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# Appeal Decision

Site visit made on 13 February 2024

**by F Harrison BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> March 2024**

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**Appeal Ref: APP/T5150/W/23/3327316**

**14 Court Parade, East Lane, Wembley, Brent HA0 3HU**

- 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 M Al-Mashhadani of Lion Signs & Blinds against the decision of the Council of the London Borough of Brent.
  - The application Ref is 23/1071.
  - The development proposed is demolition of unauthorised rear extension and erection of a new rear extension to the shop.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have used the description of development as stated on the Council's decision notice, rather than that given on the application form, as this is more precise. The appellant raises no specific objection to that description, which they have subsequently used on the appeal form. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect but there are no material changes relevant to the substance of the appeal.

## Main Issues

3. The main issues are the effect of the proposal on:
  - the character and appearance of the area, bearing in mind that it would be within the Sudbury Court Conservation Area (SCCA); and
  - highway safety, with regard to servicing and delivery arrangements.

## Reasons

### *Character and appearance*

4. Court Parade is a row of three storey terraces with commercial uses at ground floor with flats above. The appeal site is a mid-terrace property, and the proposal is at the rear, fronting Wakeling Lane where there are a number of alterations and extensions of varying design. However, they are predominantly constructed from traditional materials, of low height and set back from the road, leading to an inherent general conformity in appearance with a relatively open character.
5. The site falls within the SCCA. From my observations and the SCCA Character Appraisal (2006) the significance of the conservation area, insofar as is

relevant to this case, is primarily derived from the architectural detailing and layout of buildings within it which help to define the open suburban character. Although at the rear of Court Parade where there may be a lower quality of townscape, as part of an area that is generally open the appeal site contributes positively to the SCCA.

6. The proposed single storey extension would replace the existing structure at the site which is subject to an enforcement notice that was subsequently appealed and dismissed<sup>1</sup>. I acknowledge that amendments have been made to the scheme which seek to address the previous inspector's concerns. However, despite the reduction in eaves height, and even if more traditional materials were used, the appearance of the proposal would have an awkward presence in the street scene.
7. The proposal would sit prominently adjacent to the road in a location where there is a general absence of complete structures. Owing to the height and width of the proposal at the boundary with the road it would appear as a bulky, dominant addition that would fail to respond to the prevailing pattern of development and would stand out as being visually incongruous as a consequence. The detrimental effect the proposal would have on the open qualities of the area would be readily apparent on approach in either direction on Wakeling Lane, in views from the nearby flats and in views from the rear gardens and properties that front Pasture Road.
8. Overall, the proposal would fail to preserve or enhance the character or appearance of the SCCA and would harm its significance as a whole. The harm that I have identified is 'less than substantial' harm. The Framework requires that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. Any harm to the significance of a designated heritage asset should also require a clear and convincing justification.
9. Nevertheless, the Framework also requires such harm to be weighed against any public benefits. The extension would provide functional space for the appellant to accommodate delivery vehicles, however this benefit would be largely private. While there would be modest economic benefits arising from employment during the proposal's construction, this public benefit is insufficient to outweigh the great weight attached to the harm to the designated heritage asset.
10. For the reasons given, the proposal would harm the character and appearance of the area, failing to preserve the SCCA and harming its significance. The scheme is therefore in conflict with Policies BHC1, DMP1 and BD1 of the Brent Local Plan (2022) (LP). Amongst other things, these policies require proposals affecting heritage assets to sustain or enhance their significance, ensuring that extensions are not overly dominant. The siting and design of development should also deliver good design and complement the locality.

### *Highway Safety*

11. It is not disputed that the proposal's use for delivery vehicles would retain off-street servicing for the appeal site and there would be no displacement of servicing activities on the adjacent roads. It therefore follows that the proposal

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<sup>1</sup> Appeal Ref: APP/T5150/C/22/3297137

would not have a detrimental effect on highway safety.

12. However, the Council has concerns that the proposal could be used for storage. It is indicated that the use of the proposal in this way would result in the loss of existing servicing that would be required to meet operational needs which Policy BT3 of the LP seeks to avoid. Nevertheless, in the absence of any firm evidence to the contrary, I have no clear reason to suppose that the proposal would be used other than to accommodate delivery vehicles as indicated by the appellant. In any event, a suitably worded planning condition could be imposed to secure the use of the proposal in the interest of protecting highway safety.
13. The Council also suggest that there is not any specific need to fully enclose the yard for delivery and servicing purposes. However, my attention has not been drawn to any development plan policy that requires schemes such as the appeal proposal to demonstrate a need for the development.
14. Consequently, the proposal would not adversely affect highway safety, with regard to servicing and delivery arrangements, in accordance with Policy BT3 of the LP. This policy, amongst other things, requires new development to maintain existing servicing where it is still required to meet operational needs.

### **Conclusion**

15. While the proposal would not be harmful to highway safety, my above findings relating to the character and appearance of the area bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

*F Harrison*

INSPECTOR