

Appeal Decision

Site visit made on 10 April 2017

by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 3 May 2017

Appeal Ref: APP/T5150/C/16/3163526

30 Crabtree Avenue, Wembley HA0 1LP

- 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 Upendra Solanki against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice, numbered E/15/0709, was issued on 10 October 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a porch extension.
 - The requirements of the notice are to:
 - (1) Demolish the porch extension
 - (2) Remove all associated items, debris and materials arising from that demolition and all materials associated with the development.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) 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 1990 Act as amended for the development already carried out, namely the erection of a porch extension on land at 30 Crabtree Avenue, Wembley HA0 1LP referred to in the notice, subject to the following condition:
 - 1) The porch hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within three months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for rendering the external elevations of the porch hereby permitted in material to match the existing building shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
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- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reasons

2. The **main issue** is the impact of the development upon the character and appearance of the host building and that of the street scene.
3. No. 30 is a terrace dwelling-house situated within a mainly residential area. The properties are similar in design with front elevation bay window projections at ground floor level, and smooth cement-rendered elevations. The dwellings are mainly set back from the public highway.
4. Measurements confirmed at the site visit show the porch is 3.35 metres high, 3.26 m wide and 1.36 m deep. It has a pitched roof that rises just below window cill at first floor level. It is fitted with a central door and side openings. The Council is concerned about the overall dimensions of the porch extension. Nonetheless, its width and depth is sympathetic to the external appearance of the host building. While a tall feature, its design and layout is sympathetic to the building's architectural style.
5. The street comprises properties of similar age and architectural style. The development does not adversely harm the architectural quality of dwellings in the street scene due to the overall height, scale and design of the porch. The Council say that other properties in this block and on the opposite side of the street do not have this type of porch extension. That might be so but is not a persuasive enough reason to withhold planning permission, because this type of addition can be found in the locality.
6. I am, however, concerned about the use of red brick in the external elevations of the porch extension. The use of this type of material results in an incompatible addition to the front elevation because the host property is cement rendered and finished in a pale colour. In contrast, brick draws the naked eye to the projection. It is therefore necessary to consider whether a condition could be imposed to overcome my objection.
7. I consider that the operations involved in the cement rendering of external elevations of the porch are insignificant, and could be achieved without altering the dimensions of the building. Once it is finished in a pale colour the perceived visual impact will be greatly reduced. This matter needs to be addressed in order to make the development acceptable in planning terms. If a condition cannot be imposed then I am afraid planning permission will have to be refused.
8. A retrospective type condition could require Mr Solanki to comply with a strict timetable for dealing with the unsightly condition of the porch. I have imposed this type of condition above because, unlike an application for planning permission for development yet to commence, in the case of a retrospective

grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter. The condition provides for the loss of the effective benefit of the grant of planning permission where the detailed matter in question is not submitted for approval during the time set by the condition, approved either by the local planning authority or by the Secretary of State on appeal, and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away. To overcome the planning difficulties, this is reasonable and pragmatic approach to the circumstances.

9. In my planning assessment, the development would not, subject to a condition, have a significant adverse visual impact upon the character and appearance of the host building or that of the street scene. Accordingly, it would comply with policy DMP1 of Brent's Local Plan Development Management Policies 2016, and supplementary planning document no.5 *Altering and extending your home*.
10. For all of the above reasons, I conclude that the appeal should succeed and I have therefore granted planning permission on the deemed application as set out above at paragraph (1), subject to a condition.

A U Ghafoor

Inspector