
Appeal Decision

Site visit made on 29 March 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/T5150/W/22/3304848

51 Oakington Avenue, Wembley HA9 8HX

- 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 Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/1733, dated 11 May 2022, was refused by notice dated 13 July 2022.
 - The development proposed is fenestration changes to elevations to include render and new glazed openings to side elevation. Replacement of existing boundary hedge with new modular concrete fencing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is at the end of a terrace of four houses located in a residential area comprising a mix of different housing types and styles, including detached, semi-detached, terraced and flats. Like the appeal property, the other houses in the same terrace are built of red brick with distinctive front projections which creates a uniform and coherent appearance that contributes to the character and appearance of the area.
4. The appeal property has a hedge running along its front and side boundary. This fronts Oakington Avenue and, as it wraps around the corner, also Crown Walk. This creates a soft green edge to both roads and complements the existing shrubs, trees, hedges, and verges which are common features locally and adds to the overall verdant character of the area.
5. The proposed render would disrupt the existing uniform and coherent appearance of the row of terraced houses as it would introduce an alien material at odds with the red brick finish currently used. This discordant elevational treatment would not complement the locality and would harm the existing character and appearance of the area. I acknowledge that many houses in the area are rendered, but the examples highlighted by the appellant, including other developments granted planning permission do not form part of an existing terrace where the other houses have not been

rendered. Therefore, the circumstances of these other examples are materially different, and do not justify harmful development at the appeal site.

6. Although the proposal would be lower than the existing hedge, due to the proposed use of concrete fence panels which would introduce an incompatible material into this setting, the proposed development would result in the replacement of the existing soft, green boundary treatment along Crown Walk with a hard, incongruous, and inappropriately dominant structure. This would not complement the existing street scene, would be at odds with the existing verdant appearance of Crown Walk and would therefore harm the existing character and appearance of the area.
7. The appellant highlights that the hedge is dying due to insufficient sun light. I have insufficient evidence to comment on the health of the hedge. However, even if it is in such poor health as to justify removal, that does not justify its replacement with the proposed modular concrete fencing. Further, I accept that there is a variety of boundary treatment in the area, some higher than that proposed. However, these are in different locations and have a different relationship with their surroundings and so the existence of these other examples does not justify harmful development at the appeal site.
8. The appellant considers that the proposal would accord with Policies 7.4 and 7.5 of the London Plan which they say focuses on the public realm or street scene. However, for the reasons set out, the proposal would not complement the locality or the existing street scene and would harm the character and appearance of the area.
9. Overall, I conclude that the proposal would have an adverse impact on the character and appearance of the area in conflict with Policies DMP1 of the Brent Local Plan 2019-2041 (BLP) adopted in February 2022 which amongst other things seeks to ensure development complements the locality. The proposal would also conflict with the Council's Design Guide SPD 1 - Nov 2018 and Residential Extensions & Alterations SPD 2 - Jan 2018 which amongst other matters seek to ensure building materials should be attractive and respect local character and that boundary walls and fences should complement the character of the rest of the street.
10. In the reasons for refusal, the Council cite Policy BGI 1 of the BLP which amongst other matters seeks to ensure all developments achieve a net gain in biodiversity. In the Delegated Report, the Council highlight that the loss of the hedge would result in a net loss of biodiversity. However, there is no further evidence on the impact of the proposal on biodiversity and consequently I cannot conclude the proposal would conflict with this policy.

Other Matters

11. The Council highlights that the proposed replacement and new windows and doors would be in keeping with the character and appearance of the area and are acceptable and I agree. However, the fact that some elements would not cause harm does not justify the harm the proposal as a whole would have on the character and appearance of the area.
12. The appellant highlights that the proposal would help to ensure privacy and security at the appeal property, improve insulation and would allow the appeal property to be used effectively which they say indicates that the proposal

would accord with the National Planning Policy Framework. However, the Framework seeks to ensure development is sympathetic to local character and these matters are clearly outweighed by the harm the proposal would have on the character and appearance of the area.

13. The appellant considers the Council did not engage with them appropriately during the planning process. However, this matter does not affect my conclusions on the planning merits of the appeal.

Conclusion

14. For the reasons given above I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the proposal should be determined otherwise than in accordance with it. Therefore, the appeal should be dismissed.

S Rawle

INSPECTOR