

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0083.24

WARD: Emerson Park **Date Received:** 16th January 2024

ADDRESS: 22 Nelves Crescent
Hornchurch

PROPOSAL: Proposed front boundary treatments (Retrospective)

DRAWING NO(S): Project No. - 3447/01/46

RECOMMENDATION: It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The application site located on the southern-western corner of Nelves Crescent. The property contains a two storey detached dwelling with a private rear garden and an area of hardstanding to the front.

The property is not listed, nor is it within a conservation area. The application property is located within Sector 3 of the Emerson Park Policy Area and is therefore subject to the stipulations of Emerson Park Policy Area Supplementary Planning Document (2009).

DESCRIPTION OF PROPOSAL

The applicant is seeking retrospective planning consent for the erection of the new proposed brick wall, metal railings and gate.

The description on the application form has been described as "Proposed front boundary treatments" however, the works have been completed and therefore are retrospective.

RELEVANT HISTORY

ES/HOR 334/53 - House - Approved.
ES/HOR 1461/53- Detached house & garage - Approved.
L/HAV 1421/69 - Extension to dining room - Approved.
L/HAV 1602/70 - W.C. and lobby - Approved.
L/HAV 1460/72 - Garage - Approved.
401/76 - Extension to kitchen / utility room & front porch - Approved.
86/80 - Two storey flank extension - lounge, bathroom & bathroom - Refused.
627/80 - Two storey flank extension - lounge, bedroom, bathroom - Approved.

P1165.22	Proposed outbuilding to rear	
	Apprv with cons	09-09-2022
P0970.92	First floor rear addition	
	Apprv with cons	09-09-1992
P0240.92	First floor rear addition	
	Refuse	02-06-1992

CONSULTATIONS/REPRESENTATIONS

Letters were sent to the neighbouring properties and two representations were received from a resident and the other from the applicant which have been summarised below:

From neighbouring resident - Supportive with plans and rationale.

Comments summarised from applicant:

- Hope the boundary wall application & supporting information independently and with fairness.
- The proposal has been aligned within similar ones in the surrounding area.
- Consideration was also given to the position of the main gate without the obstructing the opposite property or tree which is situated in the centre of my property.
- The bricks are also the same bricks as the main external wall of the house without impacting or harm the character of the streetscene with the bulk, scale, mass and design.
- Accessibility was another important factor, wall single break in single line with clear visibility in the property and driveway.
- As a growing family, safety is important and wall offers a deterrent from burglaries.

LBH Highways Department - Height of the wall in between the pillars should be 0.6m in height for vehicle visibility splay.

RELEVANT POLICIES

London Plan

- Policy D1 - London's form, character and capacity for growth
- Policy D4 - Delivering good design
- Policy T6 - Car parking

Havering Local Plan Adopted November 2021

- Policy 7 Residential Design and Amenity
- Policy 24 Parking provision and design
- Policy 26 Urban Design

Residential Extensions and Alterations Supplementary Planning Document Adopted 2011

- Section 10 Front gardens, Car parking and Boundary Treatment

LDF

SPD04 - Residential Extensions & Alterations SPD

LDF

SPD05 - Emerson Park Policy Area SPD

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

This application is not CIL liable because the floor space created does not exceed 100 square metres.

STAFF COMMENTS

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. Site photos were provided by the agent in support of the application. In determining this planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The subject site falls within Sector 3 of the Emerson Park Policy Area which consists primarily of medium sized family houses with little scope for any further infilling. Development, within this Sector, as directed by the SPD, must comprise detached single family, individually designed dwellings. No new building or extension to an existing building will be permitted, in this area, unless its massing and architectural character, and the resultant space between adjacent buildings, are compatible with the character of the local street scene; thereby maintaining the varied character of the Emerson Park area.

The Residential Extensions and Alterations SPD provides guidance on boundary treatments notably:

"Boundary treatments should reinforce the prevailing character of the streetscape and have regard to provision of appropriate pedestrian sight lines, for example through setting back or splaying the boundary".

The existing boundary treatment needs to demonstrate that it is reflective of the established character of the immediate area particularly of Nelmes Crescent. Having reviewed street-view imagery Officers have judged that the prevailing character is for there to be boundary treatments albeit of relatively low heights, often below 1m and therefore not requiring planning permission.

It is noted that there is a similar height boundary treatment next door at No.24 Nelmes Crescent which was refused as part of planning application P1378.23 for the following reasons:

1) The proposed boundary treatment, by reason of its excessive height, scale and poor design would introduce a design element which is inconsistent with the established low rise form of development to boundaries of properties in the street scene. This would add a design element

which is incongruous with other properties along Nelmes Crescent to the detriment of the visual amenity of the locality contrary to Policies 7 and 26 of the Havering Local Plan and the Council's Residential Extensions and Alterations SPD.

2) The existing boundary treatment, by reason of its excessive height fails to provide adequate levels of visibility for vehicles when they egress from the site which has created an unsafe environment for pedestrians and other vehicles contrary to Policy 7 of the Local Plan.

The appeal was deemed to be invalid and enforcement notice has been served for these works on No.24 Nelmes Crescent.

The Council need to be consistent in their approach when assessing any planning application. It should be noted that no pre-application advice was sought prior to the submission of the application or prior to the works being undertaken, otherwise the concerns would have been raised in advance during the pre-application advice. The works at No.24 does not form a relevant precedent and does not provide an example of a similarly acceptable front boundary treatment.

Although, it is noted that the height of boundary treatment at No.22 with 1.9m high pillars would be less than the 2.1m high pillars at No.24, there are still concerns in respect to the proposal.

In reviewing similar proposals along Nelmes Avenue Officers refer to P0915.15 (46 Nelmes Crescent) in which planning permission was refused for a boundary treatment which had similar brick pillars 2m in height. Originally Officers under P0164.15 had negotiated changes to the scheme to reduce the height of the boundary treatment to 1.5m. The applicant stated they were unaware of these negotiated changes which were subsequently approved and instead proceeded to construct a 2m high boundary treatment instead. As such, the retrospective application P0915.15 was refused and subsequently appealed. This scenario is almost identical to this application. Upon review the inspector dismissed an appeal of P0915.15. They noted in their decision:

'Despite some variation in design and height, in the vicinity of the appeal site relatively low walls form the predominant means of enclosing front gardens from the street in Nelmes Crescent'. It was concluded that the 'boundary treatments to the front and side appear unacceptably dominant and visually intrusive harmful to the character of the appearance of the locality'.

As such, it is considered this retrospective proposal would also be unacceptably intrusive having introduced a boundary treatment that is very dominate within the street scene.

A similar approach was taken when considering a planning application at No.36 Nelwyn Avenue under planning P1314.23 where "the proposed development in the form of the front boundary wall, gates and railings, would by reason of its design, height and position close to the property boundary form an unacceptably dominant and visually intrusive feature, harmful to the appearance of the street scene and detracting from the open character of the surrounding area".

The Council are consistent in their approach when dealing with front boundary wall treatments which have been refused and dismissed on appeal at 100 Havering Road, Romford (P1925.19 & Appeal ref APP/B5480/D/20/3250294), No.134 Belgrave Avenue, Romford under appeal reference APP/B5480/D/18/3202234 / P0254.18 and APP/B5480/D/19/3223423 / P1551.18 but also at In addition, the LPA have reviewed a further appeal at 245A Mawney Road, Romford under appeal reference APP/B5480/D/18/3215050 / P1119.18.

The agent has submitted a supporting statement on behalf of the applicant providing examples at Nos.12,18, 37, 56, 64, 95 & 97 Nelmes Crescent.

No.12 - There are no planning records for the front boundary treatment to this site.

No.18 - There are no planning records for the front boundary treatment to this site..

No.37 - Front boundary treatment approved as part of P0768.19. Pre-dates current guidance.

No.56 - There are no planning records for the front boundary treatment to this site.

No.64 - There are no planning records for the front boundary treatment to this site.

No.95 - There are no planning records for the front boundary treatment to this site.

No.97 - There are no planning records for the front boundary treatment to this site.

The agent has commented in the supporting statement that the design at No.46 Nelmes Crescent is a very similar style and design as the current boundary treatment at no.22 Nelmes Crescent. This was also approved restrictively on appeal. On review of the appeal APP/B5480/D/15/3137947 at 22 Nelmes Crescent under planning application P0915.15, The planning appeal decision stated " the appeal is dismissed insofar as it concerns the front and side boundary wall, railing and gate". The appeal was allowed solely for the single storey rear extension to form a WC, at 46 Nelmes Crescent. The works at No.46 were constructed without planning as there are no planning records for the front boundary treatment to this site being approved and with a total disregard for the decision made by the Planning Inspector.

The Council are consistence in their approach in assessing front boundary treatment. The examples provided above have been forwarded to Planning Enforcement to investigate separately and to see if enforcement action can be taken.

Overall, it is considered the retrospective scheme causes significant harm to the character of the wider street scene contrary to Policies 7 and 26 of the Havering Local Plan and the Council's Residential and Extensions SPD.

IMPACT ON AMENITY

Consideration has been given to the impact upon neighbouring dwellings in terms of loss of light and loss of privacy.

The existing boundary treatment is situated well away from other properties so as not to impact on the availability of light. While the outbuilding is very large and appears detrimental to the character of the area it is difficult to argue that is so overbearing that it would impact the amenity of neighbours.

On balance, the proposal would not cause a unacceptable level of harm to the amenity and is not considered to be unneighbourly.

HIGHWAY/PARKING

The Council's Highways Department were consulted for comment. They raised concerns that the height of the wall in between the pillars should be 0.6m in height for vehicle visibility splay. This

visibility splay is provided so not to impact on pedestrian and highway safety.

It is considered insufficient information has been provided as so as to determine whether the boundary treatment would inhibit drivers from being able to view pedestrian and other vehicles when entering/exiting the site. As such, Officers are concerned the existing boundary treatment has resulted in an unsafe arrangement contrary to Policy 7 of the Local Plan.

KEY ISSUES/CONCLUSIONS

For the reasons given above, the proposals are considered to be contrary to the above-mentioned policies and guidance.

A REFUSAL is therefore recommended.

RECOMMENDATION:

It is recommended that **planning permission be REFUSED** for the following reason(s)

1 Reason for refusal - Streetscene

The existing boundary treatment, by reason of its excessive height, scale and poor design would introduce a design element which is inconsistent with the established low rise form of development to boundaries of properties in the street scene. This would add a design element which is incongruous with other properties along Nelmes Crescent to the detriment of the visual amenity of the locality contrary to Policies 7 and 26 of the Havering Local Plan and the Council's Residential Extensions and Alterations SPD.

2 Refusal non standard

The existing boundary treatment, by reason of its excessive height fails to provide adequate levels of visibility for vehicles when they egress from the site which has created an unsafe environment for pedestrians and other vehicles contrary to Policy 7 of the Local Plan.

INFORMATIVES

1 Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to Mr James Collinson (Agent) by e-mail on 12/03/24.

Authorising Officer:



Neil Goate

12th March 2024