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# Appeal Decision

Site visit made on 19 August 2024

**by David Wyborn BSc(Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 August 2024**

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**Appeal Ref: APP/R5510/W/24/3338978**

**5-7 Hercies Road, Uxbridge UB10 9LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Anastasi of Topland Property Services Hackney Ltd against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref is 78371/APP/2023/3322.
  - The development proposed is the change of use from Use Class E to mixed use of Class E and Sui Generis (Massage and Beauty Shop) and merging shop nos. 5-7 & 9-11 into one single unit.
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## Decision

1. The appeal is allowed and planning permission is granted for the change of use from Use Class E to mixed use of Class E and Sui Generis (Massage and Beauty Shop) and merging shop nos. 5-7 & 9-11 into one single unit at 5-7 Hercies Road, Uxbridge UB10 9LS in accordance with the terms of the application, Ref 78371/APP/2023/3322, and subject to the following conditions.
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing No.s 2023-5-7HR-PL-2 Rev 1.0 and 2023-5-7HR-PL-1 Rev 1.0A.

## Application for costs

2. An application for costs was made by the appellant against the decision of the Council. This application is the subject of a separate decision.

## Preliminary Matters

3. At about the same time as the submission of this appeal, a further application was submitted to the Council for the same change of use proposal. That submission included elevational plans which showed that there would be no external works. The Council granted planning permission for that proposal<sup>1</sup> and, therefore, the proposed use the subject of this appeal has been permitted.
4. I saw at my site visit that the previous photographic studio signage to the frontage of 5-7 Hercies Road had been removed. The roller shutter doors at No 5 were drawn down but I was able to see through the window of No 7 and internally the connection between No 7 and No 9 has been made and it

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<sup>1</sup> Application 78371/APP/2024/195 - 5-11 Hercies Road Hillingdon - Change of use from Use Class E to mixed use of Class E and Sui Generis (Massage and Beauty Shop) and merging shop nos. 5-7 & 9-11 into one single unit. Granted 16 April 2024.

appeared that the units were operating as a single entity. However, I have not received confirmation that the use of Nos 5-7 is in accordance with the permitted (and proposed under this appeal) use. While that may seem likely, it is not for me as part of this appeal to make that assumption without evidence. Consequently, I intend to consider the change of use in this appeal as a proposal for consideration and determination.

### **Main Issue**

5. The main issue is the effect of the development on the character and appearance of the area.

### **Reasons**

6. In the vicinity there are a number of parades of commercial premises, including those along Long Lane, Western Parade and Hercies Road. Most of the parades consist of shops but there is also quite a wide mix of other establishments such as estate agents, car sales premises and take-aways.
7. 9-11 Hercies Road is a double unit which has been combined and operates as a massage and beauty shop. The proposal seeks to combine these units with Nos 5-7 to create a single unit in massage and beauty shop use. The plans show that the additional units would be used mainly as treatment rooms and this would be similar to the use of the present units, at Nos 9-11. The external access to the combined use could continue from No 9 as the scheme shows an internal access between units No 7 and No 9.
8. The use and associated activity, in the combined units, would be a compatible use within this commercial parade and would not lead to any material highway or residential amenity issues. While it would form one of the bigger premises, spanning four units, it would not be unreasonable in size or out of scale with the mix of other uses and commercial establishments when the number and extent of parades are considered in the vicinity.
9. The Council argue that, in the absence of detailed drawings illustrating the works required to alter the shop frontage to align with the change of operation internally, the applicant has failed to demonstrate that the proposed development would not result in significant harm upon the character and appearance of the area. However, the appellant has confirmed that there would be no external works to the building as part of this proposal and seeks only a change of use.
10. Previous to the recent change, Nos 5-7 were empty premises and before that a photographic studio. Even if no physical works at all were made to the front elevation to facilitate the proposed use, I do not consider that this would be visually unacceptable or should confuse anyone who was coming to the massage and beauty premises because they would still enter the building via the door at No 9. It is assumed that the door to the previous photographic studio would be closed in the same way as the entrance is to No 11.
11. Indeed, from what I saw at my site visit, albeit with the roller shutter to No 5 down, there was no evidence to indicate that the use, in whatever form it may presently be taking place, required external works to facilitate its introduction and operation.

12. If external works are to be undertaken in the future, and those physical alterations were to require either planning permission or advertisement consent, they would be outside the scope of this proposal. Separate application(s) would be required and to be considered by the Council in the normal way.
13. Based on the submissions and confirmation that there would be no external works to the appeal premises as part of this proposal, I consider that there is no substantive reason why the change of use should have a significant, or indeed appreciable, effect on the character and appearance of the area. The lack of external drawings forming part of this proposal, when it is specified that no external works are intended or sought as part of this change of use scheme, does not lead me to conclude otherwise.
14. Additionally, as I have explained, subsequent to the refusal of this proposal, another application was submitted to the Council for the same change of use and that submission included external elevations. These elevations confirmed that externally the before and after scheme would be the same and that no external works were sought as part of the change of use to form the combined premises. The Council approved this more recent application and planning permission is in place for the same change of use which is requested in this appeal scheme. Consequently, this is a very relevant material consideration.
15. In the light of the above analysis, I conclude that the proposal would not adversely affect the character and appearance of the area. As a consequence, the scheme would not be in conflict with Policies DMHB 11, DMHB 12 and DMHB 13 of the London Borough of Hillingdon Local Plan : Part Two - Development Management Policies (2020) which principally seek good design in new development and shopfronts.

### **Conditions**

16. In terms of conditions, the statutory time limit is required and the list of the approved plans is necessary in the interests of certainty. The Council has not recommended any other conditions and I agree that no other conditions are necessary having regard to the scope of this approval.

### **Conclusion**

17. The scheme would accord with the policies of the development plan when considered as a whole. There are no material considerations that indicate that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

*David Wyborn*

INSPECTOR