
Appeal Decision

Site visit made on 31 January 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 February 2017

Appeal Ref: APP/W5780/W/16/3161969

Forest Close, London E11 1PY

- 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 Ricky Varaden against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3599/16, dated 25 July 2016, was refused by notice dated 30 September 2016.
 - The development proposed is the erection of electric gates on private unadopted road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would foster social inclusion.

Reasons

Character and Appearance

3. Forest Close is a short, straight cul de sac providing access to 12 detached dwellings. At its junction with Hollybush Hill it is flanked by the side boundaries of Nos 54 and 55 Hollybush Hill. The proposed gates would be sited part way along those boundaries. The gates would be up to 1.95m high, supported by metal posts and would span the full width of the road with separate pedestrian gates across both footpaths. The outer posts would abut brick piers within the side boundary walls of Nos 54 and 55.
 4. Although Forest Close is a private road, the structure would be prominent views from both that road and Hollybush Lane. By virtue of its scale and positioning across the road, the structure would also be visually intrusive. The black metal railings would be thicker in section and more widely spaced than the railing elements of the boundary walls of Nos 54 and 55. As such, I consider that the proposed gates would not be in keeping with suburban, residential character of the area or with the design of the immediately adjoining boundary enclosures.
 5. Snaresbrook Crown Court is located opposite Forest Close on the west side of Hollybush Road and Snaresbrook House is a fairly short distance further north.
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Although there are metal gates across both accesses, they form an integral part of the boundary enclosure of large sites. The setting for these gates is, therefore, materially different from the appeal proposal and they do not set a precedent.

6. Following discussion with an officer of the Council, the appellant has suggested that the height and appearance of the gates could be altered. However, no details of the proposed changes have been provided, and my decision is based on the proposal considered by the Council.
7. Consequently, I find that the proposal would have a harmful effect on the character and appearance of the area. As such, it would conflict with Policy BD1 of the Council's Borough Wide Primary Policies 2008 (PP) and Policy SP3 of its Core Strategy 2008 (CS). Amongst other things, these policies require development to be compatible with, and contribute to, the distinctive character of the area and be of a scale and design appropriate to the locality.

Social Inclusion

8. Policy 7.1 and paragraph 7.4 of the London Plan 2015 (LP) state that development should enable people to live healthy lives, maximize the opportunity for inclusion and cohesion and contribute to people's sense of place, safety and security. The policy also requires the design of spaces to reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood. Policy 7.2 and paragraph 7.8 seek inclusive design. Developments should be convenient and welcoming with no disabling barriers, so that everyone can use them independently without undue effort or separation. Design should follow engagement with relevant user groups and proposals should be realistic, offering more than one solution to help balance everyone's needs.
9. It is evident from the appellant's submissions and the consultation responses to the application and appeal that there has been fairly extensive engagement in this case. However, the responses pull in different directions, with some placing emphasis on the safety and security which it is thought the gates would offer and others, including the Council, concerned about their effect on accessibility, permeability and a loss of social cohesion.
10. Those in favour of the proposal have expressed concerns including inconsiderate parking late at night, litter dropping and anti-social behaviour. However, I see no reason why Forest Close should attract these activities to a greater extent than other roads. Nor is there substantive evidence to show that houses in the Close have experienced more burglaries than others in the area. Moreover, the appellant's final comments indicate that the gates would open automatically on approach. If so, they would not prevent unwanted visitors entering the Close and are unlikely to provide the security sought. Nevertheless, I have no reason to doubt that the overspill parking from Snaresbrook Crown Court as well as commuter parking occurs in Forest Close to the inconvenience of residents. However, I am not persuaded that the erection of the proposed gates would be a proportionate response to this issue or one which would meet everyone's needs.
11. Policy 7.2 of the LP indicates the need to consider more than one solution in order to meet everyone's need. The information submitted with the appeal does not adequately show that other solutions, which could, for example,

involve signage, engagement with the Court or a less intrusive barrier, have been fully explored. Whilst Forest Close is unadopted, it forms part of the wider neighbourhood and is not excluded from LP Policies 7.1 and 7.2. As well as being unwelcoming and visually harmful, the proposed gates would reduce accessibility and physically separate the residents of Forest Close from the wider community. As such, I find that the proposal would not foster social inclusion and would not comply with LP Policies 7.1 and 7.2. Nor would it accord the objectives of LP Policy 7.3 to the extent that they seek to use design to reduce crime.

Other Matters

12. The appellant has also referred to the condition of the road and the residents' intention to repair it at their own, considerable, expense. I saw on the site visit that the road surface is very uneven and in need of repair. However, there is no firm evidence to show that Court or commuter parking has been a significant contributory factor in the poor condition of the road and, in any event, I have already indicated that other solutions to the parking issue should be considered. Therefore, whilst I recognise resident's concern to protect their investment in the up keep of the road, I am not convinced that this is best achieved through the erection of the proposed gates.
13. I understand that the Council has not objected to the proposal on highway safety grounds. Nevertheless, the absence of further harm does not amount to a positive point in favour of the proposal.
14. The appellant has commented on the amount of Council Tax paid by residents of Forest Close. However, that is not a planning matter.

Conclusion

15. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR