



Appeal Decision

Site visit made on 17 July 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2024

Appeal Ref: APP/T5150/D/24/3341095

142 Walm Lane, Brent, London NW2 4RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Himat Gami against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/3688.
 - The development is the retention of an outbuilding to the rear garden and hardstanding/landscaping works to front garden.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of an outbuilding to the rear garden and hardstanding/landscaping works to front garden at 142 Walm Lane, Brent, London NW2 4RU in accordance with the terms of the application, Ref 23/3688, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: EXISTING/49-100-E; 142WL/01B; 142WL/02B; 142WL/03B; 142WL/04B; 142WL/05B; 142WL/06B and 142WL/07B.
 - 2) Within 1 month of the date of this decision letter, details of the planting of two replacement trees, including a timetable for their planting, within the rear garden of 142 Walm Lane shall be submitted in writing to the local planning authority for approval. The development shall be carried out in accordance with the approved details.
 - 3) If, within a period of 5 years from the date of planting, the trees (or any trees planted in replacement for them) are removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original trees unless the local planning authority gives its written consent to any variation.

Procedural Matter

2. The reasons for refusal refer to Policy BHC7 of the Brent Local Plan (BLP). However, it appears from the BLP extracts accompanying the council's questionnaire that Policy BHC1 is the relevant heritage policy.

Main Issues

3. It is considered that the main issues are the effects of the development on (a) the character and appearance of the surrounding area, in particular the streetscene, and (b) the safety of other highway users.

Reasons

Character and Appearance

4. The appeal scheme has been undertaken with the appeal property's front garden comprising permeable block paving now used for parking of vehicles, raised beds which are planted and a brick front boundary wall. Evidence about how the property's front garden was previously laid out has been provided and it was also possible to gain an understanding about the previous layout from the gardens of other dwellings fronting Walm Lane which have retained their hard landscape surfaces. The other element of the appeal scheme is the erection of an outbuilding within the rear garden. Planning permission was previously granted for the erection of an outbuilding albeit on a different site (Ref 20/1018). The degree of difference between the siting of the approved and appeal schemes is not significant.
5. The property is located within the Mapesbury Conservation Area where there is a statutory duty to pay special attention to preserving or enhancing the character or appearance of the area. This duty is echoed in BLP Policies DMP1 and BHC1. The council's *Mapesbury Conservation Area Design Guide* refers to the area's heritage significance being associated with the development of a residential estate dating primarily from the early 20th century which has remained largely unaltered comprising large semi-detached and detached town houses of high architectural quality with intricate detailing.
6. In addition to the architecture of the houses, the *Design Guide* references wide tree-lined streets with front boundary brick walls and tall gate posts. Rear gardens are noted to often exceed up-to 25 metres in depth, typically containing mature trees and other mature planting, establishing an almost park-like character that has become an integral part of the area's setting. These factors are stated to play a vital role in establishing the open and spacious character of the Conservation Area.
7. In assessing off-street parking proposals the *Design Guide* seeks at least 50% of the total front garden area being retained and suitably landscaped with soft planting features, which is echoed in BLP Policy BT2. The *Design Guide* also refers to existing original pathways to the front door remaining and where they have been lost they should be reinstated. Any new hard surfaces should be also formed using traditional, permeable materials. However, the *Design Guide* can only be guidance and cannot address all the circumstances of a particular proposal.
8. Although visible from the road, the permeable block paving is of a subdued colour and is not particularly noticeable within the context of the streetscene. The design of the wall and the choice of red brick reflect other means of enclosure along Walm Lane and within the wider Conservation Area. Together with the laurel hedge to the rear of the boundary wall, the planters introduced soft landscaping into a front garden where previously there was minimal vegetation because of the expanse of hardstanding.

9. The design and layout of the front garden does not reinstate any original path which might have existed between the footway and front door but there is a clear route between 2 planters. This creates the physical and visual sense of there being a clear pedestrian approach to the front door of the property. Further, along this side of Walm Lane it was observed that separate paths to the front doors are not a common feature, especially where there is off-street parking within the front gardens. Within the wider Conservation Area where parking is not provided within front gardens there are dwellings which have ornately designed pathways.
10. Accordingly, although the guidance may not have been met in full, the materials, layout and design of the front garden has resulted in an enhancement of the property's contribution to the character and appearance of the streetscene and the wider Conservation Area. The appeal scheme does not detract from the heritage significance of the Conservation Area and, also as required by BLP Policy DMP1, complements the character of the locality.
11. The consultation response of the Tree Officer notes the potential removal of a pear tree within the rear garden, in addition to one which was known to have been felled, to enable the erection of the outbuilding. The Tree Officer suggested a condition which would have the effect of securing the replacement of the 2 trees. The appellant has indicated a willingness to accept such a condition and this would satisfy BLP Policy BGI2 whereby, for minor developments, the loss of trees could be mitigated by the provision of appropriate replacement trees.
12. If this appeal succeeds then the imposition of such a condition, reflecting that the outbuilding has been erected, would address the concerns raised in the council's reason for refusal concerning the absence of details about replacement tree planting. Such replacement tree planting would enable the property's rear garden to continue to contribute positively to the park like character and appearance of the Conservation Area. The heritage significance of the Conservation Area would not be harmed by the erection of the outbuilding.
13. For the reasons given and subject to the suggested condition, the development does not cause unacceptable harm to the character and appearance of the surrounding area, in particular the streetscene, and, as such it does not conflict with BLP Policies DMP1, BGI2 and BHC7.

Highway Safety

14. The vehicular access from Walm Lane is now via a gap in the front boundary wall that is around 3.5 metres wide which is wider than the footway crossover and the associated dropped kerb. However, the width of the gap in the boundary wall represents a reduction of some 2 metres when compared to what previously existed. Although a vehicle entering or exiting the front garden could potentially drive across part of the paved footway, there is a reduction in the prospect of this occurring when compared to the previous wider access.
15. A further reduction in width of the access as sought by the council could result in vehicle movements which might raise highway safety concerns, particularly visibility for pedestrians walking along the footway and the drivers of vehicles exiting or entering the front garden in reverse gear. The visibility for a driver

would be affected by the proximity of any extended front boundary wall, including any brick pillars either side of the access. Similarly views of any vehicles existing the property's front garden would be reduced for pedestrians, cyclists and drivers travelling along Walm Lane.

16. On this issue, it is therefore concluded that the development does not adversely affect the safety of other highway users and, as such, it does not conflict with BLP Policy BT2. Amongst other matters this policy refers to parking provision not having a negative impact on the existing highway, other forms of movement or the environment

Conditions

17. The council has suggested conditions in the event that this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework. For reasons of clarity, it is necessary to include a list of the approved drawings but an implementation condition is unnecessary.
18. The council has suggested a generic landscaping condition which goes beyond just requiring the replacement of the 2 trees which have been lost. Accordingly, this condition has been amended for reasons of precision to require the details of 2 replacement trees to be provided within 1 month of the date of this decision letter, together with a timetable for the planting to occur. A separate condition is necessary to secure the replacement of these trees if they become damaged or die.
19. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR