



Appeal Decision

Site visit made on 21 February 2024

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/T5150/C/22/3310975

494-496 Neasden Lane North, London NW10 0EA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
 - The appeal is made by Mr Jashvant Joshi against an enforcement notice issued by London Borough of Brent.
 - The notice was issued on 19 October 2022.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a structure to the forecourt of the premises.
 - The requirements of the notice are to:
STEP 1 – Demolish the unauthorised structure to the forecourt of the premises and restore the shopfront back to its original condition before the unauthorised development took place.
STEP 2 – Remove all debris and items, arising from this demolition and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Act. 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.
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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 Act.

Appeal on ground (a)

2. The ground of appeal is that planning permission should be granted for the development.

Main issues

3. The main issues are the effect of the development on (i) the character and appearance of the area; and (ii) pedestrian safety.

Reasons

Character and appearance

4. The area surrounding the appeal site is characterised by a mix of residential and commercial properties. The appeal property sits in a prominent location on a main highway with commercial properties located either side which have traditionally designed shop fronts. It is this traditional design of shop fronts that contribute positively to the character of the surrounding area.
5. Due to its materials, design and protrusion from the front elevation of the building, the structure appears as an incongruous feature that is dominating and

intrusive within the surrounding area. The appeal site does not lie within a conservation area, nevertheless, the structure is a discordant feature that detracts from the character and appearance of the area and surrounding built form.

6. Accordingly, the structure has a harmful effect on the character and appearance of the area. It is contrary to Policies BE7 and DMP1 of the Brent Local Plan 2022, the Brent Shopfront Supplementary Planning Document and the National Planning Policy Framework (the Framework) which seeks development to demonstrate a high quality of design and complement the locality.

Pedestrian safety

7. The footpath in the location of the appeal site is wide, so whilst the structure protrudes beyond the main front elevation of the property, there is sufficient amounts of space for pedestrians to manoeuvre. The structure does not cause an obstruction for pedestrians or neighbouring occupiers and does not have a harmful effect on pedestrian safety.

Other matters

8. The structure provides shelter for fresh vegetable and fruit displays. I note the Change4Life convenience store programme, introduced by the Department of Health, aims to increase retail access to fruit and vegetables in deprived areas. This matter however does not outweigh the harm I have identified with regards to character and appearance.
9. I have had regard to the appellants statement of case including structures on other properties such as at 232 Neasden Lane and properties at Kingsbury Road. However, there is no compelling evidence to convince me that these other structures are directly comparable with the appeal structure, particularly with regards to materials, design and location. In any case, I have assessed this appeal on its own merits.

Conclusion on ground (a)

10. I have found that the structure does not have a detrimental effect on pedestrian safety. This matter and other benefits described above does not outweigh the harm I have found with regards to the effect on the character and appearance of the area.
11. The structure conflicts with the development plan as a whole and with the provisions of the Framework. There are no other considerations which, by themselves or cumulatively, lead me to reach any other conclusion.
12. The appeal on ground (a) therefore fails and the appeal should be dismissed.

Chris Baxter

INSPECTOR