



Appeal Decision

Site visit made on 5 April 2025

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 APRIL 2025

Appeal Ref: APP/T5150/C/23/3326901

42 Goldsmith Lane, London, NW9 9AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Majid Dehdashti against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 20 June 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of new windows to the front of the premises.
 - The requirements of the notice are to 1) remove the windows to the front of the premises and 2) remove all debris and items arising from that removal, and all material associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the ground 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, 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.

Preliminary Matter

2. The National Planning Policy Framework was revised in December 2024 (the 2024 Framework). This replaces the previous version of the National Planning Policy Framework published in December 2023. The 2024 Framework has not materially changed in terms of the consideration of the ground (a) appeal main issues below. Therefore, it has not been necessary for me to seek comments from the main parties about the implications of the 2024 Framework.

Reasons

3. An appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the notice and the deemed planning application main issue is whether the unauthorised development preserves or enhances the character or appearance of the Roe Green Conservation Area (CA).
4. The appeal property is a mid-terraced dwellinghouse positioned within the heart of a well-established residential area which includes traditional buildings set back from the main roads and with intervening landscaped gardens

including hedges and street trees. The buildings have a traditional cottage style design, and many have imposing front gables, chimneys, and mainly unbroken roof slopes. The host property is positioned in a prominent location and is set back from a triangular shaped public amenity space containing trees.

5. There is a pleasing consistency to the linear, albeit loose, pattern of development alongside the roads in the CA. Many of the dwellinghouses have distinctive architectural details. This includes the windows which are mainly traditional in appearance and are subdivided with the use of glazing bars and panels. Overall, the area has a very traditional character: the evidence is that it was deliberately constructed in a traditional English rural style by the architect, Sir Frank Baines, with the use of a mix and match menu of architectural styles and detailing pepper potted throughout the CA. The above attributes add positively and distinctively to the significance of the CA when considered as a whole.
6. As part of my site visit, I was able to experience the windows that have been installed to the front of the appeal property when considered against the pre-existing windows. I was able to appreciate the latter owing to the submission of photographs. The new windows do not match the windows that existed previously. The windows differ in terms of their proportions, pane sizes, uneven frames, and the installation of trickle vents. The latter delivers a distinctively more modern and bulky appearance when compared to the pre-existing traditional windows. Moreover, the ground floor window is now flush with the front wall. The distinctive and characterful bowed window has been removed and can no longer be appreciated in the street-scene.
7. For the above reasons, I find that there is direct conflict with the requirements of Roe Green Village Conservation Design Guide 2018 (Design Guide) which states, *'In consultation with residents, PVCu replacement windows have been agreed as alternative materials to timber subject to the replacement windows replicating the design of the original windows (even if the windows have already been replaced previously... Replacement windows must have the same overall section arrangement and proportions as the original windows, including the same number of uprights, the same number of horizontals and the same number of glazing bars all at the same position as the originals. They must have even sightlines'*.
8. While the use of PVCu is acceptable in principle in the CA, for the above reasons I find that the PVCu windows that are the subject of this appeal cause harm to the traditional host building. They neither preserve nor enhance the historic and architectural significance of the CA. In the context of paragraph 215 of the 2024 Framework, I find that less than substantial harm has been caused to the significance of the designated heritage asset.
9. The appellant asserts that the pre-existing windows were in a poor state of repair and that the replacement windows therefore represent an improvement in the character and appearance of the CA. On the evidence that is before me, I do not know whether it would have been possible to have repaired and/or painted the pre-existing windows. In any event, there is no in principle objection to replacing windows in the CA. The issue in this case is that the appellant has not installed windows which are sympathetic to the character and appearance of the host property, or to the significance of the CA.

10. I do not therefore find that there are any identified public benefits that outweigh the less than substantial harm that has been caused to the significance of the CA. The appellant has included photographs of a small number of properties where similar windows exist. I do not know the circumstances which led to these windows being installed. In any event, I have considered the character and appearance of the CA as a whole and the positive contribution that the pre-existing windows made to the design of the host property and to the street-scene more generally. The examples of other similar windows in the area do not alter or outweigh my overall conclusion.
11. For the reasons outlined above, I conclude that the development does not accord with the design or conservation requirements of policies DMP1, BD1 and BHC1 of Brent's Local Plan 2022, policies D3 and HC1 of the London Plan 2021, chapter 16 of the 2024 Framework, and the Design Guide. The development does not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the ground (a) appeal fails.

Overall Conclusion

12. 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).

D Hartley

INSPECTOR