

LONDON BOROUGH OF BRENT

PLANNING Appeals RECEIVED between 1-Jun-2006 and 30-Jun-2006

Planning Committee: 26 July, 2006

Application Number: 05/2531 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: 96A-C, Teignmouth Road, London, NW2
Proposal:

Retention of replacement front gates and part of existing hardstanding, proposed alterations to landscaping of front garden to ground and first floor flats

Application Number: 05/2707 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: 72C Wrentham Avenue, London, NW10 3HG
Proposal:

Renewal of planning permission reference 00/1455 Installation of rear dormer and front and rear rooflights and rear window and alterations to existing fenestration (as revised by plans received 18/09/2000)

Application Number: 05/2778 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: 215A Edgware Road, London, NW9 6LP
Proposal:

Erection of single storey rear extension to first floor flat

Application Number: 05/2879 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: 12 Balmoral Road, London, NW2 5BT
Proposal:

Conversion of house into 2 self-contained flats

Application Number: 05/3284 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: 57 Dorchester Way, Harrow, HA3 9RQ
Proposal:

Demolition of an existing garage, erection of a two-storey side extension and a single-storey and two-storey rear extension to the dwellinghouse

Application Number: 05/3345 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: 5 Northwick Avenue, Harrow, HA3 0AA
Proposal:

Erection of a three-storey building comprising 3 one-bedroom flats and the formation of a vehicular access to the highway

Application Number: 05/3651 **Team:** Western Team **Application Type** S78 OUT
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: Alperton Estates, Minavil House, 2-6 Rosemont Road, Wembley, HA0 4EL
Proposal:

Outline Planning Permission for demolition of the existing building and erection of a two-storey building, consisting of a Lidl supermarket with 1,451m² of retail floor space and 1,100m² of first-floor office space (B1), with provision for 91 car-parking spaces and associated landscaping.

LONDON BOROUGH OF BRENT

PLANNING Appeals RECEIVED between 1-Jun-2006 and 30-Jun-2006

Planning Committee: 26 July, 2006

Application Number: 05/3699 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: 1 Dalmeny Close, Wembley, HA0 2EU
Proposal:
Demolition of existing garage, erection of 2-bedroom bungalow, resiting of existing crossover, formation of additional crossover, hardstandings, alterations to existing front boundary treatment

Application Number: 06/0013 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: 76 & 78, Draycott Avenue, Harrow, HA3
Proposal:
Retention of a three-storey block, comprising 10 self-contained flats, a bin enclosure and 10 car-parking spaces

Application Number: 06/0253 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: 713A North Circular Road, London, NW2 7AX
Proposal:
Retention of light industrial building (Use Class B2) with ancillary offices and associated car parking accompanied by Traffic Impact Assessment by John Tough

Application Number: 06/0361 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: St Andrews Church Hall, High Road, London, NW10 2SJ
Proposal:
Change of use of building to office use (class B1), as accompanied by letter from agent dated 8 February 2006.

Application Number: 06/0450 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: 23 Dicey Avenue, London, NW2 6AR
Proposal:
Erection of a first floor infill side extension, 1 front rooflight, 2 side rooflights and 2 rear rooflights.

Application Number: 06/0497 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: 10 Randall Avenue, London, NW2 7RN
Proposal:
Retention of and alterations to an outbuilding in the garden of the dwellinghouse

Application Number: 06/0508 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/12/2004 **Appeal Against:** Refusal of planning permission
Location: Slocombes Garage & Showrooms, 38-42 Dudden Hill Lane, London, NW10
Proposal: 1DH
Demolition of existing and erection of a four-storey building, comprising ground-floor retail with 4 flats above ("car-free development")

LONDON BOROUGH OF BRENT

Item 4/02

ENFORCEMENT Appeals RECEIVED between 1-Jun-2006 and 30-Jun-2006

Planning Committee: 26 July, 2006

Application Number:	E/05/0270	Appeal Against:	Enforcement Appeal	Team:	Western Team
		Appeal Started:	09/06/2006		
Location:	145 Bridgewater Road, Wembley, HA0 1AH				
Description:	The erection of a wall, gates and outbuilding to rear of premises.				
Application Number:	E/05/0306	Appeal Against:	Enforcement Appeal	Team:	Southern Team
		Appeal Started:	12/06/2006		
Location:	18B Willesden Lane, London, NW6 7SR				
Description:	The erection of a front dormer window extension to flat				
Application Number:	E/05/0356	Appeal Against:	Enforcement Appeal	Team:	Western Team
		Appeal Started:	19/06/2006		
Location:	20 The Fairway, Wembley, HA0 3LJ				
Description:	The erection of a front boundary wall and lights.				
Application Number:	E/05/0361	Appeal Against:	Enforcement Appeal	Team:	Northern Team
		Appeal Started:	21/06/2006		
Location:	48 Tewkesbury Gardens, London, NW9 0QX				
Description:	The erection of an outbuilding.				
Application Number:	E/05/0406	Appeal Against:	Enforcement Appeal	Team:	Western Team
		Appeal Started:	13/06/2006		
Location:	140 Abbots Drive, Wembley, HA0 3SJ				
Description:	The erection of a gate to the side of the premises, between 140 & 142 Abbots Drive, and the breach				
Application Number:	E/05/0413	Appeal Against:	Enforcement Appeal	Team:	Western Team
		Appeal Started:	29/06/2006		
Location:	137 Carlton Avenue West, Wembley, HA0 3RA				
Description:	The demolition of the front boundary wall, the installation of PVCu windows and front door, the erection				
Application Number:	E/05/0442	Appeal Against:	Enforcement Appeal	Team:	Northern Team
		Appeal Started:	16/06/2006		
Location:	77 Burnley Road, London, NW10 1EE				
Description:	The Material change of use of the premises into 5 self-contained flats.				
Application Number:	E/05/0473	Appeal Against:	Enforcement Appeal	Team:	Western Team
		Appeal Started:	19/06/2006		
Location:	10 Bridgewater Road, Wembley, HA0 1AJ				
Description:	The material change of use of the premises to 2 self-contained flats.				

LONDON BOROUGH OF BRENT

ENFORCEMENT Appeals RECEIVED between 1-Jun-2006 and 30-Jun-2006

Planning Committee: 26 July, 2006

<u>Application Number:</u>	E/05/0546	<u>Appeal Against:</u>	Enforcement Appeal	<u>Team:</u>	Northern Team
		<u>Appeal Started:</u>	09/06/2006		
<u>Location:</u>	5 Verney Street, London, NW10 0AY				
<u>Description:</u>	The installation of PVCu windows.				

<u>Application Number:</u>	E/05/0552	<u>Appeal Against:</u>	Enforcement Appeal	<u>Team:</u>	Northern Team
		<u>Appeal Started:</u>	08/06/2006		
<u>Location:</u>	3 East Hill, Wembley, HA9 9PT				
<u>Description:</u>	The erection of a single storey side extension.				

<u>Application Number:</u>	E/05/0745	<u>Appeal Against:</u>	Enforcement Appeal	<u>Team:</u>	Northern Team
		<u>Appeal Started:</u>	20/06/2006		
<u>Location:</u>	175 Dollis Hill Lane, London, NW2 6HP				
<u>Description:</u>	The material change of use of the premises into a House of Multiple Occupation.				

<u>Application Number:</u>	E/05/0783	<u>Appeal Against:</u>	Enforcement Appeal	<u>Team:</u>	Northern Team
		<u>Appeal Started:</u>	23/06/2006		
<u>Location:</u>	6 Bouverie Gardens, Harrow, HA3 0RQ				
<u>Description:</u>	The installation of PVCu windows and front door.				

<u>Application Number:</u>	E/05/0871	<u>Appeal Against:</u>	Enforcement Appeal	<u>Team:</u>	Northern Team
		<u>Appeal Started:</u>	22/06/2006		
<u>Location:</u>	27 Dawpool Road, London, NW2 7LD				
<u>Description:</u>	The erection of a dwelling in the rear garden.				

<u>Application Number:</u>	E/05/0905	<u>Appeal Against:</u>	Enforcement Appeal	<u>Team:</u>	Northern Team
		<u>Appeal Started:</u>	09/06/2006		
<u>Location:</u>	13 Wren Avenue, London, NW2 6UG				
<u>Description:</u>	The erection of a rear canopy extension.				

<u>Application Number:</u>	E/06/0002	<u>Appeal Against:</u>	Enforcement Appeal	<u>Team:</u>	Southern Team
		<u>Appeal Started:</u>	27/06/2006		
<u>Location:</u>	Flats 1-8, 67 Priory Park Road, London, NW6				
<u>Description:</u>	The material change of use of the premises to 8 self contained flats, the alteration to the roof of the				

<u>Application Number:</u>	E/06/0111	<u>Appeal Against:</u>	Enforcement Appeal	<u>Team:</u>	Western Team
		<u>Appeal Started:</u>	13/06/2006		
<u>Location:</u>	Northwick Park Golf Club, 280 Watford Road, Harrow, HA1 3TZ				
<u>Description:</u>	The erection of a baseball batting cage.				

LONDON BOROUGH OF BRENT

ENFORCEMENT Appeals RECEIVED between 1-Jun-2006 and 30-Jun-2006

Planning Committee: 26 July, 2006

Application Number: E/06/0141 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 22/06/2006
Location: 24 Eversley Avenue, Wembley, HA9 9JZ
Description:
Without planning permission, the replacement of original roof tiles with new roof tiles.

Application Number: E/06/0189 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 12/06/2006
Location: 433A Kenton Road, Harrow, HA3 0XY
Description:
The erection of a lean-to plastic and timber structure at first-floor level of the premises.

LONDON BOROUGH OF BRENT

Item 4/03

PLANNING Appeal DECISIONS between 1-Jun-2006 and 30-Jun-2006

Planning Sub-Committee: 23 July, 2006

Application Number: 05/1205 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 21/06/2006

Location: Sales Offices, 99 Hirst Crescent, Wembley, HA9 7HB

Proposal:

Retention and completion of new shopfront, one external roller shutter and internally fitted air conditioning chillers with acoustic louvres formed within front window

Application Number: 05/1262 **Team:** Northern Team

Appeal Decision: Appeal partially allowed **Appeal Decision Date:** 26/06/2006

Location: 39A Braemar Avenue, London, NW10 0DU

Proposal:

Erection of 1 rear and side dormer window, 1 front rooflight and single storey rear extension to first floor self contained flat

Application Number: 05/1370 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 30/06/2006

Location: 11 Gay Close, London, NW2 4PR

Proposal:

Rear dormer window and 4 rooflights to first floor flat

Application Number: 05/2106 **Team:** Western Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 13/06/2006

Location: Heron House, 109-115 Wembley Hill Road, Wembley, HA9 8DA

Proposal:

Erection of front entrance extension to office building, modification and resiting of front steps, provision of front access ramp, erection of ground-floor extension to southeast side of building, first-floor extension with arched roof over lower wing, partial recladding of building, installation of door in rear lower-ground-floor elevation, modification to car-parking and landscaped area and erection of boundary fencing and gates (as clarified by "Daylight and Sunlight Report" submitted 23rd September 2005, Design Statement and letter from Agent dated 19th July 2005)

Application Number: 05/2410 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 21/06/2006

Location: 16 Summit Avenue, London, NW9 0TH

Proposal:

Single and two storey rear extension to dwellinghouse

Application Number: 05/2804 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 06/06/2006

Location: Datapoint House, 400 North Circular Road, London, NW10 0JG

Proposal:

Demolition of existing building and erection of 2 two-storey buildings with associated wind turbines, containing 13 B1 units, backing on to the South boundary, and a building with a mezzanine floor, containing 8 B8 units, backing onto the North Circular Road, with associated parking, servicing and access road and alterations to site access onto Great Central Way (as accompanied by Transport Statement by Dennis Wilson Partnership, dated September 2005, and Design Statement by Gaunt Francis Architects, dated September 2005)

LONDON BOROUGH OF BRENT

PLANNING Appeal DECISIONS between 1-Jun-2006 and 30-Jun-2006

Planning Sub-Committee: 23 July, 2006

Application Number: 05/2932 **Team:** Northern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 26/06/2006
Location: 39 Braemar Avenue, London, NW10 0DU
Proposal:
Erection of single storey rear extension to dwellhouse

Application Number: 05/3442 **Team:** Northern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 16/06/2006
Location: Texaco Service Station Staples Corner, North Circular Road, London, NW2 7AB
Proposal:
Installation and display of 2 internally illuminated advertisement hoardings.

Application Number: 05/3472 **Team:** Northern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 16/06/2006
Location: Texaco Service Station Staples Corner, North Circular Road, London, NW2 7AB
Proposal:
Erection of three sided column structure and associated landscaping

Application Number: 06/0508 **Team:** Southern Team
Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 12/06/2006
Location: Slocombes Garage & Showrooms, 38-42 Dudden Hill Lane, London, NW10 1DH
Proposal:
Demolition of existing and erection of a four-storey building, comprising ground-floor retail with 4 flats above ("car-free development")

LONDON BOROUGH OF BRENT

ENFORCEMENT Appeal DECISIONS between 1-Jun-2006 and 30-Jun-2006

Planning Committee: 26 July, 2006

Application Number: E/05/0410**Team:** Western Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 28/06/2006**Location:** 4 Castleton Gardens, Wembley, HA9 7QJ**Proposal:**

The erection of front and rear extensions to garage.

Application Number: E/05/0516**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 02/06/2006**Location:** 25 Totternhoe Close, Harrow, HA3 0HS**Proposal:**

The erection of a detached building at the side of the premises.

Application Number: E/05/0615**Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 02/06/2006**Location:** Land to the rear of 19 & 21, Craven Park Road, London, NW10 0**Proposal:**

The material change of use of the premises to a restaurant and hot food takeaway and the erection of a building.

LONDON BOROUGH OF BRENT

Item 4/05

PLANNING SELECTED appeal DECISIONS between 1-Jun-2006 and 30-Jun-2006 Planning Committee: 26 July, 2006

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications initially refused by the Planning Sub-Committee (and any other

Our reference: 05/1262 **Appeal Decision:** Appeal partially allowed **Appeal Decision Date:** 26/06/2006
Team: Northern Team
Location: 39A Braemar Avenue, London, NW10 0DU
Proposal:
Erection of 1 rear and side dormer window, 1 front rooflight and single storey rear extension to first floor self contained flat

Our reference: 05/2804 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 06/06/2006
Team: Western Team
Location: Datapoint House, 400 North Circular Road, London, NW10 0JG
Proposal:
Demolition of existing building and erection of 2 two-storey buildings with associated wind turbines, containing 13 B1 units, backing on to the South boundary, and a building with a mezzanine floor, containing 8 B8 units, backing onto the North Circular Road, with associated parking, servicing and access road and alterations to site access onto Great Central Way (as accompanied by Transport Statement by Dennis Wilson Partnership, dated September 2005, and Design Statement by Gaunt Francis Architects, dated September 2005)

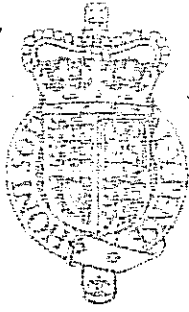
Our reference: 05/3442 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 16/06/2006
Team: Northern Team
Location: Texaco Service Station Staples Corner, North Circular Road, London, NW2 7AB
Proposal:
Installation and display of 2 internally illuminated advertisement hoardings.

Our reference: 05/3472 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 16/06/2006
Team: Northern Team
Location: Texaco Service Station Staples Corner, North Circular Road, London, NW2 7AB
Proposal:
Erection of three sided column structure and associated landscaping

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should contact the Area Planning Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or tps@brent.gov.uk.

Chris Walker, Director of Planning



Appeal Decision

Site visit made on 25 April 2006

by **R J Perrins** MA MCMI

an Inspector appointed by the Secretary of State for
Communities and Local Government

Item 4/06
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date 21/05/06

Appeal Ref: APP/T5150/A/06/1197084

39a Braemar Avenue, Neasden, London NW10 0DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Lancsville Construction Ltd against the decision of the Council of the London Borough of Brent.
- The application Ref 05/1262, dated 25 April 2005, was refused by notice dated 12 July 2005.
- The development proposed is a single storey rear extension at first floor level and loft conversion with side and rear dormer and front fire escape velux window.

Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal insofar as it relates to the single storey rear extension to the first floor.
2. I allow the appeal insofar as it relates to, and hereby grant planning permission for, the loft conversion with side and rear dormer and front fire escape velux window at 39a Braemar Avenue, Neasden London NW10 0DU in accordance with the terms of the application Ref. 05/1262 dated 25 April 2005 and the plans submitted therewith (so far as relevant to that part of the development hereby permitted) subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Issue

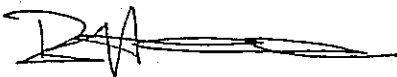
3. I note that the appellant has referred to the planning appeal for 39 Braemar Avenue (Ref. T15150/A/05/1196690) and asked that conditions be considered for with respect to both proposals to overcome some of the issues. I must, however, deal with each appeal separately and I have made my decision on what exists currently and not what may come about as the result of another appeal or future planning application.

Reasons

4. The property is a one-bedroom flat on the first floor of an end of terrace property on the east side of Braemar Avenue. The road is residential and consists of terraced properties of a similar style and age; several of the properties adjacent to and overlooking the site have rear extensions. The original rear projections of the properties are staggered. The proposal

seeks to extend the first floor and convert the roof space with associated dormers and a rooflight window.

5. No objections have been raised to the **conversion of the roof space**. I am satisfied that it would accord with Brent Unitary Development Plan 2004 (UDP) Policy BE9 and I allow this part of the scheme. I have conditioned time and materials to ensure the proposal blends with the existing structure. I shall not condition permitted development rights, as requested by the Council, as the extension is not being allowed. A compliance condition is not necessary as other powers exist to deal with any material departure from the permitted elements of the scheme.
6. I find that the **proposal to extend the first floor** would not accord with the advice given in Supplementary Planning Guidance 5: *Altering and Extending Your Home* (SPG5), to which I give significant weight. The proposed extension, because it would be at first floor level, has to take into account the advice of SPG5 that two storey rear extensions to end of terrace properties may be acceptable if they comply with the 1:2 rule as described in the guidance. When this rule is applied to the nearest habitable room window, the rear living room window of No 39, the proposal would clearly not comply with the guidance.
7. To my mind the proposal would unacceptably harm the living conditions of the occupiers of No 39. It would engender a sense of enclosure, overbear their garden and spoil their outlook. It would do the same harm, though to a lesser extent, to the living conditions of the occupiers of No 41. I inspected the site on a dull spring day but I consider that the extension would, also, prevent a significant amount of sunlight and daylight from reaching the rear of No 39 and to a lesser extent No 41. The proposal would thus, I conclude, conflict with the objectives of UDP policies H21 and BE9, which seek to ensure that new development respects the outlook and sunlighting of neighbouring property, and with SPG5.
8. I have considered all other matters raised including other properties in the area that have been extended. However, they do not appear to be directly comparable in scale or have the same aspect or relationship to the host or surrounding dwellings and I find nothing of sufficient weight to lead to a different outcome.



Inspector



Appeal Decision

Site visit made on 10 April 2006

by **RN Parry BA DipTP MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
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Date 16 JUN 2006

Appeal Ref: APP/T5150/A/05/1196792

Datapoint House, 400 North Circular Road, London, NW10 0JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Kilmartin Property Group against the decision of the Council of the London Borough of Brent.
- The application Ref 05/2804, dated 6 October 2005, was refused by notice dated 16 December 2005.
- The development proposed is the demolition of existing building and erection of 2 two-storey buildings, one containing 13 B1 units and the other 8 B8 units together with associated parking servicing and access road and alterations to site access onto Great Central Way.

Summary of Decision: The appeal is allowed and planning permission granted subject to the conditions set out in the Formal Decision.

Procedural Matters

1. Prior to the site inspection the appellant submitted a draft s106 Unilateral Undertaking. The Council commented on this in writing and a signed version, amended to take account of all but one of the Council's comments, was later submitted by the appellant. The Undertaking indicates that if planning permission is granted, and development commences, a Green Travel Plan and a Sustainable Strategy will be prepared and implemented. In addition that a sum of £46,000 shall be paid to the Council towards improvements to non-car access and other highways matters, a sum of £10,000 to be paid towards the greening of the North Circular and a sum of £10,000 in support of the Council's Air Quality Action Plan. It seems to me that these provisions support relevant policies in the adopted Brent Unitary Development Plan and, accordingly, I have taken the Unilateral Undertaking into account in my determination of this appeal.

Main Issue

2. On the basis of my site inspection and the written representations I consider that the decision in this case turns on whether the scale and design of the proposed development is acceptable.

Reasons

3. The appeal site stands abuts the North Circular Road at its junction with Great Central Way. The latter road provides a means of access for west-bound traffic on the North Circular into the Wembley Regeneration Area. It also provides vehicular access to the new Wembley National Stadium. The appeal site itself is at a slightly lower elevation than the North Circular. The sloping land alongside the North Circular contains trees and shrubs which help to screen the site from passing traffic. Until recently the appeal site was occupied by a substantial 4 storey office block. That building has now been demolished and site clearance

was well advanced on the day of the site inspection. The area thereabouts is mainly in business use.

4. The Council raise no objections in-principle to the redevelopment of the site for business purposes. However it properly seeks to ensure that redevelopment schemes are of an appropriate and acceptable standard. In this instance it is said this point is of especial importance as the site occupies a prominent location at the gateway to the Regeneration Area. While the Council raise no criticism of the building that would accommodate the B1 units, in its view the building containing the B8 development is unacceptable on a number of counts. In particular attention is drawn to the detailing and lack of fenestration on the elevation facing the North Circular and its close proximity to Great Central Way which limits the scope for landscaping along that frontage and thus results in an unduly over-powering building.
5. Like the Council, I see no difficulty with the scale, design and siting of the building that would contain the B1 development. This is situated well away from the North Circular frontage and far less prominent than the B8 building. So far as the B8 building is concerned, I consider that its scale and design is generally acceptable notwithstanding its prominent location at the entrance to the Regeneration Area. The absence of fenestration results in a somewhat bland elevation onto the North Circular but I do not see this as a decisive point given that this elevation is partially screened by vegetation in any event. Moreover the presence of wind turbines on the roof fins and the "totem" feature at the road junction introduce features of interest that would tend to draw the eye away from the elevation in question. The south-western corner of unit 1 is positioned uncomfortably close to the site boundary but I am not convinced that this justifies the refusal of planning permission given the scope to introducing soft landscaping in the area between that corner and the access into the site. I also have difficulty accepting the assertion that the B8 building would be unduly over-powering given that it is much lower in height than the office building that occupied the site until recently. In sum, therefore, I am not persuaded that the scale and design of the proposed development is unacceptable and contrary to the many policies in the adopted Brent Unitary Development Plan identified by the Council. I have taken account of all of the matters drawn to my attention in the written representation but they do not outweigh my conclusions on the main issue.

Conditions

6. In the event that the appeal is allowed and planning permission granted, the Council puts forward a number of planning conditions for consideration. The papers on file do not indicate whether the appellant finds the proposed conditions acceptable. For my part they seem to me to be in accordance with guidance in Circular 11/95 and appropriate and necessary in order to secure a satisfactory standard of development. Subject to minor revisions only, the conditions are imposed on the grant of planning permission.

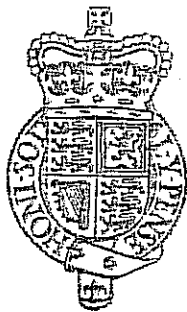
Formal Decision

7. For the reasons given above, I hereby allow this appeal and grant planning permission for the erection of 2 two-storey buildings, one containing 13 B1 units and the other 8 B8 units together with associated parking, servicing and access road and alterations to site access onto Great Central Way, all at Datapoint House, 400 North Circular Road, London, NW10,

in accordance with the terms of the application 05/2804, dated 6 October 2005, and the plans submitted therewith, subject to the following conditions:

- a) The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.
- b) The units hereby approved shall be utilised for uses B1, B2 and B8 as defined in the (Town and Country) Use Classes Order 1985, and for no other use or subdivision of the units shall be undertaken without the prior written consent of the local planning authority.
- c) The development hereby approved shall be carried out in accordance with the application proposals and the submitted plans prior to the occupation of the buildings.
- d) Details of the proposed car parking spaces, loading areas and pedestrian paths, including samples of paving materials and other hard landscaping materials, shall be submitted to the local planning authority for approval. All parking spaces (including cycle bays), turning areas loading bays, access roads and footways shall be constructed in accordance with the approved details, and permanently marked out prior to the occupation of the units hereby approved, and shall not be used for other purposes without the prior written consent of the local planning authority.
- e) No goods, equipment, waste products, pallets or other materials shall be stored or deposited in any open area within the site and the loading areas shall be maintained free from obstruction and not used for storage purposes without the prior written consent of the local planning authority.
- f) Details of the external materials and finishes shall be submitted to the local planning authority and approved in writing before any work is commenced. The approved works shall be completed prior to the first occupation of the buildings.
- g) Prior to the commencement of development a detailed scheme of landscaping showing details of trees, shrubs and plants and the retention of existing landscaping and means of enclosure, shall be submitted to the local planning authority and approved in writing before any works is commenced. Approved landscaping works shall be completed during the first available planting season and any trees or shrubs that die, are removed or become seriously damaged or diseased within 5 years of planting shall be replaced by others of the same species in the same locations unless otherwise agreed in writing by the local planning authority.
- h) The first floor office and mezzanine accommodation within each unit hereby permitted shall only be used for purposes ancillary to the main uses of the unit and shall not be occupied or used separately without the prior written consent of the local planning authority.





Appeal Decision

Site visit made on 06 June 2006

by **David Tester** CChem MRSC FCIWEM

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date

16 JUN 2006

Appeal Ref: APP/T5150/A/06/1198376

721 North Circular Road, Staples Corner, London NW2 7AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by First London Ltd against the decision of the Council of the London Borough of Brent.
- The application Ref 05/3472 dated 22/11/05, was refused by notice dated 09/02/06.
- The development proposed is the erection of an architect designed, 3 sided column structure with landscaping to base and boundary treatment.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Appeal Ref: APP/T5150/A/06/1198146

721 North Circular Road, Staples Corner, London NW2 7AB

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by First London Ltd against the decision of the Council of the London Borough of Brent.
- The application Ref 05/3442, dated 22/11/05, was refused by notice dated 09/02/06.
- The advertisements proposed are two x internally illuminated poster panels (each 7m x 5m) contained within an architect designed advertising structure.

Summary of Decision: The appeal is allowed, and consent granted for the poster panels on the terms set out below in the Formal Decision.

Main Issues

1. The main issues in these cases are the impact of the proposed development and advertisements on the visual amenity of the area and the effect of the proposed structure on highway safety.

Planning Policy

2. The Development Plan for the area is the adopted Brent Unitary Development Plan 2004 (UDP). Policy BE2 provides, amongst other things, that the design of the development should contribute positively to the character of the area. Policy BE21 requires free standing advertisements to enhance the character of the area and also sets out areas where these would not be allowed, which include major roads and road junctions where distraction to drivers could be prejudicial to highway safety. I have also had regard to the Council's published Supplementary Planning Guidance on advertisements.

3. The Advertisement Regulations require decisions on advertisements to be made only in the interests of amenity and public safety. Thus, whilst the Development Plan and advertisement policies in it are material considerations, they cannot be decisive.

Reasons

Visual amenity

4. The appeal site is a small rectangular shaped area of land within the premises of a tyre depot, adjacent to the A406 North Circular Road eastbound off-slip road, leading to the Staples Corner roundabout. The proposed 3-sided advertising structure would be in the form of a slender tower about 26m high supporting integrated poster advertisements. The structure would consist of an internal pylon supporting three separate metal clad columns of varying heights, which are said to have a deliberate public art dimension, loosely resembling a cluster of random ancient columns. The two columns facing the A406 flyover would contain advertisements integrated into the structure at upper levels in the form of internally lit poster panels 7m high by 5m wide. At night the tower would be highlighted by a wash of blue lighting from up-lights at the base.
5. This wholly commercial area is dominated by the massive A406 flyover on its bulky concrete support structures and the elevated section of the Edgware Road (A5) over the Staples Corner roundabout. There are a number of business parks in the surrounding area, mostly comprising functional warehouse style buildings. Opposite the site there are larger steel clad buildings containing various commercial uses. There are no buildings of particular merit. Overall, I agree the townscape is unremarkable and uninspiring and is appropriately designated by the Council (map BE1) as an Area of Low Townscape or Public Realm quality.
6. Planning permission exists for two advertisements just outside of the boundary of the appeal site but these and other advertisements fixed to buildings in the area are at ground level. By contrast, this proposal is intended to exploit its position next to the flyover and would stand out above the level of the A406 and the adjacent buildings in a prominent manner. The structure would be considerably higher than the previous proposal for this site, to display two 12x3m advertisement panels on a 13m pole, which was dismissed on appeal in October 2003 (APP/T5150/A/03/1114596). In that case the Inspector concluded that that proposal would be a cumbersome feature, which would relate poorly to its context because of its height and bulk.
7. Notwithstanding this, the appeal proposal differs substantially from the previous proposal in that it would have a more vertical emphasis, utilising portrait poster panels of a slightly smaller size as an integral part of a more elegant support structure, which is designed to be an interesting piece of architecture and a landmark feature of the area. Increasingly innovative forms of advertising displays are becoming more common in urban areas such as this and the tower would mostly be seen in the context of the massive structure of the elevated A406 road, which eventually rises to a similar height beyond the site. In my view, the proposal uses a bold, innovative approach, which would add colour and interest to the rather drab area. Subject to sufficient attention being paid to the details of the materials and landscaping and the withdrawal of the existing advertising hoarding consents, all of which could be required by conditions, I believe it would contribute to the character of the area in a positive way as required by policies BE2 and BE21 of the UDP.

8. The Council also believes that the proposal would set a precedent for other similar proposals, but no particular sites were identified and it is a long established planning practice that each new proposal needs to be considered on its individual merits.

Highway Safety

9. Turning to the second issue, there is no objection to the proposed advertisement from the Council on grounds of public safety, subject to it being a static display. Rather the original concern for Transport for London and the Council was that the proposed support tower would reduce the 120m stopping sight distance (SSD) on the elevated section of the A406, where the speed limit is 40mph. Since the refusal of the application, Transport for London has conducted investigations which demonstrate that the Tower would not obstruct the required SSD. The proposed development would not therefore be in an area which would conflict with policy BE21 with regard to highway safety.
10. Accordingly, I conclude on the second issue that the structure would have no adverse impact on highway safety.

Conditions

11. From my considerations of the main issues in these appeals I can see no objection to the proposals and I intend to allow the appeals. In doing so I have considered appropriate conditions in the light of the conditions suggested by the parties and Circular 11/95. As well as the standard conditions in the Town and Country Planning (Control of Advertisements) Regulations 1992, I intend to impose conditions requiring the external materials and landscaping scheme be approved by the Council, and for the approved advertisements not to be displayed at the same time as those previously approved on the site, in the interests of the visual amenity of the area. For the same reason, I shall require the structure to be removed after the standard 5 years consent for the advertisement panels. I also intend to impose conditions to restrict the light intensity and pattern of the advertisements and to limit these to static displays, all in the interests of highway safety.

Conclusions

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be allowed.

Formal Decisions

Appeal Ref: APP/T5150/A/06/1198376

13. I allow the appeal, and grant planning permission for the erection of an architect designed, 3 sided column structure with landscaping to base and boundary treatment at 721 North Circular Road, Staples Corner, London NW2 7AB in accordance with the terms of the application, Ref 05/3472 dated 22/11/05 and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the structure hereby permitted have been submitted to and


approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure.
- 4) The tower structure and two display panels hereby permitted shall be removed from the land on or before 5 years from the date of this decision.

Appeal Ref: APP/T5150/A/06/1198146

14. I allow the appeal, and grant consent for the display of the advertising tower with 2 x internally illuminated poster panels (each 7m x 5m) contained within an architect designed advertising structure at 721 North Circular Road, Staples Corner, London NW2 7AB in accordance with the terms of the application, Ref 05/3442 dated 22/11/05, and the plans submitted therewith, subject to the following conditions:

- 1) The two illuminated poster panels shall be removed from the land on or before 5 years from the date of this decision.
- 2) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
- 3) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- 4) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
- 5) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 6) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).
- 7) The poster display on the two internally illuminated poster panels shall contain static images only with no moving elements unless the prior written approval of the local planning authority is obtained.
- 8) The maximum luminance shall not exceed 600cdm² and shall fully comply with the recommendations contained in the Institute of Lighting Engineers Technical Report No.5.
- 9) The advertisements hereby granted express consent shall not be displayed at the same time as the two 48 sheet poster panels granted consent on 20th October 2003 by appeal ref APP/T5150/H/02/1122355.



Inspector

ENFORCEMENT SELECTED appeal DECISIONS between

1-Jun-2006

and 30-Jun-2006

Planning Committee: 26 July, 2006

Introduction

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's

Our reference: E/05/0410 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 28/06/2006

Team: Western Team

Location: 4 Castleton Gardens, Wembley, HA9 7QJ

Proposal:

The erection of front and rear extensions to garage.

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Area Planning Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ.

Telephone 020 8937 5210 or email: tps@brent.gov.uk.

Chris Walker

Director of the Planning Service

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Appeal Decision

Site Visit made on 9 May 2006

by **D N Donaldson**

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date

28 JUN 2006

Appeal Ref: APP/T5150/C/05/2004697&2004698

Site Address: 4 Castleton Gardens, Wembley, Middlesex HA9 7QJ

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, against Brent London Borough Council's enforcement notice dated 24 October 2005.
- The appeals are made by Mr and Mrs P C Patel.
- The Council's reference is E/05/0410.
- The breach of planning control alleged in the notice is the erection of front and rear extensions to garage.
- The requirements of the notice are: Remove the front and rear extensions to garage and all resulting debris from the premises.
- The period for compliance with the requirements is three months after this notice takes effect.
- The appeals were initially made on grounds (a), (b), (c), (d) and (f) in section 174(2) of the 1990 Act, as amended by the 1991 Act, but grounds (b), (c) and (d) were formally withdrawn on 26 January.

Summary of Decision: The enforcement notice is quashed and conditional planning permission is granted for the building enforced against.

Preliminary matters

1. The appellant's Agent's letter of 13 March to the Planning Inspectorate submitted an application, on the appellants' behalf, for either a partial or a full award of costs against Brent London Borough Council. My determination of the costs application is the subject of a separate decision.

The alleged breach of control and the required steps

2. The Council's Director of Planning issued an open notification, dated 20 January 2006, stating that they had varied the enforcement notice issued on 24 October 2005 by deleting the words 'front and' from Schedule 2 (the alleged breach of planning control) and Schedule 4 (the requirements) to the notice. I confirmed, in agreement with the appeal parties' representatives at the inspection, that the effect of these two variations was that Schedule 2 and Schedule 4 referred to 'rear extensions [in the plural] to garage'. I return to this matter in paragraph 6 below.
3. The Council's Planning Enforcement Manager's letter of 9 February to the Planning Inspectorate stated that 'the Council would also like to put on record that, by deleting reference to the front extension in the enforcement notice, it does accept that the front extension is necessarily lawful'. Despite that statement, paragraph 2.0 of the Council's

appeal statement of 20 March referred again to the extension to the front of the former garage and explained that 'as the Council continues to receive representations from the complainant on this matter, it is still being considered and, should sufficient evidence come to light, then a new enforcement notice may be issued in respect of this'. For avoidance of any possible doubt on this matter, I explained to the appeal parties' representatives at the inspection that I would view only what was to be seen at the rear of the garage and my determination would accordingly be confined to that structure or structures.

The appeals site and surroundings

4. The appeals site is on the eastern side of Castleton Gardens at the point where Castleton Avenue (extending north-eastwards from the junction with St. John's Road) ends and Castleton Gardens begins. The appeals property comprises the southern one of a pair of two-storey, semi-detached dwellinghouses, with front and rear gardens. Beyond the appeals property's back garden is the playing field of Wembley Manor Junior and Infant School. The surrounding area's character is residential, consisting mainly of two-storey, semi-detached dwellings.

The development enforced against

5. The only plan made available to me with the appeals documents is the Council's 'Location Map' attached to the enforcement notice, apparently computer-produced on 10 October 2005 from the relevant Ordnance Survey sheet. This plan appears to show a small building (which might possibly be a garage) in the appeals property's back garden, beside the southern boundary; but the plan is not sufficiently distinct to provide reliable evidence. At A7 (one photograph) and A8 (four photographs) of the appellants' Agent's written representations of 13 March there are five undated photographs showing the structures in the appeals site's back garden (alongside the southern boundary) which I saw during the inspection. These structures are, in the order of their position eastwards from the back of the property, a single-storey 'link' structure with a pitched roof and side-door opening to the garden; a single-storey garage with a pitched and tiled roof; and a smaller, timber-built workshop and garden tools store with a door and window opening to the garden.
6. Sub-paragraph 1.7 of the written statement of 13 March on the appellant's behalf explains that it only became apparent, at a meeting with the Council's officers on 20 January, that the alleged breach of control referred also to the erection of 'the shed' (that is, the workshop and garden tools store identified in paragraph 5 above). This appears to be confirmed by part of paragraph 4.0 of the Council's written statement that 'the shed is in fact a rear extension to the former detached garage'. For avoidance of doubt, I raised this factual matter with the Council's representative and the appellants' Agent during the inspection: they both confirmed that, following the variation to Schedules 2 and 4 to the

notice on 20 January, it was consequentially directed at the shed. I shall therefore determine the appeals accordingly.

The appeal on ground (a) and deemed planning application

7. The Planning Inspectorate's letter of 15 February to the appellants' Agent explained that, because the requisite fee for the deemed planning application arising from Mrs Patel's appeal had not been paid, the appeal on ground (a) would be considered only in respect of Mr Patel's appeal.
8. From my inspection of the appeal site and surroundings and my examination of the written representations, I consider that the main issues arising from the appeal on ground (a) are the effect of the development enforced against (namely, the erection of the timber-built workshop and garden tools store) on:
 - a. the living conditions of neighbouring residential occupiers at 1 Castleton Avenue, with particular regard to visual amenity; and
 - b. the character and appearance of this neighbourhood, including the appeals site itself.

In dealing with these issues, the relevant statutory provisions require me, if regard is to be had to the development plan, to determine the appeal in accordance with the plan unless material considerations indicate otherwise.

9. The development plan comprises the adopted Brent Unitary Development Plan (2004), in which the Council rely particularly upon UDP Policy H21. This Policy deals with domestic extensions and I shall have regard to its aims. I shall also take into account relevant advice in the Council's Supplementary Planning Guidance 5, entitled 'Altering and Extending your Home'.
10. On the first main issue, the timber-built workshop and garden tools store is reportedly about 2.74m wide, 3.6m long and 2.06m high. It is positioned about 0.3m from the appeal property's southern, fenced boundary and has a flat, felted roof. By permission of the occupier of 1 Castleton Avenue, I was enabled to see this building from that property's back garden. In my opinion, based on the evidence of that viewing, the shed has only a very slight adverse impact on visual amenity of the occupiers of 1 Castleton Avenue because the upper part of it is seen above the boundary fence and through a screen (within the back garden of 1 Castleton Avenue) of mature shrubs and trees. When seen in this context, the shed seemed to me entirely characteristic of timber-built sheds frequently positioned in residential back gardens; and, in this case, it had the advantage of being placed at a reasonable distance away from the back wall of the neighbouring dwelling. I therefore consider that the shed does not conflict with the Council's aims in paragraph (b) of UDP Policy H21.
11. Turning to the second main issue, I acknowledge the concern expressed by the Council (paragraph 3.0 of their statement) that the addition of the shed brings the overall length

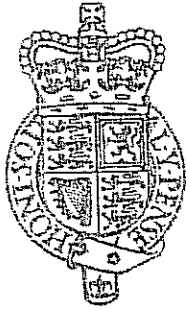
of the structure on the southern side of the appeal property's back garden to more than 9m. However, in my opinion, this has not resulted in over-development of the appeal site because the garden is sufficiently wide to create an impression of visual containment and there is a further, short length of garden between the eastern end of the shed and the appeal site's eastern boundary (where the School playing field provides an area of visually open space). Moreover, it seems to me acceptable on planning merits for occupiers of the appeal property to have the use of a timber-built storage structure for domestic purposes in this residential back garden where it appears subordinate to other (presumably pre-existing) structures. Accordingly, I regard the shed as broadly consistent with the Council's aims in paragraphs (a) and (c) of UDP Policy H21 and I cannot discern any specific guidance in SPG5 with which the shed directly conflicts.

12. As I am minded to grant planning permission for the shed, I have carefully considered what conditions, if any, should reasonably be imposed on the permission. First, I consider it is necessary to impose a condition limiting the use of the shed to a domestic workshop and tool-store in association with the residential use of the appeal property. Secondly, adapting the suggestion in paragraph 5.4 of the statement on the appellants' behalf, I consider that the shed's external walls ought to be stained in olive green, so as to relieve the building's somewhat drab appearance and help it to merge with the background vegetation. I shall therefore grant conditional planning permission on this basis.
13. I have taken into account all the other matters raised in the representations, including those of the occupiers of 1 Castleton Avenue and 2 Castleton Gardens. However, none of these matters outweighs the balance of considerations leading to my conclusions.

Formal decision

14. I hereby allow the appeal; direct that the enforcement notice issued on 24 October 2005 be quashed; and grant planning permission, on the deemed application under section 177 (5) of the 1990 Act, for the development already carried out, namely the erection of a timber-built workshop and garden tools store alongside the southern boundary of the property at 4 Castleton Gardens, Wembley, Middlesex HA9 7QJ, subject to the following conditions:
 - (1) The development hereby permitted shall not be used for any purpose other than for a domestic workshop and the storage of garden tools and equipment in association with the residential use of the dwellinghouse known as 4 Castleton Gardens, Wembley.
 - (2) Within two months of the date of this decision, the external walls of the building hereby permitted shall be stained with olive-coloured stain.

DN Donaldson
INSPECTOR



Costs Decision

Site Visit made on 9 May 2006

by **D N Donaldson**

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date

28 JUN 2006

Appeal Ref: APP/T5150/C/05/2004697 & 2004698

Site Address: 4 Castleton Gardens, Wembley, Middlesex HA9 7QJ

- The application is made under section 174 and section 175(7) of the Town and Country Planning Act 1990 and section 250(5) of the Local Government Act 1972.
- The application is made for either a partial or a full award of costs by Mr and Mrs P C Patel against Brent London Borough Council.
- The appeals were against an enforcement notice, issued on 24 October 2005, alleging a breach of planning control consisting in the erection of front and rear extensions to garage on land at 4 Castleton Gardens, Wembley, Middlesex.

Summary of Decision: The application for costs is allowed to the extent stated in the Formal Decision.

The case for the appellants

1. The case on the appellants' behalf is stated in a detailed submission of 13 March 2006, supported by copies of relevant correspondence between the appellants and the Council.
2. In summary, the costs application is made in respect of two matters arising from the Council's enforcement action and the appeals against the subsequent enforcement notice, as follows:
 - (1) the imprecision in formulating the breach of control initially alleged, resulting in necessary preparations for the appellants' response to a public inquiry into the appeals; and
 - (2) alleged unreasonableness on the Council's part in including the side extension to the appellants' dwelling and the garden shed within the scope of the alleged breach.
3. The correspondence submitted on the appellants' behalf includes a letter of 12 September 2005 from the Council's Enforcement Planner to Mr Patel expressing concern that allegedly unauthorised activity involving 'Erection of extensions to side and rear of the premises' had been undertaken without planning permission and stating an intention to take remedial enforcement action. The appellant's reply of 19 September to the Council explained the nature of the work to buildings to the side and rear of the property and apologised for constructing the garden shed without planning permission. The appellant offered to provide any further information the Council needed. The Council issued the enforcement notice on 24 October, with an effective date of 3 December.
4. The appellants' Agent wrote to the Council on 25 November explaining that it had been necessary to appeal (on 14 November) against the notice and asking for precise details of the alleged breaches in the hope that the matter could be resolved by mutual agreement

between the parties. Eventually, following further representations on the appellants' behalf that the Council should withdraw the notice, because of its alleged imprecision and unreasonableness, a meeting took place on the 20 January 2006, between the appellants' Agent and the Council's Planning Enforcement Manager and another Enforcement Officer, resulting in the Council's notification that the words 'front and' were deleted from Schedules 2 and 4 to the notice, by way of a statutory variation. However, the Council's Enforcement Manager's letter of 20 January to the Agent maintained the Council's objection 'to the rear extension to the garage which is being used as a shed'. In consequence of this variation in the terms of the notice, appeal grounds (b), (c) and (d) were withdrawn on the appellants' behalf on 26 January; and the appeals parties agreed that the appeals should be determined by way of written representations.

5. In regard to the garden shed, it is maintained on the appellants' behalf that, until the meeting on 20 January 2006, it was unclear whether the enforcement notice related to this outbuilding. At that meeting, the Council's officers are said to have raised no objections, on planning grounds, to the shed and the appellants' Agent anticipated that the notice would be fully withdrawn. When this did not happen the appellants had to pursue the appeals on grounds (a) and (f) in relation to the shed without any indication from the Council why it was considered unacceptable.
6. It is further maintained on the appellants' behalf that the Council have failed to follow relevant Government advice in PPG18 (entitled 'Enforcing Planning Control') because there was no significant planning objection to the alleged breach of planning control in this case, and they should reasonably have considered what are said to be the appellants' rights to erect a boundary fence in this location, so that the shed would have been less visible from the neighbouring property. Consequently, in the absence of any significant planning objection to the shed, the Council are said to have acted unreasonably in issuing the enforcement notice.
7. Further representations of 22 May on the appellants' behalf (in response to the Council's comments of 17 May) state categorically that neither the appellants nor the Agent had sought deliberately to mislead the Council about the facts of what had taken place on the appeals site. As to what is described as the extension in front of the former garage, it had always been maintained that works had been carried out but they were understood not to constitute development requiring planning permission. Moreover, the Council had now indicated (in their letter of 17 May to the Planning Inspectorate) that they issued the enforcement notice in the light of the next-door neighbour's allegations but without the subsequently produced photographic evidence. As to the extension to the rear of the former garage, it is reiterated on the appellants' behalf that they were not made aware of the reasons why the shed was considered unacceptable until they received the Council's appeal statement, although they had asked, at the meeting with the Council's officers on 20 January, what significant planning objection resulted from it. The appellants consider that the enforcement notice's imprecision and lack of clarity have caused them considerable expense in dealing with the appeals; and the Council have acted unreasonably in initiating enforcement action and making allegations which were subsequently withdrawn following the appeals.

The Council's response

8. The Council's delayed response of 17 May to the costs application has been made available to me by the Planning Inspectorate's Case Officer. As to what is described as 'the extension in front of the former garage to the side of the premises', the Council state that the neighbour (at 1 Castleton Avenue) told them that she was willing to give evidence to a public inquiry that works had been carried out to this extension and she had photographic evidence that the roof height had been raised. In consequence she had suffered loss of light to one window and an unsightly outlook from rear windows and the back door of her property. However, the neighbour was subsequently unable to produce the photograph and, following the site meeting on 20 January, the Council's Enforcement Manager agreed to delete the front extension from the enforcement notice, although in hindsight he considered this decision was mistaken. The Council's representations include a photocopy of a photograph supplied by the neighbour purportedly showing that the boundary wall between the two properties has been raised by about 80cm. Consequently, it is stated that the Council intend to re-issue the enforcement notice in so far as it relates to the extension to the front of the former garage.
9. As to the extension to the rear of the former garage, the Council consider it was expedient to issue the enforcement notice, on grounds of UDP Policy and the advice in PPG18, because the cumulative impact of buildings along the appeal property's side boundary was unacceptable. And, even if the appointed Inspector differed from the Council on planning merits, the Council's statement of case showed that the reasons for issuing the notice were firmly justified. The Council therefore considered an award of costs on this basis was not warranted.
10. As the Council did not submit any comments on the appellants' further representations by the time-limit of 7 June, I consider it is reasonable now to determine the costs application.

Inspector's reasons

11. I have dealt with the application on the appellants' behalf for a partial or full award of costs in accordance with the policy advice in DOE Circular 8/93. Irrespective of the outcome of the enforcement notice appeals, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
12. In my opinion, it is reasonable to regard the Council's Enforcement Planner's letter of 12 September 2005 to Mr Patel as the starting point for considering whether any costs should be awarded in the appellants' favour in this case. It seems to me clear from the terms of that letter that the Council were concerned that unauthorised activity had apparently taken place on the land and remedial enforcement action was intended. However, the Council's description of the activity as 'Erection of extensions to side and rear of the premises' seems to me insufficiently precise to enable the recipient of the letter to understand exactly what development was at issue and what was the basis of the Council's concern on planning grounds. Although I appreciate that the Council had previously (on 21 June 2005) issued a planning contravention notice, that earlier notice was directed at 'Alterations (increased height) of an existing wall' which seems to me materially different from the matters referred to in the Council's letter of 12 September 2005. I consider it is essential for a local planning authority, when giving notice of an intention to take enforcement action, to state clearly (for example, by providing an illustrative site plan or giving a detailed description of

the location of any buildings or other structures) what matters appear to the authority to constitute a breach of control. In my opinion; the Council's letter of the 12 September was unsatisfactory in this respect and the terms of Schedule 2 to the enforcement notice would have compounded the recipient's doubts by referring initially to 'front and rear extensions to garage'. Although both appeal parties may have misunderstood the other's statements or intentions, I can find no persuasive evidence that the appellants misled the Council about whether operational development had been carried out before the notice was issued.

13. Once the enforcement notice had been issued, the recipients had to decide whether, and if so on what grounds, to appeal against it; and to submit any appeal so as to be received by the Planning Inspectorate before 3 December. The appellants sought professional advice and, in consequence, appeals were submitted on grounds (a), (b), (c), (d) and (f) in section 174(2) of the 1990 Act. In view of the terms of the alleged breach and the issues of Planning Law inevitably arising for consideration, I consider it was entirely reasonable for the appeals initially to include the so-called 'legal grounds' (b), (c) and (d). And, when the Planning Inspectorate's letter of 5 January 2006 indicated an intention to hold an inquiry into the appeals, it was necessary and reasonable, in my opinion, for the appellants' Agent to continue with preparations (including assembling relevant witness statements and other evidence) for attending an anticipated inquiry.
14. In parallel with preparations for an inquiry, the appellants' Agent took appropriate steps to clarify the Council's intentions in taking enforcement action, resulting in the discussion on site, on 20 January 2006, mentioned in paragraph 4 above. And, when the Council varied the terms of the enforcement notice, the appellants' Agent's letter of 26 January to the Planning Inspectorate promptly withdrew appeal grounds (b), (c) and (d) and accepted that the appeals would thenceforth proceed by way of written representations.
15. Accordingly, on the basis of the factual evidence made available to me about the Council's enforcement action and the conduct of the appeal between 14 November 2005 and 26 January 2006, I find, on the first of the two matters referred to in paragraph 2 above, that the Council's initial formulation of the alleged breach of control was unacceptably imprecise and it was reasonable for the appellants' Agent to continue until 15 February (the date of the Planning Inspectorate's confirmation of the change of procedure to written representations) in making preparations for the appellants' response to a public inquiry.
16. Turning to the second matter referred to in paragraph 2 above, it seems to me there is a fundamental and unexplained difference between the description ('Erection of extensions to side and rear of the premises') of the unauthorised activity in the Enforcement Planner's letter of 12 September 2005 to Mr Patel and the initial formulation of the alleged breach in Schedule 2 to the enforcement notice ('The erection of front and rear extensions to garage'). This descriptive difference is reflected, in my opinion, by the statement in support of the appellants' ground (b) appeal that 'There is no extension in front of the garage'; whereas the ground (d) appeal maintains that 'the building behind the front garage doors has been in existence since at least 1996'. And none of these various descriptions refers specifically to the timber-built outbuilding, or shed, which (according to the letter of 20 January 2006 from the Council's Planning Enforcement Manager to the appellants' Agent) remained objectionable on planning grounds to the Council. Moreover, the Council's representations of 17 May acknowledge that the notice was issued in the absence of photographic evidence which might have supported the Council's enforcement action.

17. In my opinion, the available evidence shows that it was not clearly established until the meeting on 20 January that the timber-built shed was within the scope of the alleged breach of control; and there is no statement in Schedule 3 to the notice explaining the Council's reasons for taking enforcement action against this structure. Indeed, it was not until the Council's written statement of 20 March responded to the ground (a) appeal that it was possible for the appellants to discern that the Council's objections to the timber-built shed were based on resulting over-development of the site, particularly along the joint boundary with 1 Castleton Avenue. As the Planning Inspectorate did not copy the Council's written statement to the appellants' Agent until 11 April, it seems to me that there was inevitably uncertainty until then about why the timber-built shed had been included within the scope of the notice.
18. Paragraph 8 of Annex 3 to DOE Circular 8/93 states that the planning authority's reasons for refusal should be complete, precise, specific and relevant to the case; and, in any appeal proceedings, the authority are expected to produce evidence to substantiate each reason for refusal by reference to the development plan and all other material considerations. In this case, I consider that the appellants were unable properly to understand the Council's reasons for taking enforcement action against the shed until they received from the Inspectorate the copy of the Council's written statement in response to their appeals. In my opinion, they were therefore at risk of initiating abortive work to support their appeal on ground (a) until 11 April. However, I accept that, after that date, they were enabled to pursue the necessary appeal on ground (a) in full knowledge of the Council's case on planning merits and did not incur wasted expense unnecessarily during the remaining appeals process.

Overall conclusions

19. Having carefully considered the submissions on the appellants' behalf and all the available documentary evidence bearing upon this appeals costs application, I conclude, first, that the Council's initial formulation of the alleged breach of control was insufficiently precise, with the result that the appellants were compelled to continue until 26 January 2006 with preparations for a public inquiry into the appeals; and, secondly, that in pursuing enforcement action after 20 January the Council did not clarify their reasons for enforcing against the shed until their written statement of 20 March. Accordingly, I conclude overall that Brent London Borough Council acted unreasonably and caused Mr and Mrs P C Patel to incur unnecessary expense in their appeals against the enforcement notice. As the relevant expense was incurred in pursuing the appeals from 14 November 2005 to 11 April 2006, it follows that an award of costs is justified for that period.

Formal Decision

20. In exercise of the powers in section 250(5) of the Local Government Act 1972 and section 175(5) of the Town and Country Planning Act 1990, and all other enabling powers, I HEREBY ORDER THAT Brent London Borough Council shall pay to Mr and Mrs P C Patel the costs of the written representations proceedings in these appeals between 14 November 2005 and 11 April 2006, such costs to be taxed in default of agreement on the amount. The proceedings concerned appeals under section 174 of the Town and Country Planning Act 1990 against an enforcement notice issued by Brent

London Borough Council alleging the erection of front and rear extensions to garage at 4 Castleton Gardens, Wembley HA9 7QJ.

21. Mr and Mrs P C Patel are now invited to submit to Brent London Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement on the amount.
22. A copy of the guidance note on taxation procedure referred to in paragraph 5 of Annex 5 to DOE Circular 8/93 is enclosed.

DN Donaldson

INSPECTOR