



Appeal Decision

Hearing held on 1 March 2011

Site visit made on 1 March 2011

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 7 April 2011

Appeal Ref: APP/B5480/C/10/2136155

No. 29 Lessington Avenue, Romford RM7 9EB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Kamal Siddiqui against an enforcement notice issued by the Council of the London Borough of Havering.
- The Council's reference is 2096.
- The notice was issued on 27 July 2010.
- The breach of planning control alleged in the notice is without planning permission the laying of hard surface to the front of the property shown shaded on Plan B attached to the notice; the installation of external security grills on the front windows shown on the photograph attached to the notice, and the erection of a 2 metre high metal fence, including gates, adjacent to the highway shown thick-edged in black on Plan C attached to the notice, and also shown on the attached photograph.
- The requirements of the notice are to:
 - (i) Reduce the height of the fence, including the gates adjacent to the public highway, shown marked thick edged black on plan 'C' attached to the notice, to no greater than 1 metre (also shown on photograph attached to the notice).
 - (ii) Remove the metal security grills that cover the front windows shown on the photograph attached to the notice.
 - (iii) Remove from the land all waste materials, building rubble and debris resulting from compliance with (i) and (ii) above.
 - (iv) Remove all hardstanding shown shaded on plan 'B' attached to the notice.
 - (v) Remove from the land all waste materials, building rubble and debris resulting from compliance with requirement (iv) above
- The period for compliance with requirements (i), (ii) and (iii) is 3 months, and with requirements (iv) and (v) is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (e) and (g) of the Town and Country Planning Act 1990 as amended.
- The prescribed fees have been paid within the specified period, and the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Summary of decision: the Appeal is dismissed and the enforcement notice upheld with variations as set out in the Formal Decision below.

The appeal on ground (e)

1. This ground is that the notice was not properly served on everyone with an interest in the land. The Council acknowledge that a copy of the notice should have been served on Mr Siddiqui, but that his name had not appeared in Land Registry searches. I note also that they did not issue a Planning Contravention notice or a Requisition for Information as they might have
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done, and that from previous dealings with the appellant, they might have realised that he had an interest in the property.

2. However, Mr Siddiqui's wife was served a copy of the notice, and another was served on 'the occupier' of the premises. Furthermore, the Council had been in discussion with the appellant about possible enforcement action for a considerable time before issue of the notice, and there had been a site visit in April 2010.
3. The appellant has a licence to occupy the appeal premises, and must therefore be considered to be an occupant, who would have received a copy of the notice. Given that his planning consultant was appointed on 3 August 2010 - barely a week after issue of the notice - it is highly unlikely that he did not receive it.
4. The appellant appeared at, and was represented at the hearing. Even if the notice had not been served on him, it is clear that he was given the time and opportunity to prepare for, and present his case fully. If there had been a failure to serve the notice directly on him he suffered no substantial prejudice as a result. The appeal on ground (e) therefore fails.

The appeal on ground (a)

5. This ground is that planning permission should be granted for the development.
6. Development Plan Policy is from the London Plan London Borough of Havering Local Development Framework of 2008. I consider policy from the Core Strategy and Development Control Policies of particular relevance to this appeal is as follows. Policy CP17 seeks to ensure good design, including aims to maintain or improve the character and appearance of the local area in terms of scale and design, and to require it to be safe and secure in its design and to contribute to community safety. Policy DC61 seeks to promote good urban design and to ensure that development complements, or improves the amenity and character of its area through appearance and materials used, amongst other things. Policy DC63 seeks to encourage provision of safer places and amongst other things aims to include well-designed security features where necessary.
7. I have also had regard to the Council's adopted Supplementary Planning Document (SPD) 'Designing Safer Places', which provides guidance on how Policies CP17 and DC63 are to be implemented, including crime prevention measures.
8. From my inspection of the appeal site and its surroundings, and from the representations made at the Inquiry and in writing I consider the main issue in this appeal to be the effect of the development on the character and appearance of the street scene in the vicinity of the appeal site.
9. The appeal property is a bungalow standing on a triangular corner plot on the south-eastern side of Lessington Avenue, opposite Crowlands Junior School. Otherwise the street is predominantly residential. The building is in a mixed residential use and use as an after school/holiday club for children, and - following success at appeal in 2008¹ - it can lawfully be used as a place of

¹ Appeal ref. APP/B5480/C/07/2062442 dated 18 November 2008.

worship on Fridays between 1300 and 1400, and for one hour on each day during the times of Ramadan, Eid and Haj.

10. The unauthorised works comprise a concrete hardstanding covering the area of the site to the front of the bungalow, metal mesh grilles over the windows of the square bays on the front of the bungalow, and a metal mesh fence about 2 metres high, along the front boundary of the site. This is topped with spikes, and has 2 sets of sliding gates for vehicular access.
11. Lessington Road is predominantly residential, with mainly semi-detached houses with bay windows and hipped tiled roofs. Dwellings in the street have front garden areas, with low front walls or fences. Although a considerable number have hardstandings to the front, many have grass and shrubs, and the area is of a pleasant suburban character.
12. A photograph of the appeal property from some time in 2007 or 2008 shows that it had mainly lawn to the front, with a low boundary wall, a footpath to the front door, and a small area of hardstanding in front of the garage to the south-western side of the bungalow.
13. As it is now, the industrial style black mesh fencing on steel posts, and the steel mesh grilles over the bay windows give the site a fortified appearance, which is quite at odds with the pleasant domestic surroundings. The concrete apron to the front emphasises this harsh effect, and the relatively broad frontage of this corner site – about 30 metres – makes the development particularly prominent. I consider the unauthorised works are an intrusive feature, with a forbidding appearance, and are highly incongruous in this setting.
14. I appreciate that the building – and those attending religious congregations there - have been the subject of attacks on a number of occasions, when missiles have been thrown. Some of these attacks have been violent, although I understand that in the main they have been minor vandalism. However, I can well understand the appellant's perceived need to provide more secure premises, and to protect users of the mosque. Furthermore, I understand the Police have advised that security should be heightened in order to preserve the building and ensure the safety of the occupants. However, I concur with the Council's view that the railings and grilles cannot be considered to be well-designed security features. In my opinion there are alternative and more appropriate solutions that would ensure security, but be more in keeping with the character of the neighbourhood.
15. I appreciate that the school opposite the appeal site has metal railings. However, these are somewhat lower than the appeal site railings, and of a neat, traditional pattern of a type commonly seen around such areas as school playgrounds or parks. I concur with the Council's view that these railings provide the right balance between providing security for the school buildings, safety of pupils, and are in scale with the building itself. I do not consider the school railings are comparable with those on the appeal site.
16. The Council acknowledge that many of the dwellings in the neighbourhood have areas of front hardstanding. However, dwellinghouses have permitted development rights to provide hardstanding, which it can be expected will be used for domestic purposes. The appeal property is in a mixed use, and clearly attracts heavy parking use at times of congregation. I do not consider

the appeal property can be considered comparable with nearby domestic uses, by virtue of its physical extent, and the degree of use of the hardstanding.

17. I saw that small areas of grass had been laid around parts of the perimeter of the hardstanding a few days before the hearing. I understand these are intended to soften the appearance. Furthermore, a scheme has been put in to show landscaping that might be carried out. However, the small area of grass does little to remedy the effects of the development as a whole, and the landscaping scheme is vague. In my opinion, in order to achieve an acceptable security scheme, a comprehensive re-design would be necessary – including landscaping; surface water drainage; the car-parking layout; gates and fencing, and any window protection.
18. I conclude on the main issue that the development causes significant harm to the character and appearance of the street scene in the vicinity of the appeal site. The development does not accord with Policies CP17, DP61 and DP63 of the Core Strategy and Development Control Policies of the Local Development Framework. The appeal on ground (a) therefore fails, and I intend to refuse planning permission on the deemed application.

The appeal on ground (g)

19. This ground is that the compliance period specified in the notice falls short of what should reasonably be allowed.
20. The appellant would not need to obtain any permission to reduce the height of the railings and remove the window grilles, since it is a requirement of the notice. This could readily be carried out within the 3 month compliance period.
21. However, given the problems that have arisen, I would expect the appellant to want to implement alternative security arrangements, to protect the site and people attending. In that event, the new scheme is likely to require planning permission. It would be necessary to design the new scheme, probably in discussion with the Council and the Police - in order to make use of their extensive expertise and available advice - to obtain planning permission, and then obtain quotations and carry out the works.
22. I consider a 6 month period would be realistic for the design and for obtaining planning permission, with a further period of 3 months for execution. Furthermore, for reasons of practicality, works to the hardstanding should be allowed the same period. I therefore intend to vary the notice, and allow a period of 9 months for compliance with all the requirements. The appeal on ground (g) therefore succeeds.

Conclusions

23. For the reasons given above and having regard to all other matters raised, I consider the appeal should not succeed except to the limited extent on ground (g). I intend to uphold the notice with a variation and to refuse planning permission on the deemed planning application.

Formal decision

24. I allow the appeal on ground (g), and direct that the enforcement notice be varied by:

DELETION of *3 months* as the period for compliance with Steps (i), (ii) and (iii), and of *6 months* as the period for compliance with Steps (iv) and (v); and,

SUBSTITUTION of *9 months* as the period for compliance with Steps (i) to (v) inclusive.

Subject to this variation I uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Stephen Brown

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sharon Smith	Solicitor
Kamal Siddiqui	Linda S Russell, Solicitors and Planning Consultants. Appellant.

FOR THE LOCAL PLANNING AUTHORITY:

Deone Wessels	Team Leader, Planning Enforcement and Appeals Havering Borough Council.
Simon Thelwell	Planning Control Manager Havering Borough Council.
Donal Nolan	Police Crime Prevention Design Adviser Romford Police.

INTERESTED PERSONS:

Muhammed Abbas	Congregation member, Romford Mosque.
Kunle Tehks	Congregation member, Romford Mosque.
Mohammed Siddiqui	Congregation member, Romford Mosque.
Mohammed Majid	Congregation member, Romford Mosque.
Cllr Jeffrey Tucker	Havering Borough Councillor.
Cllr David Durant	Havering Borough Councillor.
Cllr Robert Benham	Havering Borough Councillor.

DOCUMENTS

- 1 Attendance list.
- 2 The Council's letter of notification of the appeal, dated 27 January 2011 with the circulation list.
- 3 Letters of representation.
- 4 Petition in support of Romford Mosque.
- 5 Bundle of documents put in for the appellant, with schedule (9 no).
- 6 Police records of criminal incidents at the Mosque, dated 16 August and 2 September 2007.

PHOTOGRAPHS

- 1 Photographs of the appeal site and surroundings dated 25 February 2011.
- 2 Photograph of appeal site in 2007/08.
- 3 Photographs of other metal railings and grilles in the area.