



Appeal Decision

Site visit made on 24 January 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/T5150/W/22/3302065

69 Walm Lane, London NW2 4QR

- 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 Sadik Ileshi against the decision of London Borough of Brent.
 - The application Ref 21/4175, dated 21 October 2021, was refused by notice dated 5 January 2022.
 - The development proposed is described as: Retrospective permission for front decking seating area and retracting canopy and proposed increase in flat roof height to accommodate mezzanine and alterations to shop front.
-

Decision

1. The appeal is allowed and planning permission is granted for front decking seating area and retracting canopy and proposed increase in flat roof height to accommodate mezzanine and alterations to shopfront, at 69 Walm Lane, London NW2 4QR in accordance with the terms of the application Ref 21/4175, dated 21 October 2021, and the plans and drawings submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
 - 2) The development hereby permitted shall be undertaken in accordance with the following approved plans and drawings: Location Plan of 69 Walm lane (1:1250), 69WL/01: Existing ground & first floors; 69WL/02: Proposed ground & first floors, 69WL/03: Existing & proposed roof plans, 69WL/04: Existing & proposed front elevation (with canopy and decking), 69WL/06: Existing & proposed flank elevation 69WL/07: Existing & proposed flank elevation (2) and 69WL/08: Illustration of roof height increase.

Preliminary Matter

2. In February 2022, the Council adopted the Brent Local Plan 2019-2041 ('BLP'). Therefore, the Policy of the Brent Development Management Policies Plan (2016) referenced within the Council's decision notice, has been superseded by Policies of the BLP. I have proceeded with the appeal on this basis.
3. Because 'retrospective' is not an act of development, I have removed this term from my formal Decision.

Background and Main Issues

4. A decking area with an enclosure to facilitate an outdoor seating area has been installed at the appeal property. Also, alterations have been undertaken to the property to facilitate an upstairs seating area. The Council's second reason for

refusal (RfR2) alleges that the submitted plans and drawing do not reflect the development as built. Irrespective of this, I observed that plastic sheeting has been installed around the external seating area, which, in part, encloses this. This is not shown on the submitted plans. As such, and notwithstanding the appellant's submissions, the 'as built' development does not match the submitted drawings.

5. The Council's RfR2 also refers to paragraph 7 of Part 3 of the Development Management Procedure Orders, 2015 (as amended). This requires that any plans or drawings required to be provided must be drawn to an identified scale and, in the case of plans, must show the direction of North. The submitted plans and drawings meet these requirements.
6. For the above reasons, I have determined the appeal on the basis of the submitted plans and drawings. Accordingly, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal property comprises an end unit amongst a parade of mainly ground floor commercial units along part of Station Parade and Walm Lane. The shop fronts to these units are of varying, designs, sizes and materials and some incorporate retractable canopies. As such, these contribute to varied street scene along this parade.
8. In particular, the appeal property is designed as single storey with a flat roof and a parapet feature along its frontage. The alteration to the roof of the appeal property, to facilitate the proposed upstairs seating area would not extend beyond the existing parapet, and in any event would be mainly screened by signage.
9. The proposed shop front would extend to the top of the frontage and would be largely glazed. This would be of a similar overall height to the shop front associated with 65 Walm Lane. The ground floor door and window would be of a lower height than that at 65 Walm Lane, to accommodate the first-floor seating area. The extent of frontage associated with first floor would be obscured by a canopy and signage, which would be similar in form to others in the area. Given the variety of shop fronts nearby, some of which incorporate large glazed facades, the proposed arrangement would not appear uncharacteristic for the area.
10. The timber decking would be limited to a small area, logically located to the fore of the shop front. This would facilitate an external seating area. In part, this area is already enclosed by an existing wall which extends from one side of the principal elevation of the appeal property towards the highway. The decking would be of a low height, similar to a raised concrete area along the front of the adjoining property, 67 Walm Lane. The proposed enclosure would be limited to the extent of the decking area and constructed in timber to match this and give the overall seating area a cohesive appearance. Because of its modest height and the incorporation of open sections, the enclosure would allow views of the seating area and shop front and would not be unacceptably dominant.

11. As such, the proposal would be of an acceptable design and proportionate in scale to the appeal property. Consequently, the proposed alterations would assimilate with the already varied street scene.
12. For the above reasons, the proposal would not harm the character and appearance of the area and accords with Policy DMP1 of the Brent Local Plan 2019-2041. Amongst other things, this Policy states that development would be acceptable provided that it is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality.

Other Matters

13. The appeal site is adjacent to the Mapesbury Conservation Area, the boundary of which extends to the east side of Walm Lane (opposite the appeal site). This Conservation Area is characterised and is significant because of its turn of the century townhouses which are of high architectural quality and detailing. Later inter-war development is of similar architectural quality and integrate well the earlier houses. I have found that the proposal is of an acceptable design and scale. Accordingly, and having regard to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am satisfied that this would not detract from the significance or setting of the Mapesbury Conservation Area.

Conditions

14. I have proposed the standard timescale condition for the implementation of the permission and a condition specifying the relevant plans as this provides certainty.

Conclusion

15. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR