



Appeal Decision

Site visit made on 28 May 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/T5150/C/22/3311594

32 Grendon Gardens, Wembley HA9 9NE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Ibraheim El-Daly against an enforcement notice issued by the Council of the 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 installation of a new hard standing, new windows and a new front door to the front of the premises.
 - The requirements of the notice are: 1. Remove the hardstanding to the front of the premises and remove all debris and items, arising from the removal, and all materials associated with the unauthorised development from the premises, or implement the proposed driveway and landscaping plan as shown in Plan A attached to the notice, drawing number: 0497-100.11 (dated 03/05/18). 2. Remove the windows to the front elevation of the premises, and remove all debris and items, arising from the removal, and all materials associated with the unauthorised development from the premises. 3. Remove the front door of the premises, and remove all materials, items and debris, arising from the removal, and all items associated with the unauthorised development from the premises or implement the proposed front door as shown in Plan B attached to the notice, drawing number: 0497-500.02 (dated 03/05/18). 4. Erect a 400mm high brick wall parallel with the pavement and along the back edge of it, ensuring bricks are used which match those used in the construction of the house along the front boundary with the exception of a 2x3m gaps where cars can access the front garden via the dropped kerb as shown [on] Plan A.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds 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.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. This Decision takes into account the revised National Planning Policy Framework (the Framework), published on 19 December 2023.

Ground (a) appeal

Background & Main Issue

3. The detached two storey dwelling occupying the appeal property is located in the Barn Hill Conservation Area (CA). The dwelling has been extended at two

storeys to the side and on the ground floor at the rear, following the grant of planning permission at appeal in 2018¹. The enforcement notice attacks a hardstanding laid at the front of the property, along with new windows and a new door fitted to the front elevation.

4. The main issue in the appeal is whether the unauthorised works preserve the character or appearance of the CA.

Reasons

Character, appearance of the CA

5. The CA comprises a residential estate which originated during the inter-war period on the hillside overlooking Wembley Stadium and Wembley town centre. Dwellings in the CA are arranged in a well ordered, evenly spaced fashion and have marked similarities in terms of their architectural style. Often, the dwellings incorporate full-height bay windows at the front together with in many instances half-timbering, as well as utilising similar decorative details and external finishes. Maturing frontage planting along with low front boundary walls contribute appreciably to a leafy and spacious suburban feel, as well as having a softening effect on the built forms. Therefore, the CA derives a good deal of its significance from the coherence of the residential architecture within a generally well-planted suburban setting.
6. Prior to laying the hardstanding, a considerable portion of the property frontage was already paved. Along with maturing hedge and shrub planting on either side of the paved surface, there was a substantial central raised island adjacent to the street. This island, which was faced with low masonry walls, contained maturing planting including tall ornamental shrubs. Part of the approved scheme involved significantly increasing the size of the island, as well as that of planted areas to the sides and at the back of the paved surface.
7. The hardstanding has a significantly greater area than the pre-existing paved surface and is finished in a light grey coloured, bonded granular material. The island and the associated planting have been removed, whilst the other planted areas are appreciably less generous in size compared to the approved scheme. The expansive proportions of the hardstanding do not compare favourably with the approved scheme. The obviously manufactured, angular profile and bright surface finish of the hardstanding contrasts jarringly with the softer shapes and more muted colour tones of well-planted frontages in the vicinity and in the wider CA. The relatively modest areas of maturing shrubs and hedging along the sides and ornamental planting at the back do little to visually relieve or otherwise soften the extent of the hardstanding.
8. As a result, the hardstanding dominates the property frontage and is viewed as a stark, 'engineered' and alien feature, contributing to an appreciably more built-up feel in the street scene when compared to either the pre-existing paved surface or the approved scheme. It also fails to reflect the Barn Hill Conservation Area Design Guide (DG), which advises that new hard surfaces should, amongst other things, use traditional materials such as cast concrete, pavers or loose gravel, with at least 50% of the front garden area being retained with suitable soft landscaped features, such as hedges.

¹ Appeal Ref: APP/T5150/D/18/3204670

9. I acknowledge that a number of other property frontages in the vicinity have been largely laid to hard surface. However, those incidences are not representative of properties in the CA generally. They also serve to illustrate the negative consequences in terms of the significance of the heritage asset of such development. Since container planting provides little visual softening for other hard surfaced frontages, it is unlikely to do so at the property. Such planting could also be removed with relative ease.
10. Moreover, there is little information concerning the origin of other hard surfaces. There was no firm evidence, for example, of any similar development in the CA having been granted permission recently. The mere existence of outwardly similar development is not a sound reason for granting permission for the hardstanding as this could be repeated, leading to further erosion in the special qualities of the CA.
11. The new front elevation windows are similar to the pre-existing front windows in terms of their overall arrangement and proportions, as well as the numbers of upright and horizontal members and leaded lights. However, the new windows also incorporate external trickle vents and omit moulding details, including the horizontal drip rail-a notable feature of original ground floor bay windows in the CA. Although themselves replacements, from the photographs supplied it is evident that the pre-existing windows did not feature external trickle vents and that there was a drip rail feature on the ground floor bay window. This has led to the new windows having a noticeably different appearance to windows at other properties nearby and elsewhere in the CA where the original window details have been retained.
12. The above does not reflect the DG which, amongst other things, advises that where windows are to be replaced original details should be copied exactly so that no detailing is lost and that a drip rail should be provided where it is an original feature. The DG goes on to advise that this should still apply where the original windows have, as in this instance, previously been replaced.
13. The new front door, which incorporates two glazed panels in the upper half, is contemporary in style. It therefore differs markedly in terms of appearance from the largely solid door of more historic design in the approved scheme, which would have been constructed from oak with small decorative top lights. This also does not reflect the DG, which advises that replacement front doors should be detailed to match or complement the originals. The light grey colour finish does little to satisfactorily assimilate the door with the traditional architectural features in the design of the dwelling.
14. The noticeably different and more contemporary appearance of the new front windows and front door in relation to the originals has eroded the architectural integrity and historic character of the dwelling and in turn, of the contribution it makes to the character and appearance of the CA. I appreciate that other dwellings in the CA have been fitted with varying styles of replacement front windows and front doors. Even so, those incidences illustrate the negative effects of such alterations on the significance of the heritage asset. Moreover, I am not aware of any instance where permission has been granted in the CA for replacement front windows and doors similar in style to those at the property.
15. Therefore, the works have failed to preserve the character or appearance of the CA, individually and cumulatively. This is in conflict with criteria in Policy DMP1 of the Brent Local Plan (LP), which requires the detailing and design of

development to complement the locality and to conserve and enhance the significance of heritage assets. Similarly, there is conflict with LP Policy BHC1, which requires development amongst other things to sustain the significance of heritage assets and respect and reinforce the street scene as well as to contribute to local distinctiveness through good quality design.

16. There is also conflict with criterion in LP Policy BT2, which amongst other things requires off-street parking to preserve trees and other features that make a significant contribution to the building's setting and the character of the surrounding area, along with providing adequate soft landscaping. Furthermore, the works are inconsistent with the Framework, which seeks to conserve and enhance the historic environment, as well as with advice in the DG.

Other Matters

17. There are unlikely to be prohibitive costs associated with complying with the notice, nor is there a likelihood of significant disruption to neighbours. There is no firm evidence that any recovered materials cannot be recycled. Therefore, these matters carry limited weight.

Planning Balance

18. The works do not preserve the character or appearance of the CA, they conflict with the Development Plan and are inconsistent with the Framework, as well as with the DG. The Framework advises that where, as in this case, the harm to the significance of the CA is less than substantial, it should be weighed against any public benefits. The Framework goes on to advise that when considering the impact of development on the significance of a designated heritage asset, great weight is required to be given to that asset's conservation. The benefits of the works are largely limited to the appellant and their family and are in consequence private. There are no public benefits.

Conclusion

19. Therefore, for the reasons given, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Stephen Hawkins

INSPECTOR