



Appeal Decision

Site visit made on 14 January 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Appeal Ref: APP/T5150/C/23/3321382

16 Copland Avenue, Wembley HA0 2EN

- 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 Ms Tanuja Chandubhai Patel against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice was issued on 31 March 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an outbuilding to the rear of the premises. ("the unauthorised development")
 - The requirements of the notice are:
STEP 1 Demolish the outbuilding to the rear of the premises or alter it to accord with the plans and conditions as approved in planning application reference 22/3580.
STEP 2 Remove all materials, debris and other items, associated with the unauthorised development, from the premises as a result of compliance with STEP 1 of this notice.
 - 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. 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, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (a), the deemed planning application

Main Issues

2. Based on all of the representations received, the main issues are the effect of the development on:
 - the living conditions of neighbouring occupiers of Nos 24 and 26 Crawford Avenue with particular regard to outlook; and
 - the character and appearance of the area.

Living conditions of neighbouring occupiers of Nos 24 and 26 Crawford Avenue - outlook

3. Brent's Residential Extensions and Alterations SPD2, 2018 (SPD) states that only one outbuilding will normally be permitted in your garden, and that it

should generally be located within the final fifth of your garden. The SPD also states that the maximum height of the outbuilding should be 2.5m where it would be within 2m of the boundary. Whilst the SPD is guidance only, its emphasis on good design is consistent with the National Planning Policy Framework, 2024.

4. Permission has been previously granted for the retention of the outbuilding (the subject of this appeal), but with a lower flat roof of 2.5m in height (Council ref: 22/3580), which is in accordance with the Council's SPD. One of the requirements of the Notice allows for the development to be retained and modified to accord with the approved scheme. This leads me to conclude that the footprint and position of the development is acceptable in principle, and this therefore represents a legitimate fallback position against which to assess the current development.
5. However, the as built development, which far exceeds the 2.5m height requirement, and contains a prominent front canopy, results in a dominant and unneighbourly form of development, built close to the boundaries with the neighbouring residential gardens of Nos 24 and 26 Crawford Avenue. This thereby harms the living conditions of these neighbouring occupiers.
6. I appreciate that there are outbuildings in neighbouring gardens, particularly at Nos 24 and 26 Crawford Avenue. However, from my observations on site, these have been designed to comply with the Council's SPD and do not appear to exceed the 2.5m height restriction of the SPD, where they are positioned within 2m of the boundary of the site.
7. Therefore, the development fails to provide acceptable living conditions for occupiers of Nos 24 and 26 Crawford Avenue, with regard to outlook. Accordingly, the development is contrary to Policy DMP 1 of the Brent Local Plan 2019-2041 (LP), which amongst other things states that development will be acceptable provided which it provides high levels of internal and external amenity.

Character and appearance

8. The site relates to a detached property in a residential area characterised predominantly by detached and semi-detached residential properties with spacious front and rear gardens which provides an open and verdant character. The appeal site similarly benefits from a spacious landscaped rear garden.
9. The 'as built' outbuilding is located towards the rear of the garden and given the overall large size of the rear garden the development does not occupy a disproportionate amount of garden space. Furthermore, I witnessed outbuildings of various designs and sizes in neighbouring gardens, including outbuildings at Nos 24 and 26 Crawford Avenue. The materials used appear to be cement render. However, if considered acceptable in all other respects the outbuilding could be conditioned to be painted to match the exterior of the main house, which would improve its external appearance.
10. In this respect the outbuilding does not harm the character and appearance of the area, in accordance with Policy DMP 1 of the LP. Amongst other things these state that development will be acceptable provided it complements the locality. However, the lack of harm in this respect does not outweigh the harm identified above under living conditions.

Conclusion

11. 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.

R Satheesan

INSPECTOR