



Appeal Decision

Site visit made on 17 March 2025

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/R5510/C/24/3342487

111 High Street, Ruislip HA4 8JN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Avnish Sharma against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 5 March 2024.
 - The breach of planning control as alleged in the notice is without planning permission, alterations to front elevation of 111 High Street, Ruislip, including changes to shop front, the installation of illuminated signage, glass entrance door, rendered wall and insertion of small slit windows at ground floor.
 - The requirements of the notice are:
 - i. Remove the modern shopfront, rendered walls, small slit windows, glass entrance door and illuminated fascia signage, and replace with shopfront to match the design and appearance of the pre-existing shop front, including materiality, arrangement, multi-paned glazing, and fascia sign board as shown on the attached image marked Appendix A;
 - ii. Remove the small slit windows and rendered walls from the front elevation at ground floor level and replace with flush steel framed windows with traditional lead detailing to match the ground floor windows to the neighbouring attached properties (Nos 109 & 113), in terms of appearance, glazing arrangement, lead detailing, materiality and opening mechanism as shown on the attached image marked Appendix A;
 - 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: 3 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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Formal Decision

1. It is directed that the enforcement notice is varied by:
 - (i) the deletion of the words “as shown on the attached image marked Appendix A” from paragraph 5(i) of the notice;
 - (ii) the insertion of the words “window opening mechanism,” after the word “glazing” in paragraph 5(i) of the notice;
 - (iii) the deletion of paragraph 5(ii) of the notice;
 - (iv) the deletion of the words “and (ii)” from paragraph 5(iii) of the notice; and
 - (v) the deletion of the word “land” from paragraph 5(iii) of the notice, and its substitution with the word “Land”.
2. Subject to the variations, 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 Enforcement Notice

3. The purpose of the enforcement notice in this case is to remedy the breach of planning control in accordance with section 173(4)(a) of the 1990 Act. The first requirement of the notice relates to removing the shop front and replacing it with one to match the pre-existing as per Appendix A of the notice. However, there is a dispute between the main parties as to the precise nature of the pre-existing shop front, with the appellant providing images that do not match that at Appendix A.
4. Given the dispute in this regard, in accordance with section 176(1)(b) of the 1990 Act I can vary the notice to retain the requirement to replace the shopfront with one to match the pre-existing, but to remove reference to Appendix A. I am satisfied that the varied notice would still remedy the breach of planning control, albeit that it will be a matter for the main parties to resolve as to what comprises the pre-existing shop front. I can make this variation without prejudice to the appellant or the local planning authority.
5. The second requirement of the notice relates to removing the windows and rendered walls of the shop front and replacing these with windows to match neighbouring properties in terms of glazing arrangement, lead detailing, materiality, and opening mechanism. However, the replacement of the rendered walls and windows, including in terms of materiality and multi-paned glazing, is covered by the first requirement of the notice, which requires this to match the pre-existing shop front at the site. The inclusion of both requirements is therefore unnecessary and creates uncertainty as to the precise requirements of the notice.
6. In the interests of certainty and clarity as to the steps required to be taken by the notice, I can vary the notice to remove paragraph 5(ii), but include reference to the opening mechanism of windows in paragraph 5(i). I can make this variation without prejudice to the appellant or local planning authority and am satisfied that the varied notice would still remedy the breach of planning control.
7. The enforcement notice defines 111 High Street, Ruislip HA4 8JN as “the Land”. However, paragraph 5(iii) of the notice refers to “the land” rather than the correct defined term. In accordance with section 176(1)(a) of the 1990 Act I can correct the steps required to be taken in paragraph to refer to “the Land”. I can make this correction without injustice to the appellant or the local planning authority.

Appeal on ground (a)

8. An appeal on ground (a) is brought on the basis that planning permission ought to be granted for the breach of planning control stated in the notice. Where an appeal on ground (a) is duly made, an application for planning permission is deemed to have been made.

Preliminary Matters

9. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to significantly affect the matters raised. It has not therefore been necessary to seek parties’ views.
10. During my visit I noted that the current shop front at the site does not precisely match that shown in the Council’s Officer Report or Statement of Case. For the

avoidance of doubt, I have based my decision on the shop front development that is subject to the enforcement notice.

Main Issue

11. The main issue is the effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Ruislip Village Conservation Area (the CA).

Reasons

12. The site is a three-storey terraced building with a restaurant on the ground floor and residential accommodation above. It is within the CA, the immediate section of which is defined by, and derives significance from, the commercial parade of properties with traditional 1920s and 1930s detailing on the upper floors. At street level, this immediate section of the CA comprises shop front facades of different designs. While varied, these units largely feature expansive front glazing that lends a subtlety, legibility, and homogeneity to the lower levels of this part of the street, allowing the upper floor detailing to be readily experienced and appreciated.
13. The traditional external appearance of the upper floors of the site is evident within the immediate surrounds, and makes a clear positive contribution to the character and appearance of this part of the CA. The development to which appeal relates is a street level shop front.
14. The shop front subject to the enforcement notice retains the central entrance door, matching the alignment of many other premises in the street, and is framed at either side by pilasters, which ensure that a traditional feature remains at street level. While it does not include a stall riser, these are not a prevalent feature in this precise section of High Street, such that its absence does not lead to visual harm. In addition, the signage and colouring of the shop front, including its illumination, does not appear out of place among the range of nearby ground floor facades, which feature various colours, designs, and levels of illumination.
15. However, the shop front features a notably more limited amount of glazing than is common on the street, with narrow, small-slit windows separated by extensive portions of render. This results in the shop front appearing much less legible and more enclosed than those of neighbouring premises, with the solid expanses of render leading to it being a dominant addition to the streetscene. Overall, it appears as a distracting feature that visually competes with surrounding development. It appears unduly contemporary and fails to respect or reflect the design of other shop fronts or, importantly, the architecture of the buildings above.
16. I note the variety of shop front designs along the street, and that the CA appraisal labels these as generally unremarkable, making specific reference to only three shop fronts of note. However, as outlined above, I observed a level of consistency in glazing along the shop fronts in this part of the street that clearly contributes positively to the surrounds and the significance of the CA. While this is not the case for every unit, this does not detract from the positive contribution those glazed shop fronts make.
17. The appellant refers to a pre-existing shop front at the site which it describes as tired and unattractive. It claims the signage was poorly designed and the materials out of place. However, even noting its signage and materials, this former shop

front retained a level of glazing that aligned more closely to the overarching nature of this part of the street. This ensured that it was not a visual distraction to the same, harmful extent as the development subject to the enforcement notice.

18. The CA appraisal is clear that the introduction of modern shopfronts is a negative change in the area in recent years and, for the reasons given, I have found the shop front subject to the enforcement notice contributes to the degradation of the historic qualities of the area as a result of such unsympathetic additions.
19. For these reasons, the shop front overall causes visual harm to the site and the contribution it makes to the surrounding character and appearance. As such, it neither preserves nor enhances the character or appearance of the CA. The effect is localised such that it is 'less than substantial' harm.
20. Nevertheless, the Framework is clear that great weight should be given to the conservation of heritage assets. It specifies that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It has been raised that the development provided satisfactory access for all user groups, and that the materials were durable and easy to maintain. However, there is nothing substantive before me to suggest that this was not also achieved by the pre-existing shop front. As such, this would not outweigh the harm identified.
21. For the reasons given, the development has a significant adverse effect on the character and appearance of the area, and fails to preserve or enhance the character or appearance of the CA. As such, it fails to comply with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies November 2012; Policies DMHB1, DMHB4, DMHB11, DMHB12, DMHB13, and DMHB13A of the Hillingdon Local Plan: Part Two - Development Management Policies January 2020, Policy HC1 of the London Plan 2021, and the provisions of the National Planning Policy Framework insofar as they seek to ensure high quality design that is well-integrated with, appropriate to, and harmonises with the local context and avoids harm to the historic environment, and that shop fronts complement the building and streetscene.

Other Matters

22. The Council's Statement of Case refers to other breaches of planning control, being the enlargement and alteration to the roof, alterations to the front elevation of a dwellinghouse, and the unauthorised material change of use of a dwellinghouse to six self-contained flats. This appears to be a typographical error that does not relate to the development that is the subject of this appeal.

Conclusion

23. For the reasons given above, I conclude that the appeal on ground (a) should not succeed, and I shall refuse the deemed application for planning permission.

Overall conclusions

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

C Rafferty

INSPECTOR