

Appeal Decision

Site visit made on 28 September 2021

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021.

Appeal Ref. APP/B5480/D/21/3276093
18 Sylvan Avenue, Hornchurch RM11 2PN

- 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 S Mirza against the decision of the Council of the London Borough of Havering.
 - The application ref. P0063.21, dated 15 January 2021, was refused by notice dated 12 March 2021.
 - The development proposed is described on the application form and decision notice as "*Erection of front boundary wall, railings and entrance gates*".
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Decision

1. The appeal is allowed and planning permission is granted for "*Erection of front boundary wall, railings and entrance gates*" at 18 Sylvan Avenue, Hornchurch RM11 2PN in accordance with the terms of the application ref. P0063.21, dated 15 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered and annotated: 18-059/01 Revision i (LOCATION PLAN); 18-059/02 Revision i (BLOCK PLAN); and 18-059/03 Revision L (DETAIL SHEET), other than where those details are altered pursuant to other conditions of this planning permission.
 - 3) The boundary wall (including the piers), railings and entrance gates shall not be fitted until a schedule and details of the materials to be used on their external surfaces (including RAL numbers where appropriate) have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall thereafter be built in accordance with the approved schedule and details.

Procedural matters

2. In July 2021, after the submission of this appeal, a new version of the National Planning Policy Framework (the Framework) was published, replacing the 2019 edition. I have had regard to this document, but it is evident that the substance of the Framework, as it relates to the sole main issue in this case, has not changed. In such circumstances, I am satisfied that there is no requirement to

seek the views of the parties on the revised Framework, and that in taking such an approach no prejudice to any party would arise.

3. At my site visit, I was permitted access into the front garden of the appeal property where I was able to observe, behind the temporary security hoarding, the front elevation of the host dwelling, a structured belt of soft landscaping and the remnants of the former front boundary structures that were in place at the time (16 May 2018) that an enforcement notice was issued attacking those structures. Following an appeal under ref. APP/B5480/C/18/3205094, the enforcement notice was upheld on 17 September 2019 with a variation to the compliance period.

Main issue

4. Decision notices should be written with precision. On a plain reading of the one in this case, it is possible to draw the conclusion that the Council is only concerned about the alleged excessive height of "*the proposed boundary wall*". Given the content of its delegated report and the history of the site, I believe the Council meant to refer instead to "*the proposed front boundary treatment*". Be that as it may, I shall consider all the components in the description of the proposed development as set out in the heading of this decision. This will not put the appellant at a disadvantage because his appeal statement takes a similar approach.
5. I consider therefore that the main issue in this appeal is the effect of the proposed development across the front boundary upon the character and appearance of the street scene along Sylvan Avenue.
6. My assessment of that issue is based on the most relevant policies of the development plan, which are to be found in the Core Strategy and Development Control Policies Development Plan Document 2008 (DPD), and takes into account all other material considerations including the extensive planning and enforcement history of the site I have been made aware of, the emerging Havering Local Plan, the 3 Supplementary Planning Documents (SPDs) titled Residential Extensions and Alterations 2011, Landscaping 2011 and Emerson Park Policy Area 2009 and the Framework.

Reasons

7. Sylvan Avenue is in a sector of the Emerson Park Policy Area which the accompanying SPD says is particularly typified by medium and large dwellings in spacious well-landscaped grounds. No. 18 is one of the larger houses and occupies one of the wider plots on the southern side of the avenue.
8. The key guideline arising from the 3 SPDs is that front boundary treatments should be compatible with neighbouring properties and reinforce the prevailing character of the streetscape. Moreover, to the extent that such treatments can be described as examples of new building, they should exhibit massing and architectural character compatible with the character of the local street scene, thereby maintaining the varied character of the Emerson Park area.
9. Whatever the original front boundary treatments may have been along Sylvan Avenue, the parties are in agreement that the prevailing frontage boundary treatment in the locality of the appeal site is now characterized by low brick

walls with metal railings above, set between predominantly brick piers to which are attached entrance gates, mainly constructed of railed metal of similar appearance and overall height to the adjoining railings. That is essentially what is proposed in the appeal scheme before me when viewed in the round, although the brick piers would have stone faces. The use of that material is not directly criticized by the Council. In principle, some variety in the use of materials on piers of acceptable height would not be wholly unwelcome given the varied character of the Emerson Park area. Moreover, I saw that not all the piers along Sylvan Avenue have brick faces and that many of the decorative dressings to the front façade of the host dwelling are of stone or plaster. I shall focus on the main area of dispute which concerns the height of the various components in the boundary treatment.

10. I can see why the appellant would be perplexed about the pre-application advice he received from the Council in October 2020 recommending that the dwarf wall should not exceed 0.6 m in height with the pillars and railings being a maximum of 1.6 m high. From my own observations, the photographic analysis of properties provided by the appellant (at Appendix 1 to his appeal statement) and the recent planning permissions for the erection of new front boundary treatments at nos 11, 29 and 43 Sylvan Avenue (at Appendix 2), I consider that those recommendations are too restrictive and cannot be justified. They err too far on the side of caution just as the appellant went astray in the other direction at the time of the enforcement notice by producing a site frontage with an unduly harsh, oppressive, built-up and defensive appearance.
11. There are no precise height measurements given in the previous Inspector's decision but I notice that the retrospective planning application ref. P1557.19, submitted shortly afterwards and subsequently refused in January 2020, sought permission for alterations to the existing front boundary wall. A note on the plans stated that the height of the brick wall, railings and piers was to remain as existing, implying the heights shown on the drawings - 2.639 m high piers, 2.203 m high solid gates and a 1.215 m high wall with railings attached reaching 1.982 m above ground level - were the same as or very similar to those considered by the previous Inspector.
12. The appeal proposal is considerably different to the unauthorised development previously in situ. The plans show 2.1 m high stone-faced piers, 1.85 m high wrought iron gates to an open design, the gates to the 2 vehicular entrances being well set back from the road, and a 0.875 m high brick wall including the stone capping, with railings attached reaching 1.85 m above ground level, corresponding to the height of the gates.
13. The changes are significant, especially the reductions in height. The lower dwarf wall would be below the top of a BT box in the pavement as opposed to being above it as before. This and the open design and reduced height of the railings and entrance gates would allow for views of the house and the structured planting within the front garden. This vegetation would in turn help to soften the impact of the much lower, front boundary wall and railings. The piers would still be reasonably tall and readily visible in the street scene but only 6 of them would be placed on the back edge of the footway. Bearing in mind the sizeable width of this particular plot this arrangement would not appear too dominant. Whatever the settled position regarding the adjacent pier

at no. 20 (2.17 m high as existing or 1.73 m high as approved), I am satisfied that the heights of the various components in the proposed front boundary treatment would not be excessive as they would no longer be so at odds with the typical heights of the front boundaries found along Sylvan Avenue, when viewed in the round, as to justify withholding planning permission.

14. With control exercised over the materials of construction, I consider that the proposed development as a whole would represent a visually attractive solution rather than an incongruous one, exhibit a high standard of design and be sufficiently respectful of the established street scene along Sylvan Avenue. I therefore conclude on the main issue that the proposed development across the front boundary would not be materially harmful to the character and appearance of the street scene along Sylvan Avenue.
15. As the proposed scheme would deliver good design, satisfactorily respond to the distinctive local building forms and patterns of development, respect the scale, massing and height of the surrounding physical context and at least maintain and complement the special character and appearance of the Emerson Park Policy Area, it would not conflict with the aims of DPD Policies DC61 and DC69, both of which are consistent with the Framework. There would be respect for the Framework, insofar as it seeks to achieve well-designed places, and also for the aims of the 3 SPDs.
16. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have also imposed a condition on materials, along the lines of the Council's third suggested condition, to ensure that the development would preserve the character and appearance of the locality. The appellant will be aware of the Council's informal note about works that may be required on the public highway; it does not need to appear in the formal decision above.
17. For the reasons given above and having regard to all other matters raised and the absence of objections from local residents, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR