



Appeal Decision

Site visit made on 21 August 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Appeal Ref: APP/T5150/W/25/3366890

1A Bowrons Avenue, Wembley HA0 4QS

- 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 Sanjay Patel against the decision of the Council of the London Borough of Brent.
- The application reference is 25/0349.
- The development for which permission is sought is a shopfront incorporating a serving hatch, and the use of the premises as a restaurant and hot-food take-away.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The description of development in the banner heading above is based on that used on the appeal form and the decision notice issued by the Council Rather than the planning application form. I have slightly revised the wording to remove the reference to the application being retrospective, as that is not in itself descriptive of an act of development. Nevertheless, the development for which planning permission is sought has been carried out, and I was able to view it during my site visit.
3. Although the application also referred to the change of use of the premises to a restaurant and hot food takeaway, as that is within the same Use Class as its existing lawful use, the Council raised no objections to that element of the scheme.
4. The main issues are therefore:
 - The effect of the service hatch on pedestrian and highway safety; and
 - Whether it has been demonstrated that the development would include adequate measures in respect of fire safety.

Reasons

Pedestrian and highway safety

5. The appeal property is a single-storey semi-detached property situated on the southern side of Bowrons Avenue, close to its junction with Ealing Road. Though Bowrons Avenue itself is predominantly residential, the site is within the Ealing Road town centre.
6. The Council's 2018 *Shop Fronts and Shop Signs* Supplementary Planning Document ("the SPD") recognises that forecourt trading can enliven streets and is generally encouraged; it will be permitted where it does not cause an obstruction

to pedestrians or nuisance to neighbouring residential occupiers. The SPD goes on to advise that, to prevent conflicts, forecourts should be clearly delineated from the main pavement, allowing sufficient space for the free flow of pedestrians, with a minimum clearance of 3m on primary pedestrian routes, where there is heavy footfall, and 2m for all other pedestrian routes.

7. The shopfront for which permission is sought includes a serving window at the rear of the footway. By the Council's measurement (which the appellant has not disputed) there is only 1.2m of clear pavement in front of the premises. I carried out my site visit on a weekday morning shortly before midday, and saw that the layout of the premises requires customers queuing to be served, or waiting for orders to be handed out, to stand on the footway. While the timing of my visit meant it was unlikely the takeaway was at its busiest, the arrangement meant an obstruction being caused to other people passing by – it is likely that the problem would be more severe at busier times.
8. I recognise that the restaurant and takeaway make a contribution to supporting the vitality of the town centre, and evidently meets a demand from the community; however, the development does not comply with the advice of the SPD in respect of forecourt trading. While the appellant argues that the serving hatch enhances the operational efficiency of the business, this comes at the cost of some loss of operational efficiency of the public footway.
9. The appellant has suggested a condition could be imposed preventing delivery drivers from using the hatch when they were collecting orders. However, even assuming that such a condition could be enforced, it would not eliminate the conflict arising from walk-up customers waiting on the footway. I also note the appellant's comment that they "inherited" the serving hatch from a previous tenant, and that it is somehow unjust for them to be held responsible for this matter. That is not a persuasive argument though – planning permission (or lack of) is associated with the land, not the individual.
10. I conclude that the use of the serving hatch at the front of the premises has an adverse effect on pedestrian and highway safety. The development therefore conflicts with Policies DMP1 and BE7 of the 2022 Brent Local Plan, and with Policy T4 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development is satisfactory in terms of providing access for all, and that forecourt trading does not cause an obstruction to pedestrians.

Fire safety

11. Policy D12 of the London Plan 2021 requires that all development proposals must achieve the highest standards of fire safety; this includes ensuring that they identify suitable outdoor space for fire appliances and assembly points; incorporate appropriate fire safety features; minimise the risk of fire spread; provide suitable and convenient means of escape (including a robust strategy for evacuation); and suitable access and equipment for firefighting.
12. Although this matter formed the basis of the second reason for which the Council refused planning permission, it was not addressed at all in the appellant's appeal submissions. In the absence of any relevant information, I cannot be satisfied that the development makes provision to ensure adequate fire safety. The proposal

therefore conflicts with Policy D12 of the London Plan 2021, the relevant requirements of which I have just described.

Conclusion

13. The use of the serving hatch in the shopfront leads to congestion on the footway, which is harmful to pedestrian and highway safety. It has also not been demonstrated that the development makes appropriate provision in respect of fire safety. It therefore conflicts with the development plan taken as a whole.
14. While I have considered the benefits of the scheme which have been put to me, there are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector