



Appeal Decision

Site visit made on 16 May 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/T5150/D/23/3319633

87 Paxford Road, Brent, Wembley HA0 3RJ

- 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 Mustafa Mirzai against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/0083, dated 16 January 2023, was refused by notice dated 7 March 2023.
 - The development proposed is hardstanding, removal of sections of front wall and soft landscaping to centre of lawn and proposed new soft landscaping and changes to front wall to dwelling-house.
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Decision

1. The appeal is allowed and planning permission is granted for hardstanding, removal of sections of front wall and soft landscaping to centre of lawn and proposed new soft landscaping and changes to front wall to dwelling-house, at 87 Paxford Road, Brent, Wembley HA0 3RJ, in accordance with the terms of the application, Ref 23/0083, dated 16 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – Drawing No: 01

Elevation as Proposed – Drawing No: 02

Plan as Proposed – Drawing No: 04
 - 3) The materials to be used in the construction of the wall and hardstanding hereby permitted shall match those used in the existing building and hardstanding.

Preliminary Matters

2. The appeal site is within the Sudbury Court Conservation Area (the CA). Accordingly, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.

3. I note from the submitted evidence that the appeal relates to a development that has been partially undertaken. However, the development shown on the proposed plans and elevations is different to the current situation on site. I have therefore based my assessment of the appeal on the development shown on the proposed plans and elevations.
4. The description of development on the application form refers to the 'retention' of hardstanding. On the basis that retention is not an act of development, I have omitted this from the description in relation to the appeal.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, and whether it would preserve or enhance the character or appearance of the CA.
 - Whether suitable measures for surface water run-off can be provided.

Reasons

Character and appearance

6. The CA Design Guide (the CADG) outlines that the CA forms part of a residential estate constructed in the 1920s and 1930s by the designers Comben & Wakeling Ltd that represented a pioneering approach to house building. Comprising mainly of detached and semi-detached houses, many houses follow similar basic design principles. However, there are subtle differences in appearance between most dwellings and therefore a variety to the streetscene that contributes to its significance.
7. Paxford Road is a gently curving street typical of the CA. Grass verges sit adjacent to both sides of the road and provide a delineation between the road and footpaths, containing trees and streetlights at irregular intervals. Gaps in the verges provide access to driveways for most houses.
8. The CADG outlines that original front boundary treatments generally comprised of low castellated dwarf brick walls with timber posts and chain link fencing sitting in front of hedgerows. The brick walls appear to have matched the red brick used in the construction of many of the dwellings, including the appeal property. There are some limited examples of low castellated walls in the immediate vicinity of the appeal site, some of which appear to be later reproductions. However, many of the front boundaries in the immediate area have been altered to either remove any boundary treatment or have introduced stone or brick walls in various materials and designs that do not appear to follow the original form. In addition, whilst the CADG advocates the retention of 50% soft landscaping to front gardens, there are numerous examples where the majority or even the entirety of the front garden has been hard surfaced.
9. Whilst the dwellings and street layout retain a strong degree of originality, there are significant variations in front garden and boundary treatments that have taken place over the lifetime of the estate. Although I recognise that the historic loss of many of the original boundary treatments in the CA may have adversely affected its character, these changes appear to have taken place

over a prolonged period. As such, the variety of front garden and boundary treatments now on display in the CA form a key part of its significance.

10. Given its previous removal, I am not fully able to compare the proposals to the pre-existing wall. However, I understand this comprised a castellated front boundary wall, as set out in the CADG. The proposed development seeks to reintroduce a similar wall. Whilst it may not extend across as much of the front boundary as the previous wall, the proposed arrangement would be similar to several other dwellings in the street and would extend across a wider portion of the frontage than many neighbouring examples. The proposed development would incorporate several of the desirable characteristics set out in the CADG and would appear appropriate to its surroundings.
11. The proposal does not seek to increase the existing amount of hardstanding. Whilst this does provide less than the 50% of soft landscaping sought by Policy BT2 of the Brent Local Plan 2019-2041 – Adopted February 2022 (the BLP), approximately 40% would be provided. Given the context, this would not be a significant shortfall. Furthermore, in terms of the character and appearance of the area, the purpose of this policy requirement is to offset adverse visual effects. The proposed development would retain a reasonable amount of soft landscaping that would be significantly greater than at many neighbouring properties. Whilst I note the Council's concerns that the proposed fixed planters would appear uncharacteristic, front gardens within the street feature a variety of formal and informal planting schemes, and the proposed planters would be compatible with this visual diversity. Even considering that any movable pot planters could not be secured as a means of boundary treatment, the area indicated for this purpose would comprise only a very small area of hardstanding.
12. For the above reasons, the contribution the appeal site makes to the significance of the CA would be maintained. Consequently, the proposed development would preserve the character and appearance of the CA and it would accord with Policies DMP1 and DMP12 of the London Borough of Brent Local Plan November 2016 'Development Management Policies' (the DMP), and Policies BD1, BHC2 and BT2 of the BLP. Among other objectives, these policies seek to ensure that development is of the highest architectural and urban design quality, that development is consistent with parking standards, that hardstanding proposals offset adverse visual impacts, and that proposals affecting heritage assets sustain or enhance its significance, its curtilage and its setting. The proposals would also comply with the guidance in the CADG, which has similar aims.

Surface water run-off

13. A further purpose of the 50% soft landscaping requirement of Policy BT2 of the BLP is to offset increases in surface water run-off.
14. A specification for the hardstanding has been provided, which advises that it has already be installed using materials and construction techniques to minimise surface water flooding. Although these details were submitted following refusal of planning permission, they serve only to provide clarification and do not alter the proposal. My observations at the site visit appear to align with the submitted details, which show block pavers with sand joints. The hardstanding therefore appears to offer a solution that would incorporate an element of permeability and would accord with the main aims of the policy.

Furthermore, I am in possession of no substantive evidence to demonstrate any specific harm in terms of surface water run-off.

15. For the above reasons, the proposed development has been suitably designed in terms of surface water run-off and accords with Policies DMP1 and DMP12 of the DMP, and Policy BT2 of the BLP. Among other objectives, these policies seek to not unacceptably increase exposure to flood risk and to offset increases in surface water run-off.

Other Matters

16. Representations have been received noting concerns that the new area of hardstanding could be used for parking in addition to the pre-existing driveway. Suggestions have also been submitted by various parties as to how the proposal could be redesigned to prevent this happening and to improve its appearance. However, I must assess the proposals based on the plans before me, which show the extended hardstanding would not be used for parking. Furthermore, the existing grass verge between the hardstanding and the road would appear to prevent this from happening without other necessary consents first being sought.
17. I note concerns that the proposed bin storage area to the front of the property would detract from the CA's status and would not comply with an Article 4 direction. However, I have been provided with no substantive details of any Article 4 direction. Moreover, the submitted plans show no change to the arrangement for bin storage and the Council has not noted this as a reason for refusal. I have no evidence before me to reach a different conclusion on this matter.
18. I have received representations noting that the trees and hedges to the front garden should be replaced. At the time of my visit, I noted some planting had taken place within the planting border and flower bed adjacent to the public footpath. Based on the scale of development, the apparent limited scale of vegetation removal that has already taken place, and the variety of planting schemes in the locality, I do not find it would be reasonable or necessary to prescribe a specific planting scheme for this development.

Conditions

19. Conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of clarity. A condition requiring the materials for the wall to match the existing dwelling, and for the hardstanding to match that existing, is necessary to protect the character and appearance of the area.

Conclusion

20. For the above reasons, the appeal should be allowed subject to the conditions listed in my formal decision.

P Storey

INSPECTOR