The Planning Inspectorate

Appeal Decision

Site visit made on 9 August 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2022

Appeal Ref: APP/J1535/D/21/3285959
Silver Birch, Tysea Hill, Stapleford Abbotts, Romford, RM4 1JP

- 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 B Paul against the decision of Epping Forest District Council.
- The application Ref PL/EPF/2362/20, dated 15 October 2020, was refused by notice dated 20 August 2021.
- The development was originally described as "retain front wall to highways".

Decision

1. The appeal is allowed and planning permission is granted for the front wall and gates to highway at Silver Birch, Tysea Hill, Romford, RM4 1JP in accordance with the terms of the application, Ref PL/EPF/2362/20, dated 15 October 2020, and approved plans: *OS Sitemap (at scale 1:1250); 01 Highways 01, 05 Highways 01* & *05 Highways 02*.

Preliminary Matters

2. Within the appeal documents, there is some discrepancy regarding the property name of the appeal site. The dwelling was formally known as *Wycheways or Wychways* and is now described as *Silver Bearch* or *Silver Birch*. I have opted to use the address 'Silver Birch' which reflects the dwelling's signage I saw at my site visit.

3. The development is described as "retain front wall to highways". The application was submitted retrospectively, and the development was in place at the time of my site visit. I have considered the appeal on a retrospective basis and have omitted "retain" from the development description.

4. The Council describe the development as including gates, in addition to the front wall. This is not disputed by the appellant. In my decision above, I have amended the description to include reference to the gates.

Main Issue

5. The Council has not raised objection to the erection of the front wall and as such I have focussed my considerations on the gates. Therefore, the main issue in this appeal is the effect of the gates on highway safety.

Reasons

6. Tysea Hill is relatively straight and includes two-way traffic and a pedestrian footway on each side. The speed limit is 30mph. At the time of my site visit, traffic movements were relatively low and infrequent and very few pedestrians were using the footways.

7. Most plots offer generous space for parking. However, I observed some on-street parking in proximity of the appeal site, particularly in front of dwellings with shorter gardens. There are no apparent restrictions to on-street parking along this section of Tysea Hill.

8. The front wall and gates, which are the subject of this appeal, have been erected immediately adjacent to the pedestrian footway. The front wall is constructed from brick with two points of access secured by large metal roller gates, which were closed at the time of my site visit. Operation of the gates appears to be controlled by an electronic keypad.

9. The gates are aligned with the front wall. No area of refuge for vehicles has been provided off the public highway. Whilst most plots along this side of Tysea Hill are secured by gates, the vast majority are set back from the highway, thereby providing space for vehicles to wait when opening and closing the gates. The placement of the gates at the appeal site therefore differs from other neighbouring plots since it will be necessary for vehicles accessing the site to wait in the public highway whilst the gates are operated.

10. Vehicles stopped in the public highway could impede the flow of traffic. However, pedestrian and traffic movements appear low in this area and visibility is generally good. Vehicles stopping for short periods, such as for deliveries, are commonplace in residential areas. On-street parking is not prohibited, meaning vehicles may lawfully park in proximity of the appeal site at any time. In that context, the development is therefore not likely to have a harmful effect on highway safety.

11. Consequently, construction of the front wall and gates is not in conflict with saved policy ST4 of the Epping Forest District Local Plan Alterations 2006, which seeks to ensure that new development is not detrimental to highway safety, or policy T1 of the emerging Epping Forest District Local Plan (submission version 2017) which supports development proposals which do not compromise highway safety.

Other Matters

12. I note there is disagreement between parties regarding the location of the front boundary of the appeal site relative to the public highway, and in turn the placement of the front wall and gates. This is a matter for the consideration of any affected landowners and has no bearing on my assessment of the planning merits of the development.

13. Concerns were raised regarding the effect of the wall on highway visibility. Whilst the wall is visible from the access points of neighbouring plots, I am satisfied that adequate visibility of the highway remains.

Conditions

14. Conditions to control the use of materials and to carry out development in accordance with the approved plans were suggested by the Council. Since the development has already been constructed, a condition to secure materials is not necessary. Reference to the approved plans is included as part of my decision, and therefore no specific condition is required.

Conclusion

15. For the reasons given above, the development accords with the development plan taken as a whole and therefore I conclude that the appeal should succeed.

E Dade

INSPECTOR