



Appeal Decision

Site visit made on 15 July 2025

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 August 2025

Appeal Ref: APP/T5150/C/23/3325904

2 Queens Walk, London NW9 8ER

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Mohamed Osman against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 5 June 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a two-storey side and rear extension, conversion of the garage into a habitable room, including the replacement of [the] garage door with windows, front garden alterations including hard and soft landscaping and an extension to [the] existing front boundary wall, installation of windows to the side elevations of the dwelling and alterations to the roof of the dwellinghouse ('the unauthorised development').
 - The requirements of the notice are: Alter the development so that it fully complies with the plans approved in planning permission 15/0122 and ensuring full compliance with the conditions attached to that permission or: Demolish the unauthorised development from the premises, remove all debris and items arising from the demolition works, remove all materials associated with the unauthorised development from the premises and reinstate the premises back to the condition which existed prior to the unauthorised development taking place.
 - The period for compliance with the requirements is twelve months.
 - The appeal is proceeding on the grounds 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 allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a two-storey side and rear extension, conversion of the garage into a habitable room, including the replacement of the garage door with windows, front garden alterations including hard and soft landscaping and an extension to the existing front boundary wall, installation of windows to the side elevations of the dwelling and alterations to the roof of the dwelling at 2 Queens Walk, London NW9 8ER as shown on the plan attached to the notice, subject to the conditions in the Schedule at the end of this Decision.

Preliminary Matter

2. My decision takes the revised National Planning Policy Framework, which came into force during the course of the appeal, into account.

Ground (a) appeal

Main Issues

3. The main issues in this appeal are:
 - The effect of the development on the character and appearance of the dwelling and the surrounding area.

- The effect on the living conditions of occupiers of neighbouring residential property, having regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal concerns a detached two-storey dwelling, with a central projecting gable feature on the principal elevation. The external walls are finished in white painted render, with dark coloured tiles covering the hipped roof. The dwelling occupies a generously sized plot, set well back from the street behind an ample portioned front garden area largely laid to hard surface.
5. The dwelling is located in an established suburban residential area. Nearby dwellings are generally detached or semi-detached, with varying elevational treatments, having hipped roofs and similar external wall and roof finishes. For the most part the dwellings are arranged in comfortably sized plots, set well back from the street behind similar front garden areas to the appeal dwelling. Maturing frontage planting and street trees have a softening effect on frontage hard surfaces. These factors all contribute to the pleasant and spacious, suburban residential character and appearance of the locality.
6. Planning approval was granted in March 2015 for works to the dwelling including erection of a two-storey side and rear extension, a single storey extension, converting an attached garage into a habitable room, hard and soft landscaping of the frontage and extending the front boundary wall¹. It is not in dispute that the development deviates from the approved drawings.
7. There is little which might suggest that as built, the two-storey side and rear extension does not follow relevant guidelines in Brent's Residential Extensions and Alterations Supplementary Planning Document 2 (SPD). The extension does not appear significantly wider when viewed from the street, compared to the previously approved scheme. The gap between the side wall of the extension and the boundary with next door is not markedly different. The distance set back from the principal elevation, the crown roof form and the overall height, around 1 metre below the ridge line of the dwelling, also corresponds with the previous approval.
8. Although the two-storey side and rear extension is somewhat wider at first floor level at the rear compared to the previous approval, there has been no substantial increase in its overall size and bulk. At first floor level at the rear, part of this extension is also around a metre deeper compared to the previously approved scheme. There is still a set back from the main part of the extension, albeit smaller. The majority of the extension has a crown roof, reflecting the hipped roof of the dwelling and similar to that previously approved. The section of flat roof on the rear elevation is of modest proportions relative to the extent of crown roof and having a similar height to the main eaves line is visually unassuming, being seen against the much greater expanse of the hipped and crown roofs alongside. Moreover, the section of flat roof is well-contained visually, with limited public and private views.
9. None of the above deviations have led the as built extension to not integrate well visually with, or appear other than as a subordinate addition to, the dwelling. Nor do those deviations make the extended dwelling appear more obtrusive in the surroundings or erode the sense of space in the street scene, compared to the previous approved scheme. Changes made to the elevational arrangement in the as built extension, including the repositioning of two first-floor windows, make little difference to the relationship with the dwelling and the surroundings. As a result, in terms of its overall size, bulk and visual impact, the two-storey side and rear extension is not markedly dissimilar to the previous approval.

¹ Council Ref: 15/0122

10. Other as built deviations from the previous approved scheme include the single storey rear extension, which has increased in overall height with further bifold doors along with a roof lantern being installed. The form and overall scale of this extension is nevertheless not markedly different to in the previous approved scheme. Although there have also been changes made to the window openings on the principal elevation of the dwelling, their positions and proportions are not dissimilar to the previous approval. The extended flat roof on the front of the former garage is of relatively modest proportions with a comparatively low profile. It does not appear as a visually dominant or discordant feature; there are similar instances of flat roofed garages at the front of properties in the vicinity. The dark coloured replacement roof tiles sit reasonably comfortably in the context of the varying shades of tiles on the roofs of dwellings in the locality.
11. The development has not significantly changed the roof form of the dwelling; the original hipped main roof is maintained. Nor have the as built deviations from the previous approval created significantly more expansive areas of flat roofs. As in that approval, most of the development is not covered by flat roof. The horizontal parts of the crown roof are not readily apparent in views. Consequently, these other deviations also do little to fundamentally change the effect on the character of the dwelling or its visual impact as extended in relation to the surroundings, compared to the previous approval. I observed little to suggest poor workmanship in the execution of the works.
12. Some original architectural details of the dwelling, including brick window ledges, curved edge roof tiles and the hipped roof feature on the front of the former garage, have been removed in the development. Some nearby dwellings exhibit similar detailing and materials. I share the Council's view that in general, original details and materials should be retained where possible when enlarging and altering dwellings. Even so, having regard to the varied elevational treatments of dwellings in the environs, I am not persuaded that the original dwelling reflected a prevailing local architectural style or otherwise made a significant contribution to local distinctiveness. The surrounding area is not recognised for its particular architectural, townscape or historic characteristics. As a result, this aspect of the development has not significantly eroded the character and appearance of the dwelling or its surroundings.
13. The dwelling frontage is largely hard surfaced and there is little by way of planting or definition provided between the property and the street. This has meant the frontage is largely dominated by hard surface, being at odds with the generally well-defined and planted frontages of nearby properties and contributing to an appreciably more built-up feel in the street scene. It does not compare favourably with the previous approval, in which approaching half the frontage would be given over to planting beds, with the front boundary wall extended. However, a suitable planning condition could be imposed to secure the submission to and approval by the Council of a scheme of hard and soft landscaping along the lines of that previously approved, together with the future maintenance of that scheme.
14. Therefore, the development safeguards the character and appearance of the dwelling and the surrounding area. There is no conflict with Policy DMP1 of the Brent Local Plan (LP), which requires new development to, amongst other things, complement the locality including in terms of its siting, scale, materials, detailing and design. Furthermore, there is no conflict with LP Policy BD1, which requires new development to be of the highest architectural and urban design quality.

Living conditions

15. The overall scale of the development and the proximity to neighbouring residential properties is not markedly different to in the previously approved scheme. The extensions are not significantly larger in scale or appreciably closer to the boundaries with neighbouring residential property compared to that scheme. There

is little to suggest that the development does not follow the SPD guidelines in relation to this matter to much the same extent as the previous approval. Accordingly, the development has resulted in limited change to levels of outlook enjoyed by neighbouring residential occupiers compared to the previous approval.

16. As built, the two-storey side and rear extension has a first-floor window in the side elevation facing towards the rear elevations and private gardens of neighbouring residential property, a limited distance away. The window is clear glazed and openable. Without obscure glazing and restricted opening, incidences of overlooking are highly likely, with consequent harm to levels of privacy enjoyed by neighbouring occupiers. The opaque film applied to the inner side of the window is not a permanent solution, as it can easily be removed. Even so, a suitable condition could be imposed requiring the window to be obscure glazed and incapable of being opened except above typical eye level, to safeguard neighbours' privacy.
17. Therefore, the development safeguards the living conditions of occupiers of neighbouring residential property. There is no conflict with LP Policy DMP1, which requires new development to, amongst other things, be of a scale and design which provides high levels of external amenity.

Conditions

18. After seeking the views of the main parties, I shall impose two conditions, which are necessary for the reasons set out above. No further conditions are necessary.
19. Condition No 1 requires the submission to and approval by the Council of a scheme of hard and soft landscaping of the front garden area, including erecting boundary walls, to accord with the scheme previously approved, together with the subsequent implementation and maintenance of that scheme. Condition No 2 requires the window in the first-floor side elevation of the two-storey side and rear extension to be fitted with obscure glazing, incapable of being opened except above typical eye level.
20. Condition No 1 is drafted in the form set out below because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the submission to and approval by the Council, along with the implementation and subsequent maintenance of the approved scheme, because development has already taken place. The purpose and effect of the condition is therefore to ensure that the development permitted may only remain if the appellant complies with its requirements.

Conclusion

21. The development safeguards the character and appearance of the dwelling and the surrounding area along with the living conditions of occupiers of neighbouring residential property and there is no conflict with the Development Plan. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the appeal should succeed on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed.

Stephen Hawkins

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Unless within 3 months of the date of this decision a scheme for the hard and soft landscaping of the front garden, along with the erection of front boundary walls, in accordance with drawing ref P201 Rev C, is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 3 months of the Local Planning Authority's approval, the development hereby permitted shall be demolished, the associated materials removed and the site restored to its condition before the development took place.

If the scheme in accordance with this condition is not approved within 9 months of the date of this decision, the development hereby permitted shall be demolished, the associated materials removed and the site restored to its condition before the development took place.

Upon implementation of the approved scheme specified in this condition, the scheme shall thereafter be maintained in accordance with the approved details.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The window in the side elevation of the two-storey side and rear extension hereby permitted shall be permanently blocked up with materials which match those of the rest of the external wall, unless within 3 months of the date of this decision it has been fitted with obscure glazing incapable of being opened below 1.7 metres above the floor level of the room in which it is situated. Thereafter, the window shall be maintained with obscure glazing and be incapable of being opened other than as specified above.