



Appeal Decision

Site visit made on 21 September 2020

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 24 September 2020

Appeal Ref: APP/W5780/D/20/3246110

50 New Wanstead, Wanstead, London E11 2SU

- 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 Miss Ewa Polnik against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4014/19, dated 2 September 2019, was refused by notice dated 19 December 2019.
 - The development is erection of rear boundary wall in rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for a rear boundary wall in rear garden at 50 New Wanstead, Wanstead, London E11 2SU in accordance with the terms of the application, Ref 4014/19 dated 2 September 2019 and the plans submitted with it which, for the avoidance of doubt and to provide certainty, are those labelled Drwg Nos: 50-E112SU-01 and 50-E112SU-E1.

Procedural Matters

2. The original planning application form confirmed that the wall for which permission was sought had already been built. It is clear that the Council determined the application retrospectively and during my visit to the site I saw that a wall, in the position and of the design and appearance shown on the submitted plans, had been built at the rear of the appeal site. Although the parties do not agree on the height of the wall I am satisfied, from my observations and judgement and the submissions made, that the wall as built is what is shown on the submitted plans. I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The rear boundary wall is substantially taller than the garden fences on either side of it that separate the appeal site from No. 48 on one side and No. 52 on the other. It is also correspondingly taller than the fences at the rears of both of those properties on their boundary with the rear access path. Its smooth rendered finish with coping stones atop, and quoins on the elevation facing back towards the rear of the appeal property also set it apart from the boundary treatments on either side.
5. However, tall boundary structures and enclosures are not uncommon. I saw during my visit to the site a flanking wall of significant height running along the northern side of the access path from Voluntary Place. I saw too, rear fences of

- varying heights and styles and outbuildings at the rears of two of the opposing properties which provide further variation of construction and appearance as well as being structures of substantial height.
6. I accept that the materials, height and somewhat formal appearance of the rendered wall are somewhat at odds with the fences to either side of it. However, there is no single defining style, height or construction of boundary enclosures and structures at the rears of Nos 48 -54, or along the access path at the rear of the terraced block. Thus, whilst clearly a different approach to the matter of enclosure from the rear access lane, the rear boundary wall does not appear harmfully or incongruously out of character, context of scale with the prevailing pattern of development.
 7. Nor, am I persuaded that the proposal would cause harm to the visual amenities of occupiers of the neighbouring properties in terms of outlook. Although the rear gardens of the neighbouring properties are modest in their dimensions, I am satisfied that there remains sufficient space within and between them and the wall that outlook would not be materially harmed.
 8. Policy LP26 of the Redbridge Local Plan (RLP) seeks to promote high quality design in all development. Amongst other things, it states that development should respect local character and the surrounding area in terms of layout, form, style, massing, scale and materials. The Council's Housing Design Supplementary Planning Document (SPD) does not prescribe heights for boundary walls but where there is a predominant character and / or height, proposals should reflect this.
 9. In the case of the area around the appeal site, there is no one single or clear defining trait or characteristic to garden and boundary enclosures. As such, their height, style, materials and form of construction vary whilst buildings adjacent to the site, and domestic outbuildings on properties to the rear, introduce further variables to scale, character, appearance and construction materials.
 10. The rear boundary wall, for the reasons I have set out above, would not be an intrusive or incongruous form of development in this context. I accept that it would be larger and more substantial than either of the neighbouring garden fences. It would not, however, be harmfully so, either in terms of its scale or its appearance. Nor would it have a serious or adverse effect on the visual amenities of, and outlook from, surrounding properties. The appeal scheme would not therefore be in conflict with RLP policy LP26 or the aims of the Council's SPD.

Conditions

11. The application has been submitted retrospectively and the wall is in place. The Council have suggested time limit, plans and materials conditions in the event that the appeal should succeed. However, for the reasons I have outlined above, I am satisfied that the wall, which has already been built, is acceptable in visual terms. There is therefore no need for the time limit or materials conditions suggested by the Council, and I have instead referred to the plans to which this decision relate in my decision rather than by way of planning condition.

Conclusion

12. For the reasons I have set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR