



## Appeal Decisions

Site visit made on 28 March 2023

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18<sup>TH</sup> APRIL 2023**

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### **Appeal A Ref: APP/B5480/C/22/3294160**

#### **Land at 140 Straight Road, Romford, Essex RM3 8AD**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Alberto Deda against an enforcement notice issued by the Council of the London Borough of Havering.
  - The notice was issued on 11 February 2022.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of a gate, pillars, walling and railings adjacent to a highway.
  - The requirements of the notice are: Either: (1) Reduce the height of all boundary treatments in the area hatched red on the plan attached to the notice so that they are no more than 1 m in height at any point; and (2) Remove all materials, rubble and debris from the site as a result of taking step (1) above; Or: (3) Demolish to ground level all boundary treatments in the area hatched red on the attached plan; and (4) Remove all materials, rubble and debris from the site as a result of taking step (3) above.
  - The period for compliance with the requirements is two months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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### **Appeal B Ref: APP/B5480/W/22/3293559**

#### **140 Straight Road, Romford, Essex RM3 8AD**

- 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 Mr Alberto Deda against the decision of the Council of the London Borough of Havering.
  - The application Ref P1950.21, dated 5 October 2021, was refused by notice dated 31 January 2022.
  - The development proposed is described as 'retrospective application for front gates and boundary wall.'
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### **Decisions**

1. Appeal A-The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
2. Appeal B-The appeal is dismissed.

### **Appeal A, Ground (a) appeal & Appeal B**

#### **Main Issue**

3. The main issue in these appeals is the effect of the development on the character and appearance of the area.

## Reasons

### *Character and appearance*

4. The appeal property contains an enlarged two storey end of terrace dwelling. The enforcement notice attacks development consisting of a brick wall about 1 m high which includes stone-capped brick piers extending up to about 1.8 m in height. The wall is situated adjacent to the street and returns abutting the side boundaries up to the front elevation of the dwelling. Decorative railing driveway gates about 2 m high are hung from central piers adjacent to the street. Metal railings similar in design and overall height to the gates are mounted on top of the wall between the other piers.
5. The property occupies an established residential setting. The dwellings are to a considerable extent similar in terms of their architectural style and age, being arranged in neat rows with ample front garden areas adjoining a wide, straight thoroughfare. Boundary treatments at the front of properties in the vicinity largely consist of low walls, fencing and hedges. The general absence of tall built boundary features in front garden areas imparts an appreciable sense of openness to the street scene and contributes significantly to the spacious, pleasant suburban residential character and appearance of the locality. By and large, more recent residential infill development has had limited influence on the established visual qualities of the locality.
6. The development is considerably taller than other built boundary treatments in front garden areas in the vicinity. The overall height and vertical profile give the development a significant visual presence in the street scene. The light orange/red brick of the walls and piers does little to integrate the development within its setting. The brick colour contrasts sharply with the pale shades of the rendered elevations of the dwelling. It also fails to reflect the darker, more brown tones of the bricks on dwellings elsewhere in the terrace as well as differing appreciably from the colour of the brickwork found in adjacent walls. The visual presence of the development is accentuated by the stone copings and the ornate design of the gates and railings, which incorporate scalloped top rails. Ornamental planting in the front garden area has not thus far significantly softened the profile of the development and is unlikely to do so in future.
7. As a result, the development does not relate well to the boundary treatments at the front of properties in the terrace and those elsewhere in the vicinity and it is viewed as an assertive, alien built feature in the surroundings. In addition, the presence of a tall built feature along the boundaries at the front of the property has considerably eroded the sense of spaciousness in the environs, contributing to a markedly more enclosed and built-up feel in the street scene. This is all entirely at odds with the established visual qualities of the locality and has led to significant and unacceptable harm to the character and appearance of the area. Although an active frontage is retained and a cramped appearance has been avoided, that is insufficient to offset the adverse visual consequences identified above.
8. In reaching the above findings I am mindful of the boundary walls at adjacent property, not dissimilar in terms of their overall height to the development. However, the adjacent walls separate rear gardens of several modern dwellings from the street. These dwellings form part of a planned residential estate. Also, the adjacent walls are of a simple design constructed in brickwork of a

similar colour to that of the dwellings to which they relate. Overall therefore, the adjacent walls are not comparable to the development in terms of either their function, design, materials, or relationship with the setting.

9. I have also been mindful of the isolated examples of taller built boundary treatments in front garden areas in the wider locality. In the main, these illustrate the unfortunate visual effects that can be associated with such development. The mere existence of similar structures in the area is not a good reason for permitting unacceptable development, as it could be repeated. In any event, it is unclear whether the circumstances in which other boundary treatments in front garden areas originated were comparable with those arising in these appeals. I was not made aware for instance, of any boundary treatments with outward similarities to the development having been erected recently in the locality following a grant of planning permission. Accordingly, such boundary treatments can only be given limited weight.
10. The harm to the character and appearance of the area fails to accord with criteria in Policy 26 of the Havering Local Plan (LP), as the development is not informed by and does not respect and complement the distinctive qualities, identity and character of the locality, it does not respect, reinforce and complement the local street scene and does not respect the visual integrity and established scale of frontages and the height of the surrounding physical context. There is also failure to accord with criteria in LP Policy 27, as the landscape character of the property and its wider setting has not been taken into account and the development does not integrate with and is not sympathetic to the street scene. Furthermore, by not achieving a well-designed place the development is inconsistent with chapter 12 of the National Planning Policy Framework.

#### *Other matters*

11. There has been no adverse effect on the privacy enjoyed by occupiers of adjoining residential property. Also, I am given to understand that the appellant has invested significantly in improvements to the dwelling. However, neither of these factors outweigh the harm identified above.

#### *Planning merits conclusions*

12. The unacceptable harm to the character and appearance of the area caused by the development does not accord with the Development Plan. Therefore, the ground (a) appeal in Appeal A and Appeal B do not succeed.

### **Appeal A**

#### **Ground (g) appeal**

13. The ground of appeal is that the time allowed for complying with the requirements of the notice is unreasonably short.
14. The remedial works required, i.e., reducing the overall height of the development to no more than 1 m or alternatively totally removing it, are reasonably limited in scale. Such works should be a relatively simple task for a suitably experienced small building contractor. In my estimation the works are unlikely to take longer than a week or two at most to complete. It is highly likely that there will be a significant number of contractors with a sufficient level of expertise to undertake such works. There is no firm evidence of a

shortage of contractors or of waiting times for them to become available being especially lengthy. As a result, there is little to show why the appellant could not search for and appoint a suitable contractor reasonably quickly, who could then undertake the works at relatively short notice. Such works are also unlikely to be particularly expensive. Arranging and securing any necessary financing for the works is therefore unlikely to take the appellant very long; no clear and compelling evidence was provided which might have suggested otherwise.

15. Accordingly, in my view two months affords ample time in which to comply with the notice. It follows that extending the time for compliance to nine months would perpetuate the breach and the planning harm caused. The ground (g) appeal fails.

### **Conclusions**

16. For the reasons given above, I conclude that Appeal A should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended. Also, for the reasons given above, I conclude that Appeal B should be dismissed.

*Stephen Hawkins*

INSPECTOR