



## Appeal Decision

Site Visit made on 20 July 2021

by **N Thomas MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 October 2021

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### Appeal Ref: **APP/B5480/C/20/3263499**

#### **6 Wincanton Road, Romford, RM3 9DH**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ms. Lena Shehu against an enforcement notice issued by London Borough of Havering.
  - The notice, numbered ENF/374/19, was issued on 20 October 2020.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of pillars, railings and gates to the front elevation of the property facing the highway of Wincanton Road in excess of 1 metre.
  - The requirements of the notice are:
    - (i) Remove the wall, pillars, railings and gate from the front boundary of the dwelling; or
    - (ii) Reduce the height of any wall, pillar, railing or gate which faces Wincanton Road to a maximum of 1 metre in height; and
    - (iii) Remove all materials and debris from the site as a result of taking step (i) or step (ii).
  - The period for compliance with the requirements is two months.
  - The appeal is proceeding on the ground set out in section 174(2)(a) 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:
  - The deletion of the word 'wall' from requirements (i) and (ii) of the notice.
2. Subject to the correction, 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.

### Preliminary Matter

3. Since the appeal was lodged the revised National Planning Policy Framework (NPPF) was published in July 2021. The parties have been given the opportunity to comment on its implications for the case.

### Matters concerning the notice

4. I have a duty to try to get the notice in order. The alleged breach of planning control relates to the erection of pillars, railings and gates, but the notice requires the removal or the reduction in height of the wall. As the allegation does not include the wall, it is excessive to require it to be removed or reduced

in height. I am satisfied that no injustice would be caused if I remove the reference to the wall in the requirements.

### **Reasons**

5. Having regard to the reasons for issuing the notice, the main issue is the effect of the development on the character and appearance of the site and surrounding area.
6. The appeal site is a large semi-detached dwelling in a predominantly residential area. It has a spacious front garden which is mostly hard surfaced as parking, with two vehicular access points. It faces onto a large area of grassed open space located between Wincanton Road and Noak Hill Road. It is prominent in views across the open space and along Wincanton Road. The neighbouring houses are of a similar design, and are set well back from the road behind gardens. The front boundaries are generally marked by hedges, low walls or fences, so that there are open views across the front of the properties with mature garden planting, which gives the area a distinctive character.
7. The pillars, railings and metal gates are tall and readily visible in the street scene. They are imposing and harsh features that are at odds with the prevailing front boundary treatments and are out of character with the surrounding front gardens. They are harmful to the character and appearance of the street scene.
8. I appreciate that the brick pillars and railings are an addition to the original boundary treatment, and that they reflect the appearance and materials of the house. I also note that the railings allow views to the house. However, they are nonetheless visually intrusive features that dominate the frontage in a prominent location. I therefore disagree that the increase in height is not significant. I note the appellant's wish to improve security but this does not outweigh the harm that is caused to the character and appearance of the area.
9. My attention has been drawn to other boundary treatments in the area. The boundary treatment at 2 Wincanton Road is the subject of a separate appeal. No 14 has a lower wall and gates without railings and is therefore less imposing, while the Council considers that it is likely to be permitted development.
10. Tees Drive is nearby but has a more built up and enclosed character as it is lined by development on both sides and is not therefore directly comparable to the appeal site. The Council has explained that the front boundary treatment at No 49 is immune from enforcement due to the passage of time, while No 10 has recently been reduced in height. No 4 has a lower wall and gate without railings and is less imposing than the appeal development. Nos 12 and 14 have a very low wall with a tall hedge, while No 45 has a hedge behind a lower wall and railings. Although the hedges enclose the front boundaries, they have a softer appearance than the wall and railings on the appeal site. I do not therefore find that the examples referred to by the appellant indicate that the appeal development is acceptable.
11. The entrance to Hillcrest Court on Noak Hill Road is narrow and set well back from the road frontage, it is not comparable to the wide frontage of the appeal site with the wall and railings set at the back edge of the footway. I do not therefore find that it is comparable to the appeal development.

12. For these reasons, I conclude that the development is harmful to the character and appearance of the site and surrounding area. It is therefore in conflict with Policy DC61 of the Havering London Borough Core Strategy and Development Control Policies Development Plan Document Adopted 2008, insofar as it seeks to ensure that development maintains, enhances or improves the character and appearance of the local area. It is also in conflict with the guidance in the Residential Extensions and Alterations Supplement Planning Document (SPD) 2011 and the Landscaping SPD 2011. The appeal on ground (a) therefore fails.

**Conclusion**

13. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*N Thomas*

INSPECTOR