



Appeal Decision

Site visit made on 6 March 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/B5480/D/23/3332641

5 Broadway, Romford RM2 5NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Lynda Boyce against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1260.23.
 - The development proposed is a wooden fence with concrete posts on the boundary between 5 Broadway and 3 Broadway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adapted the description of development from the original planning application form for clarity.
3. At the time of my site visit, I saw that the development applied for was completed and I note that the application had been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issue

4. The main issue is whether the appeal proposal would preserve or enhance the character or appearance of the Gidea Park Conservation Area.

Reasons

5. The appeal site lies within the Gidea Park Conservation Area (CA). The statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. The CA broadly covers the area from Raphael Park eastwards to the golf course. It is bisected by Main Road and there is a more linear element extending south from Balgores Crescent to the railway station. It reflects the construction of the garden suburb style estate pursuant to exhibition houses of 1911 and 1934. The wide streets, generous plots, trees and landscaping give the CA a spacious and verdant character with mostly detached houses in a landscaped setting. There is a strong Arts and Crafts aesthetic with a wide variety of designs and rich detailing to many of the houses.
7. Where front gardens have fences or walls as boundaries, they are typically at a low level. Frequently, boundaries are marked by hedges or trees, sometimes of

considerable height, a feature which is integral to the character of the CA. I consider the significance of the CA is largely derived from the estate layout, architecture and mature landscape setting of the houses to the north of Main Road in particular.

8. The appeal relates to a 1.8m high boundary fence between nos. 3 and 5 Broadway. It reduces in height to 1.2m towards the front where it meets the pavement. The fence is close boarded wood and supported by concrete posts. It replaces a hedge along the boundary which the appellant states was diseased and dead in places.
9. My attention has been drawn to other similar fences in the area. The Council note that the fence between No.1 Broadway and the house labelled as Three Gables on the location plan, is unauthorised. The appellant has provided examples of some higher boundary treatments on Broadway itself. The low wall to the boundary of no. 2 opposite the appeal site incorporates railings above with significant vegetation behind and does not give the same impression of solidity that the appeal fence does. The fences between nos. 6 and 8 Broadway, and between nos. 2 and 4 Broadway, do not extend along the entire side boundary to the front of the houses. The fence to the corner of Broadway and Heath Drive encloses the rear garden of 21 Heath Drive. Whilst there are other examples of fences across the CA, they are not so frequent that they could be considered a characteristic feature. Their presence does not justify further harm.
10. Notwithstanding the above examples of high fences, they are not a characteristic front boundary treatment in this part of the CA. Chapter 10 of the Residential Extensions and Alterations Supplementary Planning Document March 2011 states boundary treatments should reinforce the prevailing character of the streetscape. The fence as erected appears incongruous due to its height, length and visual prominence. It is at odds with the typical side boundary treatments in the immediate area which are generally lower or comprise shrubs or trees. This is particularly so when it is viewed from No. 3 as there is no planting to soften the appearance of the fence and concrete supports.
11. For the reasons set out above, and given the scale of the proposals, I find that there would be less than substantial harm caused to the significance of the CA, the character and appearance of which would not be preserved.
12. There is a presumption against development that would have a harmful impact upon a Conservation Area through S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Framework also explains that great weight should be given to the conservation of designated heritage assets. Paragraph 206 informs us that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 208 goes on to require decision makers to weigh any less than substantial harm to such an asset against the public benefits of the proposal.
13. The fence provides some benefits in terms of privacy, some noise attenuation and a sense of security to the appellant. There would have been small economic benefits arising from the construction of the fence. I consider these benefits to be largely private and as such I afford them limited weight.

14. I find that the limited public benefits are not sufficient to outweigh the identified less than substantial harm to the significance of the designated heritage asset. Therefore, the proposal would not accord with the policies of the Framework and the development plan which seek to conserve and enhance the historic environment.
15. I conclude that the fence fails to preserve the character and appearance of the CA. It is in conflict with Policies 7, 26 and 28 of the Havering Local Plan 2021. These policies, amongst other things, seek development that is well designed, informed by the character of the site and local area, and which preserves, enhances or better reveals and character and appearance of the area and its significance.

Other Matters

16. The Council indicate that given the lowering in height of the fence towards the front boundary there is sufficient visibility when entering and leaving the site by vehicle. I have no reason to disagree with this assessment.

Planning Balance and Conclusion

17. I acknowledge the appellant's points regarding privacy and consequent effects upon their mental health and it is a matter to which I attach moderate weight in the overall planning balance. However, I am not persuaded, from the information before me, that the appeal scheme represents the only option available to achieve the desired levels of privacy.
18. The less than substantial harm I have identified to the CA draws the proposal into conflict with the development plan read as a whole. The material considerations in this case, including the aforementioned public benefits of the scheme and the personal circumstances of the appellant, do not indicate that the decision should be taken otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

L Francis

INSPECTOR