



Appeal Decision

Site visit made on 26 April 2024

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2024

Appeal Ref: APP/B5480/C/22/3302643

52 Lower Bedfords Road, Romford RM1 4DG

- 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 Thomas Herne against an enforcement notice issued by the Council of the London Borough of Havering.
 - The enforcement notice was issued on 27 June 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission:
 1. Without the benefit of planning permission, operational development by the erection of front boundary walls with wrought iron railings with gates exceeding 1 metre in height fronting Lower Bedfords Road; AND
 2. Without the benefit of planning permission, operational development through the erection of an 'L-shaped' outbuilding at the rear; AND
 3. Without the benefit of planning permission, operational development in the form of installation of hard surfacing.
 - The requirements of the notice are:
 1. Demolish to ground level the unauthorised 'L-shaped' outbuilding as shown hatched on the attached site plan;
 2. Remove the hard surfacing shown as cross hatched in the attached site plan; AND
 3. Remove the front boundary wall and wrought iron railings including gates; OR
 4. Reduce the height of the front boundary wall / gates to a maximum height of 1 metre; AND
 5. Remove all rubble, waste and debris accumulated as a result of taking steps 1 -4 above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (c), (d), (f) 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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Decision

1. It is directed that the enforcement notice is:
 - Corrected by deleting the allegation within section 3 of the enforcement notice (the breach of planning control alleged) and its replacement with "Without planning permission:
 1. The erection of front boundary walls with wrought iron railings with gates fronting Lower Bedfords Road; and
 2. The erection of an 'L-shaped' outbuilding at the rear of the site."

- corrected by deleting the existing requirements under section 5 of the enforcement notice (what you are required to do) and replacing them with the following:
 - “1. Demolish to ground level the unauthorised ‘L-shaped’ outbuilding at the rear of the site as shown hatched on the attached site plan; AND
 2. Remove the front boundary wall and wrought iron railings including gates; OR
 3. Reduce the height of the front boundary wall and wrought iron railings including gates to a maximum height of 1 metre; AND
 4. Remove all rubble, waste and debris accumulated as a result of taking steps 1-3 above.”
- 2. Subject to these corrections, the appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of front boundary walls with wrought iron railings with gates fronting Lower Bedfords Road; and the erection of an ‘L-shaped’ outbuilding at 52 Lower Bedfords Road, Romford RM1 4DG referred to in the notice.

Procedural matters and matters concerning the Notice

3. In a letter dated 13 December 2023, the Council state that they are seeking to correct the Notice by withdrawing the part of the allegation and requirement in respect of the hardstanding. The appellant was provided the opportunity to comment and confirmed that such a correction would not cause injustice. Therefore, I can use my powers under the provisions of s176(1)(a) of the Act to make this correction. For clarity, the matters in relation to the hardstanding no longer forms part of this appeal, and the appellant has withdrawn their appeals on grounds (c) and (d) in relation to this. Therefore, the appeal is proceeding on the grounds (a), (f) and (g) only.
4. In addition, the allegation in the Notice is worded in a complicated manner and refers to “without planning permission” several times. This makes it difficult to follow and determine what the act or acts of development subject to the allegation are, or the terms of the deemed planning application and appeal on ground (a). However, the appellant appears to have understood the allegation and, in my opinion, the additional text does not render the notice completely unclear. It is necessary however to correct the allegation to remove unnecessary words but retaining the effect of what the Council is trying to achieve. This would not cause injustice and I can therefore use my powers under the provisions of s176(1)(a) to achieve this correction.

Ground (a) Appeal and the Deemed Planning Application

Main Issues

5. The main issues are:
 - whether the development amounts to inappropriate development in the Green Belt;
 - the effect of the development on the character and appearance of the area; and

- the effect of the outbuilding on the living conditions of neighbouring occupiers of Nos 48 and 56 Lower Bedfords Road, with particular regard to outlook.

Reasons

Background

6. The appeal site is located in the Metropolitan Green Belt. Planning Permission was granted for the "Demolition of existing property and construction of a new four-bedroom house with detached garage¹." This development has been completed.
7. There is also a large L-Shaped outbuilding to the rear, and front boundary walls with wrought iron railings with gates exceeding 1metre in height, which are the subject of this appeal. There is a separate gated vehicular access to the rear of the site, providing access to the outbuilding. The appellant explains that the rear outbuilding is ancillary to the main dwelling and contains a home office for the appellant and his wife with a small kitchenette with sink. There is also a small toilet at the far end of the outbuilding. The remainder of the outbuilding is set out as stables as the appellant owns horses and gun dogs. There is a separate toilet and basin within this area.

Whether inappropriate development

8. National policy on Green Belt development is set out in Part 13 of the National Planning Policy Framework, 2023 (the Framework). Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Of particular relevance to this appeal is Paragraph 154 which states that the construction of new buildings is inappropriate development in the Green Belt subject to a number of exceptions. Reference has also been made to Policy G2 of the London Plan, 2021 (London Plan), which is consistent with the Framework. Accordingly, I have assessed this appeal based upon the Green Belt policies contained in the London Plan, and the Framework.

The front walls with wrought iron railings and gate

9. The appellant considers that the development falls within the exceptions listed under Paragraph 154. Exception g) of paragraph 154 relates to the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:– not have a greater impact on the openness of the Green Belt than the existing development. Therefore, I must assess the developments effect on openness before concluding whether or not the development is inappropriate.
10. The evidence submitted, comprising Google Street view images, shows that prior to the development of the new dwelling, the frontage of the site comprised, in part, a solid high brick wall. In contrast the current unauthorised development consists of a more modest low brick wall, with brick piers and wrought iron railings above. The design of the wrought iron railings allows views through to the site and improves the openness of the site, when compared to the former solid brick wall, which appeared more substantial.

¹ Council ref: P0378.15 on the 15 May 2015.

11. Accordingly, it is concluded that the front walls with wrought iron railings and gates would not be inappropriate development in the Green Belt and, as such, it would not conflict with the Framework and Policy G2 of the London Plan.

L-shaped outbuilding

12. The appellant considers that the outbuilding falls within the exceptions listed under Paragraph 154 b) and e) of the Framework, which I shall consider in turn. Exception b) of paragraph 154 relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
13. A proportion of the outbuilding is laid out as stables and pens as the appellant's family own horses and gun dogs, and therefore, the appellant argues that the stables are clearly associated with an outdoor sport or an outdoor recreational activity. However, this exception only arises in connection with the existing use of land or a change of use. There is no proposal to change the use of the land upon which the outbuilding sits for outdoor recreation, and there is no allegation in the Notice that any such change has been made. Furthermore, part of the building is used as an ancillary home office to the main dwelling. Therefore, as the land is not in use for the purpose of outdoor sport and recreation, I find that the paragraph 154 (b) exception, cannot arise in relation to this outbuilding which is ancillary to the main dwelling.
14. The appellant also argues that the outbuilding would be limited infill development in a village and therefore it would constitute an exception under Paragraph 154 e) of the Framework. The site is located on the edge of the settlement of Collier Row and is surrounded to the north and south of the site by country parks and open fields, which provide a semi-rural setting. Despite the site being on the very edge of London, this section of Collier Row has its own range of services and facilities, and the characteristics one would associate with a village. Accordingly, by reason of size and form, and the site's location adjacent to the countryside, this section of Collier Row can be regarded as a village for the purposes of the Framework.
15. The appeal site forms part of a row of predominantly detached dwellings on the south side of Bedfords Road, many of which contain outbuildings of various sizes and forms (some of which are visible from Lower Bedfords Road). I also note that the current development replaced a former large outbuilding at the appeal site (as shown on the plans associated with the 2015 planning permission). By reason of the site being enclosed by built forms on both sides, I am satisfied that the replacement outbuilding being single storey only, with a recessive pitched roof, and positioned towards the rear of the site, amounts to limited infilling in a village. Accordingly, it is concluded that the outbuilding is not inappropriate development in the Green Belt and, as such, it would not conflict with the Framework or Policy G2 of the London Plan.
16. Case Law has established where development is found to be 'not inappropriate,' applying the relevant exceptions of the Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. The same judgement makes clear that there is no place for a subsequent assessment of the effect of the development on Green Belt openness.

Character and appearance

The front wall with wrought iron railings and gate

17. This section of Lower Bedfords Road comprises a mix of detached bungalows and two storey dwellings of various styles and designs, set behind generous landscaped front gardens which in combination with the mature vegetation and fields opposite gives the road a pleasant and verdant character. During my site visit I also observed that there was a variety of heights and styles of boundary treatments in the vicinity of the site, and that similar height boundary treatments exist on neighbouring properties along this section of the road. The evidence submitted also shows that a solid high brick wall existed over part of the frontage of the appeal site, prior to the current development. That former wall appeared more solid and substantial than the current development.
18. The current brick wall and piers has been constructed in matching materials with the host dwelling. In addition, the wrought iron railings painted black have a traditional appearance which blends in well with the site and the surrounding area. Indeed, during my site visit I observed that metal railings painted black are seen elsewhere on a number of properties.
19. Given the overall size of this detached property, the front boundary walls, brick piers and iron railings and gates do not look disproportionate in terms of its size, height, scale or appearance. Furthermore, the boundary treatment, with its modest brick wall, and metal railings above allows views through to the site and the landscaped garden, not dissimilar to other boundary treatments and gardens seen elsewhere in the locality. In this respect the front boundary treatment does not dominate the appearance of the property, and adequately respects the context and character of the area.
20. During the site visit, the Council Officer referred to a front boundary treatment at No 110 Lower Bedfords Road, which was subject to an appeal against an enforcement notice. However, no details of that development or appeal were submitted with this appeal, and therefore I cannot be certain that the circumstances of that development are directly comparable to the appeal development before me. I also visited that other property and noted that the height of the brick wall appeared higher than the height of the low section of the brick wall on the development before me. In any event I have assessed the development on its own merits.

Outbuilding

21. The Council's Residential Extensions and Alterations Supplementary Planning Document, 2011 (SPD) states "The outbuilding should be subordinate in scale to the existing dwelling and to the plot. In assessing proposals, the Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment. As with all extensions, outbuildings should not detract from the character of the area and should be unobtrusively located to the side and rear of the existing dwelling." Whilst the Council's SPD is guidance only, its emphasis on good design is consistent with the Framework.
22. The outbuilding comprises a single storey, with a recessive tiled roof and finished in grey painted timber boarding. This colour scheme has an integrated appearance with the grey painted planters and the wooden element of the

fence panels within the rear courtyard. The design of outbuilding has the appearance of a stable block, which reflects its main use as stables for the appellant's horses and gun dogs and is appropriate for this semi-rural location close to the countryside.

23. I appreciate its footprint is larger than the former outbuilding it replaced. Nevertheless, given the overall large plot size of the appeal site, and its single storey height, it does not appear overly large, or occupy a disproportionate area of the rear garden. It is also confined to the rear part of the site only and therefore is not prominent in views from the street or from neighbouring land.
24. I also note that suitable soft landscaping is provided within the front and rear gardens which softens the impact of both the outbuilding and front boundary treatment. In these respects, the development remains subservient to the main dwelling and its plot and does not harm the character and appearance of the main building and area.

Conclusion on the character and appearance

25. I therefore conclude that the development does not have a harmful impact upon the character and appearance of the area. Accordingly, the development complies with Policies 7, 10, 26 and 27 of the Havering Local Plan 2016 – 2031, adopted in 2021(Local Plan). Amongst other things, these state that residential development should be of a high standard of design and require that development proposals respect character and reinforce and compliment the local streetscene; that proposals for residential development on garden and backland sites in Havering will be supported when they retain and provide adequate amenity space for existing and new dwellings; and that the Council will support development proposals that incorporate a detailed and high quality landscape. The development also complies with the design policies of the Framework.

Effect of the outbuilding on the living conditions for the occupiers of 48 and 56 Lower Bedfords Road, with regard to outlook.

26. The Council's SPD states that "outbuildings should not adversely affect the living conditions of neighbouring properties." The Notice refers to the effect on the occupiers of No 54 Lower Bedfords Road. However, the neighbouring property is in fact No 56 and not No 54. I have therefore assessed the effect on the occupiers of No 56.
27. With regard to this, the current single storey outbuilding replaced a former structure in a similar position. Given the location of the outbuilding at the rear of the garden, and away from the neighbouring property, the outbuilding has no greater impact on the occupiers of No 56 than the pre-existing structure.
28. With regard to the effect on the occupiers at No 48, the development includes a pitched roof which slopes down towards the boundary with No 48, thereby mitigating any harmful effects of the development. Furthermore, I also observed there is existing dense vegetation along this boundary, and in combination with its position at the far end of this relatively long rear garden, I am satisfied that the development does not harm the living conditions for the occupiers of No 48, with regard to outlook.
29. I therefore conclude that the outbuilding does not have a harmful effect on the occupiers of Nos 48 and 56 Lower Bedfords Road, with regard to outlook, in

accordance with Policies 7 and 26 of the Local Plan. Amongst other things these require development proposals to fully integrate with neighbouring developments and support developments that do not result in unacceptable loss of privacy or outlook.

Other matters

30. The Council have also referred to Policy 29 of the Local Plan relating to Green Infrastructure and Policy G3 of the London Plan which relates to Metropolitan Open Land. However, neither of these policies appear particularly relevant to the development before me or the case advanced by the Council, and therefore I have not assessed the development against these.
31. No conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

Conclusion

32. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the enforcement notice as corrected. The appeal on grounds (f) and (g) do not therefore fall to be considered.

R Satheesan

INSPECTOR