

Appeal Decision

Site visit made on 8 December 2020

by Jan Hebblethwaite MA Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Appeal Ref: APP/B5480/D/20/3258147

12 Brindles, Emerson Park, Hornchurch RM11 2RU

- 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 Mr Ketan Patel against the decision of the London Borough of Havering Council.
 - The application Ref P0458.20 dated 1 April 2020, was refused by notice dated 1 June 2020.
 - The development proposed is a front boundary wall.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the impact of the wall on the street scene.

Reasons

3. The appeal site is a detached house in a cul-de-sac of houses of a similar size but of varying designs. The cul-de-sac forms part of a residential estate built about 20 years ago. The wall the subject of the appeal has been constructed and returns along the boundary of the property with No 11.
4. The cul-de-sac and the roads forming part of the estate have a distinct character. The part of the cul-de-sac in which the appeal site is located is characterised by open frontages with hard surfaced forecourts, forming car parking. The hard surfaces are softened by planting on the side boundaries and with either low planting or no planting on the front boundary.
5. The wall at No 12 is not unattractive of itself but is incongruous in the street scene of Brindles. As a result, the development is contrary to policy D61 of the Council's Core Strategy and Development Control Policies Development Plan Document. This confirms that planning permission will only be granted for development which maintains, enhances, or improves the character and appearance of the local area. It also requires development to respond to distinctive local building forms and patterns of development and respect the scale, massing, and height of the surrounding physical context.
6. The Plan was adopted in 2008 but reflects the policies in the London Plan in force at the time of the application and the Intention to Publish London Plan dated December 2020.

Other matters

7. The responses to the consultation on the planning application refer to a restrictive covenant imposed when the estate of houses was developed. The existence of such a covenant is not a material planning consideration and I have not attributed any weight to it.
8. The Council has referred to the Emerson Park Policy Area Supplementary Planning Document ("EPPA"). The text of the EPPA refers to an area between Butts Green Road (to the west) and Wingletye Lane (to the east), north of the railway line. However, the plan at Appendix 1 to the EPPA draws the northern boundary of the area to the south of the appeal site, thereby excluding it from the EPPA. I have not therefore attributed any weight to the provisions of the EPPA.
9. I have taken account of the examples of walls and gates provided by the Appellant, and which I viewed on my site visit. However, these are exclusively on boundaries facing roads where most of the houses have some sort of front wall. They are not small private culs-dec-sac with generally open frontages. The examples given have a quite different character and appearance to that of the appeal site. On that basis, I do not find the examples comparable to the appeal site and have therefore attributed little weight to them.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jan Hebblethwaite

INSPECTOR