



Appeal Decision

Site visit made on 17 February 2026

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2026

Appeal Ref: APP/T5150/C/25/3359188 763-765 Harrow Road, Wembley HA0 2LW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Messrs KN Bros Limited against an enforcement notice ("EN") issued by the Council of the London Borough of Brent.
 - The EN was issued on 11 December 2024.
 - The breach of planning control as alleged in the EN is: Without planning permission, the erection of a front canopy extension and the installation of an extractor duct to the side of the premises.
 - The requirements of the EN are:
 - STEP 1 Demolish the unauthorised front canopy extension.
 - STEP 2 Remove the extractor duct to the side of the premises.
 - STEP 3 Remove all debris and items, arising from compliance with STEPS 1 and 2 and remove all materials associated with the unauthorised development from the premises.
 - STEP 4 Restore the shopfront back to its original condition before the unauthorised development took place.
 - The period for compliance with the requirements is: 6 months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (d) of the 1990 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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Decision

1. The appeal is dismissed, the EN is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

Matter Concerning the Notice

2. The EN does not state within the reasons whether the unauthorised development took place within the last four or ten years. However, it is clear from the EN that the breach of planning control involves operational development and therefore, the relevant period is four years. Furthermore, the appellant has appealed under ground (d) and has provided photographic evidence dating back to 2008. Consequently, the appellant's evidence covers the relevant period of time. I am therefore satisfied that the appellant has not been prejudiced by the omission of the relevant period of time from the EN.

Preliminary Matters

3. The breach of planning control includes a front canopy extension ("extension") and an extractor duct to the side of the premises. It excludes the planters, seating area and parasols positioned in front of the extension. I have therefore determined the appeal solely on the matters detailed within the breach.

4. The appellant asserts they will comply with the EN's requirement to remove the extractor duct from the side of the premises and that the appeal on grounds (a) and (d) relates solely to the extension. I have determined the appeal on this basis.
5. Drawings have been submitted that demonstrate the kitchen equipment can be connected to an existing first floor rear mounted extraction flue. These works do not form part of the matters and therefore, I cannot take them into consideration.

Appeal on Ground (d)

6. An appeal under ground (d) is that at the time the EN was issued, it was too late to take enforcement action against the breach of planning control.
7. In relation to the extension, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach. Therefore, to succeed on this ground, the appellant must show that the breach of planning control was substantially complete before 11 December 2020 and remained in place for at least four years thereafter. The relevant test is the balance of probability, and the burden of proof is on the appellant.
8. The extension adjoins the front elevation of the premises. It comprises a metal frame with a mono-pitch light coloured roof, infilled on all sides with transparent sheeting and partially clad in bamboo. There is an internal floor constructed on top of the forecourt/pavement and doors are positioned facing the road.
9. The appellant has submitted Google aerial and Streetview images dating from 2008. A 2012 Google Streetview image depicts a red canopy with plastic sides positioned in front of the premises. An entirely different canopy is shown in both the appellant's 2014 Google Streetview image and 2015 aerial image.
10. The replacement canopy is red with a centrally positioned logo with metal railings demarcating the area beneath. The replacement canopy is larger than the canopy it replaced, as it extends in front of a single storey section of the premises. This replacement canopy is depicted in the appellant's Google Streetview images until 2021. A red canopy is also depicted behind hoardings in the Council's Google Streetview image dated October 2022.
11. The appellant has provided an aerial image dated 2024 that clearly shows the structure to the front of the premises has changed as it has a light coloured roof. The Council has submitted photographic images date stamped 28 May 2024 that show the extension that I saw during my site visit. Consequently, the evidence indicates that the previous red canopy with a centrally positioned logo and metal railings was replaced by the extension the subject of this appeal sometime between October 2022 and 28 May 2024, which is after 11 December 2020.
12. I appreciate that the photographic evidence provided by the appellant demonstrates that a canopy has existed to the front of the premises since 2012. However, the relevant test of the ground (d) appeal is whether the extension that exists today was substantially complete before 11 December 2020.

Conclusion on Ground (d)

13. For these reasons, it has not been demonstrated on the balance of probability, that the extension was substantially complete 4 or more years before the EN was issued. The appeal on ground (d) therefore fails.

Appeal on Ground (a) and the Deemed Application for Planning Permission

14. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are the effect of the extension on the character and appearance of the surrounding area and highway safety.

Reasons

Character and Appearance

15. The Council state that the premises is located within Sudbury town centre. I have no reason to disagree with the Council's assertion. The town centre comprises a parade of buildings along either side of Harrow Road that have commercial uses to the ground floor and other uses to the upper floors. The buildings are set back a similar distance from the highway by a wide forecourt/pavement.
16. The ground floor commercial uses typically have a flat shop front with floor-to-ceiling glazing positioned either side of a fully glazed door. At the time of my site visit, some of the commercial uses had a retractable fabric canopy that extended over part of the adjacent forecourt/pavement. Some of these canopies included fabric sides and had products for sale displayed underneath. These structures were simple in their design and appearance and were not overly dominant.
17. In contrast, the extension at the appeal site is a substantial structure that dominates the street. It projects a greater distance from the front of the premises than the retractable canopies and erodes the defined building line along this side of the road. The materials, including bamboo cladding and clear plastic sheeting, are of poor quality and are incongruous to the existing building and the surrounding area.
18. It is for these reasons that the extension detracts from the character and appearance of the surrounding area. It conflicts with Policies DMP1 and BD1 of the Brent Local Plan 2019-2041, adopted 2022 ("LP") that, amongst other things, seek to ensure that developments complement their locality with respect to scale, materials and design; and are of the highest architectural and urban design quality.

Highway Safety

19. The extension is sited on part of the forecourt/pavement to the front of the premises. The Council's Shopfronts SPD3 Supplementary Planning Document, adopted 2018 ("SPD") states that forecourt trading and seating will be permitted where it does not cause an obstruction to pedestrians or nuisance to neighbouring residential occupiers.
20. To prevent conflict, the SPD states that forecourts should allow sufficient space for the free flow of pedestrians, which equates to a clearance of 3m for premises within town centres, such as the appeal site, and should be free of any obstructions, including lamp posts and street furniture.
21. The forecourt/pavement between the extension and the road includes a pedestrian crossing with associated traffic lights, a street tree and bollards. Immediately behind the bollards is an external seating area demarcated by planters. The appellant asserts that the planters and external seating area will be removed but they were still in place at the time of my site visit. Consequently, the whole of the

forecourt/pavement immediately in front of the extension is not free from obstructions.

22. Even if the appellant removed the planters and external seating area in front of the extension, I have not been provided with evidence to show that a clearance of 3m would be achievable between the bollards and the extension. As such, the extension impedes the free movement of pedestrians.
23. It is for these reasons that the extension harms highway safety. It conflicts with Policies BE7 and DMP1 of the LP which, amongst other things, seek to ensure that forecourt trading does not cause an obstruction to pedestrians; and does not have an adverse impact on the movement network.

Other Matters

24. The Council's reason for issuing the EN states the extension causes a nuisance to neighbouring properties. Both the SPD and LP Policy BE7 refer to "*neighbouring residential properties*" not neighbouring properties in general. Furthermore, the Council do not expand upon this reason in their appeal statement. Consequently, I am unclear how the extension causes a nuisance to neighbouring residential occupiers.

Conclusion on Ground (a) and the Deemed Application for Planning Permission

25. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal on ground (a) should be dismissed, and the deemed planning permission should be refused.

Overall Conclusion

26. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

A Berry

INSPECTOR