
Appeal Decisions

Site visit made on 27 May 2025

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal A: Ref APP/W1905/C/24/3338864

3 Lilac Road, Hoddesdon, Hertfordshire EN11 0PG

- 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 Mr Kayode Bourne against an enforcement notice issued by Broxbourne Borough Council.
 - The enforcement notice, numbered ENF/24/0003, was issued on 8 February 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of front access gates and boundary wall.
 - The requirements of the notice are to:
 - (i) Remove the front access gates including supporting posts or pillars OR lower it in height so that it does not exceed 1metre above natural ground level
 - (ii) Remove the front boundary wall OR lower it in height so that it does not exceed 1metre above natural ground level
 - (iii) Remove the side boundary wall between 3 and 5 Lilac Road OR lower it in height so that it does not exceed 1metre above natural ground level
 - (iv) Remove any debris resulting from compliance with the above steps
 - The period for compliance with the requirements is 1 calendar month for steps (i), (ii) and (iii) and 2 calendar months for step (iv).
 - The appeal is proceeding on the grounds set out in section 174(2) (a) (g) of the Town and Country Planning Act 1990 as amended. Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Appeal B: Ref APP/W1905/W/24/3338630

3 Lilac Road, Hoddesdon, Hertfordshire EN11 0PG

- 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 Kayode Bourne against the decision of Broxbourne Borough Council.
 - The application Ref 07/23/0801/HF, dated 21 August 2023, was refused by notice dated 28 December 2023.
 - The development is front boundary wall and gate.
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Decisions

1. Appeal A 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.
2. Appeal B is dismissed.

Procedural Matters

3. Appeals A and B concern the same development.
4. The 'boundary wall' targeted by the notice (and for which permission is sought in both appeals) includes the new front boundary wall¹ built up to the back of the highway footway, as well as a new side boundary treatment with 5 Lilac Road (No 5) at the front of the properties which is approximately 1.8m high and extends about 2.5m deep towards the properties.

Appeal A ground (a) and the deemed planning application

Appeal B

Main issues

5. The main issues are the effect of the development upon:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

6. Lilac road is strongly characterised by its prevailing feature of predominantly open property frontages; many properties either having entirely open frontages or rather low and limited boundary treatments above which the dwellings are significantly visible. This produces a pleasant sense of space within this built up area of Hoddesdon. The appeal development jarringly disrupts that context by introducing a high enclosure abutting the highway and which is aesthetically displeasing in juxtaposition and contrast with the open frontage of its neighbour at No 5.
7. Although I acknowledge that the development provides a boundary treatment of similar (or lower) height to those serving 1 Lilac Road and 25 Stanstead Road (albeit the side fence of the property in that case), those arrangements are themselves not in keeping with the prevailing open character of Lilac Road. Further, the harmful prominence of the appeal development is exacerbated by the added effect of the new side boundary treatment which (in conjunction with the section of the boundary treatment abutting the highway) provides a tall, imposing corner junction of the development which is particularly visible on the streetscene due to the entirely open frontage of No 5.
8. Contrary to the appellant's suggestions, the front boundary treatment of 10 Lilac Road is materially dissimilar to the appeal development. It has a low wall (with piers) incorporating wide railings (including within the gate design) with large gaps through which the property is experienced, thereby preserving the prevailing open character of the streetscene.
9. Further, the fact that the appeal property (like its neighbour at 1 Lilac Road) has more room for off-road parking than many other properties locally does not mitigate against the harm I have identified. Indeed, in restricting the view of the property's relatively long frontage, the effect of the development in reducing openness has been more dramatic than would otherwise be the case.

¹ 1.8m high according to the application plans, although said by the Council to be approximately 1.9m high

10. For these reasons, the appeal development (Appeals A and B) causes significant harm to the character and appearance of the area. As such, it is in conflict with Policy DSC1 of The Broxbourne Local Plan 2018-2033 (LP) (adopted June 2020) which seeks to ensure high standard of design for all development.

Highway safety

11. Because of the appeal development, there are insufficient visibility splays for the drivers of vehicles leaving the frontages of the appeal property and that of No 5 (forward or reverse gear) before those vehicles emerge onto the highway. It seems to me that poses a particular risk of collision with pedestrians using the footway. Indeed, the Highway Authority has said that the development makes pedestrian visibility worse as regards the development access and that of No 5. I place significant weight on that professional opinion, chiming as it does with a common-sense view of the matter, and I have seen nothing in the appellant's submissions to convince me otherwise. The appellant accepts in his submissions that visibility splays have not been provided and whether or not there are sufficient visibility splays as regards other local examples rather misses the point, even were I to accept that were the case.
12. For these reasons, the appeal development (Appeals A and B) creates an unacceptable impact on highway safety. Consequently it is conflict with Policy TM2 of the LP and Policy 5 of Hertfordshire's Local Transport Plan 2018-2031 (May 2018) which together ensure that access arrangements and all movement corridor users are safe².

Planning conclusions

13. The appellant says that there is a 'fallback position' as the boundary treatment could be erected to the same height, without express planning permission, were it re-constructed at a location which was not adjacent to the highway. However, I give that 'fallback position' very limited weight towards granting permission for the development before me as it would be materially less harmful than the appeal scheme; it would create a more open frontage which would cause less harm to character and appearance and it would provide greater visibility splays which would cause less of a risk to highway safety.
14. The development (Appeals A and B) does not accord with the development plan as a whole, and there are no other considerations which outweigh that finding. There are no conditions which would make the development acceptable. Accordingly, I will not grant planning permission on either appeal and ground (a) of Appeal A does not succeed.

Appeal A ground (g)

15. For an appeal to be successful on this ground, I must be satisfied that the compliance period of the notice falls short of reasonable. The appellant has provided very limited evidence to support such a case (other than saying the work must be done very carefully) and it seems to me that 1 month is reasonable time to complete the removal (or alteration) of the boundary treatment with a further month to remove any resultant debris. Ground (g) fails.

² Contrary to the appellant's suggestion, there does not have to be a 'severe impact' on safety for these policies to apply.

Conclusions

16. For the reasons given above I conclude that Appeal A should not succeed.
I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.
17. For the reasons given above I conclude that Appeal B should be dismissed.

Andrew Walker

INSPECTOR