



Appeal Decisions

Site visit made on 18 September 2024

by Roy Curnow MA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal A Ref: APP/T5150/C/22/3312929

R & S Furniture Ltd, 86 High Road, London NW10 2PR

- 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 appeal is made by Mr Robin Mascarenhas of R & S Furniture Ltd against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice, numbered E/20/0822, was issued on 16 November 2022.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of an extension to the rear of the premises.
 - The requirements of the notice are STEP 1 Demolish the extension to the rear of premises; and 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 3 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.
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Appeal B Ref: APP/T5150/W/22/3312938

R & S Furniture Ltd, 86 High Road, London NW10 2PR

- 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 Robin Mascarenhas of R & S Furniture Ltd against the decision of the Council of the London Borough of Brent.
 - The application, Ref 22/2818, dated 10 August 2022 was refused by notice dated 13 October 2022.
 - The development proposed is Retention of single storey rear extension.
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Decisions

1. In respect of Appeal A: 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 1990 Act as amended.
2. In respect of Appeal B: The appeal is dismissed.

Procedural Matter

3. As set out above there are two appeals on this site. The development proposed in each is identical and the appeals differ only in the reference to fire safety in Appeal B. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Appeal A Ground (a) and Appeal B

Main Issues

4. In Appeal A, the main issue is the effect of the development on the character and appearance of the Willesden Green Conservation Area ('WGCA').
5. In Appeal B, the main issues are: the effect of the development on the character and appearance of the WGCA; and whether the development accords with fire safety requirements.

Reasons

6. The property has a fairly long planning history. However, only the following are relevant. An application was refused for the 'Retention of existing single storey extension to shop', Council reference 22/2818. This was refused and that decision is the basis for Appeal B, whilst an enforcement notice issued in respect of those works is the subject of Appeal A. Following this, an application was made for 'Removal of existing rear extension and erection of a single storey timber framed rear extension', Council reference 23/0029. This was approved on 1 March 2023.

Character and appearance

7. 86 High Road ('No 86') is a three-storey property that, in keeping with others in the area, comprises a commercial property at ground floor with what appears to be residential accommodation above. High Road is a very busy thoroughfare, and that part in which No 86 lies is identified as a primary shopping frontage.
8. No 86 lies in the WGCA, which, for its most part, follows the line of the A407, of which High Street is a part. It runs from Willesden Green station south-westwards to a point a short distance to the west of No 86. The WGCA boundary is drawn quite tightly around the boundaries of the properties facing the A407. These, with some exceptions, have the same mix of uses as No 86.
9. The exception to this general trend is a small triangular area around the junction of High Road and Brondesbury Park. For the most part, this comprises residential properties that appear to date from the early 20th century.
10. Although I was not provided with a copy of a Conservation Area Appraisal for the WGCA, I found its character to be that of a thriving and vital suburban shopping area, together with the small area of associated residential development.
11. The WGCA is a designated heritage asset, where decision-makers have a statutory duty¹ to pay special attention to preserving or enhancing the character or appearance of conservation areas.
12. The extension that forms the subject of the appeals is situated to the rear of No 86. There, what the evidence shows had been a yard area has been covered by the extension, save for a very small area between it and the rear boundary wall. As it would have involved going onto private land, I was unable to see the whole of the exterior of the extension. However, I was able to see some of it from a side door. I have also used photographs supplied by the Council in my

¹ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

- assessment, as these were not challenged by the Appellant. It is a simple structure, where a timber frame is clad with what appear to be timber sheets and its gently sloping roof is covered in roofing felt.
13. It has been constructed to store furniture to be sold in the shop. This, I am told, is necessary due to limited space in the shop. When I visited the site, I saw that the extension was full of furniture. This need and the benefits of the extension to the business are important considerations in my assessment.
 14. Although public views of the extension from outside the site are limited to a glimpsed view from Huddlestone Road, I could see how it would be visible from a number of nearby properties. What has been constructed is a crude and unsympathetic addition to No 86 that has an unfinished appearance. It detracts from the character and appearance of the WGCA.
 15. The Appellant draws my attention to a satellite image, that he says shows five other extensions that take up the whole of yards to the rear of nearby commercial premises. As no evidence is given to show whether these benefit from planning permission or are otherwise lawful, I give this evidence limited weight. I find that the manner in which the extension covers the rear yard is harmful and at odds with the prevailing form of development in the area.
 16. The Appellant described the yard as being "laid to waste" prior to the construction of the extension, and states that the yard to the rear of 84 High Street is in a similar state. The works have, he says, led to a tidier appearance of the property. This is not sufficient reason to find in favour of the retention of the extension. I am quite sure that there would have been other ways of addressing the untidy state of the land without causing harm to the WGCA. An example of how this might be achieved is shown in the scheme approved under the terms of application 23/0029.
 17. Therefore, for reasons of its site coverage, design and use of materials, I find that the extension causes harm to the character and appearance of the WGCA. Therefore, it fails the statutory test and does not accord with the terms of BLP Policy BCH1 that reflect that test. It does not represent good design, as required amongst the terms of BLP Policy DMP1 and BD1 and LP Policies D3 and D4.
 18. Although the harm to the WGCA is, in the words of the Framework, "less than substantial", this harm is not outweighed by the public benefit that the extension provides to the help secure the future of the business.

Appeal B (only)

Fire safety

19. LP Policy D12 requires those proposing developments to demonstrate that they achieve the highest standards of fire safety. The policy has, as its supporting text acknowledges, some overlap with the Building Regulations. Notwithstanding this, amongst the policy's requirements are the need to: identify suitably positioned unobstructed outside space for an evacuation assembly point; provide a suitable and convenient means of escape; and incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire.

20. It has not been demonstrated that any of these were done. I find that the small area that has been left undeveloped is too small and too close to the extension, which is constructed of timber, to be considered a safe refuge. In any event, given that the side door opens onto the rear yard to No 84, there is no guarantee that occupants of No 86 would be able to use it to access that small space.
21. For the above reasons, I find that the development proposed in Appeal B does not accord with LP Policy D12.

Conclusion

22. In Appeal A, for the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
23. In Appeal B, for the reasons given above, I conclude that the appeal should not succeed.

Roy Curnow

Inspector