



Appeal Decision

Site visit made on 14 October 2025

by D Marley BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/T5150/D/25/3371982

9 East Hill, Wembley HA9 9PT

- 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 Maher Sha'aban against the decision of the Council of the London Borough of Brent.
 - The application Ref is 25/0985.
 - The development proposed is described on the application form as 'Proposed single storey detached outbuilding for use as garden gym room with front patio.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a discrepancy between the applicant's name as submitted in the planning application form and the appellant's name as submitted in the appeal form. I queried this matter with the appellant and, in the absence of a response, I have used the details from the planning application form in my decision.
3. I have taken the site address used in my decision from the appeal form, as this more accurately describes the site.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the effect on the host dwelling, trees, and whether the proposed development would preserve or enhance the character or appearance of the Barn Hill Conservation Area.

Reasons

5. The appeal site is within the Barn Hill Conservation Area (the 'Conservation Area'). The statutory duty set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area. The Conservation Area draws its significance from its hillside setting and associated views, alongside the consistent approach to the mass, scale and form of residential dwellings.
6. The appeal site comprises a two storey detached dwelling and its associated rear garden. Much of the rear garden is set at a raised level when compared to the main dwelling. The section of East Hill, on which the appeal site is located, is an

established residential area with residential dwellings constructed to broadly consistent scale and form.

7. The proposed development would introduce an outbuilding of a significant size to the rear of the existing house, which would extend across the majority of the width of the rear garden. The general extent and height of the outbuilding would result in the proposal appearing dominant when compared to the existing dwelling. This would be exacerbated by the elevated nature of the rear garden on which the outbuilding would be located. The proposal would, as a result of its scale and position, be visible from several nearby private vantage points and would appear discordant relative to the existing dwelling.
8. Equally, the size of the outbuilding would fail to accord with the approach for width and scale set out in the Barn Hill Conservation Area Design Guide (the 'Design Guide'). I have considered the proposal on its own individual circumstances, and this conflict with the Design Guide would occur irrespective of the precise length of the rear garden.
9. Given the oversized nature of the outbuilding, the appeal scheme would undermine the consistent approach to massing and scale that characterises the established residential form of the Conservation Area. This would cause harm to its significance. The lack of visibility of the outbuilding from the street does not lessen the harm to the Conservation Area's significance that would arise.
10. In addition, the construction of the outbuilding would be likely to affect existing trees. Technical evidence setting out the impact of the proposed development on nearby trees is not before me. During my site visit, I noted the presence of a number of trees in close proximity to the existing shed that would be likely to be directly affected by the proposed development. The proposed development also has the potential to affect the trees at the garden boundary and in adjoining residential gardens, through impact to their root area or through pressure on future canopy growth. These trees are well established and make a modest yet positive contribution to the visual character of the Conservation Area.
11. Replacement planting would principally comprise shrubs, herbaceous planting and climbers. In the absence of evidence to demonstrate the extent of the impact of the development on trees, I cannot conclude the planting proposed would be sufficient to mitigate the potential loss of existing trees.
12. Given the extent of the development relative to the Conservation Area as a whole, I find the harm to the Conservation Area would be 'less than substantial', and located at the lower end of the spectrum. Under such circumstances, Paragraph 215 of the National Planning Policy Framework advises that this harm should be weighed against the public benefits of the proposal. No clear public benefits have been put forward by the appellant, and the primary outcome of the development, namely the provision of garden accommodation, is a private benefit to the appellant. Therefore, there are insufficient public benefits arising from the proposal to outweigh the harm I have identified and the great weight I have given to the heritage asset's conservation.
13. Overall, I conclude the proposed development would harm the character and appearance of the area, with particular regard to the effect on the host dwelling and trees. It would also fail to preserve or enhance the character or appearance of the Conservation Area. The proposal would therefore conflict with the relevant

provisions of Policies DMP1, BHC1 and BGI2 of the Brent Local Plan 2019-2041. These policies, amongst other matters, seek to ensure that the siting and scale of development proposals complement the locality, that development proposals sustain or enhance the significance of heritage assets, and that sufficient information, and where appropriate replacement planting, is provided where a development proposal could affect existing trees.

Other Matters

14. My attention has been drawn to the existing outbuilding located at a neighbouring property to the rear of 9 East Hill. There is little information before me with regards this structure, including its associated planning history. Given the harm I have identified that would result from the appeal proposal, the presence of this outbuilding does not act to justify the appeal scheme.
15. I acknowledge the appellant's argument that there would be no harm in respect of living conditions. However, the lack of harm in this respect is effectively neutral in my determination of the appeal. In addition, the appellant's offer to utilise sustainable construction methods does not outweigh the harm I have identified. These matters have not led me to an alternative conclusion on the main issue.
16. I note the appellant's offer of reducing the size of the outbuilding. However, an appeal should not be used to evolve a scheme and I have assessed the proposal against the plans before me.

Conclusion

17. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

D Marley

INSPECTOR