



Appeal Decisions

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 A Ref: APP/T5150/C/23/3319088

1 Langdon Drive, London, NW9 8NS

- 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 J Chevaillier against the decision of the Council of the London Borough of Brent.
 - The application Ref is 22/3396.
 - The development proposed is described as retention of existing front porch but with new proposed pitched roof instead of as built flat roof.
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Appeal B Ref: APP/T5150/W/23/3318373

1 Langdon Drive, London, NW9 8NS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr J Chevaillier against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 15 February 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a porch to the front of the premises.
 - The requirements of the notice are to 1) demolish the unauthorised porch to the front of the premises and 2) remove all items and debris arising from this demolition, and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (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.
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Decisions

Appeal A Ref: APP/T5150/C/23/3319088

1. The appeal is dismissed.

Appeal B Ref: APP/T5150/W/23/3318373

2. 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

3. 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.

Ground (a) appeal and the deemed planning application and s.78 appeal

Main Issue

4. The two appeals relate to the same built porch although the planning appeal proposal includes the erection of a pitched roof over the existing flat roof. I have considered the Council's decision notice and the reason for issuing the notice. The main issue in respect of both appeals is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal property is a detached dwellinghouse in Langdon Drive which is an established residential street. The properties in this street are positioned in an orderly and linear manner and are set behind landscaped front gardens and driveways. While the dwellinghouses are not identical in appearance, there is nonetheless some design consistency and synergy amongst them in terms of the use of two storey projecting bays with imposing pitched roofs and, in the most part, a common building line. Brick and render are prevailing building materials and those properties that have remained unaltered have characterful brick arched front entrances. Collectively, these attributes add positively and distinctively to the character and appearance of the area.
6. The front porch has a flat overhanging roof. It projects materially beyond the two storey bay windows to the dwellinghouse and conceals the pre-existing brick arched entrance. The latter was similar in appearance to that which exists at the neighbouring property. I find that the otherwise balance and symmetry to the property that previously existed around the two storey bay windows has been unacceptably eroded owing to the size, position, and projection of the porch. It is noteworthy that in this regard, Brent's Supplementary Planning Document No. 2 'Residential Extensions and Alterations Design Guide' (SPD) states that front extensions are not permitted if they are linked to front bays as this type of extension detracts from the character of the subject house and area.
7. Moreover, the porch is not appreciated by passers-by as being a light weight or ancillary addition to the front of the property. There is an absence of windows, and it is appreciated in the street-scene as being a solid mass of development with extensive brick walls. The overhanging flat roof gives the porch a very modern and imposing appearance which is materially at odds with the otherwise traditional character of the host property.
8. The planning appeal proposal seeks to make changes to the flat roof porch in so far that a pitched roof is proposed. This would help to assimilate the resultant porch into the wider street-scene and would better reflect the roof configuration that exists in terms of the rest of the host property. However, this would not be sufficient to overcome the other identified harm that has been caused to the overall design of the property owing to the position, design, and projection of the porch, coupled with the loss of the characterful brick arched entrance. Even with the proposed pitched roof, I find that the resultant porch would still cause unacceptable harm to the design of the

dwellinghouse and that it would continue to appear incongruous in the street-scene.

9. In reaching the above conclusions, I have considered other porches in the area. The other porches in the area are generally not as dominant or imposing in the street-scene. I recognise that a similar flat roof porch exists opposite the site (No. 8 Langdon Drive). I do not know the circumstances which led to that porch being constructed. However, the evidence suggests that the Council has issued an enforcement notice in respect of such a porch and it has taken effect.
10. I accept that there are other porches in the area (e.g., No 5 Langdon Close) which are like the porch which is the subject of these appeals. However, in most cases they do not project as much as the appeal porch. Moreover, the Council comment that some of these porches are now immune from enforcement action owing to the passage of time but did not receive planning permission. I do not find that the existence of the other porches should be used to justify granting planning permission for the development which is the subject of Appeals A and B. This is because material planning harm has been and would be caused because of the construction of either porch.
11. For the above reasons, I conclude that the Appeal A and Appeal B developments fail to accord with the design, character, and appearance requirements of policies DMP1 and BD1 of Brent's Local Plan 2022, policy D3 of the London Plan 2021, chapter 12 of the 2024 Framework, and the SPD.

Ground (f) appeal

12. An appeal on ground (f) of section 174(2) of the Act is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
13. The appellant considers that the requirements of the notice should be varied so that the appellant can construct a front porch in accordance with the limitations and conditions of Class D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The purpose of the notice is to remedy the breach of planning control. Consequently, this suggested lesser step would not remedy the breach of planning control. Indeed, it would relate to a different porch.
14. Furthermore, it is important that I emphasise that it is not possible to retain part of the porch on the basis that it may be used in connection with a porch that would be permitted development. Such a resultant porch would not be permitted development given Article 3(5) of the GPDO which states that '*the permission granted by Schedule 2 does not apply if— (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful*'.
15. The appellant also suggests that the notice could be varied so that it requires a pitched roof to be erected in accordance with drawing No. 5620-P01 Rev B (dated September 2022) which is the subject of Appeal A. Such a scheme would not relate to the breach of planning control, and, in any event, I have

concluded that such a proposal would cause material harm to the character and appearance of the host property and to the area.

16. For the above reasons, I conclude that the ground (f) appeal fails.

Ground (g) appeal

17. An appeal on ground (g) is that the period specified in the notice in accordance with s173(9) falls short of what should reasonably be allowed.

18. The appellant requests a compliance period of nine months instead of six months as the cost of the work would '*not be an insignificant sum*' and '*the work is outside of the appellant's capabilities, and he would require the services of a suitable contractor to demolish the structure and safely remove the electric fittings which have been installed internally and externally*'.

19. I have not been provided with specific information about the appellant's financial position. Moreover, I find that a period of six months to source a contractor and complete the work strikes a reasonable and proportionate balance between giving the appellant time to fund and undertake the required works and to bring this harmful development to an end.

20. I therefore conclude that the ground (g) appeal fails.

Conclusions

Appeal A Ref: APP/T5150/C/23/3319088

21. For the reasons given above, I conclude that the development would 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 appeal should be dismissed.

Appeal B Ref: APP/T5150/W/23/3318373

22. For the above reasons, 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