

TOWN AND COUNTRY
PLANNING ACT 1990

Appeal Statement

Front wall, pillars, and gate
(retrospective)

242 Northwood Road,
Harefield, Uxbridge,
UB9 6PU

On behalf of
Mr M Merali

May 2022

Prepared by
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1. INTRODUCTION

1.1 My name is Andrew Boothby and I am an Associate Director with Aitchison Raffety, Chartered Town Planning Consultants. I am instructed by the appellant in respect of this appeal.

1.2 The planning application was submitted to the Council on 23 December 2021 and sought retrospective planning consent for the erection of a front wall, pillars, and a gate. The application (36557/APP/2021/4630) was refused planning permission on 19 April 2022 for the following reasons:-

1. *The proposed front development, by reason of its height, design and siting would result in a fortified appearance to the site which would fail to respect the established character and appearance of the host property and wider streetscene. The proposal would result in a harmful loss of openness along this part of Northwood Road, detrimental to the established character and appearance of the area. As such the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12, DMHB 14 and DME1 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).*
2. *Due to the height, siting and close proximity of the gate to the carriageway, as well as the lack of a setback, the proposal has an unacceptable impact on highway and pedestrian safety. The proposal results in a traffic build up (and associated congestion on the carriageway) as car users wait for the gates open in order to enter the site. The proposal also has a hazardous impact on visibility as it impedes important sight lines. The proposed development is therefore unacceptable in terms of highway and pedestrian safety and is considered to be contrary to Policies DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).*

2. SITE DESCRIPTION AND SURROUNDINGS

2.1 The appeal site comprises a detached two storey dwelling located on the eastern side of Northwood Road, Harefield, Uxbridge.

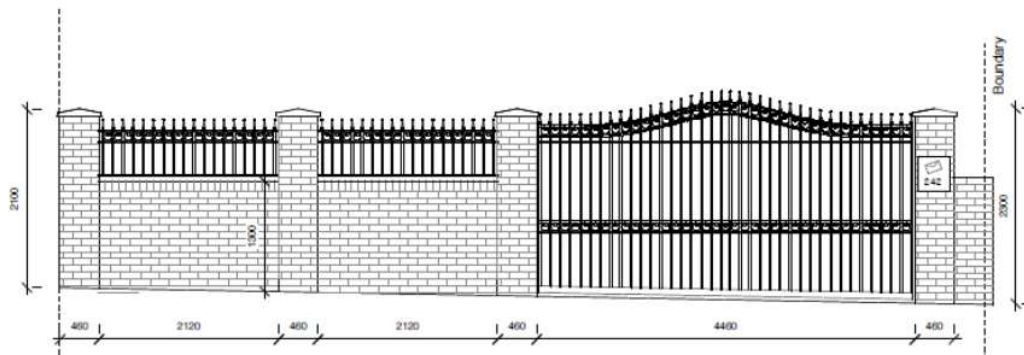


Site identified in red (approximately)

- 2.2 The existing property is constructed of brick and is set back from the highway with a generous parking area to the front.
- 2.3 The eastern side of this part of Northwood Road comprises a ribbon development of houses, while the western side of the road is open fields.
- 2.4 The surrounding properties are residential, although the size and design of the buildings varies considerably.

3. APPEAL DEVELOPMENT

- 3.1 Retrospective permission was sought for a front boundary wall, pillars, and a gate.



Street facing elevation

- 3.2 The front boundary wall and railings measure 2.1 metres in height, and the pillars 2.3 metres.
- 3.3 The wall and pillars are constructed of brick, and the gate and railings are black metal.
- 3.4 The gate is automatic and slides to one side when open (behind the front boundary wall). It does not open outward.
- 3.5 It is noted that part of the new wall (approximately 10 centimetres) oversteps the boundary with 234 Northwood Road. I am advised that this was agreed with the neighbour at the time of construction.

4. RELEVANT PLANNING HISTORY

- 4.1 No relevant planning history.

5. PLANNING POLICY

- 5.1 The starting point for assessing development proposals is always the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states *"if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise"*. The Development Plan for this proposal consists of the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020).
- 5.2 Below is an extract from the Local Authority's adopted Policies Map. The appeal site is outlined in red for ease of reference.



Extract from the Local Plan Policies Map

- 5.3 As shown above, the site is not in the Green Belt (pale green shading).

5.4 The policies relevant to this appeal are as follows:

Local Plan Part 1, 2012

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy BE1	Built Environment

Local Plan Part, 2020

Policy DMHB11	Design of New Development
Policy DMHB12	Streets and Public Realm
Policy DMHB14	Trees and Landscaping
Policy DMHB15	Planning for Safer Places
Policy DMEI6	Development in Green Edge Locations
Policy DMT2	Highways Impacts
Policy DMHD1	Alterations and Extensions to Residential Dwellings

Other material considerations

National Planning Policy Framework (NPPF)
London Plan (2021)

6. THE CASE ON BEHALF OF THE APPELLANT

6.1 The application was refused for the following reasons:

- 1. The proposed front development, by reason of its height, design and siting would result in a fortified appearance to the site which would fail to respect the established character and appearance of the host property and wider streetscene. The proposal would result in a harmful loss of openness along this part of Northwood Road, detrimental to the established character and appearance of the area. As such the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12, DMHB 14 and DMEI 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).*
- 2. Due to the height, siting and close proximity of the gate to the carriageway, as well as the lack of a setback, the proposal has an unacceptable impact on highway and pedestrian safety. The proposal results in a traffic build up (and associated congestion on the carriageway) as car users wait for the gates open in order to enter the site. The proposal also has a hazardous impact on visibility as it impedes important sight lines. The proposed development is therefore unacceptable in terms of highway and pedestrian safety and is considered to be contrary to Policies DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).*

6.2 On review of the Officer's Report, these can be broken down into the following key issues:

- The Council consider the height, design and siting of the development is not in-keeping with the character of the area.
- The development is deemed to result in loss of openness.

- The position of the gate is deemed harmful to highway safety (vehicles would block the highway when waiting for the gate to open).
- The height of the boundary wall and pillars is deemed to impede visibility (when vehicles are leaving the site) to the detriment of highway safety.

6.3 These issues, along with the other main planning considerations, will be addressed below.

Principle

6.4 The site is currently in residential use as a dwelling, a situation which the retrospective development has not altered. Adopted planning policies and guidance support the provision of suitable alterations and extensions to properties, subject to consideration of more detailed guidance. As a result, the principle of constructing a front boundary wall, pillars and gates is acceptable.

Design and Appearance

6.5 The Officer's Report makes the following comments in respect of the design and appearance of the development:

'The current application seeks retrospective approval for a length of 1.3metre high brick wall, topped with black painted steel railings. The brick piers are 2.1metres in height. This combination of high wall and steel railing detail has introduced a higher, more formal and heavy-handed level of enclosure to what is essentially an informal country lane. The site has become fortified, closed off and visually out of character as a result of the development.'

'There are no examples of similar boundary treatments in the immediate locality or wider streetscene. The front boundary treatments of the ribbon of residential development on the east side are generally open, or low at up to approximately 1 metre in height. The boundaries tend to be more suburban in character with a mix of materials and treatments. The front boundaries are defined by a range of finishes including undefined /open plan, mixed shrub planting, hedges, timber pale fencing, timber field gates - with occasional low brick walls.'

6.6 I strongly disagree with the conclusions drawn above.

6.7 The existing row of properties on this part of Northwood Road vary significantly in size, design, and appearance. In the same regard, the existing boundary treatments at the front of the properties also differ widely.

6.8 As shown in the photographs below, there are existing examples of hedges, walls, railings, and fences to the front of existing plots in the vicinity of the site.



High front boundary hedge



High front boundary hedge



Walls, pillars, and railings



Walls, fencing and gates



Fencing and high hedging



High hedging



Fencing and planting

- 6.9 Furthermore, as you travel further south along Northwood Road, walls and gates become a more prominent fixture.



Walls, pillars, and railings

- 6.10 It is also noted that the western side of this part of Northwood Road is defined by a strong boundary hedge line.



Hedge line on the western side of Northwood Road

- 6.11 Local Policy DMDH1(f)(ii) states *'the design, materials and height of any front boundary must be in keeping with the character and appearance of the area to ensure harmonisation with the existing street scene'*. Likewise, Local Policy DMHB11 explains new development should harmonise with the local context including scale, height, materials, and finishes and Local Policy DMHB12 states development should be well integrated with the surrounding area. The wall, pillars, and gate at the appeal site fully accord with these aims and objectives.
- 6.12 As evidenced above, there is no uniformity of boundary treatments on Northwood Road. The materials, heights and design vary considerably, and in this context, the boundary wall, pillars, and gate at the appeal site sit comfortably within the street scene.
- 6.13 As shown below, the boundary wall is the same height as the boundary hedge at the adjacent property 240 Northwood Road. While the pillars, railings and gate are moderately higher, these are permeable and have a lightweight appearance, allowing views through to the dwelling behind (and vice versa).



Boundary wall and hedge at 240 Northwood Road are similar in height

- 6.14 Moreover, compared to the hedge at the front of 244 Northwood Road (and others identified above), the pillars and gate at the appeal site are significantly lower, and less prominent.



Pillars and gate at the appeal site lower than the hedging at 244 Northwood Road

- 6.15 Consequently, I strongly disagree that the development has a 'fortifying' impact.
- 6.16 Therefore, in terms of height, the development complies with Local Policies DMDH1(f)(ii), DMHB11 and DMHB12.
- 6.17 The wall, pillars and gate are finished to a very high standard and constructed of quality materials. The existing house is constructed of brick, and the front wall matches this. The gate

and railings help maintain the open character of the street and site frontage, providing views through to the existing property.

- 6.18 As shown below, when viewed in context with the surrounding boundary treatments, the wall, pillars, and gate at the appeal site, assimilate very well, and do not appear prominent.



Wall, pillars and gate at 242 Northwood Road not conspicuous in street scene

- 6.19 As such, the development complies with Local Policies DMDH1(f)(ii), DMHB11 and DMHB12.
- 6.20 It is also important to note that before the wall, pillars and gate were constructed, the previous front boundary treatment at the site comprised fencing and mature hedging of a much heavier appearance.



Photograph dated September 2016

- 6.21 In my view, the Council failed to consider this in the determination of the application.

- 6.22 The Officer's Report refers to this part of Harefield Road as an 'informal country lane'. In my view, this analogy paints a very different picture to the reality. As shown in the photograph below, the eastern side of the road comprises a continuous row of some 30 houses. While the western side of the road is undeveloped, the boundary wall, pillars and gate at 242 Northwood Road, form part of an established suburban context.



This part of Northwood Road is not an 'informal country lane'

- 6.23 This part of the Northwood Road comprises two lanes (providing a two way flow of traffic) and is also on a bus route. It is clearly not an 'informal country lane'.
- 6.24 In view of the above, I believe the Council has incorrectly assessed the context of the site and surrounding area when making their determination.
- 6.25 The Council's reason for refusal also refers to Local Policies DMHB14 (Trees and Landscaping) and DMEI6 (Development in Green Edge Locations).
- 6.26 In terms of Policy DMHB14, the scheme achieves an appropriate balance between hard and soft landscaping which is in-keeping with the character of the area (as shown in the photograph below).



Appropriate balance of hard and soft landscaping

6.27 Regarding Policy DMEI6, this states:

'New development adjacent to the Green Belt, Metropolitan Open Land, Green Chains, Sites of Importance for Nature Conservation, Nature Reserves, countryside, green spaces or the Blue Ribbon Network should incorporate proposals to assimilate development into the surrounding area by the use of extensive peripheral landscaping to site boundaries.'

6.28 As evidenced above, this part of Northwood Road has a suburban character (hence why it is excluded from the Green Belt). The balance of hard and soft landscaping is appropriate to the context of the area.

6.29 In summary, within the context of the surrounding area the front boundary wall, pillars, and gate form a subservient addition, harmonising with the existing street scene and local built environment.

Neighbour Amenity

6.30 Given the set forward position of the wall, pillars and gate the amenity of neighbouring properties has not been affected by the development.

6.31 The Council did not raise any concerns in respect of neighbour amenity.

Access and Parking

6.32 The Council have objected to the proposal on the following grounds of highway safety:

1. As the gate is not set back from the highway, vehicles entering the site would block the road while waiting for the gate to open.

2. The wall and pillars interfere with site lines and visibility when vehicles are leaving the site.

6.33 In my opinion, when compared to the previous boundary front boundary treatment and manual gate, the development has not compromised highway safety.

Gate is automatic

6.34 The gate is automatic, and I understand is controlled from inside the property, and within the applicant's vehicles. As such, it does need to be opened manually.

6.35 I am advised the gate can be operated from some distance away (approximately 50 to 60 yards), and therefore is already open when the applicant arrives to enter by vehicle. Furthermore, I understand that when the applicant and his family are out, the gate is generally left open.

6.36 I also understand that when guests are expected the gates are left open.

6.37 Consequently, the number of vehicles waiting on the road for the gates to be opened is very low, consisting of unexpected visitors and deliveries only.

6.38 Moreover, as shown in the photograph below, the new electric gate replaced a previous manual gate.



Five bar gate previously installed at the site (circled in red)

6.39 The manual gate would have taken longer to open than the new electronic one (resulting in vehicles waiting on the highway for longer).

Gate does not open outwards

6.40 The gate slides open and therefore does not block or obscure the road or footpath.

Road is very straight

- 6.41 As pictured below, this part of Northwood Road is very straight, and therefore highway visibility is good.



View south along Northwood Road



View north along Northwood Road

- 6.42 As such, vehicles and pedestrians have clear views of any vehicle preparing to enter the appeal site.

Low level of pedestrian traffic

- 6.43 I am advised by the applicant that this part of Northwood Road experiences a very low level of pedestrian movements.

Development would be akin to Permitted Development

- 6.44 Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the erection, construction, maintenance, improvement or alteration of a gate, fence wall or other means of enclosure up to 1 metre in height adjacent to a highway without the need for formal planning permission.
- 6.45 Criterion A.1 (a) (ii) states:-
- A.1 Development is not permitted by Class A if –*
- a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed –*
- i. for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;*
- ii. **in any other case, 1 metre above ground level;** (Author's emphasis)*
- 6.46 Class A would therefore permit the erection of a 1 metre high gate at the appeal site entrance in the same position without the need for planning permission.
- 6.47 Class A therefore supports the view that the gate has no impact on the highway and represents a material fall-back position which needs to be taken into consideration in the determination of the appeal.
- 6.48 It is my understanding that the appeal property retains permitted development rights for the erection of gates under Class A above. These were not removed when the property was originally approved.

Site egress

- 6.49 As shown on the photograph below, the previous front boundary comprised a fence and mature landscaping.



Photograph dated September 2016

6.50 Therefore, I consider the proposed level of visibility similar to that previously.

Crime and safety prevention

6.51 The wall, pillars, and gate were specifically constructed to protect the safety of the applicant's young child, providing a barrier to the highway.

6.52 Furthermore, it provides additional security for vehicles parked at the site overnight.

Many examples of similar gates locally

6.53 As pictured below, many nearby properties on Northwood Road, and in the surrounding area, also have gates positioned at their vehicle entrance.











Existing gates on Northwood Road

Parking

- 6.54 The existing car parking arrangements have been unaffected by the development. Space is provided at the front of the property for 3 / 4 vehicles and the property also benefits from an integral garage.

7. CONCLUSION

- 7.1 Retrospective permission is sought for a front boundary wall, pillars, and gate at 242 Northwood Road, Harefield, Uxbridge.
- 7.2 Within the context of the surrounding area the front boundary wall, pillars, and gate form a subservient addition, harmonising with the existing street scene and local built environment.
- 7.3 The amenity of neighbours has been unaffected.
- 7.4 The development has not resulted in conditions prejudicial to highway safety and would repeat an established form of development in the Borough. The existing car parking arrangements have been unaffected.
- 7.5 We therefore respectfully request that the appeal is allowed.