

Planning Department,
Hillingdon Council,
Civic Centre,
High Street,
Uxbridge,
UB8 1UW

12 06 2024

Dear Sir/Madam,

We Love Coffee, 14 High Street, Harefield, UB9 6BU

This retrospective application for discharge of conditions is being submitted in response to Breach of Condition Enforcement Notice C, which was issued by London Borough of Hillingdon on 14th March 2024 detailing breaches of conditions relating to planning permission 47647/APP/2022/2552.

The Breach of Condition Notice identifies potential breaches against two planning conditions.

The first is a breach of Condition Number 4 (*The seating area hereby approved shall not be used except between the hours of 0900 to 1800 Mondays to Sundays*), which is not relevant to this application, but the council may like to know that we have confirmed with the owner of the coffee shop that he will ensure the external seating area is only ever used within the approved times.

The second potential breach relates to Condition Number 5:

'No development shall take place until details of the fencing, the wood stain finish and the York stone paving have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.'

The Breach of Condition Notice sets out that the development has been substantially completed on the land, in contravention of Planning Condition 5, and the two matters of concern in relation to this appear to be the floor finish material and the fence panel type. The notice requires these materials to either be changed to the approved materials or removed from site entirely.

This retrospective application for Discharging Condition 5 seeks to regularise permission for the materials actually used.

Please note that Planning Condition 5 was previously discharged under application 47647/APP/2023/973 on 3rd May 2023, prior to the works being carried out.

We wish it to be noted that on the December 2022 planning permission Condition 1 required the work to be completed within six calendar months of the date of the decision. The fact that when the council first proposed the wording of Condition 1, they proposed 3 months to complete the works, serves to demonstrate the lack of understanding and reasonableness that has been applied to this case. At the time we believed nine months to be a more appropriate amount of time, given that we needed to seek further permission from the council on the details of the materials, and then get the materials supplied and installed, yet the council were only willing to extend this timescale to six months. We were not consulted on this change, and simply had to accept it.

Heritage Statement

Whilst we recognise that the existing building is Grade 2 listed, it is well established now that the pre-existing rear courtyard was poorly maintained and actually had a negative impact on the listed building and the surrounding conservation area. A large amount of surface mounted modern services are present on the rear elevation along with a modern staircase and doorways to access the maisonettes above the shop. Poor quality and poorly maintained external surfaces, weeds, and the dilapidated adjacent rear extension to number 12 High Street combined with this to create a space which was detrimental to the listed building. The pebbledash render at an angle at high level on the rear elevation of number 14, along with the markings on the brickwork just above indicate that at some point in the history of the building a substantial rear extension existed against this part of the property.



Overall view of the pre-existing rear view of 14 High Street, Harefield (dated June 2020).

Fence Panels

When temporary permission for the outdoor seating area was originally granted in 2020, the fences were constructed in reclaimed timber pallets, which was in accordance with the planning permission granted at the time.

Towards the end of the two year temporary permission period, when permanent permission for retention of the outdoor seating area was sought, the council would not accept retention of the pallet fencing, and therefore an alternative fence panel was selected. Unfortunately, due to the unreasonable timescales imposed on completion of the works by Planning Condition 1, it was not possible to source the correct fence panels in time, and as an alternative, the applicant selected a high quality close board fence panel, which is what has been installed on site. In hindsight he recognises that he should have informed the council of this timing issue and sought agreement at the time, but he did not.

Had the council agreed to our earlier request of 9 months to discharge the condition and complete the works, it may have been possible to get the correct panels supplied and installed in time.

Notwithstanding this, as demonstrated by the photographs below, the panels that have been installed are completely appropriate to the immediate surroundings, they are almost identical to the existing panels that enclose the gardens of 1-3 Taylor Close, and therefore cannot be seen to be detrimental to the setting of the listed building.

Pre-existing fence of same style/design enclosing gardens of 1-3 Taylor Close.



Fence and gates enclosing outdoor seating area at 14 High Street.

Fence enclosing outdoor seating area at 14 High Street.



Pre-existing fence of same style/design enclosing gardens of 1-3 Taylor Close.

Referring back to the Breach of Condition Notice, it seems that all of the photographs included in Appendix 1 show the enclosure viewed from inside the seating area. From inside the seating area the pallets can still be seen, but these are no longer forming the fence enclosure. As can be seen from the photographs above, the fence has been modified to consist of close board timber fencing that matches the other fences in the immediate surroundings.

The pallets remain simply for aesthetic purposes and would not require planning permission.

Furthermore, a fence like this dividing two privately owned pieces of land, provided no taller than 2 metres, would normally be permitted development regardless of its construction or appearance. As the fence in question is only 2 metres tall, we would not expect the council to impose such tight control over it.

Floor Finish

The pre-existing flooring was bare concrete. Originally the coffee shop owner was happy to keep the concrete as existing. He had operated the outdoor seating area in this way for two years without any issues. As part of the negotiation with the council to achieve the permission to retain the outdoor seating area permanently, they insisted that the floor treatment needed to be changed, principally for accessibility reasons. As it was rough and untidy looking, the applicant did agree to changing this.

The material that was approved as part of the discharge of condition application was a concrete paving slab. Instead of the concrete paving slab, the applicant decided to use an imprinted concrete laid over the top of the existing concrete substrate. The imprinted concrete has a similar textured concrete finish as the off the shelf concrete paving slab, it is dyed and is treated to protect it from the weather. It is recognised that this is not a natural material that is in keeping with the historic nature of the property, but neither was the approved concrete paving slab.



Imprinted concrete finish used as an overlay on top of the pre-existing concrete floor

The material that has been used is a substantial improvement compared to the broken and rough concrete that existed before, it is much cleaner and tidier in appearance and has led to an improvement to the appearance of the space surrounding the rear of this listed building. The council should welcome this as an enhancement to the setting of this listed building, and therefore this material, as installed, should be accepted.

As stated above, we are seeking consent from London Borough of Hillingdon to retrospectively discharge Condition 5 of planning permission 47647/APP/2022/2552 to approve the materials that have been installed on site and are shown in the photographs contained in this letter.

To avoid further wasted time and effort on this matter please can we request an accompanied site visit with the council's conservation officer so that we can properly discuss and resolve any associated matters with this application or the Breach of Condition Notice that is in place.

We look forward to hearing from you in due course.

Your faithfully

Andrew Breathwick

Director | Architect

Michael Jones Architects