



Appeal Decision

Site visit made on 29 October 2024

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

Appeal Ref: APP/T5150/C/23/3314833

18 Lapstone Gardens, Harrow HA3 0ED

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Jiten Govind Varsani against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 9 December 2022.
- The breach of planning control as alleged in the notice is without planning permission, the installation of new windows and doors, new hardstanding and new boundary wall to the front of the premises (Northwick Circle Conservation Area).
- The requirements of the notice are:
STEP1
Remove the new windows and doors and the new hardstanding, demolish the new boundary wall to the front of the premises, removal all items and debris arising from this demolition, and remove all materials associated with the unauthorised development from the premises.
OR
STEP 2
Alter the development (ie front window and doors, front garden layout and front boundary wall) at the premises as shown in the plans approved in planning permission reference 18/236. A copy of these plans is attached to the notice.
- The period for compliance with the requirement is:
6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) 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.

Summary Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

Formal Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the installation of new windows and doors, new hardstanding and new boundary wall to the front of the premises (Northwick Circle Conservation Area) at 18 Lapstone Gardens, Harrow HA3 0ED as shown on the plan attached to the notice and subject to the following condition:
 - 1) Unless within 3 months of the date of this decision a scheme for the window details, hardstanding (to include details of the soft landscaping) and front boundary wall as shown on drawing ref no: ENF-03 is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the windows, hardstanding and boundary wall to the front of the premises shall be removed and all equipment and materials brought onto the land for the purposes of such, or arising from such, shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the windows, hardstanding and boundary wall to the front of the premises shall be removed and all equipment and materials

brought onto the land for the purposes of such, or arising from such, shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme and the agreed details shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. The appeal site lies within the Northwick Circle Conservation Area (the CA). Originally designated in 1989 covering the area around the Northwick Circle itself, the area was revised and extended in 1993 to include the radial streets leading from it, including Lapstone Gardens. A further review of the CA in 2003 resulted in the application of a Direction under Article 4(2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter, the Order) to the CA.
3. The purpose of the Direction was to direct that the permission granted by Article 3 of the Order should not apply to a range of development, including that within Classes A¹ and F² of Schedule 2 Part 1 and Class A³ of Schedule 2 Part 2 of the Order. Subsequent to the service of the notice, the Council undertook a review⁴ (the 2024 review) of a number of CAs, including that of Northwick Circle. Although that review concluded that the CA's boundaries should not change, and thus that Lapstone Gardens (amongst other radial streets) should remain within the CA, the Article 4 Direction as it applied to the Classes referred to above would be cancelled⁵. The further views of both main parties have been sought and I have determined the appeal accordingly.
4. As part of the appellant's submissions, an alternative scheme has been put forward under the guise of the appeal on ground (f). Thus, the alternative scheme proposes the fitting of dental drip-railing to the windows, the application of external leading to the upper lights and the concealment of the trickle vents. Additionally, the layout of the front garden, hardstanding and landscaping would be revised to allow an increased amount of area dedicated to soft landscaping whilst retaining two parking spaces.
5. The powers available under an appeal made on ground (a) allow me to consider under section 177(1)(a) of the Act, granting planning permission in relation to the whole or any part of those matters. In order to give proper consideration to these alternatives I will deal with them within ground (a) although the appellant's case in these respects was, in part at least, initially set out within ground (f).
6. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. I am satisfied that, other than changes to paragraph numbering and paragraph structure between the current and previous

¹ Relating to the enlargement, alteration or other improvement of a dwellinghouse

² Relating to hard surfaces incidental to the enjoyment of a dwellinghouse – at the front of properties

³ Relating to gates, fences, walls or other means of enclosure – at the front of properties

⁴ Northwick Circle Conservation Area Boundary Review: Consultation Draft January 2024

⁵ Brent Council letter dated 24 June 2024

versions of the Framework, the sections relevant to the matter before me have not materially changed. I have determined the appeal accordingly and in so doing I am satisfied that neither main party would be disadvantaged.

The appeal on ground (a)

Main Issue

7. The main issue is whether or not the appeal scheme would preserve or enhance the character or appearance of the Northwick Circle Conservation Area.

Reasons

8. The CA's Character Appraisal⁶ (CACA) identified principles expounded by the Garden City movement as being present in part within Northwick Circle, developed as a purpose-built speculative housing development of the 1920s and 1930s. The CACA noted the special character of the area as arising in part from the design of the buildings within it, but also from their street setting and street scenes. Houses are typically large, described as being well-detailed and generally influenced by the Arts and Crafts movement, with their character being 'defined by the quality of detail and composition'.
9. However, the CACA also noted that the character and design of the houses has been compromised by the infilling of recessed porches and the replacement of original windows and doors by '*inappropriate modern alternatives*' which can detract from the original character. So too, with provision of additional driveway space, larger areas of hardstanding at the front of properties at the expense of front lawns, and changes to boundary walls and hedges. Most notably, the CACA identified '*insidious small scale change through erosion of building detail*' as being a specific area of pressure.
10. Indeed, these pressures were noted in the 2024 Review. Some of the houses on Lapstone Gardens were described as being 'quite plainly detailed' and whilst some houses retained some of their original architectural features, 'virtually all' had been altered to their disadvantage in one way or another. Inappropriate replacement doors and windows and fully paved front gardens being amongst detrimental elements typical within Lapstone Gardens. Although the 2024 Review recommended the re-drawing of the CA boundaries so as to result in the removal of a number of radial streets from the CA, including Lapstone Gardens, the Council ultimately concluded that it should remain within the CA, albeit that the protections afforded by the Article 4 Direction should in part be removed as described above.
11. Photographic evidence submitted by the appellant of the appeal property prior to the works the subject of this notice taking place demonstrated the type of pressure the CACA noted and that lay behind the 2024 Review's recommendations. Thus, most notably, the previously fitted windows were of an unsympathetic aluminium-framed design, the timber door of an incongruous design and the forecourt almost entirely paved with square paving slabs.
12. However, the windows as installed are bland and lack the visible detailing and finesse of more traditional window designs. The lack of any readily visible profile to them is particularly harmful whilst the leadwork, such as it may be, is also barely visible and provides little relief to the face of the windows. The appellant refers to

⁶ Northwick Circle Conservation Area Character Appraisal (March 2006)

the uncluttered appearance of the windows as being complimentary to the design of the house and allowing the tile-hung bay to be the main feature of the property's façade. However, the lack of detailing of the type described above is to my mind bland rather than uncluttered and lacks the character or detail of original designs typical to the area.

13. The appeal property's frontage was largely paved prior to the subject works taking place. However, whilst that may have been so, the stepped nature of the hardstanding was such that the property had a driveway capable of accommodating only one vehicle, directly in front of the garage door. Although the driveway access to the forecourt appeared to remain largely the same width as before, the hardstanding opens out to facilitate parking for at least two vehicles. An area within a retaining wall provides limited scope for landscaping or the softening of the frontage within which the submitted plans indicate, rather vaguely, soft landscaping and a flower bed.
14. The CACA notes the influence of the Arts and Craft Movement in the development of Northwick Circle and radial streets, and the contribution that the open spaces, street setting and street scenes make to the area's prevailing character and appearance. Grass verges throughout together with the contribution that street trees and gardens with hedges make influenced the development of the area and its semi-agrarian, rural character identified by the CA.
15. Although the retention of a garden tree is welcomed, it does little to offset the stark appearance of the wall or the extensive hard surface. The area within the retaining wall offers limited scope for landscaping and would not mitigate the dominance of hard surface, most likely to be dominated by vehicles, and the result is a harmful effect on the character and appearance of the appeal property, the surrounding area and the wider CA.
16. For these reasons, I find the Council's reasons for serving the notice to be well-founded and justified in response to the harm that arises from the unsympathetic design, detailing and materials found in the frontage fenestration, and in the layout of the front garden and forecourt area. The Council appear to accept the principle, if not the detail, of the frosted glazing to the front door and door surround. I agree, and I share the appellant's concern to ensure adequate privacy for occupants when moving within the house, particularly given the internal layout and proximity of the door to the stairs and hallway to and front the kitchen. Whilst the exact nature of the frosted glazing is unusual, it is limited in its extent and prominence on the frontage and does not cause harm to the character or appearance of the property.
17. However, the windows as fitted at the appeal property are unsympathetic to, and cause harm to, the character and appearance of the appeal property and the surrounding area. So too, the extensive area of hardstanding that has resulted in a forecourt dominated by hardstanding and, ultimately, the parking of vehicles. Together, these elements of the appeal scheme cause harm to the character and appearance of the appeal property and the surrounding area and fail to preserve or enhance the character or appearance of the Northwick Circle Conservation Area, albeit that the harm that arises is, in the phrasing of the Framework, less than substantial.
18. I am mindful however that the boundaries of the CA have been under review. As a consequence of that review although the CA's boundaries remain unchanged, I

understand that the Article 4 Direction in relation to the works the subject of the notice has been removed. This, the appellant argues, is a significant material consideration that weighs in favour of the subject works as, in the absence of such a Direction, such works would not otherwise be prohibited.

19. That may be so, and is indeed a material consideration to which I give substantial weight, the matters set out in the notice are nevertheless before me as the ground (a) appeal. The appeal site remains within the CA and as such I am statutorily required to pay special attention to the desirability of preserving or enhancing the CA's character or appearance. The Framework requires that any harm to the significance of a designated heritage asset should require clear and convincing justification. I am not persuaded therefore that for the purposes of the appeal on ground (a) the removal of the Article 4 Direction provides sufficient justification for the harm that arises from the works as carried out and as attacked by the notice.
20. Where a proposal would result in less than substantial harm to the significance of the designated heritage asset (in this case, the CA) as I have described above, that harm should be weighed against the public benefits of the proposal. No public benefits have been presented to me and thus, there are no matters to outweigh the harm that I have identified.
21. For the reasons set out, the works carried out fail to secure high quality design and fail to respect and complement the character or appearance of the appeal property, the surrounding area or the wider CA. As such, these works are contrary to the aims and objectives of BLP Policies DMP1, BD1 and BHC1, London Plan Policies D3 and HC1 and the guidance set out within the 'Residential Extensions & Alterations' Supplementary Planning Document (SPD2). Together, these set out the Council's approach to securing high quality design and development complementary to the character and appearance of the locality and Brent's heritage assets.

Alternative scheme

22. The alternative scheme was, the appellant states, developed in an attempt to find a compromise to the alleged breach of planning control. The proposed alterations to the fenestration detailing set out therein would provide greater relief and interest to the windows in a manner more consistent with more traditional fenestration detailing. As such, I am satisfied that these alternative details would avoid the harm identified above. In this guise, this element of the alternative scheme would have a neutral effect on the character and appearance of the appeal property and the CA, thereby preserving its character and appearance.
23. So too, the revised forecourt treatment. Whilst the low retaining wall would be retained on its existing alignment along both the pavement frontage and its curve within the site, it also indicates that additional planting would be added along the frontage in a manner and style consistent with that of the CA's prevailing character of such vegetation. A suitably worded planning condition, should the alternative scheme succeed under ground (a), would ensure such planting.
24. The revised forecourt treatment also indicates a greater proportion of soft landscaping beyond the sweep of the retaining wall and would be akin in its layout and split between hard and soft surface treatment to the previously approved 2018 scheme. Again, subject to a suitably worded condition, this would achieve a greater

balance between hard and soft surfaces whilst still affording the appellant the opportunity of parking two vehicles off the road.

25. Thus, I am satisfied that the revised scheme as submitted by the appellant with the appeal is part of the matters specified by the notice and may therefore be considered as part of the ground (a) appeal, and would overcome the harm that I have identified in relation to the as-built scheme. As such, the alternative scheme would be consistent with the aims and objective of BLP Policies DMP1, BD1 and BHC1 which together seek to secure high quality design and development that complements the character and appearance of the locality and which preserves or enhances the character or appearance of Brent's heritage assets by, amongst other things, respecting the significance of the asset and reinforcing streetscenes, frontages and local distinctiveness. So too, with regard to London Plan Policies D3 and HC1 which seek similar aims, whilst the 'Residential Extensions & Alterations' Supplementary Planning Document (SPD2), which sets out guidance on details to achieve high quality design, with which I conclude the alternative scheme accords.

Conditions

26. Neither party has suggested planning conditions in the event that the appeal on ground (a) should succeed. As I have concluded that the alternative scheme submitted by the appellant with the appeal is acceptable a condition is necessary in order to ensure the submission of, and agreement to, the details shown within that alternative scheme. I have therefore imposed a condition to this effect in allowing the appeal on ground (a) as the alternative scheme being part of the matters enforced against.

Conclusion

27. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall therefore grant planning permission for the windows and door, new hardstanding and new boundary wall to the front of the property described in the notice and subject to the condition above. The appeals on grounds (f) and (g) do not therefore fall to be considered.

G Robbie

INSPECTOR