

Appeal Decisions

Site visit made on 30 August 2022

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 2 September 2022

Appeal A: Ref APP/B5480/C/20/3264347

Magnolia, Lambs Lane North, Rainham RM13 9XT shown edged in black on the plan attached to the notice and registered under Land Registry Title Number EGL541448

- 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 Riyaz Patel against an enforcement notice issued by the Council of the London Borough of Havering.
 - The enforcement notice, numbered ENF/367/20, was issued on 24 November 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a wall, pillars, railings and a gate to the front boundary of the property to a height in excess of 1 metre.
 - The requirements of the notice are to: (i) Remove all walls, pillars, railings and the gate from the front boundary of the site facing Lambs Lane North; OR Reduce the height of any wall, pillar, railing or gate from the front boundary of the site facing Lambs Lane North to a maximum of 1 metre in height; AND (iii) Remove from the site all other debris, rubbish or other materials accumulated as a result of taking steps (i) or (ii) above.
 - The period for compliance with the requirements is 2 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. Since an appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Appeal B: Ref APP/B5480/W/20/3261009

Magnolia, Lambs Lane North, Rainham RM13 9XT

- 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 Riyaz Patel against the decision of the Council of the London Borough of Havering.
 - The application Ref P1001.20, dated 15 July 2020, was refused by notice dated 23 September 2020.
 - The development proposed is retention of replacement front boundary wall/piers together with infill metalwork and gate.
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Decisions

1. Appeal A is dismissed and the enforcement notice is upheld.
Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
2. Appeal B is dismissed.

Procedural Matters

3. Appeals A and B concern the same development.
4. Since the appeals were made, the Havering Local Plan 2016-2031 (LP) and Policies Map were adopted on 17 November 2021 and replace the Core Strategy and Development Control Policies Development Plan Document (2008).

Main Issue

5. The main issue in each appeal is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal property is a relatively new 2-storey detached house¹ upon land which was originally part of the corner plot of 348 Upminster Road North (No 348). The appeal site had included the garage of No 348, which was accessed from Lambs Lane North.
7. Whilst I accept that the height of the development is broadly similar to the boundary treatment it replaced (and actually less high in places), it is significantly dissimilar overall in that the new wall to the north of the access has broader and deeper pillars separated by dense infill metalwork panels. When taken together with the new gate, these features permit very limited views into the open space in front of the dwelling in contrast to the considerably more open and lighter pre-existing design with modest levels of ornate metalwork providing gaps between the pillars². The result produces a visually dominant front boundary treatment which imposes a heavy enclosing effect on the front of the property, in jarring contrast to the generally open frontages of nearby dwellings which are largely characterised by low boundary treatments. The low boundary walls enable an open aspect to the front gardens, which is a positive attribute to the character of the streetscene and one which the appeal development fails to preserve in a visually striking way.
8. While the flank boundary treatment of No 348 has an enclosing effect upon that property's rear garden, as was the case before the creation of the appeal property, the open character of the streetscene is protected by a low-level front boundary wall. This is again in contrast to the appeal development.
9. The presence of examples of higher front boundary treatments in the Borough, possibly of a similar design to the appeal development, does not ameliorate the significant harm the appeal development causes to the immediate streetscene and character and appearance of the area in which it is set and I must consider each case on its own merits.
10. For these reasons, the appeal development is in conflict with Policies 7 and 26 of the LP, as supported by the Residential Extensions and Alterations Supplementary Planning Document 2011, which together seek to ensure high quality design.
11. For the same reasons, the development is in conflict with the design principles of the National Planning Policy Framework (Chapter 12).

¹ P2018.06, Approved 15 December 2006.

² Plans submitted with the planning application to which Appeal B relates.

Other Matters

12. I have read with concern the privacy and security concerns of the appellant and of interested third parties, which may or may not be associated with the public house opposite the appeal property. I accept that the appeal development may provide security benefits, as well as some benefits to living conditions at the property such as greater privacy and a degree of protection from disturbance. The weight I give to these benefits, being tempered by evidence submitted by the Council from the Metropolitan Police that the crime rate of the area is less than both Havering and London as a whole, is moderate. In the planning balance I must undertake, this does not outweigh the significant harm to character and appearance caused by the development and therefore does not change the outcome of my Decision.

Conclusions

13. The appeal development does not accord with the development plan as a whole and there are no other considerations which outweigh this finding.
14. For the reasons given above I conclude that Appeal A should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.
15. For the reasons given above I conclude that Appeal B should be dismissed.

Andrew Walker

INSPECTOR