
Appeal Decision

Site visit made on 5 November 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020.

Appeal Ref: APP/B5480/W/20/3248083

16 Palm Road, Romford RM7 7AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Poplawska against the Council of the London Borough of Havering.
 - The application Ref P1291.19 is dated 20 August 2019.
 - The development proposed is front boundary fence and gate.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, the Council's statement of case includes the reasons why the planning application would have been refused had it been empowered to do so. I have also taken into account the appellant's statement of case. I have drawn on this, together with other evidence before me, to inform the main issue in this appeal.
3. I note slightly differing descriptions of development on the application form, appeal form and officer's report. In light of the submitted plans I have used the above description to reflect the proposed development for the purposes of clarity and do not consider any party would be prejudiced by this.

Main Issue

4. The main issue is the effect of the proposals on the character and appearance of the area.

Reasons

5. Palm Road is a pleasant residential street comprising predominantly traditional semi-detached and terraced two storey dwellings largely of brick, with small front gardens and occasional side accesses. At the site visit, I noted that the front gardens of Palm Road are consistently bounded by low or dwarf walls of around 1m in height with, in some cases, brick gate piers which appear slightly higher.

6. Most front garden boundaries appear to be generally of traditional brick construction, with some interspersed with decorative railings or picket fencing. The low front boundaries, whilst delineating defensible space to the front of each property also positively contribute to an open character and feel within the street. At the site visit, I noticed that the front boundary at No 16 had been removed.
7. Policy DC61 (Urban Design) of the Havering Core Strategy and Development Control Policies Development Plan Document 2008 (CS) and the Residential Extensions and Alterations Supplementary Planning Document (2011) (SPD) both seek development that reflects the physical context of the scheme and respects the established character of an appearance of an area.
8. The proposed development would result in a fence and gate to the front of the appeal property which would have an overall height of 1.5m. This would, in my view, be noticeably higher than the predominant height of front and side boundaries within the street.
9. The proposed fence and gate would be of a contemporary design made of a combination of timber horizontal panels set within a light metal frame, punctuated by brick piers and with the addition of a metal mailbox. I consider this would be at odds with the traditional, low level boundary treatments characterising the street.
10. I have considered the appellant's submissions on other examples of non-traditional boundary treatments elsewhere, together with her submissions on other 'higher' fences within the locality. I do not agree they establish any sort of precedent within the immediate locality of the appeal site and I have focussed my attention on the predominant characteristics of the front boundaries and gates of Palm Road as the immediate setting of the appeal site.
11. The council have brought to my attention that there have been previous applications for similar development at the appeal site resulting in appeals made under Refs APP/B5480/D/13/2201263 and APP/B5480/W/19/3225345. Both appeal proposals were similar, proposing a 1.6m boundary fence and gate and 1.8m boundary fence and gate respectively. Both appeals were dismissed in light of concerns over the cumulative harm to character and appearance of Palm Road from the proposed design and materials, as well as the overall height of the fence and gates proposed. In particular, I have considered the content of the more recent decision letter 3225345 and note the Inspector's comments in respect of the design and scale of the proposals.
12. The appellant also claims that without a fence, she is concerned about security for children and pets, but does not provide convincing technical evidence to substantiate how a fence below 1.5m high would automatically give rise to accidents. I am also aware that there is currently no boundary fence or wall to the front of the appeal site.
13. Moreover, I am unconvinced that there are 'plenty' of fences in excess of 2m high within the street and I do not agree that there are a significant number of fences that would be around 1.8m within the street. I note the evidence provided by the appellant, but these clearly show very few examples of properties within Palm Road, and those that are I do not consider establish a precedent as they relate to side fences and/or one set of gate piers with a different design to those proposed as part of this appeal.

14. I consider that these appeal proposals would also result in harm to the character of the area, being somewhat incongruous when assessed against the context of Palm Road with its traditional feel and the predominant boundaries that characterise it.
15. I can only conclude on these proposals in the same way, and I find harm to the character and appearance of the area, contrary to policy DC61 of the CS, together with the relevant parts of the SPD.

Other Matters

16. The appellant makes it clear in her appeal statement that she had a number of complaints against the council prior to, and during the course of the determination of the application. These are matters for the appellant and the council to deal with, being procedural issues that are unrelated to the determination of this appeal.
17. I do appreciate the appellants clear concerns over security, however I cannot see that there is overwhelming evidence that the development would make a direct difference to potential criminal activity. I therefore consider that the perception of danger and concerns over security, whilst understandable, would not outweigh the harm to the character of the area that I have identified.
18. I also note the lack of neighbour and highways objections, but notwithstanding this, I do not consider the absence of objections to automatically translate into support for the proposals. I have therefore considered the proposals on their own merits and in light of all of the information and representations submitted by both parties.

Conclusions

19. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR