



Appeal Decisions

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: 23 November 2016

Appeal A Ref: APP/T5150/C/16/3147891

179 Oakington Manor Drive, Wembley HA9 6NA

- 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 N Rahmani against an enforcement notice issued by the Council of the London Borough of Brent.
- The enforcement notice, numbered E/15/0541, was issued on 18 March 2016.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a building in the rear garden of the premises.
- The requirements of the notice are to:
 - (1) Demolish the building in the rear garden, and
 - (2) Remove all associated debris and materials arising from this demolition and remove all materials associated with the unauthorised development from the premises.
- The period for compliance with the requirements is three months.
- 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.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Decision.

Appeal B Ref: APP/T5150/W/16/3145174

179 Oakington Manor Drive, Wembley HA9 6NA

- 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 N Rahmani against the decision of the Council of the London Borough of Brent.
- The application ref 15/4671, dated 25 October 2015, was refused by notice dated 23 December 2015.
- The development described in the planning application form as follows: *To regularise the existing outbuilding at the rear side of the property.*

Summary of Decision: The appeal is allowed, and planning permission granted.

Reasons - ground (a) and the S78 appeals

1. The common **main issue** is the effect of the development upon: (1) the character and appearance of the host dwelling and that of the surrounding area and (2) the living conditions of the occupiers of no. 181 Oakington Manor Drive having particular regard to outlook.

Reasons - Character and appearance

2. The surrounding area is mainly residential characterised by semi-detached dwellings.
-

3. The subject building is located in the rear garden. It is 2.4 m to eaves but 3.55 m in overall height because of its pitched roof. It is 4.95 m wide and 4 m deep and is located within 2 m of the curtilage boundaries. Its overall footprint is 21 metres squared, and it has a window and main entrance door and porch. The building has electric sockets and a fuse board. The Council claim that the outbuilding was in residential use and looks like a small bungalow. On other hand, the appellant says that the self-contained residential use has ceased, and he requires a children's playroom given that the property does not benefit from an existing garden shed or outbuilding.
4. In my assessment, the architectural style of the outbuilding, although elaborate, is sympathetic to the external appearance of the host building. The type of materials utilised certainly correspond with the dwelling. The outbuilding does not occupy a significant portion of the rear garden. Its height and scale is not excessive or obtrusive and it appears as a domestic adjunct. There are examples of garden buildings in a variety of shapes and size in the locality. The development is not out of keeping with the residential settlement pattern. I am quite satisfied that the design, layout and appearance of the outbuilding have regard to its local context and make a positive contribution to the character of the area. The scheme meets with the main aims and objectives of supplementary planning guidance 5: *Altering and extending your home*.
5. For all of the above reasons, the development does not materially harm the character and appearance of the host dwelling and surrounding area. Accordingly, it would comply with the purposes of saved policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004 (UDP), and policy CP 17 of the Core Strategy 2010 (CS) that seeks to protect and enhance the suburban character. These local planning policies are broadly consistent with advice found in paragraphs 17, 53 and 56 of the National Planning Policy Framework.

Living conditions

6. The building in the rear garden rises above the adjacent boundary treatment and is visible from the adjoining properties. However, the outbuilding is not intrusive because of its location and positioning. Its pitched roof design does not have an overbearing aspect when seen from the rear to no. 181. Its height and scale does not have an over-dominant visual impact and it does not harm the amenity value of its garden. I conclude that the development does not materially harm the living conditions of adjoining occupiers. Accordingly, the development complies with UDP policy BE9.

Conditions

7. The building already exists and there is no need to impose commencement condition. For the avoidance of doubt, it is necessary and reasonable to specify approved plans in Appeal B. There are sound planning reasons as to why the creation of an additional dwelling, or the use of the building for some non-ancillary purpose, is unacceptable. As the outbuilding is physically separate from the main dwelling, it would be necessary to impose a planning condition so that the building can only be used incidental to the main dwelling house.

Conclusion

8. For all of the above reasons my conclusion is that the appeal should succeed on ground (a) and planning permission will be granted subject to conditions. Consequently, I do not need to consider the appeal on grounds (f) and (g). Appeal B should be allowed subject to the same conditions.

Formal decisions - Appeal A Ref: APP/T5150/C/16/3147891

9. 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 1990 Act as amended for the development already carried out, namely the erection of a building in the rear garden of the premises on land at 179 Oakington Manor Drive, Wembley HA9 6NA referred to in the notice, subject to the following conditions:
- 1) The building to the rear of the premises hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 179 Oakington Manor Drive, Wembley HA9 6NA.

Appeal B Ref: APP/T5150/W/16/3145174

10. The appeal is allowed and planning permission is granted for the erection of a building in the rear garden of the premises at 179 Oakington Manor Drive, Wembley HA9 6NA in accordance with the terms of the application ref 15/4671, dated 25 October 2015, subject to the following conditions:
- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 423/01 S and 423/02 S.
 - 2) The building to the rear of the premises hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 179 Oakington Manor Drive, Wembley HA9 6NA.

A U Ghafoor

Inspector