

Appeal Decision

Site visit made on 23 August 2017

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 05 September 2017

Appeal Ref: APP/Y5420/C/16/3166071

Land at the rear of Flats 1-58 Gascoigne Close, 691-693 High Road, London N17 8AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 by Leon Brozek on behalf of Gascoigne Close RTM against an enforcement notice (ref: UNW/2015/00913) issued by the Council of the London Borough of Haringey on 21 November 2016.
 - The breach of planning control alleged in the notice is "the installation of a metallic rotating anti-climb trellis on top of the rear boundary wall".
 - The requirement of the notice is as follows: -
 - "1. Remove the metallic rotating anti-climb trellis from the top rear boundary wall."
 - The period for compliance with the requirement is two months.
 - The appeal is proceeding on the ground set out in section 174(2)(a).
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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 be made by section 177(5) of the Town and Country Planning Act 1990.

Reasons for the decision

2. The main issues in deciding whether planning permission should be granted for the "trellis" relate to the security concerns and the effect the installation has on the character and appearance of its surroundings.
 3. The "trellis" is a very long double row of rotating metallic anti-climb security fencing, which has been installed on the flat top of the 1.8m (approx) wall that separates the rear of the flats from the public walkway running between Ruskin Road and Kings Road. The appellant's justification for the installation is that it is needed for security purposes, to protect residents of the flats and their parking and amenity areas from intrusions of the kind that used to occur when the wall was easily surmountable. The Council maintain that the installation is detrimental to the character of this residential area and to visual amenity, because of its size, design and location.
 4. The parties have referred to several planning policies in support of their arguments. These policies focus, on the one hand, on the need to support the quality of the residential environment by ensuring that living conditions are safe and are not undermined by crime or disorder or the fear of crime; and, on
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the other hand, on the need to ensure that development has a high-quality and inclusive design, which relates well to the character and appearance of its surroundings. Policy 7.3 of The London Plan March 2016, Designing Out Crime, puts the issues in this way: "Development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating".

5. The appellant's case, supported by residents of the flats, shows that the installation has as a matter of fact reduced incidents of criminal and anti-social behaviour by making it very difficult for intruders to gain access from the public walkway. To this extent, it has improved the quality of the residential environment and contributed to the sense of security of residents of the flats.
6. The installation, however, is a type of security fencing that is usually associated with industrial and public utility premises; even by comparison with its use on such premises, the length and height of this installation is excessive. It has an intimidating impact on users of the public walkway and it detracts from the visual amenity of residents of the flats who live near to it. In my view, it is wholly out of place here and causes significant damage to the character and appearance of its surroundings. These considerations substantially outweigh the security benefits that it provides; they could not be overcome by taking up the appellant's proposal to paint it.
7. The appeal has therefore failed and the notice has been upheld.
8. In reaching my conclusions, I have paid particular attention to the Council's contention, first made in their appeal statement, that the special architectural and historic interest of the listed building, 699 High Road, is affected by the installation, since it is visible from the first floor at the rear of the building. In fact, only a small section at the northern end of the installation could be visible from here, since the flats are in the way, and even that limited view is masked by trees. The listed building is also some distance away. In my opinion, the installation has done no harm to the character or the appearance of the listed building or to its setting and the surroundings in which it is experienced.

D.A.Hainsworth

INSPECTOR