



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr M Multani

Proposal:
Retrospective planning application for a single storey side canopy roof with 12 timber poles to support the canopy roof for the pub.

Appeal Site:
The Great Western P.H
Dawley Road
Hayes
UB3 1NF

Our Ref:
Your Ref:

42682/APP/2023/3243
APP/R5510/W/24/3336921

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission under planning application reference 42682/APP/2023/3243 for: 'Retrospective planning application for a single storey side canopy roof with 12 timber poles to support the canopy for the pub'. Please note that this appeal statement is made in respect to Appeal Ref: APP/R5510/W/24/3336921.
- 1.2 The LPA refused planning permission on 02-01-24 for the following reason:
- Due to its size, design and proximity to No.2A Shepiston Lane, the canopy would result in increased noise, activity and disturbance from customers, including late into the evening, to the detriment of the amenities of the occupiers of the property. The proposed development is therefore considered to be contrary to Policy DMHB 11 of the London Borough of Hillingdon Local Plan - Part 2, paragraph 135 (f) of the NPPF (2023) and Policies D3 and D14 of the London Plan (2021).
- 1.3 The LPA's case is set out in the Planning Officer's delegated reports, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1 and a list of relevant policies has been included in Appendix 2.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 In response to the Appellants Statement of Case where it is stated that:

'During the application process, the Enforcement Officer informed us that he agreed with our proposal and requested that these self-imposed conditions be adhered to. We confirmed agreement to this, shown in the email accompanying the appeal documents'

The LPA disputes this. The Enforcement Officers' comments have been taken out of context; the email correspondence was to understand the opening hours and to obtain confirmation that it would not be uncontrolled whilst the application was being determined. The opening hours within the application were never agreed by the Enforcement Officer nor the Planning Officer. A copy of the email correspondence has been uploaded to the documents page on 18-12-23 and a redacted copy has been included in Appendix 3. The Enforcement Officer promptly issued the Enforcement Report on 08/04/24 and Enforcement Notice on 07/05/24 (See Appendix 4 and 5) after the application was refused showing that the opening hours were not 'agreed'. In any case, the Planning Officer dealing with the application has assessed the operating hours for the canopy structure and has still deemed it to lead to an unacceptable level of noise, activity and disturbance to number 2A Shepiston Lane to the detriment of their amenities. It is not considered that the imposition of a condition would overcome this as the canopy is a fixed structure attached to the public house where customers can move freely in and out of the building, using the

canopy as cover as they will. It is not considered that an opening hours condition can be easily managed nor enforced against.

- 2.2 In addition to the above, the Appellant argues that the neighbouring fence line and extension is trespassing onto the Appellant's land and therefore the canopy is not over hanging the neighbouring site. As stated within the Officer's report, this is considered a civil matter. However, notwithstanding the neighbouring side extension, the existing canopy structure is still located in a position that would lead to an increase in noise, activity and disturbance. If the neighbouring extension was not in place, this would still be the case and as such the Appellants argument is void.
- 2.3 Although the reason for refusal is the same as the previous refused application (see planning application reference 42682/APP/2023/2128, the Planning Officer did have due regard to the 'self-imposed curfew.' As stated within the above paragraphs and within the Officer's report, the imposition of such conditions would not be easily manageable or enforceable.
- 2.4 The other points raised within the appellants SOC have been sufficiently covered within the Officers delegated report.

3. Conclusion

- 3.1 For the reasons set out in the Officer's Delegated report and this statement, the Inspector is respectfully requested to dismiss the appeal.
- 3.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions for the proposal is included at Appendix 2.

Appendices

Appendix 1 – Planning Officer's Delegated Report

Appendix 2 – Relevant Planning Policies and the LPA's Recommended Conditions

Appendix 3 – Correspondence between the Planning Agent, Planning Officer and Enforcement Officer (Redacted)

Appendix 4 – Enforcement Notice

Appendix 5 – Enforcement Report