



Appeal Decision

Site visit made on 15 August 2023

by M. P. Howell BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8TH SEPTEMBER 2023

Appeal Ref: APP/T5150/C/22/3301837

75 Chaplin Road, Wembley HA0 4UD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr. Satish Lakhani against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice, numbered E/20/0546 was issued on 18 May 2022.
- The breach of planning control as alleged in the notice is that without planning permission, the erection of an outbuilding in approx. location as shown hatch in black in Plan A attached to the notice.
- The requirements of the notice are to:
STEP 1- Demolish the unauthorised outbuilding in approx. location as shown hatch in black in Plan A attached to the notice.
STEP 2 Remove all debris and items, arising from the demolition of the outbuilding, and remove all materials associated with the unauthorised development from the premises.
- The period for compliance with the requirement is: six (6) months.
- 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 Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Matters Concerning the Enforcement Notice

1. In Schedule 2, delete the words 'in approx. location' as they are unnecessary, and the word approximate should not be abbreviated in this manner. Also, for grammatical reasons delete the words 'hatch in black in' and substitute with the words 'hatched in black on.'
2. In Schedule 4, Step 1, delete the words 'unauthorised' and 'in approx. location as shown hatch in black in Plan A attached to the notice' as they are unnecessary. The outbuilding and its location have already been identified in Schedule 2 of the Enforcement Notice.
3. In Schedule 4, Step 2, for conciseness, delete the words 'the demolition of the outbuilding, and remove all materials associated with the unauthorised development from the premises' and substitute the words 'compliance with Step 1 of the Notice'.
4. In respect of the corrections outlined above, these would not fundamentally alter the allegation or the requirements and would not cause injustice to the appellant nor the Council.

Preliminary Matters

5. It is indicated in the Council's Statement of Case that at the time the Notice was issued, it was unclear how the outbuilding was going to be used. As such, the Enforcement Notice relates solely to operational development to erect the outbuilding. I will consider the appeal in this manner.

The Appeal on Ground (a) and the deemed Planning Application

6. The **main issues** in the appeal are the effect of the development on:
- The character and appearance of the area.
 - The living conditions of the occupants of 71 Chaplin Road, with regard to light and outlook.

Reasons

Character and Appearance

7. Chaplin Road is a residential street, which is mainly characterised by two storey semi-detached properties. Most are period dwellings finished in brick with pitched roofs and bay windows set back behind a small front yard, with proportionate rear private gardens. From what I could see during my site visit, single storey flat roofed detached outbuildings and garages are a typical feature to the back of the properties in the area. The consistency in the orientation and size of the dwellings as well as plot layouts, together with coherent features and finishes results in a pleasant character and appearance to the street scene.
8. The appeal site at 75 Chaplin Road is a large and roughly U-shaped building located on the corner between Chaplin Road and Norton Road. The building is in use as a hostel and is a larger contemporary brick built building. Notwithstanding this, the building maintains a similar set back as the adjoining properties, is two storeys in height with a pitched roof finished in brick. In this respect, the appeal site respects the layout and materials present on the street, adding value to the character and appearance of the area.
9. From what I saw on site, the outbuilding is erected to the rear of the hostel in a courtyard area. It is a single storey flat roof building finished in painted render with UPVC windows and a single doorway. The building was in use for storage in association with the hostel at the time of my visit.
10. The flat roofed outbuilding is modest in size and subservient to the main building in scale and height. From what I saw, sufficient courtyard space and parking remains to serve the hostel. The scale, single storey height and finishes of the outbuilding are typical of the outbuildings in the locality. Its position within the courtyard area, together with the intervening built form means any wider views of the outbuilding are limited. As such, the outbuilding is not prominent and is of a scale, height and design that respects the host building and locality.
11. Accordingly, the effect of the development on the character and appearance of the area is acceptable. The proposal complies with the overall aims and objectives of Policies DMP1 and BD1 of the Brent Local Plan 2022 (Local Plan), which seek to maintain the quality of the built environment by ensuring development is of high design and has no adverse impact on the character, appearance, or quality of the wider area.

12. The development also complies with the design policies set out in section 12 of the National Planning Policy Framework 2021 (the Framework).

Living conditions

13. The neighbour at 71 Chaplin Road is a two storey terraced dwelling adjacent to the appeal site. The layout is such that a ground floor bedroom window on the side extension is in proximity to the outbuilding. A doorway on the flat roof rear extension also faces the outbuilding with a gap of approximately 1-2 metres (m).
14. I appreciate that the development is positioned close to the shared boundary and extends along its length. However, a gap is retained between the neighbour's window, door and the development subject of this appeal. Furthermore, the development has a moderate depth, with a low single storey flat roof that is only marginally taller than the boundary fence. The moderate depth and low height of the development means the outbuilding is not oppressive or overbearing to the outlook from the window or door. Nor, for the same reason, do I consider that the outbuilding has a significant effect on light reaching these openings.
15. Accordingly, the outbuilding does not adversely affect the living conditions of the occupants of No 71, with regard to light and outlook. The outbuilding complies with Policy DMP1 of the Local Plan which, amongst other things, requires development to be 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. The justification for this policy sets out in paragraph 4.6 of the Local Plan that it is important that the development creates a high-quality environment, addressing issues like, outlook, daylighting and shadowing.

Conditions

16. The Council has suggested that if I were minded to allow the appeal, conditions restricting the use of the outbuilding to storage should be applied and that the unfinished blockwork is rendered with cream pebble dash.
17. Despite its small size, it is feasible that the building could be used as additional living accommodation, which could impact on the living conditions of the neighbours. To provide further control over this, an appropriately worded condition to restrict the use to storage in association with the hostel can be attached. I have concluded the outbuilding is acceptable with the current materials (painted render), as such, a condition requiring a cream pebble dash finish would not be necessary.

Conclusion

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

Formal Decision

19. It is directed that the enforcement notice is corrected by:

In Schedule 2, delete the words 'in approx. location'. Also, delete the words 'hatch in black in' and substitute the words 'hatched in black on.'

In Schedule 4, Step 1, delete the word 'unauthorised' and delete the words 'in approx. location as shown hatch in black in Plan A attached to the notice.'

In Schedule 4, Step 2, delete the words 'the demolition of the outbuilding, and remove all materials associated with the unauthorised development from the premises' and substitute them with the words 'compliance with Step 1 of the Notice.'

20. Subject to the corrections, 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 outbuilding at 75 Chaplin Road, Wembley HA0 4UD as shown on the plan attached to the notice and subject to the following condition:

- 1) The outbuilding hereby permitted shall not be used for anything other than storage associated with the hostel use at 75 Chaplin Road, Wembley HA0 4UD.

M. P. Howell

INSPECTOR