



Appeal Decision

Site visit made on 26 September 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022.

Appeal Ref: APP/Q5300/D/22/3297813

62 Waggon Road, Enfield EN4 0PP

- 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 H Shah against the decision of the London Borough of Enfield Council.
 - The application Ref 21/04559/HOU, dated 7 December 2021, was refused by notice dated 15 February 2022.
 - The development proposed is described as the retention of front boundary gates.
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Decision

1. The appeal is allowed and planning permission is granted for a brick built boundary wall with access gates at 62 Waggon Road, Enfield EN4 0PP in accordance with the terms of the application, Ref 21/04559/HOU, dated 7 December 2021, and with the location plan at 1:1250 scale and drawing no. 513821 Revision A.

Procedural Matters

2. The submitted drawings depict a front boundary wall with railings and entry gates. Those features are already in place. Whether or not the wall and railings between the gates are permitted development by virtue of the General Permitted Development (England) Order 2015 (as amended), I have dealt with the scheme before me as a whole and on the basis of the retention of the existing development.
3. In my formal decision, for the sake of clarity and as it more accurately reflects the development, I have used the description set out on the appeal form and in the Council's decision.
4. Whilst an interested party states that seeking permission after construction undermines the planning process, I have dealt with the scheme on its planning merits.

Main Issue

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

Reasons

6. The properties on this part of Waggon Road are set well back from the highway, facing a grass verge, with a hedgerow, trees and fields on the opposite side of the road. Their front gardens are typically well-landscaped.

Some have front boundary features, including walls, gates and railings as illustrated by the photographs in the appellant's statement. However, many frontages are devoid of boundary structures. The streetscene thus broadly comprises of large houses discretely set amongst landscaping, and which respects this location on the urban/rural fringe.

7. Their grey painted powder coated aluminium finish gives the railings at No 62 a fairly modern appearance, in contrast to some of the more traditional black painted railings elsewhere on Waggon Road. However, their slatted construction with significant gaps between their horizontal bars, ensures that there are clear views through them to the landscaped front garden and the dwelling beyond.
8. The brick boundary wall is mostly very low and therefore unobtrusive. Notwithstanding the gates' more significant height, they occupy only a small proportion of the host property's overall frontage, and their slatted construction and light coloured finish serves to soften their visual impact.
9. I have few details of the front gates and railings proposed elsewhere on Waggon Road, which are referred to by an interested party, and which were apparently rejected, or dismissed at appeal. However, for the above reasons, this scheme has not harmed the character and appearance of the area.
10. Amongst other things, and in general terms, London Plan (2021) Policies D3 and D4, Enfield Core Strategy 2010 – 2025 (2010) Core Policy 30, and Enfield Development Management Document (2014) ('EDMD') Policies DMD 37 and DMD 83 require high design quality, which responds to local distinctiveness and character, and seek to avoid visually dominant development adjacent to the Green Belt. Whilst EDMD Policy DMD 8 sets out that front boundary treatments should not normally exceed 1 metre in height, for the above reasons this development does not dominate or harm the character of the street, and it does not conflict with any of the above policies.
11. I have no cogent evidence that the wall and gates have been constructed on public land, nor that they have significantly damaged the roots of nearby trees. The edges of the driveways are clearly denoted with kerb stones, and I am not therefore persuaded that they constitute a significant trip hazard to any pedestrians who choose to walk along the grass verge.
12. Whilst the Council has suggested conditions requiring that the development be carried out in accordance with the approved plans, and that its external materials match those in the existing building, as the development is already in place, and as I have found the materials to be acceptable, those conditions are unnecessary.
13. For the above reasons, and having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR