The Planning Inspectorate

Appeal Decision

Site visit made on 21 March 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 31 March 2017

Appeal Ref: APP/B5480/W/16/3162908
25 Nelmes Way, Hornchurch RM11 2QY

- 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 Gary Lambert against the decision of the Council of the London Borough of Havering.
- The application Ref P0922.16, dated 2 June 2016, was refused by notice dated 27 July 2016.
- The development proposed is described as revised front wall design (in order to be similar to adjacent front boundary treatments and allow safer and easier ingress and egress).

Decision

1. The appeal is allowed and planning permission is granted for Alterations to the front wall design (Revision to planning permission P0916.13) at 25 Nelmes Way, Hornchurch RM11 2QY, in accordance with the terms of the application Ref: P0922.16, dated 2 June 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) No development shall commence until samples of the materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved samples.

    3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; index 16/6001 Drawing No 7 Rev C.

Procedural Matter

2. The Council changed the description of the development of application ref: P0922.16 to 'Alterations to the front wall design (Revision to planning permission P0916.13)'. This is an accurate description of the development which I have therefore used in my decision.

Main Issue

3. The main issue is the effect of the proposed development on pedestrian safety.

Reasons

4. The appeal property comprises a substantial detached dwelling located on the eastern side of Nelmes Way that has been recently constructed and is set in a large garden. Nelmes Way is a residential street comprising of detached properties, many of which have a dual access to the road and front boundary treatment that abuts the rear of the footway and predominantly comprises a mixture of walls and railings.

5. The pedestrian footway on this side of the street is relatively wide. The appellant indicates that this is 1.8m wide with a grass verge abutting the road, giving a total depth of 3.5m. I have no evidence to suggest that the appellant's measurements of the width of the footway may be incorrect.

6. The proposed development would involve the construction of a brick boundary wall, approximately 600mm high, positioned to the rear of the footway with railings between supporting piers such that the overall height of the of the boundary structure would be approximately 2.0m. Two gated access points would be formed in the front boundary.

7. The appellant has provided several examples where recently permitted boundary treatment, similar in design to that proposed in this appeal, has been constructed on Nelmes Way. I also observed at my site visit that the design of the proposed boundary is similar to that provided at Nos, 23, 21 and 19. Many properties on the street have two access points to the road that appear to be used as an 'in' and 'out' configuration with vehicles parking in the front of the property. This enables vehicles to access and egress such properties in a forward direction. I also observed at the time of my visit that the road was relatively lightly trafficked and was subject to a low level of pedestrian use.

8. The proposed design of the wall and railings would allow for pedestrians using the footway to have visibility through the railings to the frontage of the property. As such, pedestrians would be able to see any vehicular movements at the front of the property. Similarly, the design would also permit views of pedestrians walking in the vicinity of the frontage of the site from vehicles that intended to egress through one of the access points. As such, I consider that there would be adequate inter-visibility between drivers of vehicles and pedestrians as a consequence of the design of the front boundary treatment.

9. Notwithstanding the likely 'in' and 'out' arrangement, there is adequate space to the front of the dwelling to enable vehicles to manoeuvre and exit the site in a forward direction. Such vehicles would be travelling at a low speed. Taking these matters into account, together with the adequate indivisibility between drivers and pedestrians and the substantial width of the footway, leads me to conclude that the design of the proposed front boundary would provide adequate opportunity for pedestrians and drivers to take any necessary action to avoid a prejudicial safety conflict. Consequently, the proposed development would not unacceptably compromise pedestrian safety or have any adverse effect on the functioning of the road hierarchy.

10. Taking the above factors into consideration, I conclude that the proposed development would not cause demonstrable harm to pedestrian safety. Consequently, there would be no conflict with Policies DC32 and DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document 2008. These policies, amongst other things, require that new

development should be designed around the needs of pedestrians and should not have an adverse impact on the functioning of the road hierarchy.

Conditions

11. In addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the character and appearance of the area, I have also imposed a condition concerning the external materials to be used.

Conclusion

12. For the above reasons and taking all other matters raised and the development plan as a whole into account, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR