



Appeal Decision

Site visit made on 28 January 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/T5150/W/24/3348919

88 Teignmouth Road, Brent, London NW2 4DY

- 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 Tom Bailey of DOEFELL LTD against the decision of the Council of the London Borough of Brent.
 - The application Ref is 20/0145.
 - The development is the proposed removal of boundary wall (complete), and new dwarf brick wall reinstated on same footprint with timber shiplap fence fixed above.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has been taken from the application form as I have not been made aware of any agreement for it to change. I have omitted reference to it being an amended scheme as this is not an act of development.
3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to comment further and there would be no unfairness as a result. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.
4. On my site inspection, I saw that a replacement dwarf brick wall with shiplap fencing has already been erected at the appeal site. However, there are some differences between the 'as built' situation and the proposed plans, I have therefore determined the appeal based on the proposed plans.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the Mapesbury Conservation area (the CA), and;
 - highway safety, with particular regard to pedestrian visibility.

Reasons

Character and appearance

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when determining proposals in conservation areas that special

attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 210, the Framework sets out matters which should be considered, including sustaining, and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 212 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

7. The Council's Mapesbury Conservation Area Character Appraisal, undated (CAA) says the CA contains residential properties, some said to be suburban villas, within wide, tree lined streets, which provides a spacious character, and generously sized front gardens that soften the appearance of the frontages of properties in the area. The CAA adds that front boundary wall treatment is typified by brick piers with classically moulded pyramidal capping stones, along with low brick walls between these piers that are typically capped with flat coping stones. These aspects positively contribute to the significance of the CA. In addition, it says that in a number of instances, the original front walls, piers and/or gates have been removed and replaced with inappropriate designs and materials, which detract from the CA.
8. Brent's Mapesbury Conservation Area Design Guide, adopted February 2018 (CADG), says where front boundary treatments have been lost, traditional front boundary walls, railings, gates and piers should be reinstated. The CADG also says new walls and piers should be built to match the original boundary design for the property and the particular road.
9. The immediate area along Teignmouth Road contains mainly detached properties set back from the road, with brick walls on their front boundaries, and many having planting behind them. The appeal site occupies a corner position facing onto Teignmouth Road and has one of its sides facing onto Lynford Road. There is a greater variety of front and side boundary treatment along Lynford Road, including timber fences.
10. The previous dwarf wall was understood to have been constructed of brick and later rendered and to have been in a bad state of repair, and I note the Council did not object to its removal, I see no reason to disagree. It is also noted that the Council has not raised objections to the proposed boundary treatment along Lynford Road behind the front of the appeal property and said that the sides of corner properties often have different boundary treatment than on their front sides. With this part of the proposal being less sensitive than the front sides and there needing to be a degree of privacy for the private outdoor spaces, and having considered other boundary details along Lynford Road, including along the sides of other properties nearby, there are no objections to this part of the proposal, which would ensure the appearance of the CA is preserved.
11. The proposed replacement dwarf brick wall, with a brick on end finish, is understood to be on the same footprint as the previous dwarf wall and said to be the same height. However, it is much lower than other brick walls nearby, some of which also include a coping stone topping and piers. Whilst it is acknowledged that frost resistant bricks are proposed to protect the wall, the low height of the dwarf brick wall, its design and its topping would be an anomaly in the streetscene and harmfully contrast with the established character and appearance of the host

property and the CA, including the front boundary treatment of nearby properties on Teignmouth Road.

12. Furthermore, the proposed shiplap boarding above the brick wall, even with its reduced height and light finish, would introduce a wholly discordant feature, on three sides of the front of the appeal property, and it would be highly visible from both Teignmouth Road and Lynford Road. The design of the fence with its overlapping parts, together with it sitting on top of the proposed brick wall would appear alien in comparison to the other mainly brick walls with planting behind on the front of properties nearby on Teignmouth Road. As a result, the appearance of the proposed boundary treatment across the front sides of the appeal property would be harmful to the host property and the character and appearance of the CA.
13. The appellant has said that there are taller front boundaries than the appeal proposal nearby, which is not disputed. However, most of these are taller due to planting behind them, providing a natural and soft appearance, behind either a wall or a fence, much different to this appeal proposal.
14. I therefore conclude that whilst the proposed boundary treatment on the side of the appeal property behind its front elevation would preserve the appearance of the CA, the proposed boundary treatment across the front of the appeal property would be harmful to the CA, and it would fail to preserve or enhance the character or appearance of the CA, contrary to the duty in the Act. For the same reasons, the proposal would conflict with Policies DMP1, BD1, and BHC1 of the Brent Local Plan 2019-2041, adopted February 2022 (BLP) which amongst other things, collectively require good quality design and the siting, scale, and materials of new development to complement the locality, including sustaining or enhancing the significance of heritage assets and reinforce local distinctiveness. In addition, in view of the identified harm to the designated heritage asset there would also be conflict with paragraph 212 of the Framework that requires great weight to be given to the conservation of a heritage asset when considering the impact of development.

Highway and pedestrian safety

15. The appeal property has a parking space to its front side, accessed via a crossover from Teignmouth Road, very near to the junction with Wynford Road. The parking space would likely accommodate only one vehicle, and the driver would either need to reverse into or out of the space. To one side of the parking space (on the side nearest Lynford Road) would be the proposed new wall and fence, said to be some 1.05 metres or so high (0.45-metre-high dwarf brick wall with 0.6-metre-high shiplap fence above).
16. The Council's Domestic Vehicle Footway Crossover Policy (DVFCP), at section 6 says that where it is in the control of the appellant there should be a minimum pedestrian splay of 2 metres by 2 metres, and there should be no obstructions within the splay above 0.85 metres measured from the pavement level. The Council maintain the position and height of the proposed fence as amended would obstruct the required splay.
17. The proposed new solid boundary fences to the side and front of the appeal property, even taking into account the appellant's lower height measurements than those calculated by the Council, would still be significantly above and conflict with

the maximum height permitted by the Council's DVFCP (by some 0.2 metres). Furthermore, the position and height of the proposed new boundary treatment would likely obscure views of approaching pedestrians on the Wynford Road side, for drivers exiting the parking space, some of whom could be vulnerable users, and have a wheelchair or a pushchair, which would create conditions prejudicial to pedestrian safety. Furthermore, approaching pedestrians and other pavement users would also likely have views of a vehicle exiting the parking space obscured by the proposal, which again adds to the identified harm for pedestrians and other pavement users as a result of the proposed development.

18. It is noted that there is tall planting to the opposite side of the parking space on the boundary to the adjoining neighbour, which is understood to be outside of the appellant's control. However, this does not alter my findings above regarding the effect of the proposed development.
19. The Council has not referred to other unacceptable highway safety effects of the proposed development, and I see no reason to disagree.
20. I therefore conclude that the proposed development would be harmful to highway safety as it would not provide an adequate pedestrian visibility splay for drivers exiting the parking space to the front of the appeal property, and the proposal would conflict with BLP Policy DMP1 that requires a satisfactory means of access, parking and manoeuvring and does not adversely affect the movement network.

Other Matters

21. The Council has made me aware of an enforcement notice in relation to replacement boundary treatment at the appeal property, which is a separate matter, and I have not been made aware that there has been an appeal made against that notice. In my decision I have focussed on the relevant planning merits of the appeal proposal.
22. It has been said that the proposed boundary treatment is necessary to prevent rubbish being thrown onto the front garden area, for privacy reasons, and to prevent access onto the appeal property. That may be so, but the boundary treatment as proposed to the front of the appeal property is not likely to be the only means to achieve those objectives. It is also noted that the appellant says the proposal would be easier to maintain than some other forms of boundary treatment, however, that does not justify the harm identified above.

Planning Balance and Conclusion

23. For the reasons outlined above, I find that the proposed development fails to preserve or enhance the character or appearance of the CA. The proposal would also conflict with policies of the development plan, I give this harm significant weight in the planning balance of this appeal.
24. I find the harm to constitute less than substantial harm owing to its effect being localised. Although, I consider the harm to the CA would be less than substantial, it is nonetheless a level of harm to which significant weight should be attached. Paragraph 215 of the Framework requires public benefits to outweigh such harm.
25. The benefits of the proposed development including preventing rubbish being thrown into the appeal site, and improving security and privacy for its occupiers, are mainly private benefits. Although it could be argued preventing littering of the

appeal property's front and side garden may have some public benefits in terms of improving the appearance of the appeal site, nevertheless I attach limited weight to this point as it is not certain the proposal is the only way of addressing this issue.

26. Against this background, the harm identified above to the significance of the designated heritage asset is not outweighed by public benefits from the proposal. Accordingly, there is conflict with the heritage protection policies of the Framework.
27. The proposal conflicts with the development plan taken as a whole. There are no other material considerations, including the Framework that indicate a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

A Hunter

INSPECTOR