



Appeal Decisions

Site visit made on 9 September 2025

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date 30 September 2025

Appeal A Ref: APP/B5480/C/25/3365552

9 Nelmes Crescent, Hornchurch RM11 2PX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr Van Nguyen against an enforcement notice issued by the Council of the London Borough of Havering.
 - The notice was issued on 24 April 2025.
 - The breach of planning control as alleged in the notice is Without planning permission, the construction of a boundary treatment within the front curtilage.
 - The requirements of the notice are: (i) Demolish to ground level the boundary treatment (brick pillars and metal railings) facing Nelmes Crescent within the front curtilage; or (ii) Reduce the boundary treatment (brick pillars and metal railings) facing Nelmes Crescent to a height no more than 1 metre at any part; and (iii) Remove all rubbish, debris or other materials accumulated as a result of taking step (i) or (ii) above.
 - The period for compliance with the requirements is two months after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(d) of the Act.
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Appeal B Ref: APP/B5480/W/25/3365551

9 Nelmes Crescent, Hornchurch RM11 2PX

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
 - The appeal is made by Mr Van Nguyen against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0149.25.
 - The development proposed is described as a front boundary fence.
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Decisions

Appeal A

1. The appeal is dismissed and the enforcement notice is upheld.

Appeal B

2. The appeal is allowed and planning permission is granted for a front boundary fence at 9 Nelmes Crescent, Hornchurch RM11 2PX in accordance with the terms of the application, Ref P0149.25, and the plans submitted with it.

Appeal A

Main Issue

3. Appeal A is proceeding under ground (d) only. For this appeal to succeed the appellant needs to show, on the balance of probabilities, that at the date when the notice was issued no enforcement action could be taken in respect of the front boundary treatment.

Reasons

4. The development comprises a brick dwarf wall with metal railings between tall brick piers, and sliding metal gates. With regard to section 171B of the Act, no enforcement action could have been taken against the development if it was substantially complete at least four years before the date the notice was issued. It is claimed that the development was carried out in December 2020.
5. A statutory declaration claims that works on the piers by West Essex Construction commenced on 27 December 2020 and were completed on 29 December 2020. This is supported by a quotation for brick pillars from that company dated 3 December 2020 which refers to those planned dates. An invoice for a deposit from that company is dated 21 December 2020 and a receipt for the deposit is dated 22 December 2020, while a final invoice is dated 30 December 2020 and a receipt for payment of the final balance is dated 6 January 2021.
6. Correspondence from Earles Shutters states that they commenced the installation of the sliding gates in February 2021, following the completion of the brick wall. A quotation from that company dated 3 September 2020 refers to the supply and installation of sliding gates and railings at the site address, stating it was the owner's responsibility to remove half of an existing wall, build a new pier, and extend all pre-existing piers upwards.
7. The appellant's evidence ties together, but it conflicts with the photographs provided by the Council. They include aerial photographs obtained from Google Earth Pro dated March 2022 and Earthlight dated 17 July 2021, and a street view photograph obtained from Microsoft Bing Maps dated 22 May 2021, which do not show the development in place. Another Google Earth Pro aerial photograph dated April 2024 shows the development in place. The appellant has not disputed the dates of these photographs.
8. I assign significant weight to the appellant's statutory declaration on account of the serious penalties where a false statement is made. However, in light of the dated photographs provided by the Council, the appellant's evidence is not sufficiently precise and unambiguous to show, on the balance of probabilities, that the development was carried out at least four years before the notice was issued.
9. The appeal under ground (d) must therefore fail and Appeal A should not succeed. I shall uphold the enforcement notice.

Appeal B

Preliminary Matters

10. I have taken a shortened version of the description of the development proposed for the banner heading above from the application form. This is because the original description contains unnecessary and irrelevant text. The amended description is consistent with that used in the Council's decision notice.
11. The plans submitted with the planning application reflect what has been built at the site. There is nothing in the submissions which indicates that planning permission is sought for anything other than what has been erected. The Council considered the planning application on the basis that consent was being sought retrospectively, and I shall do the same.

Main Issue

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

Reasons

13. The site is a detached house with a modestly sized driveway to the front. It is typical of the locality, which is characterised by a mix of detached houses with different finishes set back from the road behind off-street parking areas. Most of the frontages within Nelmes Crescent are free from walls, gates, or railings. However, there are examples of tall front boundary treatments close to the site within Nelmes Crescent and on Nelmes Way.
14. Walls, piers and railings enclose the frontage of 11 Nelmes Way (No.11), adjacent to the appeal site. The Council has stated it is not feasible to take action against that front boundary treatment due to the length of time since it was carried out. This implies that those works are lawful, even if they do not benefit from planning permission. In any case, as the Council is not taking action against the front boundary treatment to No.11, it informs the character and appearance of the area. The front boundary treatment at the appeal site is entirely consistent with that at No.11, and they have a neat and uncomplicated arrangement together.
15. The Council has taken enforcement action against what have been described as 'high boundary treatments' at 22 and 24 Nelmes Crescent. I am also aware that planning permission for various walls, railings, and gates has been refused elsewhere in the locality, including cases where appeals have been dismissed by other Inspectors. In particular, I have been referred to appeal decisions concerning 22 and 46 Nelmes Crescent. I have not been provided with the full details of those developments, but I note the findings of the other Inspectors. There is nothing before me to suggest that comparable circumstances to those present in this case were present in those cases, such as modest plot widths or adjoining lawful brick piers and metal railings of similar designs.
16. In the context of other brick piers with metal railings nearby, especially those at No.11, the development is reflective of the established character of the locality and comprises high quality design. There has been a small change to the street scene, but the magnitude of that change does not harm the pleasant characteristics of the area. I therefore find that the front boundary treatment in this particular case, which stretches over a modest plot width, is not excessively tall and does not introduce a design element which is inconsistent with the established character of the locality. The development is not incongruous with other properties and does not cause unacceptable harm to the character or appearance of the area.
17. The development has already been carried out and it is not necessary to specify any plans which the wall, piers and railings must be carried out in accordance with. Moreover, no conditions are necessary to make the development acceptable.
18. The development therefore accords with Policies 7 and 26 of the Havering Local Plan 2016-2031 (2021) and the Council's Residential Extensions and Alterations Supplementary Planning Document (2011). These require, amongst other things development to be of high quality design which respects the street scene.

Conclusion

19. The front boundary fence accords with the development plan as a whole and there are no material considerations which indicate planning permission should be refused.
20. As I have upheld the enforcement notice in Appeal A and will be granting planning permission in Appeal B, the notice shall cease to have effect so far as inconsistent with that permission under the provisions of section 180(1) of the Act.

L Douglas

INSPECTOR