
Appeal Decision

Site visit made on 16 September 2021

by B.S.Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Appeal Ref: APP/R5510/C/20/3258741
15 Kewferry Road, Northwood, HA6 2NS

- 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 Mr Anthony Strachan against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice was issued on 20 August 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a front boundary enclosure (consisting of a brick wall with metal railings on top, higher brick pillars and metal gates), as shown in the approximate position lined in green on the attached plan.
 - The requirements of the notice are (i) demolish and remove the front boundary enclosure (consisting of a brick wall with metal railings on top, higher brick pillars and metal gates) as shown in the approximate position lined in green on the attached plan: (ii) remove from the land all debris, waste building materials, fixtures and fittings, plant equipment and machinery resulting from the demolition works listed in (i) above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a front boundary enclosure consisting of a brick wall with metal railings on top, higher brick pillars and metal gates on land at 15 Kewferry Road, Northwood, HA6 2NS referred to in the notice, subject to the condition set out in Appendix 1 below.

The appeal on ground (a) and the deemed application

2. The appeal property is a detached house of an arts and crafts style. It is located on Kewferry Road, a primarily residential street containing a number of broadly similarly styled properties.
3. The development in question comprises a low brick wall, with pillars rising up to around 1.6m in height, with an infill of metal railings, together with two large metal railed gates. The Council indicates that this replaced a previous central dwarf wall with associated landscaping, sited between two vehicular accesses.
4. The main issue in this case is the impact of the development on the character and appearance of the street scene. Policies DMHD 1 and DMHB 11 and 14 of

the Hillingdon Local Plan Part 2 – *Development Management Policies* (2020) set out the need for harmony in the street scene and for development to provide suitable hard and soft landscaping.

5. I agree with the Council that the street scene has a verdant character as a result of the soft landscaping to the front and side boundaries of most properties. The use of brick walling and timber fencing is common but is, for the most part, augmented by tree, shrub or hedge planting. The walling and fencing at the appeal property are in my view of an acceptable design and suitable materials but appear uncharacteristically stark in this context. To my mind, this harm could be addressed by adding some suitable planting adjacent to the wall to soften its impact and ensure it harmonises with the street scene.
6. Subject to a condition requiring the submission, implementation and retention of a planting scheme, I find the development would not unduly harm either the character or appearance of the street scheme and would conform to the aims of the development plan. The condition in Appendix 1 is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the landscaping before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
7. Accordingly, for the reasons given above, I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

B.S. Rogers

Inspector

Appendix 1: the planning condition

The building operations hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

- i) Within 2 months of the date of this decision a scheme for planting immediately adjacent to the wall and railings shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii) If within 4 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State. The approved scheme shall have been carried out and completed in accordance with the approved timetable.
- iv) Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.