
Appeal Decision

Site visit made on 12 April 2017

by Sue Glover BA (Hons) MCD MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/B5480/D/17/3169332

10 Herbert Road, Hornchurch, Essex, RM11 3LA

- 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 Mrs Elizabeth Pointing against the decision of the Council of the London Borough of Havering.
 - The application Ref P1502.16 was refused by notice dated 21 November 2016.
 - The development proposed is the erection of a boundary wall to the side and front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the street scene including a tree protected by a Tree Preservation Order, and on highway safety including the safety of pedestrians.

Reasons

Character and appearance

3. The immediate area is characterised by medium to large size dwellings of varied design set in spacious, mature, well-landscaped grounds as indicated in the Emerson Park Policy Area Supplementary Planning Document (SPD). In this part of Herbert Road there are predominantly low boundary walls with some railings and hedgerows. There are a few higher fences and walls nearby, including on the corner opposite the appeal site on Herbert Road, but these appear as unsympathetic additions that detract from the spacious quality of the area.
 4. No. 10 is in a prominent corner position at the junction with Clairvale. The side and front gardens of no. 10 facing the 2 residential streets contribute to the spacious and verdant character of the area and to the open plan front gardens in Clairvale. Whilst there is an existing high boundary fence enclosing the rear garden at the side of no. 10, it is set in some way from the edge of the footway on Clairvale maintaining a spacious character at the roadside.
 5. The proposed brick wall and piers about 2m in height facing Clairvale would appear as a harsh and intrusive feature significantly eroding the open character of the street. The wall would appear unsympathetic and out of keeping with the prevailing spacious character of the street scene. The SPD indicates that in this
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part the space between buildings should reflect the character of the street scene in the immediate surroundings. The proposal is contrary to the SPD in this respect. I have taken into account the presence of high walls and fences in corner locations in the wider area but they do not convince me that the 2m high element of the proposed wall is acceptable in this location.

6. The proposed lower walls of about 1m in height with railings above would be positioned closer to the junction and would also front Herbert Road. This aspect of the proposal would appear similar to the wall and railings at no. 12 opposite the Clairvale junction. They would be of a softer appearance, maintaining the spacious quality of the area to a significant extent. This aspect of the proposal would maintain the character and appearance of the street scene.
7. A dogleg has been introduced into the wall to avoid conflict with a silver birch tree protected by a Tree Preservation Order, so that I find no material harm to the preservation of this tree. In this respect the character and appearance of the street scene is also maintained.
8. In respect of the higher wall element of the proposal, there would be material harm to the character and appearance of the street scene. In this respect, there is conflict with Policy DC69 of the Core Strategy and Development Control Policies Development Plan Document (DPD) that indicates that permission should only be granted if it maintains or enhances the special character of the Emerson Park Policy Area. There is also conflict with DPD Policy DC61, which indicates that planning permission should only be granted for development which maintains, enhances or improves the character and appearance of the local area.
9. The development plan policies are compatible with paragraphs 17 and 60 of the National Planning Policy Framework that seek to secure a high quality of design, and to reinforce local distinctiveness. The proposed wall about 2m high does not meet the objectives of the Framework in these respects.

Highway safety

10. There is a garage at the rear with access onto Clairvale and parking at the front of the dwelling with access from Herbert Road. In both cases drivers of vehicles must reverse into or turn within the highway and therefore proceed with care.
 11. Due to the proposed dogleg at the rear on Clairvale, and the low wall and railings at the front on Herbert Road, I find that visibility of pedestrians, cyclists and vehicles on the highway would not be significantly different than as existing. Similarly, pedestrians would be able to see moving vehicles. In reaching these conclusions I am mindful that the streets are residential in character and that the cul de sac at Clairvale in particular has very low traffic volumes.
 12. I therefore find no significant additional risks to highway safety, including that of pedestrians from the appeal proposal. In this respect, there is no conflict with DPD Policy DC34 that requires account to be taken of the needs of pedestrians and to address safety. There is also no conflict with the objectives of DPD Policy DC61, which requires development to be designed around the needs of pedestrians and cyclists.
 13. The development plan policies are broadly compatible with paragraph 32 of the Framework, which says that decisions should take account of whether safe and
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suitable access to the site can be achieved. I find no conflict with the Framework in this respect.

Other matters and conclusions

14. I am mindful that the appellant wishes to enclose all of the garden to enable an increased level of privacy and security. I have also taken into account all other matters, including all the policies in the Framework and other national planning policy and guidance. Notwithstanding these other matters and my findings in respect of highway safety, the harm that I have identified to character and appearance is significant and overriding. The appeal therefore does not succeed.

Sue Glover

INSPECTOR
