



Appeal Decision

Site visit made on 6 September 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2023

Appeal Ref: APP/B5480/D/23/3321002

140 Hall Lane, Upminster RM14 1AL

- 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 Michael Sonn against the decision of the Council of the London Borough of Havering.
 - The application Ref P0767.22, dated 11 May 2022, was refused by notice dated 24 January 2023.
 - The proposed development is new boundary wall, planting and fence.
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Decision

1. The appeal is allowed and planning permission is granted for new boundary wall, planting and fence at 140 Hall Lane, Upminster RM14 1AL in accordance with the terms of application ref: P0767.22 dated 11 May 2022 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) This permission shall relate to the following approved plans: 1:1250 and 1:500 location and block plans; 1:200 existing and proposed layout; 1:100 plan showing front and side streetscene elevations; Wall A and Wall B detailed plans.
 - 3) No development shall take place until samples/details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be used in the implementation of the development.
 - 4) No development shall take place until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all existing trees and shrubs to be removed, those to be retained, including measures for their protection, and shall indicate the size and species of all new planting. The approved scheme shall be carried out within the first planting season following completion of the development. Any tree or shrub / plant which is removed, becomes seriously damaged or diseased or dies shall be replaced in the next planting season with others of similar species and size.

Main Issue

2. The main issue is the impact of the proposal on the character and appearance of the streetscene.

Reasons

3. The appeal site lies on the corner of Hall Lane and Avon Road. Hall Lane is busy main road and the appeal site is set back from it along a short drive that runs parallel with it, separated from it by a belt of mature vegetation. The site is accessed off Avon Road with a wide vehicular access leading to a paved parking area for two cars to the front of the dwelling. A high mature hedge marks the remaining part of the Avon Road boundary and continues along the Hall Lane frontage enclosing the private garden area of the dwelling.
4. The proposal involves the replacement of the boundary hedge with a solid brick wall along the Avon Road frontage and a lower wall with railings along the remaining boundary around the corner into Hall Lane, incorporating a replacement gate from Hall Lane. The plans also indicate tree planting behind the wall along Avon Road.
5. Whilst the eastern side of the main Hall Road, along which the appeal site is located, is characterised by mature vegetation, the western side opposite the appeal site is fronted by a row of large, detached houses, a number of which have high walls, some with railings, which enclose the front gardens. The street scene of Avon Road is somewhat different with a mixture of 'green' frontages and low walls, some with railings.
6. In approaching the appeal site from the north along Hall Lane, the existing boundary hedge is visible though set back behind the taller mature planting along the main road frontage. The new wall would also be visible in this view but given that it would be set back and seen behind the mature belt of vegetation along this main road, it would not appear as an unduly intrusive feature.
7. In views along Avon Road, it would appear as a more strident feature within the street scene being right on the pavement edge and extending for a length of just over 6 metres along this frontage. Nevertheless, I do not consider that it would appear so visually intrusive as to have an unacceptably negative impact. The plans indicate that planting would be retained / provided within the garden area to the rear of the wall, which providing suitable species are used, would over time provide a 'green' backdrop to the wall. The remaining sections of the wall comprising low brick wall with railings above would provide even greater opportunity for a 'greening' effect as the planting would be seen at a lower level. The Appellant has indicated a willingness to accept a condition to secure an appropriate detailed landscaping scheme.
8. Overall, therefore, whilst the proposed new wall would result in a significant change to the current boundary, given the mixture of front boundary features that exist with the immediate area, it would not appear unacceptably visually intrusive nor out of character.
9. The proposed fence would mark the side garden boundary between the appeal site and its attached neighbour at No. 142. It would be visible in views from the short slip road across the driveway of this adjoining property but, given that it will replace an existing fence, albeit of lower height, it would not be unacceptably visually intrusive.
10. I therefore find that the proposal would not be harmful to the character and appearance of the street scene. It would thereby accord with Policy 26 of the

Havering Local Plan (2021) which seeks high quality design that provides attractive living environments and contributes to the creation of successful places in Havering through, amongst other things, development that respects and complements the distinctive qualities, character and features of the site and local area and reinforces the local streetscene.

Conclusions

11. A condition to ensure that the development accords with the approved plans is necessary in the interests of proper planning and clarity. A condition to require the submission of a landscaping scheme for approval and to secure its planting, retention and replacement as appropriate thereafter is also necessary in the interests of the visual amenity of the area.
12. I therefore conclude that this appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR