
Appeal Decision

Site visit made on 30 January 2023

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 February 2023

Appeal Ref: APP/G5750/D/22/3309657
38 Gurney Close, Stratford, London E15 1SJ

- 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 Petro Tara against the decision of the Council of the London Borough of Newham.
 - The application Ref 22/01873/HH, dated 2 August 2022, was refused by notice dated 26 September 2022.
 - The development described as the retention of a front boundary fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already been undertaken and I had the benefit of seeing it at my visit to the area.

Main Issues

3. The main issues in this appeal are the effects of the development on the character and appearance of the area and on the living conditions of neighbours.

Reasons

4. The appeal relates to this 2 storey house which is located at the end of a terrace, within this residential area. The terrace contains 6 houses of almost identical design. The immediate area also contains a similar terrace on the opposite side of Gurney Close, a block of 3 storey flats and a large multi-storey block of flats.
5. All of these properties have a frontage onto Gurney Close and all have low hoop-topped metal railings as their boundary features, of around 1m in height. This provides a consistent and unifying visual feature which enhances the appearance on Gurney Close. The light-weight visual appearance of the existing railings and their modest height gives an almost open-plan appearance here. In my view the positive effect of this is particularly strong within the terrace containing No 38, as it faces onto the car-free open area which has been formed here on Gurney Close.
6. The wooden fence and gate have been erected immediately inside the metal railings on the front boundary and along the common boundary with the

attached house. The plans indicate that the fence posts are 1.8m high and the undulating line of the top of the fence rises above this to a height of 2m, according to the Council's submissions.

7. The fence has a strong visual presence within Gurney Close due to the materials, the height and the design of the fence. It does not seek to draw on any surrounding features for its appearance and is starkly at odds with the appearance of other front boundaries here. The fence is solid for most of its height and has a lattice-work upper section. However, this does little to lessen its visual impact. Its appearance disrupts the positive common feature of the existing fences in the surrounding area and has a significantly detrimental effect on the character and appearance of the area.
8. In relation to the effects on neighbours, the fence sits immediately adjacent to the front garden area of the attached neighbouring house. The fence is clearly visible from the front garden and would be visible from within the rooms at the front of the house, particularly those at the ground floor. In my judgement, the proposal will have an unacceptably dominating appearance when viewed from the garden and from within the ground floor rooms. I conclude that this would have an unacceptable effect on the living conditions of these neighbours. In relation to other neighbours, whilst they would see the fence and experience its unacceptable visual effects, I am satisfied that this harm would be as set out in the more general effects on the area and would not have a direct effect on their living conditions within their homes.
9. The appellant indicates that the fence is necessary for security reasons but does not elaborate on this point. In my view, such a generalised reason does not outweigh the harmful visual effects that I have identified.
10. For the reasons set out, the fence conflicts with Policies D1, D3, D4 and D8 of The London Plan and Policies SP1, SP3 and SP8 of the Newham Local Plan. I have taken account of all other matters but find nothing sufficient to outweigh this conflict. Therefore, the appeal is dismissed.

T Wood

INSPECTOR