



Appeal Decision

Site visit made on 16 September 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Appeal Ref: APP/G5750/C/23/3327321

35 Woodstock Road, London E7 8NB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Mohammad Naeem Raza against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 5 July 2023.
 - The breach of planning control as alleged in the notice is: The erection of a timber and wire addition to the rear boundary treatment.
 - The requirements of the notice are to:
 1. Demolish the timber and wire addition to the rear boundary treatment (at the approximate location shown delineated in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1).
 2. On completion of step 1, remove all materials and debris from the site.
 - The periods for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d) 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.
-

Decision

1. 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.

Applications for costs

2. An application for costs was made by London Borough of Newham against Mr Mohammad Naeem Raza. This application is the subject of a separate Decision.

The ground (d) appeal

3. The onus is on the appellant under ground (d) to make the case that, at the time the enforcement notice was issued, it was too late to take action against the matters stated in the notice. The enforcement notice is directed at the alleged erection of a timber and wire addition to the rear boundary treatment. Consequently, the appellant needs to show that the matters alleged in the notice occurred at least 4 years before it was issued (which was 5 July 2019).
4. However, no evidence has been submitted by the appellant to support this claim. Even without the countering evidence of the Council, the appellant has not met the required standard of proof in his own submission.
5. The Council's evidence contradicts the appellant's claim. During a site visit to the premises on 12 April 2023, the Council advised that the works were clearly new and that this was confirmed by the appellant. Furthermore, Google Earth Aerial photograph dated 8 March 2022 submitted by the Council illustrates that the timber

and wire additions, were not in existence at this time. It seems to me that this photograph provided by the Council provides the most clear, unambiguous and cogent evidence.

6. It is well established in planning law that the onus rests with the appellant to make out his or her case. However, on the evidence before me, I find that burden has not been satisfactorily discharged in this particular case.
7. On the balance of probability, I conclude that at the time the notice was issued it was not too late to take enforcement action against the alleged breach of planning control.
8. The ground (d) appeal therefore fails.

The Appeal on Ground (a) and the Deemed Planning Application (DPA)

Main Issues

9. The main issues are the effect of the development on the character and appearance of the area; and the living conditions for the occupiers of 33 and 37 Woodstock Road and 30 Marlborough Road with regard to outlook.

Reasons

Character and appearance

10. The appeal site is a mid-terrace two storey Victorian property, and the appeal development relates to the rear boundary treatment of the site, where the majority of properties in the area exhibit walls and fences of less than 2m in height.
11. The unauthorised development relates to timber posts with wire erected above the pre-existing wall, on both side boundaries and the rear boundary of the site, which far exceeds 2m in height and in certain sections exceed 3m in height.
12. Given the overall excessive height and scale of the timber post and wire fencing it forms a tall, incongruous feature in the rear garden, along the boundaries with all the adjoining properties. This is at odds with the residential character of the area, which predominantly comprises more modest and traditional fences and boundary treatments between neighbouring rear gardens.
13. I appreciate the appellant's frustration that there are a small number of other post and wire fences installed on neighbouring properties. However, I do not have full details of these other developments and therefore am unaware whether these benefit from planning permission or are lawful developments. Nevertheless, the existence of these does not justify further harm, and I observed that the extent of post and wire fencing at the appeal site was significantly greater and covered a greater area than those on neighbouring properties.
14. I conclude that the development harms the character and appearance of the area, in conflict with Policies D3 and D4 of the London Plan, 2021 (London Plan), and Policies SP1 and SP3 of the London Borough of Newham Local Plan, 2018 (LP). In combination, these require high quality design in all new developments and that developments enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance.

Living conditions for the occupiers of the 33 and 37 Woodstock Road and 30 Marlborough Road with regard to outlook

15. Owing to the design of the wire fencing which allows light and views through, I am satisfied that the timber posts and wire does not result in any demonstrable loss of outlook or an increased sense of enclosure to neighbouring residential occupiers of Nos 33 and 37 Woodstock Road and 30 Marlborough Road .
16. Therefore, the development provides acceptable living conditions for occupiers of Nos 33 and 37 Woodstock Road and 30 Marlborough Road with regard to outlook. Accordingly, the development is in accordance with Policy D3 of the London Plan and Policy SP8 of the LP. Amongst other things, these state that development proposals should be deliver appropriate outlook and amenity and that all development is expected to achieve good neighbourliness.

Other Matters

17. I appreciate that the wire fencing was installed to prevent foxes from entering the appellant's garden, given previous issues he has encountered with them. Whilst I have sympathy with the appellant in relation to this, this does not justify the current development. Furthermore, there are alternative options which could be explored to overcome this issue which would not cause harm to the character and appearance of the area.

Conclusion on Ground (a) and the DPA

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development harms the character and appearance of the area in conflict with the development plan taken as a whole. None of the other matters raised by the appellant outweighs the harms identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
19. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the DPA should be refused.

Overall Conclusion

20. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice 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