclude that the development does not accord with the design and heritage protection aims of Policies HC1 of the London Plan 2021, Policies BE1 and HE1 of the Local Plan Part One¹ and Policies DMHB1, 4, 11, 12 and 13 of the Local Plan Part Two². Together these policies require high quality design, high-quality shopfronts and development to preserve or enhance the character or appearance of conservation areas. It also fails to accord with national policy which seeks to conserve and enhance the historic environment.
17. For the reasons given above, the appeal under ground (a) is dismissed and the deemed planning application is refused.

The appeal on ground (g)

18. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant suggested a period of nine months on the basis that the shopfront and windows are of a bespoke design and would need to be designed by a specialist. Further, that finding a suitable craftsperson and commissioning the design, ordering, manufacturing and installing them would likely take much longer than three months.
19. The purpose of the time period within an enforcement notice is to allow for the physical works associated with the notice to be removed. The appellant's submissions largely relate to the time before the works can commence, when a suitable craftsperson can be found.
20. Nevertheless, I acknowledge that the removal of the shopfront and windows and their reinstatement are works that would need to be carried out by a suitably qualified tradesperson.
21. Given the specific requirements to match the detailing of the pre-existing shopfront and windows, I conclude that the period for compliance should be extended, but to five months, not the nine suggested by the appellant. A

¹ A Vision for 2026 Local Plan: Part 1 Strategic Policies (Adopted November 2012)

² London Borough of Hillingdon Local Plan Part 2 Development Management Policies Adopted Version 16 January 2020

period of five months would be a proportionate response to the breach of planning control. To this extent, the appeal on ground (g) succeeds.

Conclusion

22. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR