



Appeal Decision

Site visit made on 5 March 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/M5450/C/23/3317585

55 Burnt Oak Broadway, Edgware HA8 5EP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Bucovina in UK Ltd against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The notice was issued on 24 January 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a new shopfront including a metal cabin with shutters ('the unauthorised development').
 - The requirements of the notice are: 1. Demolish the unauthorised development.
2. Make good any damage caused to the building as a result of the above step and ensure that all materials used shall match those used in the existing building.
3. Remove from the land all materials and debris arising from compliance with the aforementioned requirements of the notice.
 - The period for compliance with the requirements is two 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. 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. 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 Matter

2. This Decision takes into account the revised National Planning Policy Framework (the Framework), published on 19 December 2023.

Main Issue

3. The main issue in this appeal is the effect of the unauthorised development on the character and appearance of the building and the surrounding area.

Reasons

Character and appearance

4. The appeal property contains a mid-terrace, three-storey building. The ground floor of the building is in use as a shop. A canopy projects from the front of the shop towards the footway. The building is in a parade of two and three-storey premises with retail and commercial uses at ground floor level, forming part of a local centre. Classically inspired proportions and design motifs are evident in the upper floors of the principal elevation of the building, as well as in those of

adjoining premises. For the most part, premises along the parade have a similar alignment adjacent to the back edge of the footway, with extensive glazed frontages on the ground floors. In some instances, the shopfronts have been removed to display goods for sale, mainly fruit and vegetables, under projecting canopies. These factors all contribute positively to the largely coherent and vibrant commercial character and appearance of the area.

5. The enforcement notice attacks a metal cabin with a solid roller shutter door, erected to enclose the display of fruit and vegetables for sale in front of the shop. The cabin is of substantial size, extending over almost all the shopfront, also protruding well forward of the principal elevation of the building and adjacent premises. The angular, box-like profile and solid metal construction contribute to the cabin having a utilitarian appearance which pays little regard to the well-conceived proportions and design qualities of the building and adjoining premises. The green colour finish offers little assistance in visually assimilating the cabin with the building and surrounding development.
6. The roller shutter door was in the raised position when I visited. Lowering the shutter leads to a greater sense of enclosure at the front of the building. This fails to reflect the generally more open qualities of retail and commercial frontages in the vicinity and emphasises the sense of the cabin's incongruity in relation to its surroundings. Also, when lowered the shutter gives the building a defensive appearance. Consequently, the cabin does not sit comfortably at the front of the building or in relation to adjacent premises and is entirely at odds with the prevailing pattern of development in the locality, appearing as an obtrusive and alien addition in the street scene.
7. I appreciate that there are isolated incidences of roller shutters, mostly of the solid type, on the front of other premises in the vicinity. Also, a structure similar to the cabin is at the front of premises nearby. Even so, none of those developments reflect the prevailing visual qualities of their host buildings, nor those of adjacent premises and the surrounding area. Moreover, as far as I was made aware none of those developments benefitted from planning permission. The presence of similar structures is not, by itself, a sound reason to grant planning permission for unacceptable development as it could be repeated, causing further harm.
8. Therefore, the cabin causes unacceptable harm to the character and appearance of the building and that of the surrounding area. This is in conflict with Policy DM1 of the Harrow Development Management Policies Local Plan (LP), which requires new development to achieve a high standard of design and layout. Furthermore, there is conflict with LP Policy DM4, which requires shopfront development, which I interpret as including the cabin, to be in scale and proportion to the host building and appropriate to the character of the area in which it is located, using security shutters of open mesh design located internally where possible. In addition, the cabin conflicts with criteria in Policy D3 of the London Plan which require development to positively respond to local character and distinctiveness in terms of its form and quality. Also, by failing to reflect local design policies the cabin is inconsistent with the Framework.

Other Matters

9. My understanding is that the cabin was erected to secure the fruit and vegetable display at the shop outside of trading hours. The display is likely to make an important contribution to trade at the shop, as evidenced by a

number of similar displays at other premises in the vicinity. There is no firm evidence however that the items displayed could not be sufficiently secured by other means, for example by re-arranging space within the building or by utilising other indoor space. Therefore, I afford this matter limited weight.

10. The cabin does not harm the living conditions of occupiers of neighbouring residential property, nor does it obstruct the footway so as to adversely affect pedestrian safety. Even so, the absence of such harm has a neutral effect in terms of whether planning permission should be granted for the cabin.

Conclusion

11. For the reasons set out above, the cabin is in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR