



Appeal Decision

Site visit made on 28 July 2026

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2026

Appeal Ref: APP/T5150/C/24/3342857

184A Walm Lane, London, NW2 3AX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Nader Goles against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 12 March 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the installation of 2 rooflights to the front elevation of the premises.
 - The requirements of the notice are to: 1. Remove all rooflights from the front slope of the roof of the premises; 2. Remove all debris, items and materials, arising from that removal works, and remove all materials associated with the unauthorised development from the premises; 3. Re-instate the roof of the premises to its former state before the unauthorised works were carried out.
 - The period for compliance with the requirement is: 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) 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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Decision

1. 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 installation of 2 rooflights to the front elevation of the premises at 184A Walm Lane, London, NW2 3AX as shown on the plan attached to the notice and subject to the following condition:
 - 1) Both rooflights shall be removed from the front slope of the roof of the premises; all resulting waste shall be removed from the premises; and the openings shall be reinstated with matching slates within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the replacement of the existing rooflights with flush rooflights shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Once the approved flush rooflights have been installed, they shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reasons

2. The main issue is whether the rooflights preserve or enhance the character or appearance of the Mapesbury Conservation Area (MCA).
3. The MCA is characterised by a mostly unaltered residential development dating from between 1895-1905 and is situated within the large suburban dormitory of northwest London. The MCA features attractive brick suburban villas with intricate detailing, tree-lined streets, slate roofs, front boundary brick walls, and tall gate posts. The MCA also has a spacious character. The significance of the MCA is derived from its Victorian/Edwardian architecture, its attractive buildings and its generous layout. The appeal property reflects the special characteristics of the MCA and makes a positive contribution to it.
4. The unauthorised rooflights, have resulted in the loss of part of the original slate covering and, as they have chunky projecting frames, they disrupt the front roof plane. For these reasons, the rooflights fail to preserve or enhance the character or appearance of the MCA. I acknowledge that there are other similar rooflights in the MCA, including on Walm Lane, but they are not typical of its special qualities and they detract from its character.
5. As the rooflights affect a tiny part of the MCA, I consider that the harm to its significance is less than substantial and at the very low end along the scale of less than substantial harm.
6. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
7. The Framework advises that less than substantial harm must be weighed against the public benefits of the scheme. The public benefit of the scheme is that the rooflights improve the living conditions of existing and future occupiers by providing (i) more natural light to the communal stairs and (ii) better light levels and an outlook to a bedroom. This improves the housing stock. However, some light to these stairs is provided by a large window on the middle landing and there is also a small amount of natural light provided by a small obscure glazed window to the bedroom. On balance, I do not consider that the public benefit of the rooflights in their current form outweighs the harm.

8. However, the appellant has offered to replace the units with flush conservation style ones. These would not project from the roof, and therefore, there would not be an obvious disruption to the roof form, I consider that flush rooflights would result in significantly less harm than what exists now. I would characterise the harm as being at the very lowest end on the scale of less than substantial harm.
9. Consequently, there is less harm to be outweighed by public benefits and as a result, I find that the public benefits of improving the housing stock and living conditions for existing and future occupiers of the flats, would be sufficient to outweigh the less than substantial harm to the conservation area.
10. I note the appellant's reference to an appeal¹ concerning Flats 1-6, 141 Walm Lane. This was an appeal against a condition requiring existing front rooflights to be made flush with the plane of the roof. The Inspector allowed the appeal to retain them in their current projecting form. However, in that case there was a history of lawful similar rooflights on the property, which is not the case in this appeal.
11. I also note the appellant's claim that planning permission has been granted for a development that would change the building in a way which would be even more harmful than the rooflights. However, that does not mean that I should allow additional unacceptable harm.
12. I have also had regard to the appeal decisions provided by the Council relating to rooflights in the MCA. In the 176 Walm Lane appeal², I have no details of what the rooflights looked like or whether the Inspector considered flush rooflights. In the Teignmouth Road decisions³, the Inspector said that the rooflight sat "proud" of the roof. Similarly, I have found the unauthorised projecting window frames unacceptable.
13. I conclude that flush rooflights would harm the significance of the conservation area in a very minor way but this would be outweighed by the public benefits. There is some conflict with Brent Local Plan (LP) Policy DMP1 and London Plan Policy HC1 as they seek to protect heritage assets but do not allow for public benefits. This is somewhat inconsistent with the Framework and therefore I give the conflict with those policies reduced weight. I find no conflict with Local Plan Policy BHC1 as this is consistent with the Framework as it provides for public benefits to outweigh the harm. Unlike LP Policy DMP1, LP Policy BHC1 specifically relates to heritage assets. Consequently, I find no conflict with the development plan as a whole.
14. The Mapesbury Conservation Area Design Guide advises against rooflights on front roof slopes but as I have explained above, the harm is outweighed by public benefits.
15. I note the Council's concern that an undesirable precedent would be set by allowing rooflights, but each application and appeal must be considered on its own merits and I have considered this appeal against specific issues in relation to the living conditions of existing lawful flats.
16. The appeal succeeds on ground (a).

¹ APP/T5150/W/20/3251035

² APP/T5150/C/03/1136394, 89 and 90

³ APP/T5150/C/08/2062858, 2062859

Conditions

17. I attach a condition requiring the unauthorised rooflight units to be replaced with flush ones. This is in the interests of the character and appearance of the conservation area. It requires that the unauthorised rooflights are removed if (i) a scheme is not submitted for the approval of flush rooflights, (ii) if the submitted details are refused or the Council does not make a decision and an appeal is not lodged, (iii) an appeal against non-determination or refusal of details is dismissed, or (iv) the approved scheme is not completed in accordance with the approved timetable. If the condition is not complied with, the Council can enforce against it either through a further Enforcement Notice or the issue of a Breach of Condition Notice under s187A of the Act, against which there is no right of appeal.

Conclusion

18. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice subject to the condition. The enforcement notice will be quashed.
19. In these circumstances the appeals on grounds (f) and (g) do not fall to be considered.

Siobhan Watson

INSPECTOR