



Appeal Decisions

Site visit made on 8 April 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2025

Appeal A Ref: APP/T5150/W/24/3354620

97 Acton Lane, Brent, London NW10 8UT

- 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 Finkelstein against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/0987.
 - The development proposed is an external alteration to the shop front window, and a change from a window to a door on the rear elevation.
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Appeal B Ref: APP/T5150/W/24/3357231

97 Acton Lane, Brent, London NW10 8UT

- 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 Finkelstein against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2203.
 - The development proposed is an external alteration to the shop front window, and a change from a window to a door on the rear elevation.
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Decision

1. For Appeal A and Appeal B, the appeals are dismissed.

Applications for costs

2. In relation to Appeal B, an application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. There are two appeals before me, which differ in the detailed design of the basement and the fenestration. They are otherwise largely similar in terms of their overall effect. To avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.
4. Notwithstanding the slightly amended description of the development proposed referred to within the appeal forms for both Appeal A and B, I am required to consider the appeal on the basis of that provided on the original application form, as indicated in the banner heading.
5. A separate appeal¹ relating to a prior approval application at the same site is before me and is the subject of a separate decision.

¹ APP/T5150/W/24/3353800

6. Under application ref: 22/1066, prior approval was granted for the change of use from a shop (Use Class E) to one self-contained flat (Use Class C3). With that background, the Council is concerned that the submitted plans for these appeals do not accurately reflect the conditions observed on site, with particular regard to the use of the basement, raised ground floor level and stairs to the lower level. Although the Council has raised concerns about the accuracy of the plans, I am satisfied they are sufficiently precise for assessing the appeal's main issue. Other aspects of development which relate to the potential residential use of the appeal site are not before me. Therefore, I have constrained my consideration of the appeal schemes to the plans which have been submitted and as such, I am satisfied that this aspect of both appeals is no longer a main issue. Any concerns regarding enforcement, ongoing works and the implementation of any prior approvals are a matter between the Council and the appellant.

Main Issues

7. The main issues are:
- in Appeals A and B, the effect of the proposed development on the character and appearance of the building and the surrounding area.
 - in Appeal B, the effect of the proposed development on highway safety

Reasons

Character and Appearance - Appeal A and Appeal B

8. The appeal site comprises a ground floor commercial unit within a terraced parade. The building is typical of others along the parade, where the street scene is generally characterised by evenly spaced and consistently aligned shopfronts. These characteristics combine to give the street scene a strong rhythm and visual balance. Many of these shopfronts have a traditional appearance with attached shutters.
9. For appeal A, the plans indicate that the ceiling level of the basement would be partially raised towards the front of the site. In contrast, the plans for Appeal B indicate that the ceiling level would be raised throughout the basement. However, when viewed from the front of the appeal site, both proposals would appear to be very similar, each resulting in an increase in the number of panes and a greater level of fenestration. In both cases, the stallriser would be replaced with glass panes, extending nearly to the ground level of the adjacent pedestrian footway. The plans do not indicate that any substantial alterations have been proposed to the existing pilasters and related architectural elements.
10. The proposed developments in both Appeal A and Appeal B would result in a substantial increase in the extent of fenestration at the ground floor level. There is no evidence before me that there are other shopfronts within the parade that exhibit a comparable level of glazing, particularly through the use of multiple framed panes that would be readily visible from the public realm. Additionally, no such features were observed during my site visit. While I noted that one nearby shop featured glazing that extended almost to floor level, this consisted of a largely uninterrupted sheet of glass. In contrast, both appeals involve the use of multiple framed panes, resulting in a more complex and visually fragmented frontage.

11. While the appellant considers that the parade is a small and functional set of neighbourhood shops without any particular aesthetic significance, there is still an established pattern of development, which is generally defined by a consistent rhythm of traditional shopfronts which predominantly incorporates clearly defined stallrisers and display windows. The proposals would disrupt this rhythm by introducing an atypical split-level appearance into the parade. Furthermore, the exposure of the basement level through the lower glazing would be uncommon, with no clear precedent elsewhere in the parade. Furthermore, neither appeal includes provision for a shutter, which is a common and visually unifying feature across many shopfronts within the parade. Its absence would increase the visual prominence of the glazing, particularly outside of business hours where it would be expected to be used, thereby increasing the visual harm.
12. The plans also provide no detail regarding the materials to be used in the shopfront. While the appellant considers that such information is unnecessary for a minor external alteration, this lack of specification raises concerns, particularly given the risk that inappropriate materials may be employed in a highly visible location. The use of such materials could result in a finish that bears little resemblance to the traditional shopfronts that define the street scene, thereby further diminishing the ability of the proposals to integrate successfully into their context. On that basis, I have considered whether a planning condition could be imposed to require the submission and approval of material details. However, in the absence of any indicative information within the current proposals, I cannot be confident that such a condition would result in an acceptable design. Furthermore, any alteration of the materials could also result in significant changes to the design of the proposals, potentially prejudicing interested parties who have not had the opportunity to provide comments. As such, imposing such a condition would be contrary to the Procedural Guide², which states that the appeal process should not be used to evolve a scheme. Therefore, I am not persuaded that such a condition would be suitably precise or that it would make the developments acceptable in planning terms
13. In reaching this view, I have considered the appellant's reference to another application³. That permission involved external alterations, including the addition of windows at the front. However, there is no evidence before me regarding the design of these windows, their effect on fenestration, the use of materials, or how they relate to the street scene. As such, I cannot be certain that this scheme is directly comparable. Accordingly, I am not persuaded that the circumstances in that case are the same as the one before me and so ascribe them only limited weight.
14. In conclusion, the proposed developments would have a harmful effect on the character and appearance of the building and the surrounding area. They would not provide high levels of external amenity or complement the locality, contrary to Policy DMP1 of the Brent Local Plan 2022 ("BLP"). They would not demonstrate a high quality of design that complements the building and adjoining properties, contrary to Policy BE7 of the BLP.
15. The Council also cites conflict with Policy BE6 of the LP and the Supplementary Planning Document No. 3 – Converting shops to residential – Design principles.

² Paragraph 16: Procedural Guide – Planning Appeals – England

³ Ref 24/2710

However, the proposed developments do not relate to a change of use or loss of a commercial business. Accordingly, no specific wording that pertains to this main issue has been identified. As such, these documents have not been referenced in this conclusion.

Highway Safety – Appeal A

16. The Council has concerns regarding the potential for the windows to open outwards onto the pavement. However, although the plans indicate that the fenestration of the shopfront would significantly increase, they do not clearly indicate whether the windows would open outwards. The appellant states that the plans clearly show fixed windows, which are not intended to open outwards. This correlates with the plans before me. In the absence of any evidence to the contrary, I have no reason to conclude that the proposed fenestration would obstruct the public realm or pose a safety concern to the movement network.
17. The Council has referred to the lack of detail regarding cycle parking for future occupiers, however, this proposal does not relate to use of the appeal site as a dwelling. Accordingly, the provision of cycle parking is not a relevant factor and the requirement for those facilities is not relevant in so far as it relates to this appeal.
18. Regarding Appeal A, I conclude that the proposed development would not have a harmful effect on highway safety. It would not result in an adverse impact on the movement network, in compliance with Policy DMP1 of the BLP.
19. The Council also cites conflict with Policy BT1 of the LP. However, this policy relates to the strategic promotion of sustainable travel choices. No specific wording that pertains to this main issue has been identified. As such, this document has not been referenced in this conclusion.

Other Matters

20. Interested parties have raised concerns in relation to the management of the appeal site, which includes the design of the interior halls, entrances, fire exits and light switches. However, these are not matters under consideration in these appeals. Any other issues would need to be considered between the Council and those interested parties.
21. The appellant considers that the Council did not engage in constructive dialogue with them and that they have behaved inconsistently. Regardless, I have reached my own conclusions based on the evidence before me and my visit to the appeal site. As such, this consideration has no material effect on my decision.

Conclusion

22. These proposals conflicts with the development plan and the material considerations do not indicate that these appeals should be decided other than in accordance with it. Therefore, for the reasons set out above, I conclude that these appeals should be dismissed.

S Lo

INSPECTOR