



Appeal Decision

Site visit made on 18 February 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2025

Appeal Ref: APP/Z5060/C/23/3329036

121 Upney Lane, Barking, IG11 9LD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Nazma Begum Jalil against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham.
 - The enforcement notice was issued on 10 August 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a front porch and fence pillars to the front of the property.
 - The requirements of the notice are:
 - Remove the unauthorised fence pillars.
 - Remove the porch or bring into permitted development requirements.
 - Remove all subsequent waste material from the premises.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice be:
 - corrected by deleting the words "fence pillars to the front of the property" within section 3 (the matters which appears to constitute a breach planning control) and replacing it with "front boundary wall pillars."
 - corrected by deleting words "fence pillars" under the first requirement under section 5 (what you are required to do) and replacing it with "front boundary wall pillars".
2. Subject to these corrections, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Notice

3. The allegation in the Enforcement Notice is poorly worded. Whilst the first part of the allegation is adequate, the second part which continues with "fence pillars" is imprecise and it relates to 'front boundary wall pillars. However, the appellant appears to have understood the allegation and, in my opinion, the misdescription does not render the notice unclear. It is necessary however to correct the allegation. This would not cause injustice, and I can therefore use

my powers under the provisions of s176(1)(a) of the Act to make this correction.

4. Furthermore, the first requirement of the notice, under section 5 (What you are required to do) is also poorly worded in so far as it also refers to "fence pillars". It is therefore necessary to correct this. My understanding of the notice is not affected by this, and nothing within the appellant's submission indicates to me that it has been misunderstood by them as a result. Therefore, I consider that a correction is necessary which can be achieved by using my powers under s176(1)(a) of the Act without causing injustice.

Procedural Matters

5. During the course of this appeal, the London Borough of Barking and Dagenham Borough Wide Development Policies Development Plan Document, 2011 (DPD) and policies contained within it, has been replaced with the Barking and Dagenham 2037 Local Plan, which was adopted on 18 September 2024 (LP). This must now be given full weight in the decision-making process. Both parties have been given the opportunity to comment on the new Local Plan, and so have not been prejudiced. I have therefore not assessed the development against the policies of the superseded DPD.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the building and area.

Reasons

Character and appearance

7. The appeal property is a semi-detached two storey dwelling located in a prominent location on the corner junction of Upney Lane and Sandringham Road, in a residential area characterised predominantly by two storey dwelling houses and flatted developments. Most of the front boundaries to the dwellings are marked by low front boundaries which gives the area a relatively open character. Given the position of the property on this corner junction, the property has a relatively wide frontage located on both Upney Lane and Sandringham Road. As a result, there are long range views of the frontage of the property when approaching from Upney Lane and from Sandringham Road.

Front boundary wall pillars

8. Whilst the pillars allow views into the front of the property, nevertheless the excessive overall height, scale and prominence of the pillars form a large, obtrusive and incongruous feature in the street scene which is at odds with the prevailing open character. I appreciate that there are a small number of other tall pillars and railings in the area. However, the existence of these does not justify further harm.

Front porch

9. Properties in the area include double storey bay windows and where porches do exist, they are relatively modest in size and respect the existing front building lines in the street, in line with the projecting bay windows. The Council's Residential Extensions and Alterations Supplementary Planning Document

(SPD) states that care should be taken to ensure that porch extensions do not dominate the front of the house.

10. However, given its scale, depth, and forward projection, beyond the existing front bay windows, the front porch forms a bulky, obtrusive, and incongruous feature in the streetscene which is at odds with the prevailing character, where the front building lines are relatively consistent. In this respect the development disrupts the harmony and architectural coherence of the building and area generally.
11. I appreciate that both the front pillars and porch could be finished in materials to match the host dwelling to help improve their appearance. Nevertheless, it is their excessive scale and size which are particularly discordant and harmful in the streetscene.
12. I therefore conclude that the development harms the character and appearance of the area, in conflict with Policies DMD1 and DMD5 of the LP. Taken together, these state that the Council will support development proposals that make a positive contribution to the character of the surrounding area and that any proposed extension or alteration to a property should be sympathetic and subordinate to the design of the original dwelling with regards to scale, form, materials and detailing.

Conclusion on Ground (a) and the Deemed Planning Application

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

The appeal on Ground (g)

14. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The appellant considers that current compliance period is unreasonably short and asks that the time for compliance is extended from 6 to 12 months in order to raise funds and identify a contractor to carry out the works. However, there would not be any complex building operations required to dismantle the pillars and porch. I conclude that 6 months would be reasonable and proportionate time to comply with the notice and the appeal on ground (g) fails.

Conclusion

15. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR