



Appeal Decision

Site visit made on 7 December 2022

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 6th January 2023

Appeal Ref: APP/T5150/C/22/3297137

14 Court Parade, East Lane, Wembley, HA0 3HU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr. Mohammad Almashaadani against an enforcement notice issued by the Council of London Borough of Brent.
- The notice was issued on 9 March 2022.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a canopy extension/covered area backing on to the rear extension ("the unauthorised development")
- The requirements of the notice are to
STEP 1 Remove the canopy extension/covered area backing onto the rear extension. For the avoidance of doubt, this also includes the side walls, down supports, roof, frame and rear doors.
STEP 2 Remove all items, debris, materials and other equipment from the premises associated with compliance with Step 1.
- The period for compliance with the requirement is 1 month.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal under ground (a)

The Main Issue

2. The main issue is whether the development preserves or enhances the character or appearance of the Sudbury Court Conservation Area (the Conservation Area).

Reasons

3. Conservation Areas are designated heritage assets as defined by the National Planning Policy Framework (the Framework) and great weight is to be given to their preservation and conservation. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires that special attention be given to the desirability of preserving or enhancing the character or appearance of a conservation area.

4. The Sudbury Court Conservation Design Guide which was adopted on the 14 December 2015 includes the significance of the Conservation Area which includes mostly residential properties with large well-detailed, stylised Arts and Crafts influenced properties which follow similar designs and many properties retain mock Tudor detailing. Court Parade includes a three storey terrace of commercial units on the ground floor with flats above. Some of the residential elements of Court Parade also have the mock Tudor detailing which complements with the character of the residential part of the Conservation Area. Wakeling Lane is to the rear of Court Parade and provides through access for businesses that front onto Court Parade as well as access to a car park for occupants of a block of flats and access to two dwellings that front onto Wakeling Lane itself. To the other side of the road, there is also access to some garages used by occupiers of Pasture Road whose gardens back onto the road.
5. The development is on Wakeling Lane and to the rear of a sign making shop which fronts onto Court Parade. It consists of an extension to an existing building. The development has breeze block walls on two sides and a roof of plastic sheeting and a black double door onto the road. The materials used for the development are not of the kind normally found in a Conservation Area and are in contrast to the traditional red bricks of the original Court Parade terrace. Other extensions in the vicinity generally have flat roofs or tiled, steep-pitched roofs, in contrast to the shallow pitched plastic roof of the development.
6. The development is in a prominent location next to the road. Although described by the appellant as a canopy, it is a complete structure with walls, a roof and double doors. It is bulky and it is taller than any of the nearby buildings. The combination of the use of plastic sheeting, breeze block walls, and double doors with a wooden frame results in a poor quality design which is out of keeping with the historical context of the surrounding buildings and is therefore harmful to the Conservation Area.
7. Paragraphs 199 and 200 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It goes on to advise that any harm to the significance of a designated heritage asset should require clear and convincing justification. Given the relatively localised impact of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
8. Under Paragraph 202 of the Framework, this harm should be weighed against any public benefits of the development. The appellant describes the development as a parking space area that has been covered with a transparent sheet which serves as a means of protection from vandals and weather. However, no details are provided of what alternative options have been investigated to address security concerns such as CCTV or why valuable materials are stored in the company van inside the development rather than elsewhere such as inside the existing approved buildings. The development also goes beyond providing protection from the sun for a parking space in the form of a canopy when it is an enclosed building. I do not find that the matters advanced by the appellant which have limited "public benefit" in any event, outweigh the harm that I have identified.

9. The development does not therefore preserve or enhance the character or appearance of the Conservation Area. It is therefore contrary to Policy BHC1 of the Brent Local Plan which, amongst other things, refers to extensions not being overly dominating and development sustaining or enhancing the significance of the heritage asset. It is also contrary to Policy DMP1 and BD1 of the Brent Local Plan which collectively refer to the use of high quality design and development complementing the locality.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

E Griffin

INSPECTOR