



Appeal Decision

Site visit made on 2 July 2019

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/T5150/C/18/3218075

Flats 1-2, 109 and Flats 1-6, 111 Brondesbury Road, London NW6 6RY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Goodkind Estates against an enforcement notice issued by the Council of the London Borough of Brent.
- The enforcement notice was issued on 7 November 2018.
- The breach of planning control as alleged in the notice is without planning permission, the installation of a hard surface and boundary wall to the front of the premises.
- The requirements of the notice are to remove the hard surface and carry out all works, including full implementation of lawn, garden, cycle rack and waste areas and extension of the boundary wall to the full width of the driveway, as shown on the attached Proposed Plan 7761/501 B to this notice.
- 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 1990 Act 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 Formal Decision.

The notice

1. The appellant indicated the notice incorrectly refers to drawing no 7761/501 when it should refer to 7761/501B. The notice before me refers to 7761/501B and, therefore, I do not find it to be defective in relation to this issue.

The appeal on ground (a) and the deemed planning application

Background

2. Planning permission was granted in August 2016 for the creation of a vehicular crossover to facilitate one parking space, with amendments to the front garden layout¹. The development was not carried out in accordance with the approved plans (Ref 7761/501B). A larger area of hardstanding had been created and the front boundary wall was not built as approved. The enforcement notice seeks to remedy the breach by requiring the development to conform with the approved plans.

Main Issues

3. The terms of the deemed planning application are derived from the allegation, hence, planning permission is sought for the installation of a hard surface and boundary wall to the front of the premises.

¹ Ref 16/1788.

4. The main issues are the effect of the development on the character and appearance of the host property and the wider area.

Reasons

5. The appeal relates to two conjoined houses located on a road of similar properties. The front garden of the properties has been altered by the installation of concrete blocks across the whole section of the area in front of No 109 and the removal of the corresponding part of the boundary wall. This has created additional space for car parking. The area in front of No 111 is partly paved and partly covered with artificial grass. There is also a defined space for bin storage and a covered cycle rack.
6. The area in front of No 111 appears to accord with the approved plan. The difference is due to the creation of the hardstanding in front of No 109 and the associated removal of the front wall to create a further car parking space.
7. Brondesbury Road is an attractive, residential street characterised by traditional houses set back from the road with front gardens. The gardens tend to be enclosed by low, brick-built front walls with privet hedging, which make a positive contribution to the quality of the area. However, there are many houses along the road where walls have been altered and driveways have been created to provide off-street parking. In some cases, these alterations have not been sympathetic to the character and appearance of the area.
8. The Council's adopted Supplementary Planning Document (SPD)² supplements Development Management Policy 12 in that it seeks to resist unacceptable alterations to boundary walls and fences where they contribute to the character and appearance of the house and street. In relation to parking in front gardens, the policy and guidance require a front wall to prevent vehicular parking on areas other than the driveway, and a 50/50 balance between hard and soft landscaping, where possible. A fully paved garden without typical boundary treatment is considered unacceptable.
9. The garden layout does not meet the terms of the adopted policy and guidelines due to the extent of hardstanding and the removal of the wall in front of No 109. Nonetheless, I consider the overall scheme to be good quality. The paving blocks are sympathetic to the host property and to the street scene. The cycle and bin stores are sensitively located and screened as far as possible. Part of the wall/hedge has been retained, which contributes to the screening and there is an area of artificial grass which softens the effect of the hardstanding. While the hardstanding in front of No 109 is highly visible due to the removal of the wall, it does not appear out-of-character due to the design and the materials used. Moreover, there are other similar garden alterations in the immediate vicinity and the development blends in with the street scene.
10. The Council is concerned that the development would set an undesirable precedent. As explained above, I saw other instances where schemes have been carried out which are harmful, generally due to the use of poor quality materials or poorly located storage. This decision does not set a blanket precedent for all such schemes. I have considered this development on its merits and found it to be acceptable, taking account of the site-specific circumstances.

² Brent - Residential Extensions and Alterations SPD2, adopted January 2018.

11. I find that the development does not have an adverse effect on the character and appearance of the host property or the wider area. It accords with Policy CP17 of the Core Strategy (2010) and Policy DMP1 of the Development Management Policies (2016) which, among other things, seek to ensure development complements the locality. DMP12 requires off-street parking to provide adequate soft landscaping, permeable surfaces and boundary treatment. While the development does not meet the strict terms of the policy in relation to the ratio of hard and soft landscaping, I am satisfied that it meets the overall aim of that policy. The development accords with the National Planning Policy Framework insofar as it seeks to ensure all new development takes the opportunity to improve the character and quality of an area.

Conclusion

12. For the reasons given above, I conclude that the appeal succeeds on ground (a) and planning permission will be granted.
13. No conditions have been proposed and I do not consider it necessary to impose any.

Formal Decision

14. 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 installation of a hard surface and boundary wall to the front of the premises on land at Flats 1-2, 109 and Flats 1-6, 111 Brondesbury Road, London NW6 6RY referred to in the notice.

Debbie Moore

Inspector