
Appeal Decision

Site visit made on 9 June 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/U5930/W/20/3244935

101 Units A-D Blackhorse Lane, Walthamstow E17 6DJ

- 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 Milton Property Investments Limited against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 193650, dated 31 October 2019, was refused by notice dated 27 December 2019.
 - The development proposed is installation of mesh boundary fencing, vehicular access gates and two pedestrian gates to front (east) elevation. Installation of a pedestrian access gate to north and south elevations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of the development included in the Council's Decision Notice as it more accurately describes the proposed works than that on the application form.

Main Issue

3. The main issue is the effect of the proposed development on the appearance of the area and, if there is any negative effect, whether these might be counterbalanced by other considerations.

Reasons

4. The appeal site is located in an area undergoing a significant amount of change, moving from a more industrial to an increasingly mixed-use area with a significant amount of redevelopment and changes in use. The area contains a mixture of buildings, ranging from Victorian terraced housing to industrial units. This change and transition is evidenced by the number of development sites and residential buildings being erected within the vicinity of the appeal site.
5. Alongside the Waltham Forest Local Plan Core Strategy (2012) (the Core Strategy) and the Waltham Forest Local Plan Development Management Policies (2013) (the DMP), the Blackhorse Lane Area Action Plan (2015) (the AAP) sets out the Council's vision and objectives for the area. The AAP encourages, within the justification text of Policy BHL8 on Design and Local

- Character, the use of durable materials and minimal street clutter in order to secure a high quality public realm.
6. The proposal is for the installation of a mesh boundary fencing with vehicular access gates and a series of pedestrian gates to the east, north and south elevations of the site. The fences and gates proposed would be 2 metres high, which is considerably higher than the existing swing gate, such that it would create a significantly higher, more dominant separation between the existing streetscene and the appeal site. With the exception of the swing gate, the site is, at present, open with no visual or physical separation between the public footpath and the site's boundary.
 7. Although the proposed new fence on the corner of the site facing units C and D would be mostly obscured due to the presence of mature shrubs, the proposed fence on the opposite corner of the site, the corner facing units A and B, would be significantly more exposed.
 8. The appellant, in its Full Statement of Case (January 2020) states the scheme is part of a complete visual transformation of the site, which includes new fencing and gates in the same colour and material as the cladding of the existing units. Nevertheless, the Statement fails to provide clear evidence and justification for why a two metre boundary, which would create such a visual and physical separation from the public footpath, might be necessary.
 9. The same Statement claims that the absence of a boundary to the front of the site encourages pedestrians to walk across the site to and from Priestly Way on a regular basis, giving rise to safety concerns with operational and vehicular movements taking place on the forecourt. Nevertheless, as the site is currently separated from Priestley Way by either a boundary fence or significant planting and shrubs, pedestrian access across those two streets is difficult and therefore clearly not encourage.
 10. The appellant in its statement also points to other adjacent industrial estates that present a similar type of barrier between the curtilage of the site and the public footway. I am not familiar with all the details or circumstances of those schemes. Consequently, I cannot be sure that they are wholly representative of the circumstances of this appeal and, in any case, I must determine this appeal on its own merits.
 11. In conclusion, the proposed development would have a harmful effect on the appearance of the area without there being other considerations that can counterbalance the harm identified, thus being in conflict with Policy CS15 of the Core Strategy, which aims to ensure new development is of the highest design quality, Policy DM29 of the DMP which states that development should create positive and inclusive environments, Policy BHL8 and Objective 4 of the AAP which aims to ensure that new development in Blackhorse Lane is of the highest standards of urban and architectural design and the Supplementary Planning Document Urban Design (2010).

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Andre Pinto INSPECTOR