
Appeal Decision

Site visit made on 10 September 2019

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal Ref: APP/L5810/C/19/3221260

88 Nelson Road, Twickenham TW2 7AY

- 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 Mrs Hosna Andishmand against an enforcement notice issued by the Council of the London Borough of Richmond-upon-Thames.
- The enforcement notice was issued on 25 January 2019.
- The breach of planning control as alleged in the notice is the unauthorised erection of front boundary treatment consisting of wrought iron with sliding gates and fixed railing with finials above.
- The requirement of the notice is to remove the unauthorised front boundary treatment including the wrought iron gates and railing.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in sections 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a variation.

The appeal on ground (a)

1. The ground of appeal is that planning permission should be granted. The main issue is the effect on the character and appearance of the area and, in particular, the setting of nearby buildings of townscape merit (BTM).
2. The appeal property is a single storey detached bungalow situated on the north side of Nelson Road opposite the junction with Redway Drive. The property is part of a row of similar single storey properties and has a relatively large front garden area with a vehicle crossover. Adjacent to the site are two locally listed BTMs, Nos 84 and 86 Nelson Road. The site is also situated in the Whitton and Heathfield Village which is the subject of specific Village Planning Guidance.
3. The original front boundary of the property has been removed and replaced with wrought iron fixed railings and with sliding gates with finial above, as described on the enforcement notice. The appellant contends that the boundary treatment has been erected in order to enhance rather than detract from the appearance of the appeal property and its surroundings and it forms a standard of residential development which defines the area which belongs to the appeal property and separates this land from the public realm.
4. The street is mainly residential in this particular locality and properties in the vicinity have relatively large front gardens with modest height front boundaries, including low brick walls, hedges and open frontages. It is my

understanding that before the development was implemented the previous frontage boundary consisted of a two-part brick wall with a height of approximately 1.2 metres, covering approximately two-thirds of the width of the plot. There is a variety in the design and layout of nearby properties, including terraced housing, detached bungalows and some semi-detached houses.

5. Although there is variety in the design and appearance of properties in the locality the frontage treatment that has been erected is relatively ornate, contrasting with the relatively simple frontage treatments elsewhere in the locality. In addition, the development provides a greater sense of enclosure to the property than others in the locality which is at odds with the established character in the area where there is generally an open character to the streetscene.
6. The adjacent properties, Nos 84 and 86 Nelson Road do have a more enclosed frontage, but that is provided by trees and shrubs which create a verdant enclosed frontage to the BTMs. The development the subject of this appeal contrasts greatly with the verdant frontages to the adjacent BTMs. As such, the frontage gates and railings draw unwarranted attention and, as highly prominent and discordant features in a prominent setting within the street scene, detract from the setting of the adjacent residential properties Nos 84 and 86 which are recognised for their important historic role in the area. I recognise that the BTMs are largely screened from public views by the trees and shrubs in front of them, but the discordant relatively high and ornate railings and gates dominate their immediate setting which I find to be harmful.
7. I disagree with the appellant's comments that the gates and railings appear as a natural progression between house styles and provide a visual transition between neighbouring dwellings because the development is in contrast with its surroundings, rather than a feature which can accurately be described as a transition feature. The boundary treatment does reflect an established frontage boundary and there is some variety in property frontages, locally, but the ornate iron frontage features that have been erected are not typical of this particular residential setting.
8. The height, design and style of the railings and gates create a defensive and hostile boundary which contrasts with other frontages in the area. The appellant contends that there are other examples of gates and railings in the Borough and at my site visit I observed the examples to which my attention has been drawn. However, the examples on Percy Road do not relate well to the appeal site as they are in a different part of the Whitton and Heathfield Village. Furthermore, I am not aware of the circumstances which have led to them being approved or even whether they benefit from planning permission. In any case, I have determined this appeal on its own merits.
9. The appellant comments that the development does not harm the amenity of neighbouring residential occupants with reference to outlook, sunlight, daylight or privacy. Other than unacceptable visual intrusion that results from the development, I am not aware that residential amenity is a matter of dispute between the main parties. Nonetheless, this issue does not

overcome the concerns I have expressed with regard to the effect on the character and appearance of the area.

10. Therefore, I conclude that the development has a harmful effect on the character and appearance of the area and, in particular, the setting of nearby BTMs. Therefore, it conflicts with the National Planning Policy Framework, Policies 7.4 and 7.6 of the London Plan, Policies LP1, LP4 and LP8 of the London Borough of Richmond Upon Thames Local Plan July 2018, Local Plan Supplementary Planning Document House Extensions and External Alterations May 2015, Supplementary Planning Document Residential Development Standards March 2010, Supplementary Planning Document Front Garden and Other Off Street Parking Standards September 2006 and Whitton, Heathfield Village Planning Guidance Supplementary Planning Document July 2014. Among other objectives these seek to achieve well-designed places, ensure that development has regard to the form, function and structure of an area, development should make a positive contribution to a coherent public realm and be of a high architectural and urban design standard. In addition, policies seek to preserve and where possible enhance the significance, character and setting of non-designated heritage assets, including BTMs. Where there is no consistent boundary pattern to follow, simple enclosures consisting of iron railings and/or brick are preferred. Therefore, the appeal on ground (a) fails.

The appeal on ground (g)

11. The ground of appeal is that the time given to comply with the requirement is too short. The one calendar month given would be sufficient to remove the unauthorised front boundary treatment including the wrought iron gates and railings. The three month compliance period suggested by the appellant would be excessive given the ongoing harm caused by the development. However, I consider the period should be extended to enable the appellant, should she wish to do so, to consider an alternative boundary treatment and to explore the suitability of an alternative with the Council. In this respect I consider two months would strike an appropriate balance and would not place a disproportionate burden on the appellant. To this limited extent the appeal on ground (g) succeeds.

Formal Decision

12. I direct that the enforcement notice should be varied by:

- a) The deletion from paragraph 5 of the words "1 month" and the substitution therefor of the words "2 months" as the time for compliance with the requirements.

Subject to this variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused for the application deemed to have been made under section 177(5) of the 1990 Act as amended.

A A Phillips

INSPECTOR