
Appeal Decision

Site visit made on 15 March 2017

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 20 April 2017

Appeal Ref: APP/U5930/C/16/3152753

14 Drayton Road, Leytonstone, London E11 4AR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Kirk Graham against an enforcement notice issued by the Council of the London Borough of Waltham Forest.
 - The notice was issued on 19 May 2016.
 - The breach of planning control as alleged in the notice is: without planning permission the installation of front boundary wall, railings and gates.
 - The requirements of the notice are:
 1. Remove the front boundary wall, railings and gates.
 2. Remove from the property all associated materials, detritus and general debris resulting from the works required by step 1 above.
 - The period for compliance with the requirements is within two months after this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Summary of Decision

1. The appeal is allowed and the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

Ground (a) and the deemed application for planning permission

Main Issue and Reasons

2. The main issue is the effect of the development on the character and appearance of the host property and the street scene.
 3. The host property is occupied as a church, set well back from the front boundary in a predominantly residential area. The housing in this part of Drayton Road close to the appeal site generally has boundary treatments comprising low walls, hedges or fences. The dwellings on the opposite side of the road display a mix of front boundary treatments but several have a low front walls and piers surrounding an open entrance to the front garden area.
 4. No 14 is neither a listed building nor in a conservation area. The adjacent building is a synagogue whose railings to the front boundary are of comparable height with those at No 14. I read that due to concerns of security and previous burglaries the church and synagogue required a more secure boundary treatment. I also note that the National Planning Policy Framework at Paragraph 58 aims to create safe and accessible environments where crime and the fear of crime, do not undermine quality of life or community cohesion.
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5. The railings, wall and gate at No 14 enclose the grounds of the church to the front but they enable passers-by to look into the property whose appearance from public views is not materially affected thereby. In this respect its design is compatible with the aim in Policy DM33 of the Development Management Policies Local Plan 2013 (DMP) to improve community safety and cohesion whilst preserving natural surveillance of the host building at street level.
6. As with examples I have seen of similar boundaries fronting institutional uses in the area, the height of the railings and the piers at the appeal site do have an impact in the wider street scene. However considering the particular design of the development, and taking into account public views of it and the adjacent boundary treatment of the synagogue, I do not find it to be so prominent or incongruous as to unacceptably undermine the character or appearance of the area. Nor do I consider that it unacceptably encloses or detracts from the use and enjoyment of the highway, including the footway abutting the railings.
7. Comments from interested persons have been noted, however the evidence does not persuade me that the development is hazardous to road users or neighbours or creates drainage or parking problems. Nor would granting permission create a compelling reason to allow similar development elsewhere.
8. I conclude that the height of the wall, railings and gates has an acceptable visual and functional impact on users of the highway and is in keeping with the character and appearance of the host and immediately surrounding properties. In these respects the development complies with Policy C15 of the Council's Core Strategy 2012 which encourages buildings and spaces of high quality that contribute to distinctive neighbourhoods. It would also comply with DMP Policy DM29 in that it respects local context and character, having regard to the scale, mass, height and pattern of surrounding buildings, spaces and streets.
9. It also complies with the Supplementary Planning Document: *Residential Design Guidance* 2013 in that it does not spoil the overall appearance of the property or street or the outlook of neighbouring houses. In terms of compliance with the London Plan¹, the development complies with Policies 7.4 and 7.6 in that it does not unacceptably undermine local distinctiveness and maintains a coherent streetscape by, among other matters, incorporating materials of a suitable quality and design appropriate to their context.

Overall Conclusion

10. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

Formal Decision

11. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the installation of front boundary wall, railings and gates at 14 Drayton Road, London E11 4AR.

Grahame Kean

INSPECTOR

¹ London Plan: Spatial Strategy for London Consolidated with Alterations Since 2011 (2015)