Planning Inspectorate

Appeal Decision

Site visit made on 28 October 2026

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2026

Appeal Ref: APP/Q5300/C/25/3376368
260 Willow Road, Enfield EN1 3AR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Fowziya Ali against an enforcement notice issued by the Council of the London Borough of Enfield.
- The notice was issued on 31 October 2025.
- The breach of planning control as alleged in the notice is: without planning permission, the unauthorised erection of a boundary wall, gate and pillars (identified in blue on the plan for identification purposes) greater than 1 metre in height adjacent to the highway.
- The requirements of the notice are to:
  1)Take down and remove the wall, gate and pillars, as shown in the approximate location by the blue line on the attached plan.
  2)Remove from the land all resultant materials and debris associated with requirement (5.1) above.
- The period for compliance with the requirements is: two (2) calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f), and (g) 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

Summary Decision: The appeal is dismissed and the enforcement notice is upheld, in the terms set out below in the Formal Decision.

Preliminary Matters

1. The National Planning Policy Framework (the Framework) was revised on 17 August 2026. Both main parties were given the opportunity to comment on how the changes affect their respective cases, and where made, these comments have been taken into account in my decision.

2. The appeal is lodged on grounds which include (a) and (f). An alternative scheme is advanced by the appellant as part of the ground (f) appeal, that the wall, pillars and gate be reduced to no higher than 1 metre in height. To properly consider the alternative, I will have regard to it under the ground (a) appeal. Amongst other things, I will have regard to whether this outcome could be achieved by granting planning permission “in relation to the whole or any part” of the matters alleged in the Notice, either with or without conditions.

3. The Council submitted a copy of its emerging New Local Plan 2019-2041, Regulation 19 for consultation, dated March 2024 (DELP), which is not the adopted development plan, and given its early stage, it is likely to only attract limited weight. The Enforcement Notice (Notice) does not refer to the alleged breach of planning control conflicting with any DELP policies, and neither party has submitted evidence in relation to the DELP. Consequently, I have determined the appeal on the basis of the DELP not being relevant to the determination of this appeal.

Ground (a) and the deemed planning application

Main Issues

4. An appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the enforcement notice. The main issues are (i) the effect of the boundary wall, gate and pillars on the character and appearance of the host property and the immediate area, and (ii) highway safety.

Reasons

Character and appearance

5. The Land includes a semi-detached dwelling with a diagonal orientation onto the junction between Willow Road and Riversfield Road. The boundary wall, gate, and pillars the subject of this Notice are located on its side fronting Willow Road and also adjoin a matching boundary wall to the neighbouring property (no. 262 Willow Road). This section of boundary wall also adjoins a tall hedge and planting around the remaining side of the Land that faces onto both Willow Road and Riversfield Road.

6. The immediate area contains mainly semi-detached properties setback from the pavement. They have a mixture of front boundary treatments, and whilst there are examples of low brick walls on their frontages, many have hedges and soft planting, some of which is likely to be taller than 1 metre, but generally there are views of the ground floors of these properties behind their boundaries. There is also planting on some of the verges between the pavement and Willow Road. Collectively this arrangement and soft planting, along with the large width of Willow Road, gives the immediate area a sense of openness that positively contributes to the character and appearance of this immediate area.

7. I did not observe any other similar tall front boundary brick walls in this immediate area surrounding the Land on my site inspection, and noted that other corner properties mainly had hedges or a combination of a low brick wall with a hedge immediately behind.

8. The notable height and scale of the boundary wall, gate and pillars gives them an incongruous and prominent appearance that is out of keeping with the host property and the more open character of the immediate area. Their scale, design, and appearance alongside other lower boundary treatments on the frontage of nearby properties is jarring. As a result of their bold and discordant appearance at the back edge of the pavement, the boundary wall, gate, and pillars are harmful to the character and appearance of the host property and the immediate area.

9. Whilst the lighter coloured brick used on the wall and pillars matches an outbuilding behind them, the brick is not reflective of the darker red brick on part of the host property, or, with the exception of the matching wall at no. 262, the colour of brick used on most of the properties and boundary walls in the immediate area. The tall black metal gate, so close to the pavement, also introduces a prominent addition that harms the host property and is inconsistent with the spacious character and appearance of the immediate area. Due to their prominent position alongside the pavement, the unsympathetic materials further add to the identified harm to the character and appearance of the host property and the immediate area.

10. The appellant has referred to other boundary treatments nearby. Most differ from the appeal development in their design, scale or context. Although the example at Wilbur Way has some similarities, limited information has been provided about its circumstances or planning history. I therefore attach limited weight to these examples, which do not alter my findings above.

11. For the above reasons, I conclude that the boundary wall, gate, and pillars harm the character and appearance of the host property and the immediate area, as a result there is conflict with Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP), Policy CP30 of the Enfield Core Strategy (2010) (CP) and Policy DMD37 of the Enfield Development Management Document (2014) (DMD). These policies amongst other things, seek to ensure high quality development that reinforces local distinctiveness and character. In addition, the proposed development would not comply with Policy DP3 (1) of the Framework in terms of it requiring new development to respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through, the use of materials and architectural features.

12. The Council referred to LP Policy D5 (inclusive design), DMD Policy DMD8 (new residential development), and DMD Policy DMD47 (access, roads, and servicing) as reasons for issuing the Enforcement Notice (Notice). Inclusive and accessible design standards were not relevant considerations, and the allegation in the Notice does not relate to new housing, or new accesses and servicing areas, so I did not find these policies to be directly determinative on this main issue.

Highway safety

13. The existing crossover at the Land onto Willow Road is not part of the alleged breach of planning control, and the submitted evidence indicates it existed before the breach occurred. I saw that the new boundary wall, gate and pillars are located at the back edge of the pavement, and there is a grassed verge between the pavement and Willow Road, which is a wide stretch of carriageway in this immediate area. Although only a snapshot in time, I saw on my site inspection that the pavement in front of the Land was regularly used by pedestrians.

14. Although not part of the development plan, Enfield's Revised Technical Standards for Footway Crossovers (excluding Heavy Duty Crossovers) April 2013 (Crossover Guidance), provides useful guidance for assessing pedestrian visibility. It states for existing development the standards for new development should be used, these are; having a visibility splay of 2 metres back from the pavement edge, with 2 metres to either side with an unobstructed visibility splay of 0.6 metres to 1 metres above the pavement level for pedestrian safety is desirable.

15. No visibility information has been submitted by the appellant. Nor do I have sufficient evidence to establish the precise height, position or form of the previous boundary treatment. I have therefore assessed the effects on highway safety of the wall, gate and pillars as carried out. I saw on my site inspection that the tall pillars to either side of the narrow vehicular entrance, would obscure a drivers view of the pavement to either side when exiting the Land in either a forward or backwards manoeuvre. As a result, there would be little, if any warning of approaching pedestrians on the pavement, including vulnerable highway users, such as those in a wheelchair, and even if vehicle movements between the pillars are likely to be

infrequent, which is not a certainty, it does not reduce the unacceptable highway safety risks for pedestrians when such manoeuvres do occur.

16. Notwithstanding if a driver were to undertake this manoeuvre slowly or not, exiting the Land between the tall pillars would create conditions prejudicial to highway safety, and inconsistent with the standards set out in the Crossover Guidance.

17. Whether pedestrians may notice a reversing car and pause is not a justifiable reason to permit this unacceptable arrangement, nor is the gate being opened remotely a mitigation for such harm. Although it is accepted that drivers accessing the Land between the pillars would have good visibility of pedestrians on the pavement, nevertheless this does not address the harm arising from vehicle movements out of the Land.

18. The appellant referred me to the arrangement at no. 266, which has a tall hedge on one side of its frontage, and has also said that similar access and egress arrangements happen in other urban locations. Whether that be so, the existence of other situations where pedestrian visibility is impaired should not be a reason to accept inadequate pedestrian visibility on this appeal, and those points do not alter my findings in this case.

19. I acknowledge the appellant's comments that cyclists should, like vehicles, use the carriageway and not the pavement, and I have assessed the impacts accordingly. On my site inspection I saw that due to the pavement and verge width, once a driver has exited the Land and crossed onto the pavement, whether in a forward or backwards gear, there would likely be adequate opportunity to see approaching vehicles and cyclists to either side on Willow Road. Nor would the position of the boundary wall, gate, and pillars be likely to unacceptably affect the visibility along Willow Road, for drivers or cyclists when entering the Land. I therefore, do not find the boundary wall, gate, and pillars to be prejudicial to highway safety in respect of vehicular and cycle movements along Willow Road.

20. I therefore conclude that although the boundary wall, gate, and pillars, would not be harmful to highway safety in respect of vehicular or cycle movements along Willow Road, they would be harmful to highway safety in respect of pedestrian movements on the adjoining pavement. As a result, there would be conflict with LP policies T2 and T4, CP Policy CP 25, and DMD Policy DMD47, insofar as they seek to reduce road danger and provide safe routes for pedestrians. In addition, the dismissal of the appeal for this reason would also accord with policies TR4 criterion 1.c and TR6 criterion 4. of the Framework that says amongst other things, development should minimise the scope for conflict between, highway users including, pedestrians and vehicles, and that it should be refused if there would be an unacceptable impact on highway safety. There would also be conflict with the standards within the Crossover Guidance, as set out above.

21. The Council on its Notice referred to conflict with CP Policy CP24 (road network, strategic policy) and DMD Policy DMD46 (vehicle crossovers and dropped kerbs). I did not find the requirements of these policies to be directly determinative on this main issue.

Alternative Scheme

22. The appellant has suggested an alternative scheme, with a variation to the Notice to allow the boundary wall, gate, and pillars to be lowered to no more than 1 metre in height. There is no detailed scheme submitted to show the alternative scheme, such as drawings to show how they can be reduced to be no more than 1 metre in height, nor what they would look like. I saw on my site inspection that the solid metal gate appeared purpose-made at a much taller height than 1 metre, and it was not obvious how it could be lowered in height, including how its method of opening could, if necessary, be adapted to operate at a lowered height. Nor would a lowered height address the identified harm in regard to external materials, and without adequate information I could not be certain that adequate pedestrian visibility could be provided.

23. In regard to the lowered height, it is important to note that paragraph A.1, Class A, Part 2, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) does permit the erection of a gate, fence, wall or other means of enclosure up to 1 metre in height adjacent to a highway used by vehicular traffic. However, Article 3(5) of the GPDO stipulates that permissions granted under Schedule 2 of the Order do not apply if, the building operations involved in the construction of that development are unlawful. As a result, the boundary wall, gate, and pillars in this case cannot ultimately be made permitted development in accordance with the GPDO, by retrospectively lowering their height to be no more than 1 metre.

24. I therefore do not have the precise details required to assess the alternative scheme, including whether it would mitigate the harm identified in the main issues, accordingly, I cannot grant planning permission for it.

Other Matters

25. It is acknowledged that the Land is not within a conservation area, nor is it listed, but these are neutral factors that do not weigh in favour or against granting planning permission for the wall, gate, and pillars.

Conclusion on ground (a) appeal and the deemed planning application

26. As a result of the identified conflict with the development plan policies above, in this case there would be conflict with the development plan as a whole.

27. The Framework is an important material consideration of critical importance. Policy S3 of the Framework has a presumption in favour of sustainable development, and Policy S4 says development within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies within the Framework. However, the wall, gate, and pillars do not comply with the key principles for well-designed places and should be refused according to Policy DP3(3) of the Framework. In addition, there would be conflict with Framework Policies TR4 and TR6 in terms of highway safety impacts. The benefits of the wall, gate and pillars providing security for the occupiers of the Land are private benefits, which are very limited, and in accordance with Policy S4, they would be substantially outweighed by these adverse effects outlined above.

28. Accordingly, there are no other considerations, including the Framework and those points raised by the appellant, that indicate a decision should be made other than in accordance with the development plan. For these reasons, the appeal on ground (a) should be dismissed.

The appeal on ground (f)

29. Section 174(2)(f) of the 1990 Act states that an appeal may be made on the ground that the steps required by the notice to be taken, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

30. Section 173(4) of the 1990 Act states the purpose of the Notice must be to either (a) remedy the breach; or (b) remedy the injury to amenity. It is evident to me when reading the Notice as a whole, its purpose is to remedy the breach of planning control in this case.

31. The appellant requests the Notice be varied to require the wall, gate, and pillars be lowered to no more than 1 metre in height. This alternative scheme has already been assessed as part of the ground (a) appeal and was found for the reasons outlined above not to be an appropriate alternative. Moreover, varying the requirements to allow lesser steps for the appellant to lower the unauthorised wall, gate and pillars would not remedy the breach of planning control, which is the purpose of the Notice. Consequently, the requirements of the Notice are not excessive in this case.

32. I therefore conclude that the requirements of the Notice are not excessive to remedy the breach of planning control and restore the Land to its previous condition.

33. Accordingly, the appeal on ground (f) fails.

The appeal on ground (g)

34. An appeal on this ground is that the period specified in the Notice falls short of the period that should reasonably be allowed. The Notice requires compliance within two months of the notice taking effect. The appellant is seeking an extended period of four months in order to seek the services of a trade person/builder; agree the scope of the works; to allow a lead-in time, along with time for the works themselves; any compliance checks; and any snagging issues.

35. The demolition of the wall, gate, and pillars is not a complicated operation that should take a considerable period of time. I have also not been provided with details from any trade persons or builders showing their lead-in times or unavailability to justify an extended period. Snagging is also unlikely to be a significant issue with these demolition works. Nor has it been demonstrated why additional time is necessary for compliance checks.

36. Consequently, the appellant's reasons have not been shown to justify an extended period for compliance with the Notice. Taking into account the points raised by the appellant, and my findings of harm above, I am content that the period for compliance is reasonable and proportionate in this case.

37. Accordingly, the appeal on ground (g) fails.

Conclusion

38. 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.

Formal Decision

39. The appeal is dismissed, 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.

A Hunter

INSPECTOR