



Appeal Decision

Site visit made on 21 March 2012

by David Fitzsimon MRTPI

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

Decision date: 5 April 2012

Appeal Ref: APP/T5150/D/12/2169794
44 Blenheim Gardens, Wembley HA9 7NP

- 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 Miss Naeema Akhtar against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/2363, dated 6 September 2011, was refused by notice dated 3 November 2011.
 - The development undertaken is the conversion of garage into habitable room and erection of front boundary walls, pillars, railings and gate.
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Procedural Matter

1. The development has been undertaken and I have taken its description from the Council's Decision Notice as this is more accurate.

Decision

1. The appeal insofar as it relates to the erection of front boundary walls, pillars, railings and gate at the front of the house is dismissed. The appeal insofar as it relates to the conversion of garage into habitable room is allowed and planning permission is granted in accordance with the terms of the application, Ref 11/2363, dated 6 September 2011 and the plans submitted with it so far as relevant to that part of the development hereby permitted.

Main Issues

2. The main issues in this case are the effect of the development undertaken on the character and appearance of the local area and its effect on highway safety.

Reasons

Character and appearance

3. The appeal relates to a semi-detached house which is located within a cul-de-sac of similar dwellings. The private areas at the front of the overwhelming majority of the properties within Blenheim Gardens are enclosed by low boundary walls, with some reinforced by vegetation. This is a very noticeable and pleasing element of the street scene, which is designated as an Area of Distinctive Residential Character.
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4. The boundary wall, pillars, railings and gate are of high quality and they are attractive in their own right. Nevertheless, this form of enclosure is much taller than the prevailing boundary treatments which dominate and make a positive contribution to the locality. As a result, the boundary wall, pillars, railings and gate appear out of keeping and overly prominent within the Blenheim Gardens street scene.
5. For this reason, I conclude that the boundary wall, pillars, railings and gate unduly harm the character and appearance of the local area. Accordingly, this element of the proposal conflicts with saved policies BE2 and BE29 of the adopted London Borough of Brent Unitary Development Plan, policy CP17 of the adopted Local Borough of Brent Core Strategy and the Council's adopted Supplementary Planning Guidance Number 5 titled '*Extending Your Home*'.
6. Planning permission was granted for a '*part single storey and two storey side/rear extension and first floor rear extension*' at the appeal property on 25 April 2007 (Ref 06/3547) and although I have not seen the approved plans, I understand that it has been implemented. Condition number 7 of the planning permission seeks to ensure that the garage is used solely for the parking of vehicles and it prevents the garage from being adapted for additional living accommodation.
7. The garage has been built as a study, with patio doors fitted to the front elevation. As the Council accepts, adequate off-street parking is provided within the curtilage of the appeal property. Furthermore, I am satisfied that the installation of patio doors rather than a garage door or window does not look out of place, given the variety of fenestrations within the Blenheim Gardens street scene. Accordingly, I conclude that this element of the development does not conflict with the policies referred to above.

Highway safety

8. The Council argues that the height of the boundary wall and pillars prevents motorists from seeing passing pedestrians when reversing out of the driveway of the appeal property. The Council's Supplementary Planning Guide Number 3 titled '*Forming an Access onto a Road*' (SPG3) indicates that in the case of domestic accesses, drivers need to see pedestrians clearly over a defined triangle, with the width of the triangle being 2.4 metres either side of the access and the depth being 2.4 metres from the property boundary in the centre of the access.
9. The access is some 4 metres wide and accounting for the width of a car, the width of the achievable triangle does not comply with this guidance. In addition, the tall pillars either side of the access cause some visual obstruction. From what I saw at my visit, however, the blind spot for both drivers and passing pedestrians is minimal due to the limited height of the solid wall and the gaps between the decorative railings which sit above it. Furthermore, I understand that the hedge which previously enclosed the front boundary of the appeal property was taller than the wall which has been built and it obstructed visibility for motorists reversing from the original access onto the highway.
10. In light of the above factors, I am satisfied that vehicles reversing from the driveway are adequately seen by passing pedestrians and the risk to their safety arising directly from the introduction of the boundary wall, pillars and

railings is minimal. Therefore, although the access arrangement conflicts with the specific design guidance endorsed by SPG3, I conclude that the development undertaken does not conflict with its overall aim.

Other matters

11. In reaching my decision, I am mindful that the boundary wall, pillars, railings and gate provide improved security for the appellant and her family, who have been the subject of criminality in the recent past and that a petition and some letters of support have been received by nearby residents. These positive aspects of this element of the development do not, however, outweigh the significant harm which has been caused to the character and appearance of the local area.
12. Many examples of similar forms of boundary treatment have been highlighted by the appellant, but the majority of these relate to other streets and differing contexts. Whilst I have been directed to some similar local examples including those at Nos. 18, 47 and 48 Blenheim Gardens and the corner property at No. 22 East Lane, these are very much the exception rather than the rule. Furthermore, I do not know the precise planning circumstances behind them and in any event, they only reinforce my concerns about the boundary treatment before me.

Conditions

13. As the garage conversion and the boundary wall, pillars, railings and gate are physically separate and functionally independent, I am able to issue a split decision in this case. The Council has not suggested any conditions in the event that the appeal succeeds and given that the garage conversion is complete and is of a satisfactory appearance, planning permission can be granted for this element unconditionally.

David Fitzsimon

INSPECTOR