



Appeal Decision

Site visit made on 1 September 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal Ref: APP/W5780/D/24/3339012

7 Laura Close, Wanstead, Redbridge, London E11 2DG

- 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 Dave Dick against the decision of London Borough of Redbridge Council.
 - The application Ref is 2979/23.
 - The development is the erection of side/front boundary wall with metal railings/sliding gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties were invited to comment on the Highway Safety Report by Markides Associates dated 9 February 2024. Any comments received have been taken into consideration in determining this appeal.
3. At the site visit I noted that the development had already taken place.
4. The National Planning Policy Framework (the Framework) has been updated since the parties' appeal submissions have been made. However, as the revisions do not affect the matters under consideration in this appeal, (other than paragraph numbers changing), it was not considered necessary to seek further comment on this.

Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and Appearance

6. The appeal property is a detached dwelling set back from the road frontage with space for parking. There are a variety of house designs and types in the surrounding area. However, within Laura Close open frontages are a dominant feature that contribute positively to the character of Laura Close. The appeal site development is highly visible from Lorne Gardens. Within Lorne Gardens, low frontage walls are a dominant feature of the streetscape, which again contribute positively to the character of the area.

7. The application is retrospective and seeks to retain the development that is in accordance with the submitted plans. The wall is red brick with vertical black railings between the pillars and two front sliding gates which consist of black railings.
8. The development appears incongruous in the street scene as it encloses the frontage to the dwelling and is at odds with the original open design of the dwellings within Laura Close. Even with the use of brick work to match the host property and elements of railings as opposed to solid brick walls, the mass and scale of the enclosure appears as a particularly stark feature within the street scene. Notwithstanding the position of the gable wall of No. 9, the development still stands out when viewed from Lorne Gardens.
9. On this issue I find that due to the inappropriate scale, height, position, design and appearance of the development it causes harm to the open plan style character and the wider appearance of the area, where low frontage walls predominate.
10. My attention has been drawn to a previous appeal decision at the site¹. This concerned alterations to the dwelling itself and therefore differed from this appeal development, as it retained an open frontage. My attention has also been drawn to other boundary features in the surrounding area. I do not have full details of any planning approvals that gave rise to these and therefore these may be different and do not set a precedent. As such, they are of limited weight in my decision. Having considered the appeal proposal on its own merits I find that the existence of the other boundary features in the wider surrounding area does not justify the harm caused by the appeal development.
11. Accordingly, I find that the proposal conflicts with policies LP26 and LP30 of the Redbridge Local Plan (2018) (LP), the Redbridge Modified Housing Design Guide (2019) and the National Planning Policy Framework (the Framework), which seek high quality design that maintains or improves the character of the street scene or locality.

Highway Safety

12. The development includes gates with brick pillars. The view for vehicles exiting the appeal site is restricted by the development to the extent that the minimum visibility required by the Highway Authority cannot be achieved.
13. I have had regard to the information submitted and from my observations on site find no reason to depart from the evidence of the Council's highway officer that the development fails to provide the minimum visibility splays and consequently causes a danger to highway users. The sub-standard splays currently would not allow for an emerging driver to see a child or wheelchair user approaching along the footway and thereby fails to properly mitigate the risk of conflict at the access points.
14. I am not persuaded by the appellant's arguments that as the area is a quiet cul-de-sac a lesser standard would be appropriate in the particular location. I find that to achieve the required visibility splays for adequate highway safety any boundary wall could not exceed 600mm in height. Consequently, the fall-back position regarding a wall up to 1 metre in height under permitted

¹ APP/W5780/D/21/3270658

development rights would not apply in this case as a boundary wall above 600mm would be likely to cause danger to highway users.

15. On this issue I find that inadequate visibility for vehicles exiting the appeal site increases the risk of collision with other highway users and thus gives rise to an unacceptable impact on highway safety.
16. Accordingly, I find that the proposal conflicts with policy LP22 of the LP, in that the development causes harm to highway safety.

Other Matters

17. The Council's first reason for refusal also refers to an adverse effect on the amenities of the neighbours. I have not identified any unacceptable impact caused by the development to the living conditions of the neighbours.
18. An Interested Party has raised the issue of restrictive covenants. These are private law matters outside the scope of this planning appeal.
19. An Interested Party has raised concern about lighting at the frontage. The lighting does not amount to development in this case and is outside the scope of this planning appeal.

Conclusion

20. Having taken into account all representations made, for the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and with the provisions of the Framework. There are no material considerations that would justify a decision other than one in accordance with the development plan. The appeal should be dismissed.

A Hartley

INSPECTOR