



Appeal Decision

Site visit made on 10 March 2026

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2026

Appeal Ref: APP/T5150/C/24/3343851

1 and 2 Hamada Terrace, Mulgrave Road, London, NW10 1BT

formerly known as Land next to 1 Gaytor Terrace, Mulgrave Road, London, NW10

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Mohammed Ali against an enforcement notice issued by the Council of the London Borough of Brent.
- The enforcement notice was issued on 28 March 2024.
- The breach of planning control as alleged in the notice is the failure to comply with conditions imposed on a planning permission ref 19/3396 granted on 4 May 2021.
- The development to which the permission relates is: Erection of 2 x two-storey, semi-detached dwellinghouses (2x 3 bed) with converted loft space, erection of fencing, provision of cycle parking, waste storage and amenity space with associated landscaping and front boundary walls/gates.
- The conditions in question are no's 6 and 9 which state that:

6. No part of the development shall be occupied until a detailed Tree & Landscaping Strategy has been submitted to and agreed in writing by the Local Planning Authority. The agreed Strategy shall include at minimum of four trees to be located within the site and details of the species and size must be submitted as well as a plan illustrating the location of the replacement trees. The details shown on Trees & Landscaping must be completed prior to the occupation of the development. Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

9. Prior to the commencement of any development an Ecological Assessment shall be submitted to and agreed in writing by the Local Planning Authority. It should assess impacts to Ecology and protected species and provide details of necessary mitigation. The development shall thereafter be carried out in full accordance with the approved details, including any mitigation measures, unless otherwise agreed in writing by the Local Planning Authority.

- The notice alleges that the conditions have not been complied with in that:

The development is contrary to Condition 6, which is breached, because the landscaping works have not been completed in line with the detailed scheme of landscaping approved by the Local Planning Authority.

The development is contrary to Condition 9, which is breached because no details have been submitted and approved by the Local Planning Authority on mitigating potential harm on Ecology and protected species. Construction works have been completed and the development is now occupied.

- The requirements of the notice are to: Cease the use of the premises, until Conditions 6 and 9 have been complied with and planning permission 19/3396 has been implemented in full.
- The period for compliance with the requirements are: 4 months after this notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). 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.

Summary of Decision: The appeal is dismissed, and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Preliminary Matters

1. Planning permission was granted (LPA Ref: 19/3396) for the erection of two semi-detached dwellings subject to a number of conditions. This included one (condition 6) which required a detailed Tree & Landscaping Strategy to be submitted and agreed in writing with the Local Planning Authority, and then subsequently completed prior to the occupation of the development.
2. A further condition (no. 9) required the submission and agreement of an Ecological Assessment and for development to then be carried out in accordance with the approved details.
3. The Appellant has stated that they have complied with the Arboricultural Report and Ecology Report. However, no detailed landscaping plan has been provided, nor have any details on the potential impact on ecology. The appellant has not appealed on ground (b) that a breach of planning control has not occurred as a matter of fact, but on ground (a), that planning permission should be granted to carry out the development not in accordance with the conditions. I have proceeded to determine the appeal accordingly.

Main Issues

4. The main issues are whether conditions 6 and 9 are reasonable and necessary in the interests of the character and appearance of the area and on ecology and protected species.

Reasons

5. The appeal site consists of a pair of modern semi-detached dwellings set a short distance back from the highway. The properties along Mulgrave Road, like the appeal dwellings, are two-storeys in height and contain regular features such as front bay windows. Their set back, with planting in front garden areas and the presence of street trees, provides for a leafy, verdant character to the area.
6. The areas to the side of the pair of semi-detached properties were in a unkept state and contained various building materials and other waste. To the rear, the external area was overgrown, and whilst the front is formed of artificial grass and paving, there was little by way of planting to soften the appearance of the development.
7. Although a landscaping plan has been provided, it provides limited detail on soft and hard landscaping. The tree planting proposals shown on the plan for four mature Betula Birch trees are situated too close to each other on a site which has a wide frontage to Mulgrave Road.
8. Given the current condition of the site, and the limited details on the size and species of soft landscaping provision and the type of hard landscaping, the development has an unduly hard appearance which has an adverse visual impact on the verdant character of the area.
9. Condition 9 required an Ecological Assessment to be provided, including details, where necessary of mitigation measures. In the absence of this or any other evidence that considers the potential effects on protected species, I do not have sufficient information before me that the development has not caused any adverse impacts on ecology.

10. I therefore conclude that conditions 6 and 9 are reasonable and necessary in the interests of the character and appearance of the area and on ecology and protected species. As such, the development is contrary to Policy DMP1, BH13 and BG12 of the Brent Local Plan 2019-2041, which seek, amongst other matters, development that complements the locality. It is also contrary to Paragraph's 135 and 187 of the National Planning Policy Framework (Framework) which seeks development that has effective landscaping and minimises impacts on and providing net gains for biodiversity.

Conclusion

11. The development conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.
12. 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).

Formal Decision

13. 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.

F Rafiq

INSPECTOR