The Planning Inspectorate

# Appeal Decision

Site visit made on 15 March 2017

**by Elaine Gray MA(Hons) MSc IHBC**

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

**Decision date: 31 March 2017**

**Appeal Ref: APP/T5150/W/16/3164596**
**51 Dagmar Avenue, Wembley, Brent HA9 8DQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Hassan Mohammed against the decision of the Council of the London Borough of Brent.
- The application Ref 16/0966, dated 4 March 2016, was refused by notice dated 8 November 2016.
- The development is rear boundary wall and gate.

## Decision

1. The appeal is allowed and planning permission is granted for rear boundary wall and gate at 51 Dagmar Avenue, Wembley, Brent HA9 8DQ in accordance with the terms of the application Ref 16/0966, dated 4 March 2016, subject to the following condition:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: C4416-T; DA51-1001A Rev A; DA51-1002A Rev A.

## Preliminary matters and background

2. Development has already been carried out by way of the construction of a boundary wall, gates and an outbuilding on land to the rear of the appeal site at 51 Dagmar Avenue. The Council issued an enforcement notice, which was the subject of an appeal[1] in 2015. The appeal was dismissed and the enforcement notice was upheld, with some corrections and variations. The appellant subsequently submitted a planning application to try and address the concerns of the Council, which was refused. That application is the subject of this appeal.

3. The description of the proposal varies between the application form and the subsequent documents. Whilst the application description makes reference to the retention of a rear outbuilding, it appears from the submitted proposed plans that an outbuilding is to be removed. I have therefore removed this element of the description. I have used a truncated version of the description given on the appeal form, as this describes the proposal more succinctly, based on the evidence before me. 'Retention' is not an act of development and so I have not included that term. Also, as the boundary wall shown on the proposed plans would differ significantly in height from the boundary wall which

[1] APP/T5150/C/15/3006471

has been built on site, I have removed the word 'existing' from the description for clarity.

4. Since the Council determined the planning application, the Brent Local Plan Development Management Policies (DMP, November 2016) has been adopted, and Brent's Unitary Development Plan (2004) has been superceded. I have therefore referred in this decision to the relevant DMP policies.

**Main Issue**

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

**Reasons**

6. The appeal site is located on land to the rear of the property at 51 Dagmar Avenue. Access to the site is taken from Linden Lawns, and passes through an area with rows of garages located to the north and south.

7. The Council makes reference to the established character of Dagmar Avenue, Linden Avenue and Linden Lawns. However, I observed on my site visit that the appeal site lies in a secluded location which is not visible from those roads. Instead, the site relates visually to the area immediately to the west, where the garages are located. This area is contained on its western boundary by tall brick walls and pillars, which inform the visual character of the area, and contrast with the low boundary treatments which are prevalent within Linden Lawns.

8. It is proposed to reduce the height of the walls to approximately 1.85m, as shown on the submitted plans. I consider this to be an acceptable height for a boundary wall within this residential context of No 51. With regard to the pillars and gates, these would remain at a height of approximately 3m. At this height, the tops of the pillars and gates would broadly align with the level of the rooflines of the adjoining garages. For that reason, I do not consider their height to be excessive.

9. The Council objects to the harsh, fortified appearance of the development. However, the immediate area is characterised a large expanse of plain hardstanding, and by garages of a distinctly utilitarian character, with blank metal doors. The garages and the area as a whole are thus functional in appearance, with no particular visual or aesthetic merit. Within that context, I am satisfied that the gates and pillars do not appear out of place, or at odds with their immediate surroundings.

10. I therefore conclude that, with the boundary walls lowered as proposed, the development as a whole would not unduly harm the character or appearance of the surrounding area. It would thus comply with DMP Policy DMP 1, which, amongst other things, requires development to complement the locality by virtue of its scale and design.

11. I note that the planning officer's report makes reference to a wall dividing the garden. However, this does not appear on the proposed plan, and therefore I have not taken such a structure to fall within my consideration of appeal scheme before me.

## Conditions

12. I have not been provided by the Council with any recommended conditions. I have not imposed a commencement condition as the development has already been carried out in part. However, for certainty, it is necessary that the development is carried out in accordance with the approved plans.

## Conclusion

13. For the reasons above, and taking all other matters into account, I conclude that the appeal should be allowed.

*Elaine Gray*

INSPECTOR