



Appeal Decision

Site visit made on 18 August 2026

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 September 2026

Appeal Ref: APP/T5150/C/25/3365412

29 Rannock Avenue, London NW9 7LD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Sabah Alsaffar against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 31 March 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a front and side boundary wall, gate, pillars, lintel/wall above the gate, hardstanding and side canopy extension.
- The requirements of the notice are to:
 1. Demolish the front and side boundary wall, pillars, lintel/wall above the gate and side canopy extension.
 2. Remove the hardstanding and gate, and restore the landscape to the front and side garden in accordance with Plan A¹.
 3. Erect a 1m high brick wall, using stock bricks around the front and side of the premises and ensuring that 1m gap is provided adjacent to the garden pathway and a gap of no more than 3m is provided adjacent to the driveway.
 4. Install a 1m high gate in the 1m gap in the wall.
 5. Install a 1m high gate in the 3m or less gap in the wall.
 6. Remove any building debris, waste, materials and other redundant items from the premises.
- The period for compliance with the requirements is: 3 months after the notice takes effect.
- The appeal was made 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 Decision: The appeal succeeds in part and planning permission for that part is granted, but otherwise the appeal fails and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision.

Preliminary matters

1. The appeal is made on ground (a). The evidence, however, makes suggestions that parts of the matters alleged may be 'permitted development', which is relevant to an appeal on ground (c). For completeness, I have also considered the appeal on ground (c).
2. There is also reference to construction of the boundary wall having commenced more than 4 years before the issue of the enforcement notice ("the Notice"). It is unclear whether this is intended to indicate that the matters may be immune from enforcement action, which might be relevant to an appeal on ground (d). However, there is no substantive case made, and in any case, no suggestion that the development was substantially complete – being a key consideration – more than 4 years before the Notice was issued. I have not, therefore, considered the appeal on ground (d).

¹ Reference in this heading to an attached plan is reference to a plan attached to the enforcement notice.

The enforcement notice

3. An enforcement notice must inform the recipient with reasonable certainty what they are alleged to have done and what must be done to remedy it. Before determining the appeal, I have a duty to put the Notice in order. I have powers to correct or vary the Notice provided that no injustice would be caused to the appellant or the Council.
4. The allegation includes the erection of a 'front and side boundary wall'. The site is a corner plot in a residential area. The dwelling faces the corner and, as such, it could be open to interpretation which is the front and which is the side. However, although there is a gap facilitating pedestrian access that is aligned with the front door, the boundary wall(s) that have been built are clearly designed as a single, roadside boundary solution, albeit in two sections.
5. For the purposes of describing the breach of planning control, there is no need to differentiate which part is the front and which is the side. Indeed, the as-written description of 'front and side boundary wall' is equally adequate and indicates that the Notice applies to the entire roadside boundary solution. The appellant's evidence also indicates that they have understood this and approaches the appeal on the basis that the target of the Notice is the entire roadside boundary. I am, therefore, satisfied that the Notice is sufficiently clear.
6. However, the Notice alleges that development has taken place without planning permission. Its purpose is to remedy the breach of planning control. That is clear from the heading of schedule 4 – 'what you are required to do to remedy the breach of planning control' – and from the requirements themselves which include the complete removal of the alleged unauthorised development.
7. Section 173(3) of the Town and Country Planning Act 1990 ("the 1990 Act") provides, so far as relevant, that an enforcement notice shall specify the steps required to be taken in order to achieve wholly or partly the purposes specified in S173(4). Those purposes, insofar as relevant, are to remedy the breach by restoring the land to its condition before the breach took place.
8. However, steps 3, 4 and 5 go beyond remedying the breach of planning control. They require the erection of a new wall, with specified gaps and the installation of gates within those gaps. That is not necessary to remedy the alleged breach of planning control. To comply with the provisions of Section 173(3) and (4) of the 1990 Act, the requirements should be limited only to the removal of the matters alleged.
9. Therefore, it is necessary for me to correct the requirements by deleting steps 3, 4 and 5. I am satisfied that no injustice would be caused to the Council, as this would bring the Notice into line with the maximum statutory purposes and the breach of planning control would still be remedied. For the appellant, the Notice would be less onerous. While they maintain that all the requirements are unnecessary, this is for reasons associated with the grounds of appeal that I consider below. The case made in connection with those grounds can be fully applied to the corrected Notice and, therefore, no injustice would arise to the appellant from my corrections.

Ground (c)

10. Ground (c) is that the matters alleged in the Notice do not constitute a breach of planning control. There is suggestion that the matters might benefit from the planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO").
11. No specific reference is made to any particular part of the GPDO. Nevertheless, Part 2 of Schedule 2 provides that the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure are 'permitted development', unless they exceed certain limitations.
12. Those limitations, so far as relevant to this case, include that the height adjacent to a highway used by vehicular traffic would exceed 1 metre in height above ground level, or in the case of an enclosure maintained, improved or altered would, as a result of the development, exceed its former height. For this purpose, the GPDO does not differentiate between a front or side boundary.
13. Although the two parts of the wall, either side of the pedestrian entrance, may be separate structures to which the GPDO might individually apply, each structure would include the piers within it. Even though some parts of the wall may be lower than the previous boundary at the site, the piers are greater in height, and over 1 metre. Accordingly, they do not benefit from the permission granted by the GPDO.
14. There is no clear inference in the evidence that other parts of the matters alleged might not need express planning permission. Therefore, it has not been shown that, on the balance of probabilities, the matters alleged in the Notice are not a breach of planning control. The appeal on ground (c) fails.

Ground (a)

15. Ground (a) is that planning permission should be granted for the matters alleged in the Notice. The main issues are the effect of the development on the character and appearance of the area, and on drainage and flood risk.
16. The site is within an area of suburban housing. There are a mix of one and two storey homes, but the architectural language across the immediate area is relatively consistent. As too is the approach to front boundary treatment, with the vast majority of properties being enclosed with low, or no boundary walls. There are some higher enclosures, in a variety of materials, including a fence with hedge on the opposite side of Rannock Avenue, but overall the arrangement generates an open character where the low enclosures increase the visible street width and the frontages of the houses themselves define the public realm.
17. The site itself slopes steeply. There is an extraordinarily large level change across the site whereby the pavement level on the uphill, Rannock Avenue, side is similar to the height of a garage roof on the downhill, Winston Avenue, side. I have little information about the historic ground levels within the site, but I understand that the gradient provided a challenging environment for children's play and sitting out. The corner location of the site also means that the entirety of the usable private garden space lies between the house and the roads.
18. The entrance to the site and dwelling is broadly aligned with the corner on the junction between Rannock Avenue and Winston Avenue. As such, typical individual labels of 'front' or 'side' boundary do not readily apply. Nevertheless,

both boundaries are clearly bordering public roads and are consequently an important component of the street scene.

19. The road boundaries of the site were previously formed through a brick wall with piers and pre-cast concrete blocks that allowed some views and light through its upper sections. I understand that poor construction led to instability and, ultimate failure of the structure. Other than an archway over the front pedestrian gate, the evidence suggests that the overall height was comparable to, and in places above, the main brick sections of the new wall.
20. However, while I appreciate that the general style of the construction may be a logical approach to the steep topography, the new piers are appreciably taller and thicker. They tower above the main, already solid, wall sections to create a robust, bulky and imposing boundary that diminishes the relationship of the dwelling with the road, at the expense of the open character and appearance of the area. Installing lighter weight panels, perhaps incorporating planting, between the piers atop the wall sections may create some relief, but would, ultimately, further increase the height negating any beneficial effect. It has not been shown that there are not alternative approaches to this challenging boundary that would have a less harmful visual effect.
21. The appellant has indicated that they are willing to reduce the height of the boundary wall. Plans have been provided showing the pillars reduced in height, with the main wall elements below the overall height of the previous wall. However, while the height might be more consistent with the previous structure (and lower in places), the general solid appearance would remain, especially in the bulky pillars and the majority of the wall panels, particularly on the Winston Avenue frontage. Therefore, the change shown in the alternative submitted option would not be sufficient to overcome the harm that I have identified.
22. The Notice also alleges the construction of a side canopy extension. That occupies a small space between the building and side boundary wall. While not clearly related to the form and style of the existing building, it is barely visible within the site and currently, in itself, does no harm.
23. That said, if the Notice is complied with and boundary wall removed, the structure may become more visible and prominent. Its construction and light-weight style could jar and look awkward within the street scene. Even if a taller boundary treatment is ultimately deemed appropriate in this particular location, then that could continue to conceal the canopy. However, without a fully detailed complete scheme it is not for me to prejudge that within the context of this appeal.
24. I understand that the small space beneath the canopy is prone to becoming flooded with rainwater and the roof helps to avoid this. It is unclear why an alternative drainage solution could not avoid that and, in any case, it does not overcome the harm to the character and appearance of the area that would result if the canopy remained without the wall.
25. I, therefore, find that the boundary wall and side canopy extension harm the character and appearance of the area. They conflict with those aims of Policies DMP1 and BD1 of the Brent Local Plan 2022 ("LP") that seek to ensure that development is of a high quality that complements the locality.

26. A large part of the front garden has been levelled and hard surfaced. While there may have previously been areas of lawn and low-level soft landscaping, photographs that I have of the site before the development took place do not show any substantial landscaping that would have meaningfully contributed to the street scene.
27. Moreover, a large number of dwelling frontages in the locality contain very significant amounts of paving, and many are entirely paved. Therefore, an increase in paving at this site has not resulted in any fundamental change, let alone harm, to the character and appearance of the area, and no conflict with the aims of LP Policies DMP1 and BD1 referred to above.
28. The Notice also alleges that the loss in soft landscaping fails to provide natural drainage. Such is clearly important, especially on a steeply sloping site. The Brent Residential Extensions & Alterations Supplementary Planning Document 2025 ("SPD") explains the importance of limiting the extent of hard surfaces around homes, and encourages the provision of natural features to assist drainage. It requires parking areas to be designed such that at least 50% of the front garden is retained as soft landscaping, but the matters alleged here are not for the purposes of parking.
29. Despite the encouragement given to soft landscaping in the SPD, my attention has not been drawn to any particular development plan requirement in respect of surface water management. Moreover, there is space within the site, on the downhill side of the hard surface that can be given over to soft landscaping. With regard to the above, in the context of the area within which the site is located, I find that the hard surface does not conflict with the development plan.
30. The appellant indicates that they are also seeking planning permission for a replacement shed. However, that is not part of the matters alleged in the Notice and, therefore, is outside my remit in respect of this appeal.
31. In conclusion on this ground, while I find no conflict with the development plan in respect of the hardstanding, the boundary wall and side canopy extension do conflict with LP Policies DMP1 and BD1. I, therefore, find that planning permission should be granted for part of the matters alleged, that is for the hardstanding, but refused for the other matters.
32. Consequently, the appeal on ground (a) succeeds in part. I shall grant planning permission for part of the matters alleged, as set out in the formal decision below. Insofar as that conflicts with the Notice (which will otherwise be upheld), the appellant can rely upon the provisions of S180 of the 1990 Act that where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the Notice shall cease to have effect so far as inconsistent with that permission.

Other matters

33. I understand that in discussion with the Council, the appellant was led to believe that the works to the front of the property were acceptable. While the appellant may have been surprised that enforcement action was then pursued without warning, it has little effect on my consideration of this appeal. Ultimately, any previous assurance does not mean that the matters alleged were not, actually, in breach of planning control, or harmful to the character and appearance of the area,

and I have determined the appeal based upon the evidence presented to me and the planning merits of the development.

Formal Decision

34. It is directed that the enforcement notice is corrected by:

In schedule 4 'what you are required to do to remedy the breach of planning control'

The deletion of step 3, step 4, and step 5 in their entirety; and the replacement of the text "STEP6" with the text "STEP3".

35. Subject to the corrections, the appeal is allowed insofar as it relates to the hardstanding and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act, for a hardstanding at 29 Rannock Avenue, London NW9 7LD.
36. The appeal is dismissed and the enforcement notice is upheld as corrected insofar as it relates to the erection of a front and side boundary wall, gate, pillars, lintel/wall above the gate, and side canopy extension and planning permission is refused in respect of the erection of a front and side boundary wall, gate, pillars, lintel/wall above the gate, and side canopy extension at 29 Rannock Avenue, London NW9 7LD on the application deemed to have been made under section 177(5) of the 1990 Act.

M Bale

INSPECTOR