



Appeal Decisions

Site visit made on 7 August 2025

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: **05 September 2025**

Appeal A Ref: APP/T5150/C/23/3332388

Appeal B Ref: APP/T5150/C/23/3332389

40 Barn Way, Wembley, HA9 9NW

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Raja Ali (Appeal A) and Mrs Aqila Ali (Appeal B) against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 25 September 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the render to the front and side elevation, new front steps, front boundary treatment and associated hard and soft landscaping to the premises.
 - The requirements of the notice are to:
 - 1) Alter the render to the front and side elevation, new front steps, front boundary treatment and associated hard and soft landscaping to the premises so that it accords to the plans (ST_21_40BARNWAY-1stApp_01-07) attached to this notice;
 - 2) Remove all items debris and all materials arising from compliance with Step 1 from the premises
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (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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Decision

1. The appeals are 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.

Appeal on ground (a)

2. An appeal on ground (a) is brought on the basis that planning permission ought to be granted for the breach of planning control stated in the notice. Where an appeal on ground (a) is duly made, an application for planning permission is deemed to have been made.

Main issues

3. The main issues are: whether the development preserves or enhances the character or appearance of Barn Hill Conservation Area (the CA); and the effect of the development on highway safety.

Character and appearance

4. The appeal site is a detached dwelling on Barn Way in the CA, the immediate surrounds of which are residential. A range of dwellings exist on the street but there remains an overall consistency in the traditional form and appearance, particularly due to the prevalence of roughcast render and muted paving colour within the front

driveways. This lends a pleasing appearance to the street and contributes positively to this section of the CA.

5. I observed the appeal property to have been finished in a smooth render. This is notably smoother than the roughcast finish more common in the street. As such, the render at the site serves to distinguish the appeal property from its neighbours, differentiating the property from other dwellings of a similar design and form, and diluting the overall visual consistency at this section of the street.
6. The smooth render also lends the property an incongruous contemporary finish, which is enhanced by the grey colour and framed design of the paving that dominates the driveway. This combination results in the dwelling reading as a jarring feature in the streetscene, and reduces the traditional feel of this part of the CA. Due to the open frontage of the site, this failure of the property to successfully assimilate is readily experienced in the surrounds. The appellants point to other dwellings in the CA with a smooth exterior finish, which I observed during my visit. However, it remains that the combination of smooth render finish and grey, framed paved driveway is not common in the immediate surrounds, and causes visual harm in the precise location of the appeal site for the reasons outlined.
7. The Barn Hill Conservation Area Design Guide (the Design Guide) notes that original front gardens are an attractive feature of the CA, and implies that the paving over of these has had a negative impact. In this regard, it suggests that only 50% of a front garden should be hard surfaced.
8. As pointed out by the appellant, many of the front gardens in the vicinity of the site feature sizeable paved frontages. However, I agree with the findings of the Design Guide that these have a negative visual impact on the area, lending a starkness to the streetscene. Conversely, those properties with notable soft landscaping to the front integrate well with the grass verges and trees along the highway of Barn Way, contributing to a visually pleasing streetscene.
9. I note that the development has increased the soft landscaping at the site. Nevertheless, it remains well below the 50% guideline. The limited soft landscaping and sizeable paved driveway of the site are readily visible, where they contribute to the starkness of this section of the street. This is further highlighted by the additional brick walls of the development which, although of matching design to the pre-existing walls, add further hard edges to the front area that serve to screen the soft landscaping present.
10. For these reasons, the development causes visual harm to the site and the contribution it makes to the surrounding character and appearance. As such, it would neither preserve nor enhance the character or appearance of the CA. Its effect would be localised such that it would be 'less than substantial' harm. Nevertheless, the National Planning Policy Framework (the Framework) makes it clear that great weight should be given to the conservation of heritage assets.
11. The Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. No specific public benefits have been raised by the appellant.

12. For the reasons given, the development has a significant adverse effect on the character and appearance of the area, and would fail to preserve and enhance the character or appearance of the CA. As such, it fails to comply with Policies DMP1 and BHC1 of the Brent Local Plan 2022 (the BLP), the Design Guide, and the provisions of the Framework insofar as they seek to ensure development complements the locality and sustains or enhances the significance of heritage assets.

Highway safety

13. A vehicle crossover provides access from Barn Way to the front, paved area of the appeal site. This crossover is wide enough to accommodate one car only, and does not extend across the entire front paved area of the site, with a bollard in an adjoining grass verge preventing vehicles from directly entering elsewhere. However, due to its size, the front paving provides space for multiple vehicles, such that it could reasonably be used for the parking of more than one car at a time.
14. Given that the driveway does not fully align with the crossover onto Barn Way, it is likely that multiple manoeuvres need to be made within both the highway and adjacent footpath when parking more than one car at the appeal site. The introduction of such movements has the potential to adversely impact on pedestrian safety at a section of the highway that is likely to be well used by foot traffic due to the residential nature of the street. This would interrupt pedestrian flow and cause temporary obstruction at this part of the road, impacting the safe and efficient operation of this part of the highway and increasing collision risk.
15. For the reasons given, the development has a significant adverse effect on highway safety. As such, it fails to comply with Policies BT2 and BT4 of the BLP and the London Borough of Brent Domestic Vehicle Footway Crossover Policy insofar as they seek to ensure development provides safe access points, maintains safe pedestrian passage, and does not negatively impact on highways.

Conclusion

16. For the reasons given above, I conclude that the appeal on ground (a) should not succeed, and I shall refuse the deemed application for planning permission.

Appeal on ground (g)

17. An appeal on ground (g) is brought on the basis that the time period for compliance in the notice falls short of what should reasonably be allowed.
18. The notice gives 6 months for compliance. The appellant argues that this would be insufficient and that a period of 9-12 months would enable them to undertake the works during a period of better weather. There is nothing compelling before me to suggest that the works could not be undertaken within the 6 month period specified, or that doing so would impact the quality of the work or structure of the appeal property. This would ensure that the identified planning harm is dealt with in the necessary expedient manner.
19. The appeal on ground (g) therefore fails.

Overall Conclusion

20. 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).

C Rafferty

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/T5150/C/23/3332388	Mr Raja Ali
Appeal B	APP/T5150/C/23/3332389	Mrs Aqila Ali