



Appeal Decisions

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

Appeal A Ref: APP/B5480/C/20/3263550

Appeal B Ref: APP/B5480/C/20/3263551

The land at 2 Wincanton Road, ROMFORD, RM3 9DH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. Appeal A is made by Mr Steve Troster and Appeal B is made by Dr Mahesh Dixit-troster against an enforcement notice issued by London Borough of Havering.
- The notice, numbered ENF/37/20, 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 facing the highway of Wincanton Road and to the side elevation facing North Hill Drive, Romford to heights in excess of 1 metre.
- The requirements of the notice are:
 - (i) Remove the walls, pillars, railings and gates from the front boundary of the dwelling facing Wincanton Road and from the side elevation facing North Hill Drive; or
 - (ii) Reduce the height of any wall, pillar, railing or gate which faces Wincanton Road or which faces North Hill Drive 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 (ii).
- The period for compliance with the requirements is two months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (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.
- Appeal B is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.

Decisions

1. It is directed that the enforcement notice is corrected and varied by:
 - Deleting the words 'wall' and 'walls' from the requirements of the notice.
 - Deleting the word 'two' and substituting with 'three' in the period for compliance.
2. Subject to the correction and variation, Appeal A 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.
3. Subject to the same correction and variation, Appeal B is dismissed.

Preliminary Matters

4. Since the appeals were 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 and responses have been taken into consideration.

5. I note that the appellant is frustrated that the Council is unwilling to engage in pre-application discussions and that the enforcement notice was served without warning. However, these matters do not have any bearing on my consideration of the appeals.

Matters concerning the notice

6. 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 walls. As the allegation does not include the wall, it is excessive to require it to be removed or reduced in height. The appellants consider this to be an error in the notice that cannot be corrected without injustice and should result in the appeals succeeding. However, if I remove the reference to the wall the requirements would be less onerous. I am satisfied that no injustice would be caused to the appellants. It is therefore an error that is correctable.

Appeal A Ground (a) and the deemed planning application

7. 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.
8. The appeal site is a large, detached dwelling on a corner plot at the junction of Wincanton Road with North Hill Drive. It has vehicular access from Wincanton Road and is in a predominantly residential area. It has a spacious front garden that is laid to hard surfacing with parking. It faces onto a large area of open space, between Wincanton Road and Noak Hill Road. It is prominent in views from the surrounding area, particularly across the open space from Noak Hill Road, and from North Hill Drive. On the opposite side of North Hill Drive is a large recreation ground set behind a wide grass verge.
9. The neighbouring houses on Wincanton Road are generally semi-detached but are set back a similar distance from the road frontage. The front boundaries are generally marked by hedges and 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.
10. The brick pillars, railings, and metal gates are tall and readily visible in a prominent position on the corner plot. They are imposing and harsh features that are at odds with the prevailing boundary treatments and are out of character with the surrounding front gardens. They are harmful to the character and appearance of the street scene.
11. My attention has been drawn to other boundary treatments in the area. I appreciate that the neighbouring dwelling has an overgrown front garden but this has a less harsh appearance than the appeal development. 49 Tees Drive has tall and imposing railings and gates but the Council has explained that the properties referred to by the appellant have been investigated. In any event, the area has a more enclosed character when compared with the appeal site and is not comparable.

12. 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 on a corner plot with the wall and railings set at the back edge of the footway. There are metal railings around the recreation ground on the opposite side of North Hill Road but these are set behind a hedge and verge and are less imposing and prominent than the appeal development.
13. The appellant also refers to boundary treatments in North Hill Drive, Noak Hill Road, Tees Drive and Priory Road. There is also reference to the Council taking an inconsistent approach compared to other areas such as Ardleigh Green and Emerson Park. I have not been referred to any addresses but I toured the surrounding area and found that most front boundaries contribute positively to the open character.
14. I appreciate that the railings, pillars, and gates have been erected to improve security, however I have seen no firm evidence that there are no alternative means of providing adequate security that would be less harmful to the street scene. The appellant suggests in relation to the ground (f) appeal that greenery could be planted to help to camouflage the metal work, which is a matter more appropriately considered under the ground (a) appeal. However, the front boundary wall, railings and pillars are adjacent to the footway and it has not been demonstrated that a planting scheme could be devised that would effectively overcome the identified harm.
15. The appellant has also suggested in the ground (f) appeal that they would be willing to discuss lowering the metalwork. While I can grant planning permission for the whole or part of the matters being enforced against, there are no plans before me to indicate that the metalwork could be lowered to an alternative height without additional works being necessary. Therefore, it is not clear that a lowered railing or gate would be part of the matters. It is also not clear to me that such a scheme would overcome the identified harm.
16. For the reasons given above, 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.

Appeals on ground (f)

17. The ground of appeal is that the steps required by the notice to be taken, exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by the breach.
18. The appellants have indicated that they would be happy to discuss lowering the metal work and planting greenery. However, these are not lesser steps but are alternatives or additional works that I have considered in relation to the ground (a) appeal. The appellant has not put forward any lesser steps and therefore the appeals on ground (f) fail.

Appeals on ground (g)

19. The ground of appeal is that the period for compliance with the notice is too short. The period for compliance is two months and the appellants request a period of 12 months, in consideration of the health and wellbeing of the appellants and workers during the pandemic.
20. It seems to me that three months strikes a reasonable balance between the interests of the appellant and the need to bring the breach of planning control to a timely resolution. To this limited extent the appeals on ground (g) succeed and I shall vary the notice accordingly.

Conclusion

21. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the notice with a correction and variation 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