



Appeal Decisions

Site visit made on 1 June 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2026

Appeal Ref: APP/G5750/C/23/3333018 (Appeal A) & 3333019 (Appeal B) 5 Finden Road, Forest Gate, London E7 8DE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Aktar Hussain (Appeal A) & Ms Shajida Akthar (Appeal B) against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 11 October 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission the erection of a rear boundary treatment.
 - The requirements of the notice are to:
 1. Demolish the rear boundary treatment (as shown on the approximate location delineated in blue on the attached plan, and as shown edged in yellow on the photographs attached at Appendix 1).
 2. On completion of step 1, remove all materials and debris from the site.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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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Decisions

1. The appeals are 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.

Main Issues

2. 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 3F and 7 Finden Road and the residential flats on the upper floors of Romford Road with regard to outlook.

Reasons

Character and appearance

3. The appeal site is an end of terrace two storey Victorian property, and the appeal development relates to the rear boundary treatment of the site, which currently comprises a largely unfinished breeze block wall, with a high timber close boarded fence above, well in excess of 2m, adjacent to the rear alleyway which serves the rear of properties on Finden Road and the main Romford Road. The majority of properties in the appeal terrace exhibit walls and fences of approximately 2m in height, or less.
4. Given the overall excessive height and scale of the timber fence, above the unfinished breeze block wall, it forms a tall, incongruous feature in the rear garden, along the rear and side boundaries. During my site inspection I also observed that

the tall timber fence, above the wall, with its poor-quality finish, is visible from public vantage points on Finden Road and neighbouring properties. This is at odds with the residential character of the terrace of which it forms part, which predominantly comprises more modest fences and boundary treatments between neighbouring rear gardens.

5. I appreciate that many of the properties on the main Romford Road, have taller single and two storey rear extensions which face onto to the alleyway. Nevertheless, properties on the main Romford Road, are larger in height and scale than those of the appeal terrace on Finden Road, which generally comprise more modest two storey dwelling houses. Therefore, the existence of taller buildings along the Romford Road, does not justify the appeal development, which is set within its own terrace where the majority of rear boundary treatments are significantly lower in height.
6. I therefore conclude that the development harms the character and appearance of the area, in conflict with Policies D1 and D4 of the London Plan, 2021 (London Plan), and Policies H1, 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 3F and 7 Finden Road and the residential flats on Romford Road with regard to outlook.

7. The appeal development is separated from the residential properties on Romford Road and 3F Finden Road by the alleyway. I also note that the residential properties on Romford Road are mainly situated at first and second floor level, which is above the appeal development. Furthermore, the rear section of the garden at No 7 Finden Road, contains an outbuilding, which is adjacent to the high rear boundary fence. As such, I am satisfied that the rear boundary treatment, does not result in any demonstrable loss of outlook or an increased sense of enclosure to neighbouring residential occupiers of 3F and 7 Finden Road and the flats on the upper floors of Romford Road with regard to outlook.
8. Therefore, the development provides acceptable living conditions for occupiers of 3F and 7 Finden Road and the flats on the upper floors of Romford Road with regard to outlook. Accordingly, the development is in accordance with 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

9. The lack of objections by interested parties have been taken into account but do not alter the conclusions reached in this decision. I appreciate that the tall fencing, above the boundary wall, was installed to prevent litter and objects from falling into the appellants' garden from neighbouring properties and is intended to improve privacy and security for the occupiers of the appeal site, who feel overlooked by the flats and balconies to the rear. Whilst I have sympathy with the appellants in relation to this, this does not justify the current development. Furthermore, there are alternative, more sensitive design/landscaping options which could be explored in

consultation with the Council, to overcome these issues that would not cause harm to the character and appearance of the area.

10. 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. 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.

Conclusion

11. For the reasons given above I conclude that the appeals 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