

Appeal Decision

Site visit made on 25 October 2016

by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 November 2016

Appeal Ref: APP/T5150/C/16/3149033

94 Dollis Hill Avenue, London NW2 6QX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Omoruyi Niyi Alonge against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice, numbered E/15/0367, was issued on 18 March 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of breeze block/timber boundary wall to the rear of the premises.
 - The requirements of the notice are to:
 - (1) Demolish the breeze block boundary wall with timber trellis to the rear of the premises, and
 - (2) Remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is one month.
 - 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.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the erection of breeze block/timber boundary wall to the rear of the premises at 94 Dollis Hill Avenue, London NW2 6QX, referred to in the notice.

Reasons – ground (a) and the deemed application

2. The **main issue** is the effect of the development upon the character and appearance of the host dwelling and that of the locality.
 3. No. 94 is a two-storey hipped roof semi-detached dwelling similar in design to its neighbours. The rear garden is set at lower level given the difference in ground level. The locality is residential in character.
 4. A solid block wall, which is topped with an artificial hedge, is erected along the shared boundary with the adjoining property, no. 96. The overall height of the structure is about 2.3 m and replaces a previous means of enclosure, which comprised close-boarded fence panels with artificial hedge and was probably similar in overall height. The wall is substantial as it appears to support an existing raised platform and under croft. The wall is a tall structure but the materials utilised are long-lasting. It abuts the rear elevation of the host dwelling; its projection is limited in overall depth. The breeze block is finished in white cement render to complement the host dwelling and it does not materially harm its external appearance.
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5. The wall is not directly noticeable from public vantages. The development is not out of keeping with the residential character of the area as the layout of the wall responds to local context; the locality includes mix of boundary treatments. The scheme meets with the main aims and objectives of guidance found in supplementary planning guidance 5: *Altering and Extending your Home*.
6. While the breeze block wall and artificial hedge is noticeable from next door's rear elevation and garden, the development is appropriate to its setting because of the structure's boundary location. Its overall height and scale does not have an awkward relationship with the adjoining dwelling. Given its depth and projection, I am quite satisfied that the development does not materially harm outlook or visual amenities.
7. I therefore find that the development does not have a materially harmful effect upon the character and appearance of the host dwelling and that of the locality. Accordingly, it complies with the purposes of saved policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004. These local planning policies are broadly consistent with advice found in paragraphs 17, 53 and 56 of the National Planning Policy Framework.
8. Having regard to national guidance imposing conditions are unnecessary in this case. This is because development has already been implemented. The materials used in the breeze block/timber boundary wall are acceptable.
9. For all of the above reasons and having considered all other matters my inescapable conclusion is the appeal succeeds on ground (a) and planning permission has therefore been granted. I do not need to consider grounds (f) and (g) as a consequence.

A U Ghafoor

Inspector