
Appeal Decision

Site visit made on 3 March 2025

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 April 2025

Appeal Ref: APP/N5660/D/24/3358033
70 Madeira Road, London SW16 2DE

- 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 A Uddin against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 24/03134/FUL, dated 13 October 2024, was refused by notice dated 5 December 2024.
 - The development proposed is the retention of the existing brick boundary wall and railings, together with installation of a new gates.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Preliminary Matters

3. The wall and railings are already in place and the proposal seeks permission for these and a new gate(s).

Reasons

4. The appeal property is a 2 storey semi-detached house located within this residential area. The houses within the area display a variety of styles and materials. Where front boundary features exist, they are generally simple in form and appearance and modest in height.
5. There have been 2 relevant appeals relating to the development at this property. The first appeal (Ref: APP/N5660/D/23/3327250) related to walls and railings of a height of 1.6m and gates with a maximum height of 2m. This was dismissed in December 2023. The second appeal (Ref: APP/N5660/D/23/3331970) concluded that the proposal should be dismissed due to the effects of the gates, but included comments that the wall and railings were acceptable. The current proposal now before me was refused by the Council due to the effects of the gates and the Council, as a consequence of the second appeal, accept that the wall and railings are acceptable.
6. The proposed gates would span the great majority of the width of the frontage of the house and would consist of a pair of vehicular gates and a single

- pedestrian gate. They would have a height of 1.35m and have a consistent height.
7. At my visit to the area I noted that where front boundary features exist they are almost exclusively low and modest. I note that the Inspector for the first appeal also noted that 'low frontage boundaries absolutely predominate' and I agree. Some examples of higher fences can be seen but these occur where side boundaries to gardens abut the pavements/roads and protect residents from visual intrusion, which is not the case here.
 8. Policy Q15 of the Lambeth Local Plan 2020-2035 (LP) relates to boundary treatment and states that the Council will expect front boundaries in residential areas to be a replication of positive locally distinct boundary treatments and a sympathetic response to its context in terms of height, design and appearance and that; front boundaries in residential areas and those between front gardens should not exceed 1.2 metre in height (unless specifically justified by the character of the locality or specialist function of the development), amongst other things. It also adds that the raising in height of existing boundaries will only be supported where it is undertaken in a well-designed and carefully detailed manner which is consistent with local character and not discordant.
 9. I have taken account of the other forms of boundaries in the area, including those pointed out specifically by the appellant. However, I consider that the proposed width and height of the gates would mean that they would have an unacceptably imposing appearance and would look out of place within this context. The gates at No 82 Madeira Road appear lower and I have not been made aware of any planning history relating to them.
 10. The appellant indicates that the gates would only be slightly less than the maximum height set out in Policy Q15 and also that he could (and would) construct gates of 1m height as permitted development. Firstly, the gates proposed are higher than the maximum set out in Policy Q15 but also the other criteria apply and I judge would not be met by the proposal. I fully accept that the appellant could erect gates of 1m in height without the grant of permission from the Council. This is a clear fall-back position which is available to the appellant and I have no reason to doubt that he would utilise this right, if necessary. However, I consider that there is a significant difference in the visual effects of the gates now proposed and those that may be of 1m in height and so this does not compel me to look favourably on the appeal scheme. I have also taken account of the design of the gates with railings which would allow views through them. Notwithstanding this, I consider that their visual effect would be unacceptable.
 11. As a result of my consideration of all matters raised in the submissions, I consider that the proposed gates would have a harmful and unacceptable effect on the character and appearance of the locality. This would be contrary to Policies Q5 and Q15 of the LP. As a consequence, the appeal is dismissed.

T Wood

INSPECTOR