



Appeal Decisions

Site visit made on 14 July 2025

by **E Brownless BA (Hons) Solicitor (non-practising)**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal A Ref: APP/T5150/C/24/3357423

19 Harrowdene Road, Wembley HA0 2JD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended)(the "Act").
 - The appeal is made by Mr Mushtaq Baig against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 28 November 2024.
 - The breach of planning control as alleged in the notice is 'without planning permission, the erection of an outbuilding in the far end of the rear garden of the premises'.
 - The requirements of the notice are to:-
 - STEP 1 Demolish the building in the far end of the rear garden of the premises.
 - STEP 2 Remove all items and debris, arising from compliance with Step 1, and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is: 6 months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Act. 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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Appeal B Ref: APP/T5150/D/24/3357270

19 Harrowdene Road, Brent, Wembley, HA0 2JD

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
 - The appeal is made by Mr Mushtaq Baig against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2678.
 - The development proposed is described as 'Proposed REDUCED out building (Retrospective)'.
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Decisions

Appeal A

1. It is directed that the enforcement notice is corrected by the addition of the word 'out', so that the requirement at Schedule 4 reads '*STEP 1 Demolish the outbuilding in the far end of the rear garden of the premises*'.
2. Subject to the variation above, the appeal is 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 Act.

Appeal B

3. The appeal is dismissed

Preliminary Matters

4. The enforcement Appeal A on ground (a), the deemed planning application, concerns the erection of an existing outbuilding (the Outbuilding). In planning

Appeal B, planning permission is sought for a proposed outbuilding (the Proposed Outbuilding) as shown on the submitted drawing. Although the description of development for the Proposed Outbuilding is described as '*Proposed REDUCED out building (Retrospective)*' which implies all or some part of the development is in existence, in effect planning Appeal B seeks planning permission for an outbuilding which does not currently exist, and which is materially different in terms of its dimensions from the existing Outbuilding. I shall therefore deal with the existing and proposed outbuildings separately within this decision, except where otherwise indicated.

5. In light of the above, for planning Appeal B, the description of development contained within the application form lacks clarity. The Council's decision notice provides a different description of the development as 'Retrospective application for reduction of outbuilding in rear garden of dwellinghouse'. It is not clear that the appellant agreed to the change of the description of the development. The appellant seeks planning permission for an outbuilding and I have determined the appeal on this basis.
6. The appeal dwelling is a detached two storey dwelling located part way along Harrowdene Road. Within the rear garden are two existing outbuildings which are joined together and are hereinafter referred to as the Pool Outbuilding. The appellant claims planning permission was granted for these outbuildings in or around January 1985. The Council disputes this. In any event, the Council state that these outbuildings are immune from enforcement action due to the passage of time. The notice attacks '*an outbuilding in the far end of the rear garden of the premises*' and whilst the plan attached to the notice does not identify the location of the unauthorised outbuilding, it is clear through the appellant's submission that the outbuilding attacked by the notice is the building erected close to the rear boundary of the garden which adjoins 17 Sudbury Avenue. The appellant knows what the allegation is and which building they are required to demolish under the requirements of the notice.
7. The allegation attacks the erection of an 'outbuilding', whereas Step 1 of the requirements require the demolition of the 'building' in order to remedy the breach of planning control. For consistency I shall amend the requirement to refer to an outbuilding. I am satisfied that no party would be caused any injustice by this correction.
8. In January 2025 the Council adopted their Residential Extensions and Alterations Supplementary Planning Document (SPD). The SPD superseded the Council's Residential Extensions and Alterations Supplementary Planning Document 2 (2018)(SPD2). Since the relevant provisions of SPD2 are broadly similar to the provisions contained within the SPD, it has not been necessary to revert to the parties for their comments.
9. The Government announced on the 16 December 2025 a revised National Planning Policy Framework Consultation and accompanying Written Ministerial Statement. Whilst the consultation and draft National Planning Policy Framework are material considerations, the proposed reforms are draft and therefore may be subject to change before the final document is published. I therefore afford it limited weight in my consideration of the appeal before me.

Background (Appeal A and Appeal B)

10. The appeal site is located within a predominantly residential area that is typically characterised by two-storey detached and semi-detached dwellings. Generally, dwellings are set back a short distance from the highway and follow a clear build line that follows the road. Rear gardens are mostly long and generously sized and thus allow for a pleasant and open character that makes a positive contribution to the character and appearance of the area. Outbuildings constructed within rear gardens in the area generally tend to be domestic in scale and subservient to the dwellings they serve. Overall, there is a rhythm of built form and spaces and the open and spacious qualities of rear gardens make an important contribution to the distinctiveness of the locality.
11. The appeal dwelling is a two-storey detached property positioned partway along Harrowdene Road. It includes a long and generous sized garden to the rear of the property which includes a mixture of grassed areas, garden paths and hardstanding patio. The existing Pool Outbuilding is substantial in terms of its size and height. It has been constructed in a position that is close to the rear elevation of the appeal dwelling and it extends for some considerable distance into the garden, in close proximity to the common boundary with the neighbouring dwelling at 21 Harrowdene Road (No.21).

Appeal A

The appeal on Ground (a)

12. An appeal made on ground (a) is that planning permission should be granted for the breach of planning control stated in the notice.

Main Issues

13. Having regard to the reasons for issuing the notice, the main issues are the effect of the development on:-
 - i) the character and appearance of the surrounding area; and
 - ii) the living conditions of occupants of neighbouring dwellings having particular regard to their outlook.

Character and appearance

14. The Outbuilding occupies a position beyond the Pool Outbuilding at the far end of the garden, in close proximity to the common rear boundary with 17 Sudbury Avenue. Although a single storey in height it is a substantial building with a pitched roof structure which includes an eaves height measuring some 3.233 metres and a ridge height of 3.276 metres, approximately, according to the figures provided by the appellant. However, the Council cites differing figures, namely an eaves height measuring some 3 metres on the southern elevation rising to 3.2 metres on the northern elevation, and a ridge height of approximately 3.77 metres that increases to 3.92 metres. However, irrespective of whether I use the measurement of the eaves and ridge given by the Council or the appellant, from my inspection of the site, I saw that by reason of being some 8.2 metres wide the outbuilding extends to fill the majority of the width of the garden plot and includes a significant depth in the region of 8 metres, taking the measurements of the Council, which have not been disputed by the appellant.

15. By reason of its significant size and excessive height, the building is readily visible above the existing boundary treatments, from neighbouring dwellings and their gardens, from where the Outbuilding is read as an unduly bulky, dominant and obtrusive feature within the rear garden.
16. The Council's SPD sets out, amongst other things, that the maximum size of an outbuilding will usually be no more than 30sqm where a garden is more than 100sqm and its maximum height should not exceed 2.5 metres where an outbuilding is within a distance of 2 metres of the boundary with a neighbouring garden. Since the Outbuilding occupies a floor area in the region of 65sqm and it is positioned within 2 metres of the shared boundary with neighbouring occupiers at 21 & 17 Harrowdene Road and 17 Sudbury Avenue, the outbuilding conflicts with the guidance of the SPD.
17. Additionally, the Outbuilding has resulted in a sizeable part of the remaining depth of the garden space beyond the existing Pool Outbuilding being filled with built form. The extent of open space within the rear garden is substantially reduced and when viewed from neighbouring gardens and dwellings it would be seen as a cluttered and dense arrangement of built form which would be out of keeping with the prevailing spacious and open character of rear gardens within the locality.
18. Accordingly, I conclude that the outbuilding is contrary to Policies DMP1 and BD1 of the London Borough of Brent Local Plan 2019-2041 (2022)(BLP) insofar as these policies require new development to be of a suitable location, scale, use and provide the highest architectural and urban design quality and which complements the locality. In addition, there is conflict with Policy D3 of The London Plan (2021) (Ldn Plan) which requires proposals to enhance local context and respond to local distinctiveness through, amongst other things, layout, scale and appearance. It would also fail to accord with the aims of paragraph 135 of the National Planning Policy Framework (2024)(the Framework) insofar as it requires developments to be visually attractive, sympathetic to local character and create attractive, welcoming and distinctive places to live, work and visit. For the reasons explained above, there would be conflict with the guidance of the SPD.

Living conditions – outlook

19. Given the Outbuilding's substantial size and height, a considerable part of the outbuilding is likely to be readily visible to neighbouring occupiers above the intervening boundary treatment. By reason of its excessive height, scale and mass, together with its close proximity to shared boundaries, the Outbuilding is likely to be read as an unduly bulky, prominent and overbearing development which dominates the neighbouring outlook and which has caused a significant and detrimental degree of enclosure and an oppressive intrusion into the outlook of neighbouring occupants at 21 & 17 Harrowdene Road and 17 Sudbury Avenue.
20. Notwithstanding that the neighbouring gardens are generously sized and by reason of their length the dwellings which they serve are positioned at a distance away from the Outbuilding, in my judgement it would nonetheless continue to be seen as an unduly bulky and harmful addition to the rear garden, when viewed from within their rear garden areas.
21. Although I observed that some mature trees and vegetation were present within the garden of the appeal site, by reason of the close proximity of the Outbuilding to the common boundaries, the existing vegetation and trees have little effect in

providing any meaningful screening of the appeal scheme when viewed from neighbouring gardens. In any event, the screening potential of vegetation would be likely to be considerably reduced during winter months when foliage is less dense.

22. I therefore conclude that the outbuilding is harmful to the outlook of neighbouring occupiers and this would materially compromise their living conditions. Thus, the Outbuilding conflicts with BLP Policy DMP1 insofar as this policy requires development to provide a high level of external amenity. In addition, the appeal scheme conflicts with Ldn Plan Policy D3 which requires development to deliver appropriate outlook and amenity and achieve indoor and outdoor environments that are comfortable and inviting for people to use. It would also be contrary to the aims of the Framework which requires developments to ensure a high standard of amenity for existing and future users and the Council's SPD, the requirements of which are set out above.

Other Matters

23. The appellant points to the appeal outbuilding being a replacement for a '*large shed of timber construction*' that was used by the appellant's family for storage. A screenshot of an aerial photograph purports to show the shed in a position that partly coincides with the location of the appeal building. However, whilst the shed was demolished to make way for the current outbuilding it is stated by the appellant to have been '*smaller than the current building*'. At a size of some 4 metres by 4 metres, as stipulated by the appellant, it cannot be said to be substantially similar to the current outbuilding.
24. My attention has been drawn to the presence of an outbuilding within the garden of 15 Sudbury Avenue, as shown in the submitted aerial photograph screenshot. However, whilst I observed the neighbouring outbuilding during my site visit, there is little substantive information before me to regarding the measurements of that building, nor any detailed information about the presence of other buildings within the rear garden of 15 Sudbury Avenue. Moreover, the presence of an individual example of development of comparative size does not provide adequate justification for the proposal.
25. I note that the appellant did not seek professional advice prior to undertaking the construction works and had limited knowledge of planning. While it seems, therefore, that the breach of planning control was not intentional, this does not weigh in support of the appeal scheme.

Alternative Scheme

26. As part of the evidence provided for Appeal A, the appellant has suggested revising the development to reduce the height of the ridge and the eaves by 0.733 metres such that a maximum eaves and ridge height of 2.5 metres and 3 metres respectively would be achieved. Within the appellant's conclusion, they also state they are willing to reduce the eaves height to 2m if necessary.
27. I have been provided with a proposed floor plan, drawing number 16/3072/5, which was the subject of a refused planning application. However, the elevations proposed under this application are inconsistent with the measurements suggested by the appellant in support of ground (a) and exceed the limitations set out in the GPDO.

28. Detailed drawing of a revised scheme with an eaves height of 2.5m (or 2m) and a ridge height of 3m have not been provided and noting that the eaves and ridge heights are unlikely to be uniform throughout the building, together with the measurements given by the Council showing the difference in heights, it is not clear how this would be achieved.
29. Although advanced under ground (f), section 177(1) of the Act allows for a grant of planning permission for the whole or part of the matters stated in the breach of planning control. However, I consider that the work required to alter the outbuilding would be likely to require the removal of the roof and the sides, rear and front elevations are likely to need to be cut down and reduced in height. Given the extent of the works necessary to make the development accord with the revised figures, I take the view that the proposed scheme does not form part of the matters specified in the notice.
30. Furthermore, whilst a reduction in height would lessen the effect on outlook, the Outbuilding would remain in close proximity to the shared boundary and retain a significant height that is likely to remain visible above the shared boundary treatments. When taken together with its sizeable footprint, the resultant scale and bulk of the outbuilding would remain an inharmonious addition to the detriment of the open and spacious character and appearance of rear gardens within the locality and it would continue to be read as an overbearing addition that dominates views from neighbouring dwellings and their rear gardens.
31. Notwithstanding that I have found the alternative scheme does not form part of the matters, the revised scheme is not acceptable in planning terms and is contrary to the development plan, and therefore, even if I had found the revised scheme formed part of the matters stated in the breach of planning control, it would not be acceptable.

Planning balance and conclusion

32. The Outbuilding has caused harm to the established open and spacious character and appearance of rear gardens within the surrounding area and the development has materially compromised the living conditions of neighbouring occupiers by reason of an unduly harmful effect on outlook of neighbouring occupiers which materially compromises their living conditions. These are matters to which I attribute significant weight.
33. The appellant points to the financial cost to the appellant and the environmental consequences of being required to demolish the Outbuilding, taking materials to landfill and importing new materials and labour in undertaking to build an outbuilding that would be compliant with the conditions and limitations of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(the GPDO). However, such matters do not outweigh the harm caused to the character and appearance of the surrounding area and the living conditions of neighbouring occupiers and they do not justify retention of the appeal scheme.
34. The Outbuilding conflicts with the development plan as a whole and the material considerations weighing in favour of the appeal scheme are of insufficient weight, individually and cumulatively, to justify a decision otherwise than in accordance with the development plan.

Ground (f)

35. An appeal under ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
36. Section 173(4) of the Act sets out the purposes of a notice are (a) remedying the breach by making any development comply with the terms of any planning permission, by discontinuing any use of the land or by restoring the land to its condition before the breach took place or (b) remedying any injury to amenity which has been caused by the breach. It is clear from the wording of the notice and the Council have confirmed that its purpose is to remedy the breach of planning control.
37. The appellant suggests that the demolition of the outbuilding would be unjustified and excessive given the environmental consequences of doing so. However, these relate to the planning merits of the outbuilding and as set out under ground (a) above, I have found the outbuilding is harmful and should not be granted planning permission.
38. Under ground (f), I am obliged to give consideration to whether there is any obvious alternative, or lesser step, which would achieve the purposes of the enforcement notice with less cost and disruption rather than removal of the entire appeal scheme. Whilst the appellant has suggested reducing the height of the outbuilding such that it would not exceed a maximum eaves height of 2.5 metres and a maximum ridge of 3 metres, however, as set out above, I have concluded that the revised scheme does not form part of the matters specified in the notice.
39. Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) permits the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such...'. While it is not disputed that the building which has been constructed exceeds the limitations set out within under Class E, I have no evidence to show that the appeal site would not benefit from permitted development rights once the enforcement notice has been issued.
40. While the appellant states that they are willing to making adjustments to the outbuilding's size and height to ensure compliance with development regulations, the appellant has not shown that the modifications suggested would bring the outbuilding in line with the provisions of the GPDO, or how the requirements of the notice should be framed. It is not possible, therefore, for me to word the requirement with sufficient clarity so that the appellant is clear as to what they had to do.
41. Since the breach of planning control alleged is the erection of an outbuilding, allowing it to remain would fail to remedy the breach. Consequently, I find that there are no lesser steps which would achieve the purposes of the enforcement notice with less cost and disruption and so the appeal under ground (f) must fail.

Appeal B

Reasons

Main Issues

42. The main issues are the effect of the proposed development on:-

- i) the character and appearance of the surrounding area; and
- ii) the living conditions of occupants of neighbouring dwellings having particular regard to their outlook.

Character and appearance

43. The Proposed Outbuilding would be a further outbuilding to be constructed within the rear garden in a position beyond the Pool Outbuilding and in close proximity to the rear boundary with 17 Sudbury Avenue. Although it would be a single storey in height the submitted drawing shows it would comprise a pitched roof structure with an eaves height ranging from 3.05 metres to 3.125 metres, approximately. The submitted drawing fails to specify any detailed measurement of the overall height, width and depth of the Proposed Outbuilding. However, since a pitched roof structure would be included, it is the Council's view that the overall height of the outbuilding would be in the region of 3.85 metres, a figure that has not been disputed by the appellant. The Council also suggest that the Proposed Outbuilding would measure some 8 metres by 4 metres and that externally it would occupy a floor area of some 32 square metres. Again, the appellant has not sought to dispute these figures. As a result, the Proposed Outbuilding would be substantial in height, scale and mass and given the limited height of the intervening boundary treatment, it would sit well above the common boundaries with neighbouring dwellings from where it would be viewed as an unduly bulky, dominant and obtrusive feature within the rear garden.
44. The Council's SPD sets out, amongst other things, that the maximum size of an outbuilding will usually be no more than 30sqm where a garden is more than 100sqm and its maximum height should not exceed 2.5 metres where an outbuilding is within a distance of 2 metres of the boundary with a neighbouring garden. Since the Proposed Outbuilding would occupy a floor area in the region of 32sqm and would be positioned within 2 metres of the shared boundary with neighbouring occupiers at 21 Harrowdene Road and 17 Sudbury Avenue, the outbuilding conflicts with the guidance of the SPD.
45. While there may be limited views from the public domain, the building is clearly visible from a number of properties in the area. By reason of the proposed size and the inclusion of a depth of some 8 metres, the Proposed Outbuilding would result in a sizeable part of the remaining depth of the garden space beyond the existing Pool Outbuilding being filled with built form. The extent of open garden space beyond the Pool Outbuilding would be substantially reduced in size and when viewed from neighbouring gardens and dwellings it would be seen as a cluttered and dense arrangement of built form which would be out of keeping with the spacious and open character of rear gardens within the locality.
46. I therefore conclude that the proposed development would be contrary to BLP Policies DMP1 and BD1 insofar as these policies require new development to be

of a suitable location, scale, use and provide the highest architectural and urban design quality and which complements the locality.

Living conditions - outlook

47. The proposed outbuilding would be substantial in size and height and given the limited height of the intervening boundary treatment, it would sit well above the common boundaries with neighbouring dwellings. It would occupy a position in close proximity to the shared boundary with 21 Harrowdene Road, which the Council suggests would be a distance of some 1.35 metres. This figure has not been disputed by the appellant. As a result, the Proposed Outbuilding is likely to be read as an unduly bulky, prominent and overbearing development which dominates the neighbouring outlook and is likely to cause a significant and detrimental degree of enclosure and an oppressive intrusion into the outlook of neighbouring occupants at 21 Harrowdene Road. Whilst the proposed development would also be positioned close to the shared boundary with 17 Sudbury Avenue, given that the Proposed Outbuilding would be more limited in width than the existing Outbuilding, I consider that the living conditions of neighbouring occupants at 17 Sudbury Avenue would not be unduly harmed.
48. Notwithstanding that the neighbouring garden at 21 Harrowdene Road is generously sized and the neighbouring dwelling is positioned at a distance away from the Proposed Outbuilding, by reason of the substantial height, depth and bulk of the proposed development and its close proximity with the shared boundary, in my judgement, the outbuilding is likely to dominate the neighbouring outlook, particularly when viewed from within the garden area.
49. Although some mature trees and vegetation are present within the garden of the appeal site, by reason of the close proximity of the Proposed Outbuilding to the common boundary with 21 Harrowdene Road, the existing vegetation and trees would have little effect in providing any meaningful screening of the appeal scheme when viewed from neighbouring garden and dwelling. In any event, the screening potential of vegetation would be likely to be considerably reduced during winter months when foliage is less dense.
50. Although the outbuilding would be constructed from materials to match those used within the construction of the host dwelling and it would occupy a position beyond the existing Pool Outbuilding, this will not overcome the adverse effect of the proposed outbuilding which would be likely to be viewed as a dominating and overbearing development thus causing a significant and detrimental degree of enclosure and an oppressive intrusion into the outlook of neighbouring occupants at No.21.
51. Accordingly, I therefore conclude that the Proposed Outbuilding would be harmful to the outlook of neighbouring occupiers and this would materially compromise their living conditions. Thus, the appeal scheme would conflict with BLP Policy DMP1 insofar as this policy requires development to provide a high level of external amenity. The appeal scheme would also fail to comply with the guidance contained within the SPD, insofar as it would contravene the maximum floorspace and height requirements of an outbuilding positioned within a distance of 2 metres of the boundary with a neighbouring garden.

Other Matters

52. The Council's evidence also cites concerns that the appellant has failed to demonstrate that the outbuilding is reasonably required for a purpose incidental to the enjoyment of the main dwelling house and that it should not contain any accommodation, such as bedrooms, showers or bathrooms, or kitchen facilities, as is set out within the guidance of the SPD. Similarly, Policy BH12 of the LP states that planning permission will only be granted for outbuildings that will not be residential accommodation or do not support the increased occupation of a dwelling. However, the submitted plan shows the layout of the outbuilding to be for household storage and the appellant's evidence explains that the building would be used for storage of general household goods, gardening equipment and children's toys.
53. The GPDO grants planning permission for buildings etc incidental to the enjoyment of a dwellinghouse and the appellant points to the percentage of the rear garden which would be covered by outbuildings being less than the 50%. However, the Proposed Outbuilding would fail to satisfy other limitations and conditions and would not therefore be permitted development under Class E, Part 1 of Schedule 2 of the GPDO.
54. Whilst the appellant relies upon the demolition of the as-constructed unauthorised outbuilding as not being carbon or eco-friendly by reason of requiring materials to be taken to landfill and bringing new materials to the site, this does not provide adequate justification for the proposed development.
55. Whilst no adverse harm has been identified with regards to the outbuilding compromising the use of the remaining garden area serving the appeal dwelling, the absence of harm is a neutral matter that weighs neither for nor against a proposal.

Planning balance and conclusion

56. The Proposed Outbuilding would cause harm to the character and appearance of the surrounding area and the living conditions of neighbouring occupiers at No.21 with particular regard to their outlook. These are matters to which I attribute significant weight.
57. The appeal schemes' conflict with the development plan as a whole and the material considerations weighing in favour of the scheme is of insufficient weight, individually and cumulatively, to justify a decision otherwise than in accordance with the development plan.

Appeal A – Overall Conclusion

58. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

Appeal B – Overall Conclusion

59. In respect of Appeal B, for the reasons given above, the appeal is dismissed.

E Brownless - INSPECTOR