



Appeal Decision

Site visit made on 27 March 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/T5150/D/25/3359162

35 Sudbury Court Road, Harrow, Brent HA1 3SD

- 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 Vinod Chopra against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2379.
 - The development is described as the 'retention of front garden boundary treatment'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As the front garden boundary treatment is already in place, I have dealt with the appeal on the basis of its retention.
3. The Council adopted its Residential Extensions and Alterations Supplementary Planning Document on 16 January 2025 ('SPD'), and it provided an extract from it with the appeal questionnaire. I gave the appellant an opportunity to comment on the SPD, and I have considered his representation in my decision.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the safety of highway users.

Reasons

Character and appearance

5. The properties along this stretch of Sudbury Court Road are predominantly detached and set back a fairly consistent distance from the highway. Front boundary treatment typically comprises low brick walls or hedgerows, although where there is a parking forecourt, the frontage is often entirely open.
6. The SPD states at section 3.9 that boundary treatments comprise a significant part of an area's character; that any wall, fence or other treatment should complement the existing home and neighbouring properties; and that, to the front of the property, they should be no more than 1 metre high.

7. The boundary treatment at No 35 comprises white rendered walls, with pillars reaching a height of 1.9 metres, with similar height dark grey slats at the access points and between the pillars. Whilst the slats are spaced to allow limited views through them, this boundary treatment has led to a harsh and rather stark sense of enclosure to this part of the streetscene, which is markedly at odds with the generally much more open, or softly landscaped, frontages nearby.
8. That harmful impact is clearly visible from directly in front of the site, including the exit from Elmwood Park opposite, and in views approaching it along Sudbury Court Road from either direction. Whilst the appellant references the grey rendered walls at Antilia Court on the opposite side of the road, they are low level and perpendicular to it, and are thus much less prominent; and the example at 206 Watford Road lies in a different streetscene.
9. The scheme has therefore had a harmful impact on the character and appearance of this area. It thereby fails to comply with Brent Local Plan 2019 - 2041 (2022) ('BLP') Policy DMP1 Part a), which states that development will be acceptable provided it complements the locality, having regard to matters including location, scale, type, materials, design and detailing.

The safety and convenience of highway users.

10. Part b) of BLP Policy DMP1 sets out that development will be acceptable if a satisfactory means of access for parking and access can be achieved, and if it does not have an adverse impact on the movement network. The Council alleges that, at this height, the boundary treatment fails to ensure that appropriate visibility splays can be achieved to ensure the protection of pedestrians.
11. The Brent Domestic Vehicle Footway Crossover Policy 2018 ('DVCP') advises that, in the interests of safety, within footway visibility splays there should be no obstruction to visibility between 0.85 metre and 2 metres above footway level, and that if the footway is likely to be used by small children the maximum height should be reduced to 0.6 metre.
12. Vehicles entering or leaving this site would need to cross over a pavement which the front boundary treatment abuts. The appellant states that, at 1.15 metres high, there is not a big difference between the height of the wall and the maximum height advised in the DVCP. However, that could make the difference between a child being seen or not, or a child on the pavement seeing a vehicle. Moreover, the pillars and the slatted panels further restrict visibility, as do land levels which drop away within the site.
13. For the above reasons, there is restricted intervisibility between drivers leaving the site and pedestrians using the adjacent pavement. Consequently, the development has had a harmful impact on the safety of highway users, and it conflicts with BLP Policy DMP1 Part b), and with the advice in the DVCP, to which the SPD refers.

Other matters

14. The appellant states that the application was prompted by security concerns, and refers to incidents involving him and his family, along with criminal activity and stolen vehicles in the neighbourhood.
15. However, I have few details of those incidents, and I have little or no evidence that this scheme is the only way in which security at the property can be improved.

I therefore attach limited weight to this benefit. Nevertheless, the scheme attracts a measure of support from BLP Policy DMP1 Part f), which sets out the need for safe and secure development which reduces the potential for crime.

Planning Balance and Conclusion

16. I have found that the scheme has had a harmful impact on the character and appearance of the area, and a harmful impact on highway safety. The improved security for the appellant and his family does not outweigh those combined harms, and the scheme conflicts with the development plan when considered as a whole. Consequently, having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR