



Appeal Decision

Site visit made on 11 August 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/B5480/D/21/3274891

23 Rosslyn Avenue, Romford, RM3 0RG

- 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 William Gough against the decision of London Borough of Havering.
 - The application Ref P0071.21, dated 19 January 2021, was refused by notice dated 15 March 2021
 - The application sought planning permission for relocation of existing fence to incorporate purchased land into existing garden.
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Decision

1. The appeal is allowed and planning permission is granted for relocation of existing fence to incorporate purchased land into existing garden at 23 Rosslyn Avenue, Romford, RM3 0RG in accordance with the terms of the application, Ref P0071.21, dated 19 January 2021, and the plans submitted with it, and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing timber boundary fence.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: DPL.99, DPL.03 and DPL.04

Procedural Matters

2. The description of development on the decision notice is slightly different to that on the application form. I have adopted the former as it more accurately describes the appeal proposal.
3. On 20 July 2020 the Government published a revised version of the National Planning Policy Framework (July 2021) (Framework). However, the policies that are relevant to this appeal have not changed and there was no need, therefore, to invite the parties to make further submissions in response to the revised Framework. The paragraph numbering, in the revised Framework, for a number of policies has changed and where that is the case, I have highlighted those changes in my decision.

Main Issue

4. The main issue is the effect on the open character of the streetscene and wider area.

Reasons

5. The appeal proposal involves the relocation of the existing boundary fence, on the western side of the appeal site, further west to incorporate a long strip of land that forms a grass verge running parallel with the public footway on Tindall Close. The land would be incorporated within the existing garden to the appeal site and enclosed by timber fencing and gates to match existing.
6. The appeal site is located on the corner of Rosslyn Avenue and Tindall Close. The properties in Rosslyn Avenue largely comprise two storey semi-detached dwellings with off street parking at the front and long rear gardens. The style, design and age of the properties in Tindall Close are different, and they are predominantly two storey detached dwellings, with off street parking at the front, integral garages and some more open frontages.
7. Within this context, the existing grass verge does not appear to be part of the original design or formal layout of either Rosslyn Avenue or Tindall Close. It's possible that the verge is a remnant, with the narrow verge opposite, from the cul-de-sac development at Tindall Close. Even so, other than an existing small tree, the grass verge (abutting the appeal site) does not include any features of particular amenity value. Neither does the verge make a significant contribution to the openness of the area or form part of a harmonious streetscene.
8. Whilst there is a smaller grass verge opposite, running the length of the side boundary to 29 Rosslyn Avenue, this verge is narrower and although, in itself, it again does not make a significant contribution to the open character of the streetscene, it does contain two mature street trees, which, in my view, are of particular amenity value.
9. The removal, therefore, of the existing grass verge, would not, in my judgement, be harmful to the streetscene or to the open character of the area. Similarly, the repositioning of the existing boundary fence further west, to the back edge of the public footway, would not appear overly dominant or visually intrusive, when compared with the existing fencing and in this respect, it would also not be dissimilar to the positioning of boundary fencing/walls found at the junction of Rosslyn Avenue with Peel Way and Gubbins Lane. The proposed scale and siting of the relocated timber fence would, therefore, be broadly consistent with other boundary treatments in area.
10. For the above reasons, I am satisfied that the appeal proposal would not materially harm the open character of the streetscene or that of the wider area. Whilst the repositioning of the existing timber fence would result in change, there would be no material loss of openness nor the loss of an open feature that forms an important or integral part of the character of this part of Rosslyn Avenue.
11. I am also satisfied that the appeal proposal would not appear overly dominant visually and would allow better use to be made of the existing grass verge, whilst at the same time removing the problems that appear to arise from its

maintenance, dog fouling and fly tipping, problems that the Council have not challenged.

12. Accordingly, I find that the appeal proposal would not be dominant or visually intrusive to the streetscene and would not detract from the open character of the area. It would, therefore, comply with policy DC61 of the Havering Core Strategy & Development Control Policies Development Plan Document (2008), policy D1 of the London Plan (2021) and the Residential Extensions & Alterations Supplementary Planning Document (2011). Combined, these seek, amongst other requirements, to ensure that new development reinforces the prevailing character of the streetscene, is of good design and integrates well with its surroundings.

Other Matters

13. The Council's Delegated Report raises a question over the ownership of the existing grass verge. However, the application form is accompanied by Certificate A and the Appellant's Personal Statement indicates that the grass verge was purchased by them from Countryside Properties (UK) Ltd in November 2019. There is no other evidence before me on this issue and I have therefore determined the appeal on that basis.

Conditions

14. The Council has suggested various conditions which I have considered against the advice in the revised Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions relating to the time limit for implementing the development, requiring compliance with the submitted plans and for materials to match existing, are necessary and reasonable in order to secure a high quality development and to reflect the details included within the application. I have, however, added a list of approved plans.

Conclusion

15. The appeal proposal would accord with the development plan when considered as a whole. There are no material considerations that indicate a decision should be made other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR