



Appeal Decision

Site visit made on 17 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/T5150/C/24/3344551

23 Swinderby Road, Wembley HA0 4SD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Madhuben Parekh against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 10 April 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a single storey canopy extension onto an existing single storey rear extension to the rear of the premises and the erection of a timber structure to the rear of the premises.
- The requirements of the notice are to:

STEP 1 Demolish the unauthorised single storey canopy extension built onto the existing single storey rear extension.

STEP 2 Demolish the unauthorised timber structure to the rear of the premises.

STEP 3 Remove all debris and items, arising from the compliance with STEPS 1 and 2 and remove all materials associated with the unauthorised development from the premises.

- The period for compliance with the requirements is: 3 months.
- 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 allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matter

1. The appellant has provided plans with its appeal statement, but the Council's evidence suggests they do not fully reflect the development which has occurred. I have considered the development as constructed, as shown on the Council's photographs and as witnessed at my site visit.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the existing dwelling and the area, and (ii) the living conditions of neighbouring residential occupiers with regard to outlook, daylight and sunlight.

Reasons

Character and appearance

3. The appeal site is a semi-detached property which is situated on a road that consists of closely positioned such properties that are set on regular building lines.

Front gable and bay window features on many of the buildings along with open frontages provides for a unified character to the area.

4. The timber structure is to the rear of the property in an area of the rear garden between the main building and an outbuilding which is situated at the very rear of the site. It has a relatively simple design with a pitched roof that is supported by timber posts, with a smaller flat roof element. Although the development is linked to the existing single storey rear extension and the outbuilding, its lighter weight materials such as the use of timber differentiate it from both of these existing structures. The projecting canopy from the existing extension, is in itself of a limited size, with its finish assimilating with this existing structure.
5. The largely open form of the development also provides further visual distinction to other built form on the site and despite it being contrary to some guidance set out in the Residential Extensions & Alterations SPD2 (SPD), it does not in this instance, for the aforementioned reasons, appear as an unduly long or obtrusive extension in combination with existing structures. The positioning to the rear of the site, ensures that it is not prominent from public vantage points, and is seen in the context of the rears of neighbouring properties where there is typically greater diversity in the built form than along the fronts.
6. I therefore conclude that the development has an acceptable effect on the character and appearance of the existing dwelling and the area. As such, it is not contrary to Policy DMP1 and BD1 of the Brent Local Plan 2019-2041 (Local Plan) and Policy D3 of The London Plan, which seek, amongst other matters, development that complements the locality. Although it is contrary to certain specific guidance in the SPD, it does not conflict with the SPD's aims, which include ensuring that development does not detract from the character of the house and the area.

Living conditions

7. The development is situated along the boundary with the adjoining property, No. 21 Swinderby Road, as is the existing single storey extension and outbuilding. Despite this close proximity and relationship with other structures, given the modest height of the subject development and that is situated away from the rear elevation of this neighbouring property, it does not give rise to harmful impacts in terms of loss of daylight, sunlight or outlook.
8. I therefore conclude that the proposed development has not caused unacceptable harm to the living conditions of neighbouring residential occupiers with regard to outlook, daylight and sunlight. As such, it is not contrary to Local Plan Policy DMP1, Policy D3 of The London Plan or the SPG's aims, which seek, amongst other matters, to deliver appropriate amenity.

Other Matters

9. I note the concerns that the proposal would set an undesirable precedent, but each case must be assessed on its own merits. I have found the development subject of this appeal acceptable for the reasons set out, and any future planning applications would be considered accordingly, on their own merits.

10. Although the development has resulted in a large area of the rear garden to be covered, given that it is a partly open structure, I do not consider the proposal would be overdevelopment of the rear garden area.

Condition

11. As the development has already taken place and I have found it to be acceptable, I do not consider a materials condition to be necessary.

Conclusion

12. The proposed development would accord with the development plan as a whole and there are no other considerations, including the National Planning Policy Framework, that indicate that I should take a different decision other than in accordance with the development plan.
13. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the erection of a single storey canopy extension onto an existing single storey rear extension to the rear of the premises and the erection of a timber structure as described in the notice. The enforcement notice will be quashed.

Formal Decision

14. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a single storey canopy extension onto an existing single storey rear extension to the rear of the premises and the erection of a timber structure to the rear of the premises at 23 Swinderby Road, Wembley HA0 4SD as shown on the plan attached to the notice.

F Rafiq

INSPECTOR