



Appeal Decision

Site visit made on 18 March 2025

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/B5480/C/23/3324040

2 Silver Way, Romford RM7 8EX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr S Jones against an enforcement notice issued by the Council of the London Borough of Havering.
 - The notice was issued on 2 June 2023.
 - The breach of planning control as alleged in the notice is, without planning permission, the construction of double gates over 1 metre tall fronting an adopted highway and the construction of high fencing over 1 metre tall fronting an adopted highway.
 - The requirements of the notice are to:
 - (i) Demolish the gates shown in the approximate position marked A on the plan annexed to the Enforcement Notice, and
 - (ii) Demolish the fencing shown by T marks and red lines on the plan annexed to the Enforcement Notice, and
 - (iii) Remove all debris, rubbish or other materials accumulated as a result of taking steps (i) and (ii) above.
 - 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. 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.

Ground (a) – the deemed planning application.

Main Issue

2. The main issue is the effect of the development on vehicular and pedestrian safety.

Reasons

3. The appeal concerns the erection of a fence, which includes vehicular access gates, along the boundary of a property along Silver Way. The access gates facilitate the parking of a vehicle within the now enclosed area to the front of one of four garages. While I am mindful that previously any earlier fence would have severely restricted visibility in one direction for vehicles exiting from the front of the garages, the new fencing severely limits visibility in both directions. This results in a materially worse situation than that which existed previously.

4. For vehicles exiting from the now enclosed area, there would be little or no visibility in either direction of pedestrians that may be approaching along the footway, or of vehicles that may be approaching along the carriageway. Drivers would be exiting the site with no knowledge of any vehicular or pedestrian traffic that may be approaching. This would result in a clear risk to both of these groups of highway users.
5. The fencing and gates are positioned alongside an existing set of garages and due to the position of the built features, they do restrict visibility for vehicles when exiting from the rest of the garages. However, it appears to me that this is no different from the situation that previously existed, albeit that there are now three garages affected, rather than the previous four. As such, I do not find that the development results in any harm to safety due to vehicles exiting from the remaining garages.
6. Despite the lack of harm in respect of the manoeuvring of vehicles in association with the three garages which retain an open frontage, the development does result in harm due to the potentially dangerous vehicle movements that result from vehicles exiting from the access gates. Accordingly, the development results in harm to vehicular and pedestrian safety. Thus, it conflicts with policy 26 of the London Borough of Havering Local Plan (adopted November 2021), insofar as it seeks to ensure that development provides good sightlines. There would also be conflict with the highway safety aims of the National Planning Policy Framework.
7. The Council refer to policy 24 in the Enforcement Notice, however this policy, while relating to parking standards and design, contains no requirements in terms of the safety of the parking. As such, I do not consider it to be relevant to my decision in this case.

Other Matters

8. I am conscious that the appellant has stated that the development was undertaken in response to anti-social behaviour that was taking place to the rear of their property, which resulted in a fear of crime. Moreover, the intention of the development was to increase security at the property. These matters are noted however the development that has taken place results, as I have outlined above, in a risk to public safety, through a detriment to highway safety for users. As such, the rationale behind the works and the private benefits it may bring are not sufficient to outweigh the harm that I have found.
9. There is reference to the previous fence that existed and that this has only been extended. Nonetheless, it is this extension that has resulted in additional harm and thus the existence of a previous fence has little bearing on my decision. Similarly, the presence of other fences over 1 metre in height in the wider area, none of which have been shown to be directly comparable, does not convince me of the acceptability of this specific development and the harm it causes.
10. I note that the appellant has provided details of support for the development, including from some local residents. This however also does not overcome the harm that I have found.

Conclusion

11. For the reasons given above, I conclude that the appeal 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

Martin Allen

INSPECTOR