



Appeal Decision

Site visit made on 27 July 2026

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2026

Appeal Ref: APP/T5150/C/25/3364396

29 Brook Road, London, NW2 7BJ

- 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 Hannan against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 14 March 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a gate/metal fencing to the front garden of the premises.
 - The requirements of the notice are:
 - Step 1 - Demolish the front and side boundary fence and gates to the front of the premises.
 - Step 2 - Remove all items, materials and debris from the premises created as a result of taking the action in Step 1 and restore the front boundary of the premises back to the condition it was in before the unauthorised development took place as shown on the attached Google Image 2015.
 - The period for compliance with the requirements is: 2 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.
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Summary Decision: the appeal is dismissed and the enforcement notice is upheld with the variation set out below in the Formal Decision.

The Enforcement Notice

1. Section 173(4)(a) of the Town and Country Planning Act 1990 provides for restoring the land to its condition before the breach took place, nothing more. The requirement at Step 2, Schedule 4 of the notice requires the front boundary of the premises to be restored to the condition shown on a Google Image dating back to 2015. As this goes beyond what is required, and I cannot be certain, based upon the evidence before me, that the condition of the land before the breach occurred was as shown on the 2015 Google image, I shall vary the requirements of the notice accordingly.

The appeal on ground (a)

2. An appeal on ground (a) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, the living conditions of occupiers of adjacent properties and highway safety.

Reasons

Character and appearance

4. The appeal site comprises a mid-terrace dwelling in a residential area, where rows of houses are set back from the roads and footways, behind modest front gardens, in a strong linear pattern. Front gardens are predominantly enclosed by low level planting, hedges, dwarf walls and low fences. As a result, the street scene has a strong sense of openness, and there is natural surveillance between properties and the street. The higher-level fencing that does exist adjacent to footways is generally limited to those which enclose the side and rear gardens of corner plots.
5. The black metal fencing and gates erected to enclose the front garden area of the appeal site are approximately two metres high. They are of solid construction, allowing no views through, particularly when the gates are closed. Whilst the appearance of the fence is softened on one side by the hedging along the side boundary of No.28, the height, material, colour and solid nature starkly contrast with the other low level and more traditional means of front boundary enclosure that are present in the locality.
6. I therefore conclude that the unauthorised development harmfully detracts from the open character and appearance of the area and is contrary to policies BD1 and DMP1 of the Brent Local Plan 2019-2041 (the local plan), and policy D3 of the London Plan 2021 (the London Plan). These policies seek to ensure, amongst other things, that development is of high-quality design, appropriate in terms of scale, type and materials, and complements the locality.

Living conditions

7. The fence is adjacent to the front door and footpath entrance to No.28 and is adjacent to the front living room window of No.30. Given its separation from the front window of No.28 and its position to the north of No.30, it is unlikely to result in any significant level of overshadowing or loss of light. However, its height and solid construction do result in an oppressive outlook from the front ground floor windows and gardens of the neighbouring properties.
8. The unauthorised development is therefore harmful to the living conditions of occupiers of the adjacent premises and is contrary to policy DMP1 of the local plan and policy D3 of the London Plan, which seek to protect outlook and amenity.

Highway safety

9. I am advised that the gates open outwards over the public footway, which as well as forcing pedestrians out onto the road, obstructs visibility of approaching traffic, cyclists and pedestrians for drivers of vehicles exiting the appeal site and adjacent driveways.
10. Even with the gates closed or removed, the height and solid nature of the fencing enclosing the front garden, obstructs visibility for drivers of vehicles leaving the site and adjacent premises.
11. The unauthorised development is therefore harmful to highway safety and is contrary to policy DMP1 of the local plan, which at criteria (b) requires development to be satisfactory in terms of access, parking, manoeuvring and not to adversely impact on the movement network.

Other matters

12. The appellant states that the fencing and gates were erected due to noise pollution and privacy reasons. However, in the absence of any substantive evidence to the contrary, it is my view that alternative measures and a more sympathetic form of enclosure to the front, could be used to reduce noise and improve privacy without harming the wider street scene. Consequently, the points raised by the appellant do not lead me to a different view or indicate that planning permission should be granted contrary to the development plan.

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I will uphold the notice with a variation 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

14. It is directed that the notice is varied by deleting the 2015 Google image, and by deleting the wording at Step 2 of Schedule 4 and replacing it with:

Step 2 Remove all items, materials and debris from the premises created as a result of taking the action required by Step 1 and restore the land to its condition before the breach of planning control occurred.
15. Subject to the above variation, the appeal is dismissed and the enforcement notice is upheld.

R Bartlett

INSPECTOR