



Appeal Decision

Site visit made on 22 November 2023 by N Unwin BSc (hons) MSc MRTPI

by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2024

Appeal Ref: APP/G5750/C/22/3311496

83 Claremont Road, Forest Gate, London E7 0QA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Mohammed Malik against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 21 October 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of a block paved driveway to the front of the property.
 - The requirements of the notice are to:
 - 1) Remove the block paved driveway and any associated sub-base (as shown in the approximate location edged in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1).
 - 2) On completion of step 1 above, remove all materials and debris from the site.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the Act).
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Decision

1. The appeal 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.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. At the time of my visit the development identified within the notice had been altered and appeared similar to that granted by appeal ref. APP/G5750/W/22/3311584. Nevertheless, the Act allows for the grant of planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control. I have thus made my recommendation based on the matters as stated within the notice.

Main Issue

4. Whether the block paved driveway preserves or enhances the character or appearance of the Woodgrange Estate Conservation Area (CA).

Reasons for the Recommendation

5. The appeal site is one of a group of two-storey terrace properties of similar design and materials, fronting Claremont Road and forming part of the CA. The Woodgrange Estate Conservation Area Character Appraisal and Management Proposals (2006) (CAA) identifies the dwellings adjoining Claremont Road as having a consistent and linear character, with these regimented frontages softened by the continuous bands of front gardens. These front gardens, including that of the appeal site prior to the laying of the block paved driveway, are primarily lawned and landscaped, punctuated by narrow, linear pedestrian paths which enrich the street scene.
6. When addressing proposals for parking areas within front gardens, the CAA identifies intrusive and dominant forms as detracting from the appearance of the area and the loss of important soft landscaping harming the original setting.
7. There are examples of parking areas within the front gardens of the surrounding dwellings. However, these primarily comprise linear strips from the front elevation of the dwelling to the highway, complementing the form of the pedestrian paths so as to reflect the existing character of the area.
8. The development formed a 'U' shape with a wide section adjoining the highway. The hardstanding extended into the front garden, culminating towards its middle forming an intrusive and alien feature particularly in the context of the linear pedestrian pathway. Its prominence from the street scene was enhanced through the open nature of the boundary with the highway, thus amplifying its incongruous form and resultant harm to the character of this part of the CA.
9. With the above in mind, the development neither preserves or enhances the character or appearance of the CA. Given the scale and location of the scheme, the harm is less than substantial for the purposes of the National Planning Policy Framework 2023. The harm, which I am required to give considerable importance and weight, should be weighed against the public benefits.
10. The removal of the former rendered boundary wall and replacement with a low buff brick wall represents a slight enhancement to the original front boundary treatment. Nevertheless, this is not sufficient to outweigh the harm caused by the block paved driveway to which the notice relates.
11. I recognise that an off-street parking space would be beneficial to facilitate charging of an electric vehicle. However, neither this nor the above benefits are sufficient to outweigh the development's unacceptable impact on the character and appearance of the CA.
12. As such, no public benefits have been identified which outweigh the considerable importance and weight that I attach to the harm that is caused to the significance of the designated heritage asset. Accordingly, the development is contrary to Policies D1, D3, D4, D8 and HC1 of the London Plan (2021) and Policies S6, SP1, SP3, SP5 and SC4 of the London Borough of Newham Local Plan (2021), which when read as a whole, require new development to be of a high standard of design and to preserve or enhance the character and appearance of the Conservation Area.

Other Matters

13. Within the Council's reasons for issuing the notice, they cite the development's effect on highway safety. The notice relates to the installation of a block paved driveway, requiring its removal. The notice does not refer to the creation of a vehicular access nor require the cessation of such. The installation of a block paved driveway in and of itself does not affect highway safety. Furthermore, a similar vehicular access to the appeal site was granted through appeal ref. APP/G5750/W/22/3311584 and thus the principle is deemed acceptable.

Conclusion and Recommendation

14. For the reasons given above and with regard to all other matters raised, I recommend that the appeal on ground (a) should fail and the deemed planning application should be refused.

N Unwin

Appeal Planning Officer

Inspector's Decision

15. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal on ground (a) should fail and the deemed planning application should be refused.

A U Ghafoor

INSPECTOR