



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/24/3342574

39 High Street, Ruislip, HA4 7AU known as The Glow Up 39-41 High Street Ruislip HA4 7AU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mrs Anne Katheen Hilton 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 39 - 41 High Street, Ruislip, including changes to shop front, installation of fully glazed entrance door, rendered walls and insertion of modern casement windows at ground floor.
 - The requirements of the notice are to:
 - i. Remove the modern shopfront, rendered walls, modern casement windows and fully glazed entrance door and replace with shopfront to match the design and appearance of the pre-existing shop front, including materiality, arrangement, multi-paned glazing, brick stall riser, colours and fascia board as shown on the attached image marked Appendix A;
 - ii. Remove the modern casement 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 37), 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 (3) calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), and (g) 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 corrected and 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 correction and 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 enforcement notice defines 39 High Street Ruislip HA4 7AU known as The Glow Up 39-41 High Street Ruislip HA4 7AU 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)

4. 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

5. 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.

Main Issue

6. 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

7. The site is a two-storey terraced building with a commercial unit on the ground floor. It is in 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 upper floors. At street level, this part of the CA comprises shop fronts of different designs. However, these retain a level of consistency in form, particularly with regard to thin-framed expanses of glazing lending a homogeneity to the streetscape. In addition, traditional elements reflect and complement the upper floors, with stall risers being a common feature and pilasters providing clear separation between units that results in an overall legibility to the street.
8. Even with varied shop fronts, the historic nature of this part of High Street is readily experienced and appreciated. Despite the position of the appeal site at the end of a terrace, in a group of properties with different proportions to the remainder of the row, the red brick nature and tiled crown roof of the upper floor continues to make a positive contribution to the surrounds. The development to which the appeal relates is a street level shop front.
9. The signage and colouring of the shop front subject to the enforcement notice do not appear out of place among the range of nearby ground floor facades, which include various colours and designs. In addition, it contains extensive glazing, a notable feature of shop fronts on the street. However, in addition to a solid, unglazed side elevation, the front glazing of the shop front is broken by sizeable, thick portions of render. This appears as a dominant and out of place feature in the streetscene, creating a bottom heavy and ill-proportioned appearance. Combined

with the incongruous uplighting along the façade, this also results in a shop front that reads as unduly contemporary and out of context within the street.

10. The shop front fails to incorporate a stall riser. While these are not present at every unit, they are common features of the surrounds that contribute positively to the immediate, traditional character. In addition, the finish of the shop front is such that the pilaster is no longer particularly evident, reducing the visual separation with the neighbouring unit. This reduces the legibility of the street and results in the shop front at the site appearing unduly large. This lack of stall riser and somewhat camouflaged pilaster, combined with the render and lighting features outlined above, further highlight the overtly contemporary design of the development and its failure to respect the overarching traditional feel of this part of the CA.
11. I note the variety of shop front designs along the street, and that the CA appraisal acknowledges that most shops have lost their original fronts. However, as outlined above, I observed a level of consistency along the shop fronts in this part of High Street that clearly contributes positively to the surrounds and the significance of the CA, and allows for an understanding of the historic nature of the street. The shop front at the site does not respect this consistency.
12. The appellant refers to a pre-existing shop front at the site which it describes as clumsy and making little positive contribution. However, this former shop front retained a stall riser, clearly visible pilaster, and thin-framed glazing that ensured that it assimilated in the surrounds and was not a visual distraction to the same, harmful extent as the development subject to the enforcement notice.
13. 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.
14. 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.
15. 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 provides equal access, an active frontage, and natural surveillance. 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.
16. 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, and DMHB13 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.

Conclusion

17. 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.

Appeal on ground (f)

18. An appeal on ground (f) is brought on the basis that the requirements of the notice exceed what is necessary. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve. They are either: (a) remedying the breach of planning control; or (b) remedying any injury to amenity which has been caused by the breach. Section 173(4) is clear that a notice can remedy the breach of planning control by: making the development comply with the terms of any planning permission which has been granted in respect of the land; by discontinuing any use of the land; or by restoring the land to its condition before the breach took place.
19. The alleged breach of planning control is, without planning permission, alterations to front elevation of 39 - 41 High Street, Ruislip, including changes to shop front, installation of fully glazed entrance door, rendered walls and insertion of modern casement windows at ground floor. Given the nature of the requirements of the enforcement notice as outlined above, the purpose of the enforcement notice in this instance is to remedy the breach of planning control.
20. 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 the neighbouring property at No. 37 High Street in terms of appearance, colour, glazing arrangement, lead detailing, materiality, and opening mechanism. However, the replacement of the rendered walls and windows, including in terms of materiality, arrangement, 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 exceeds what is necessary and creates uncertainty as to the precise requirements of the notice.
21. In the interests of certainty and clarity as to the steps required to be taken, 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 injustice to the appellant or local planning authority and am satisfied that the resulting requirements would not exceed what is necessary and that varied notice would still remedy the breach of planning control.
22. The first requirement of the enforcement 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.
23. Given the dispute in this regard 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 by restoring the Land to its condition before the breach took place.

I can make this variation without injustice to the appellant or the local planning authority.

24. The appeal on ground (f) therefore succeeds to a limited extent.

Appeal on ground (g)

25. An appeal on ground (g) is brought on the basis that the time period for compliance in the notice falls short of what should reasonably be allowed.

26. The notice gives 3 months for compliance. The appellant argues that this would be insufficient and that a period of 6 months would enable them to undertake survey works, commission drawings, arrange for the manufacture of bespoke parts, find a suitable tradesperson, and undertake the works. There is nothing compelling before me to suggest that a tradesperson could not be readily found and instructed, and the required works commissioned and carried out, within the 3 month period specified. This would ensure that the identified planning harm is dealt with in the necessary expedient manner.

27. The appeal on ground (g) therefore fails.

Overall conclusion

28. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and 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