
Appeal Decision

Site visit made on 23 November 2021

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/T5150/C/20/3261373
79 Bowrons Avenue, Wembley HA0 4QS

- 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 Ms Nisha Pandya against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice was issued on 9 September 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a building in rear garden of the premises.
 - The requirements of the notice are:
STEP 1 Demolish the building in the rear garden of the premises including the concrete base.
STEP 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 six 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 building in rear garden of the premises at 79 Bowrons Avenue, Wembley HA0 4QS as shown on the plan attached to the notice.

Preliminary Matter

2. The Council referred to emerging Policy DMP1 of their Local Plan Regulation 19 Consultation Document however, I have no details about the extent of any unresolved objections to the policy. Nevertheless, since the emerging policy seeks to replicate Policy DMP1 of the Council's adopted Local Plan¹ and is broadly consistent with the National Planning Policy Framework (the Framework), it attracts modest weight in decision making terms.

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

Main issues

3. The main issues are the effect of the building on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of neighbouring houses with particular regard to outlook.

¹ London Borough of Brent Local Plan¹ November 2016 Development Management Policies (DMP)

Character and appearance

4. The building is located in the rear garden of 79 Bowrons Avenue which is a semi-detached house located on a residential street consisting predominantly of pairs of semi-detached houses. The houses on this side of the street have gardens which are reasonably wide and long, several of which, including that of the appeal property, back on to a public recreation space.
5. The building is located at the end of the garden and occupies the entire width. At my visit I noted buildings in the gardens of surrounding properties of varying size and design, albeit there were no buildings of similar scale to the appeal building visible from within the garden at no.79 due to tall boundary features. However, having regard to the aerial image provided by the appellant and based on my observations from the recreation space to the rear, there are evidently buildings of a similar scale and of varying appearance within the gardens of houses in the vicinity of the appeal site.
6. The building has a straightforward appearance, with a flat roof form, finished with render to match the house. Viewed from within the garden, I do not find that the building represents an unduly large or overbearing feature, particularly as there remains a reasonably generous amount of outside amenity space between the house and building.
7. The building is scarcely visible from the public highway and consequently, there is no harm to the street scene. The principal views of the building are from the upper floor windows of the nearest neighbouring houses, with the upper walls visible from the recreation space at the rear. Having regard to the variety of buildings close to the rear plot boundaries of many of the neighbouring houses, the appeal building merely adds to this variety and does not look out of keeping in this domestic context.
8. For these reasons, I find there is no conflict with the design aims of Policy DMP1 of the DMP or draft Local Plan, Policy CP17 of the Core Strategy² or the Framework.
9. In their statement the Council referred to Policy D1 of The London Plan (March 2021)³ which has been adopted since the enforcement notice was issued. However, I find this policy is not directly relevant to the main issue in this case and weighs neither for nor against the development.
10. At my visit I observed that the building is divided into a larger and smaller room and was in use for the storage of domestic paraphernalia. My observations correspond with the Council's and photographs taken at their visit prior to issuing the notice.
11. Whilst I note the Council's comments regarding plumbing for a toilet/shower room facility and a switch for a ventilation system, there was no bathroom. Further, I note the appellant's response to a Planning Contravention Notice (PCN) stating that the use is for storage, this was corroborated by a neighbour. Consequently, based on the evidence before me and my own observations, there is nothing to demonstrate that the building was built and is used for

² London Borough of Brent Core Strategy – Adopted 12 July 2010

³ The London Plan The Spatial Development Strategy for Greater London (March 2021)

residential accommodation, as such there is no harm to the character of the area and no conflict with Policy DMP18 of the DMP or the SPD⁴.

Living conditions

12. The building is located at the end of the garden in close proximity to the shared boundaries with neighbouring houses however, whilst it projects above it does not extend along the entire length of those boundaries. Consequently, although the building will be seen from the neighbouring houses and their gardens, given its distance from the rear of the houses and as views from the gardens are otherwise largely unobstructed, I find there is no harmful overbearing impact on the outlook from within either the houses or gardens. In this respect, I note the representations of support from the neighbours on either side.
13. Therefore, there is no conflict with the overall amenity protection aims of Policy DMP1 of both the DMP and draft Local Plan, the Framework or the SPD.

Conditions

14. A time limit or plans condition is not necessary since the building is complete. I considered whether a condition to restrict the use would be necessary and reasonable however, if there were to be a future material change of use then it would be open to the Council to investigate and take action if appropriate.

Conclusion

15. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice.

Felicity Thompson

INSPECTOR

⁴ Residential Extensions & Alterations SPD 2 Jan 2018