Planning Inspectorate

Appeal Decision

Site visit made on 21 October 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/A5270/C/23/3332509
64 Northfield Avenue, West Ealing, London W13 9RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Surinderpal Sidhu on behalf of Sidhu Hearing Solutions Ltd t/a Ealing Hearing Centre against an enforcement notice issued by the Council of the London Borough of Ealing.
- The notice was issued on 10 October 2023.
- The breach of planning control as alleged in the notice is the replacement of the historical locally listed corner shop front with a contemporary style shop front with modern illuminated signage.
- The requirements of the notice are:
  1. Remove the contemporary style shopfront, roller shutter door, fittings, and modern illuminated signage; and
  2. Reinstate a facsimile copy of the pre-existing shopfront as shown in photographs 1, 2 and 3 accompanying the notice.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) 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.

Decision

1. The appeal is dismissed, and 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.

Appeal on ground (a), the deemed planning application

Main Issue

2. The main issue is the effect of the development on the character and appearance of the locally listed shopfront and area.

Reasons

3. The appeal relates to a ground floor commercial unit within a two-storey end of terrace corner property. The appeal site is in a terrace of similar two storey buildings with predominantly commercial units on the ground floor with residential uses above. This appeal relates to the replacement of a shopfront and fascia, including the installation of a new internally illuminated fascia sign.

4. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

5. The Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. 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.

6. The non-designated heritage asset relates to the locally listed shop front which has recently been removed and replaced with the modern shopfront. The significance of the former shopfront stems from its architectural and historic interest. The 1930s elaborate corner shopfront contained a number of traditional features such as recessed timber framed glass double doors with a fanlight above, a consistent stallriser to both street elevations, two large windows to each street elevation with fanlights above, and an elegant and attractive non-illuminated chrome edging fascia sign flush with the building. The flush fitting fascia sign ensured that the original console bracket was clearly legible as a traditional feature of the shop front. Furthermore, the frames of the shopfront were relatively slender which resulted in an elegant appearance. Collectively these historic and traditional features made a positive contribution to the significance of the former shop front, and the area generally.

7. The former shopfront design is typical of the early C20 period that the locally listed designation was intended to protect. The former non-illuminated chrome edging fascia sign flush with the building has been replaced with an inappropriate modern internally illuminated fascia, with backlit text. In addition, the fascia sign is no longer flush with the building, but projects proud of the facade. As a result, this projection partially obscures the console bracket which is a traditional feature of these shopfronts.

8. The former central recessed timber framed glass double entrance doors has been replaced with a new aluminium door with a roller shutter box above. The replacement shopfront no longer maintains a consistent traditional stallriser since this has been removed from the Mayfield Avenue elevation. Furthermore, the relatively slender metal framed shopfront with large expanse of glass and fanlights above have been removed and replaced with a modern shopfront which has a thicker aluminium surround. Together, with the rollers shutters and box, results in minimising the use of glass and increasing the visual effect of ‘solid’ modern materials and details to the detriment of the former traditional shopfront.

9. The overall the effect of the scheme harms unacceptably the character, appearance and historic context of the former 1930s shopfront with consequent harm to the character and appearance of the surrounding area.

10. I appreciate that the shopfront design, new door and shutters were installed to overcome antisocial behaviour issues. Nevertheless, there is no substantive evidence to demonstrate that the current development is the only means to overcome these issues, and there are other options of a less harmful nature which could be explored to address these issues. I accept, there are a number of modern shopfront designs in the area, a number of which are also harmful to the character and appearance of the area. As such, the presence of these does not justify further harm.

11. Whilst the internal illumination has currently been switched off, it is also its position and thickness of the current fascia proud of the building façade that is harmful to the character and appearance of the shopfront and area.

12. I therefore conclude that the development results in an incongruous form of development, harmful to the character and appearance of the locally listed shopfront, and the area generally, contrary to Policies D3, D4, D8 and HC1 of the London Plan (2021), Collectively these require that: development proposals be of high quality, with architecture that pays attention to detail; ensure buildings are of a design that activates and defines the public realm, and provides natural surveillance; and that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

13. The development is also contrary to Policies 7B and 7C of the London Borough of Ealing Development Management Development Plan Document, 2013, which require that new development must achieve high quality architecture; and that development of heritage assets and their settings should: a) be based on an analysis of their significance and the impact of proposals upon that significance. b) conserve the significance of the asset in question. c) protect and where appropriate restore original or historic fabric. d) enhance or better reveal the significance of assets.

Conclusion on Ground (a) and the Deemed Planning Application

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development has a harmful effect on the character and appearance of the locally listed shopfront and area. None of the other matters raised by the appellant, including the anti-social behaviour issues in the area and the lower costs of replacing the glass if it breaks, outweigh the harms identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.

15. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

The Appeal on Ground (f)

16. The appeal on this ground is "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e. the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".

17. The enforcement notice requires the removal of the contemporary style shopfront, roller shutter door, fittings, and modern illuminated signage and to reinstate a facsimile copy of the pre-existing shopfront. As such, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.

18. The appellant states that the illumination is on a timer and has been switched off. However, I have already found under the ground (a) appeal that it is also the

position of the fascia proud of the building and partly obscuring the console bracket which is harmful to the character and appearance of the shopfront and area. The appellant has not suggested any alternative ways in which the steps required by the notice could be varied.

19. As the notice does no more than seek remedy of the breach, it is not excessive. There are no lesser steps drawn to my attention or any obvious alternatives that would remedy the breach of planning control which is the purpose of the notice.

20. On this basis, the Ground (f) appeal fails.

Conclusion

21. For the reasons given above, 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.

R Satheesan

INSPECTOR