



Appeal Decision

Site visit made on 17 December 2025

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2026

Appeal Ref: APP/T5150/C/23/3336131

54 College Road, Wembley HA9 8RJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Vehap Ferati against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 22 November 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey extension and raised decking to the rear of the premises.
 - The requirements of the notice are to:
 - STEP 1 Demolish the single storey extension to the rear of the premises.
 - STEP 2 Demolish the raised decking to the rear of the premises.
 - STEP 3 Remove all items, debris, and materials, arising from that demolition, and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. 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 1990 Act as amended.

Preliminary Matters

2. I have been appointed to determine three other appeals at the appeal property, references APP/T5150/C/23/3336132/3336133/3336134. Those appeals are the subject of separate decisions.
3. Since the appeal was made the Council have adopted the Residential Extensions and Alterations Supplementary Planning Document January 2025 (SPD) which the appellant provided, and I have had regard to.

Main Issues

4. The main issues are the effect of the extension and decking on (i) the living conditions of neighbouring occupiers with particular regard to outlook and sunlight/daylight matters (ii) the character and appearance of the property and area generally.

Reasons

Living conditions

5. The property is a two-storey end of terrace dwellinghouse located in a predominantly residential area. The garden at the rear of the appeal property and those neighbouring properties are fairly long and relatively narrow.
6. The extension is in very close proximity to and runs along the shared boundary with 56 College Road for a relatively substantial distance. There are glazed doors in the rear of No.56 which appear to serve a habitable room. As a result of its height, depth, and close proximity to those glazed doors, I find that the extension will have an unacceptable overbearing impact upon the outlook from the house and the garden at No.56. The overbearing impact and sense of enclosure will be exacerbated because of the extension to the rear of 58 College Road, also on the shared boundary with No.56. I consider the effect is such that the living conditions of the occupiers of No.56 is unacceptably harmed.
7. The rear of the properties in the terrace face broadly east, with the extension being broadly south of No.56. Given the height and proximity of the extension to the shared boundary with No.56, it seems likely there would be some overshadowing of the rear elevation and garden at No.56 particularly early in the morning, during the winter months. However, given the flat roof form and orientation of the rear elevations, and in the absence of demonstrable evidence, I find there would be no materially harmful overshadowing of No.56 and no harmful loss of daylight.
8. The appellant referred to an application made for a lawful development certificate (LDC) for a proposed rear extension to No.56. However, whether an LDC has been issued in respect of such an extension does not alter my judgement, since there is no certainty that any such extension will be built.
9. The extension is set away from the boundary with and located broadly north of 52 College Road. Because of the orientation and separation there is no materially harmful effect on the living conditions of the occupiers of No.52 as a result of an overbearing impact on outlook or overshadowing and loss of daylight.
10. Under their appeal on ground (f) the appellant suggested that they would be willing to reduce the depth of the extension and height of the decking however, no details were provided. In any event, in the absence of details, the reduction in depth would not overcome the identified harm in respect of the effect on the outlook of No.56.
11. The Council's SPD sets out what could be possible in respect of single storey extensions but also requires that all rear extensions and alterations must not have a significant negative impact on the outlook or amenity space of any neighbouring properties.
12. For the reasons given, the extension causes material harm to the living conditions of the occupiers of 56 College Road contrary to Policy DMP1 of the London Borough of Brent Local Plan 2019-2041 Adopted February 2022 (Local Plan) which sets out that development will be acceptable provided that it is, amongst other things, of a scale, detailing and design that provides high levels of internal and external amenity. It also conflicts with the amenity protection aims of the SPD.

Character and appearance

13. The extension has a flat roof which does not reflect the roof form of the existing house nevertheless, it has a straightforward appearance, with fenestration details which reflect the size and appearance of those in the existing house. I saw at my visit that the rear of properties in this and surrounding terraces feature extensions of varying scale and design, and whilst I saw none in the immediate vicinity of the appeal site, it seems flat roof extensions are not uncommon to the rear of houses as seen in the images provided by the appellant in respect of appeal reference APP/T5150/C/23/3336133.
14. The dark, almost black finish, has an unpleasant, oppressive appearance however, this could be painted, a matter which could be secured by condition.
15. The decking has a straightforward domestic appearance and is a structure that is often a feature of domestic gardens. Accordingly, and considering the extension is only visible in limited private views, overall, I consider that the extension and decking do not cause material harm to the character and appearance of the property and area generally.
16. There is therefore no conflict with the overall design aims of policies BD1 and DMP1 of the Local Plan, which together require that development is of the highest urban design quality and, amongst other things, of a scale, detailing and design that provides high levels of internal and external amenity and complements the locality.

Other Matters

17. The appellant referred to several other properties where permission has been granted for extensions, some of which have a greater depth and height however, in the absence of details I cannot assess whether those extensions have a comparable effect on the living conditions of neighbouring occupiers. Their existence is therefore a matter of limited weight.
18. That the property is not a listed building nor in a conservation area are neutral matters that cannot outweigh the identified harm. Similarly, whether the decking causes harm as a result of overlooking has no bearing on my decision, since although referred to in the Council's statement, this was not given as a reason for issuing the notice.
19. I acknowledge the investment the appellant made in refurbishing and extending the property. However, since there is no evidence that the extension is the only way in which the property could be brought back into habitable use, this cannot outweigh the identified harm to neighbouring living conditions.

Overall conclusion on ground (a)

20. My finding no harm in respect of character and appearance and sunlight/daylight matters cannot outweigh the harm to the living conditions of the occupiers of No.56 in respect of outlook. Consequently, the development does not accord with Policy DMP1 of the Local Plan and is contrary to the development plan when taken as a whole.

The appeal on ground (f)

21. An appeal on ground (f) is a claim that the requirements of the notice exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any injury to amenity resulting from the breach.
22. The notice requires that the extension and decking are removed along with all resultant debris, as such I find its purpose is to remedy the breach of planning control.
23. The appellant's case under ground (f) I have already considered under ground (a). Since the requirements of the notice would seek to do no more than to achieve the purpose of the notice, to remedy the breach of planning control, they are not excessive.
24. The appeal on ground (f) fails.

Conclusion

25. 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).

Felicity Thompson

INSPECTOR