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## Appeal Decision

Site visit made on 13 February 2025

by **O Tresise MA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

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**Appeal Ref: APP/R5510/D/24/3353648**

**255 Coldharbour Lane, Hillingdon, Hayes UB3 3EJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Naradmani Gurung against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref is 73714/APP/2024/1208.
  - The development proposed is 'Erection of front boundary fence (183cm)'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description from the application form includes wording that is not a description of development. As such, I have taken the description in the heading above from the Council's decision notice. I am satisfied this accurately and succinctly describes the development proposed and omits superfluous wording.
3. Since the appeal was lodged, the National Planning Policy Framework (the Framework) has been revised. However, I am satisfied that there are no changes of any consequence for the main issues in this appeal.

### Main Issues

4. The main issues are the effect of the proposed development on:
  - the character and appearance of the area, and
  - highway safety

### Reasons

#### *Character and Appearance*

5. Policy DMHD 1 section F (ii) of the Hillingdon Local Plan: Part 2 – Development Management Policies January 2020 (the DMP) states 'the design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene'.
6. The appeal site comprises an end of terraced dwelling. Dwellings in the area are generally set back from the road behind front gardens, and some of them provide off-street parking. The existing boundary treatments are broadly waist-height. They

are generally constructed of brick, with the exception of a few chain-link fences or hedging. This arrangement contributes to an open character in the area.

7. The proposal seeks to build a perimeter wall with pedestrian and sliding gates along the frontage of the site. The proposed boundary treatment would be considerably higher than other existing walls and gates in the area. Whilst part of the wall would be constructed with brick, as are other boundary treatments in the area, the gates would be finished with what are described as solid metal planks and mesh screens within metal frames. These do not reference any materials used in the vicinity of the site. Given its excessive height, together with the use of metal planks and mesh screens, the proposal would result in an alien feature in the area. Whilst the appeal property may not constitute a heritage asset, this makes no difference to my conclusion on this main issue. Overall, the proposed arrangement would be uncharacteristic and incongruous.
8. The appellant has drawn my attention to other boundary treatments along Coldharbour Lane and Central Avenue. Whilst I do not know the circumstances under which they were constructed or their status with regard to planning permission, none of them is directly comparable to the proposal because they are of a different design, or height, or they are not seen within the same context. The appellant states that the proposal will not be taller than the neighbouring hedge. But the proposal is a permanent structure, whereas the neighbouring hedges have the effect of softening the boundary treatments. Therefore, I do not find them comparable to the appeal development before me and they do not change my conclusion on this main issue.
9. Accordingly, I find that the proposal would result in an alien and incongruous feature which would significantly reduce the sense of openness in the street scene. This would harm the character and appearance of the area. This would be contrary to Policy BE1 of the Hillingdon Local Plan: Part one - Strategic Policies November 2012, and Policies DMHB 11, DMHB 12 and DMHD 1 of the DMP. Taken together, these seek that development is designed to the highest standard and is in-keeping with the existing character of the area.

### *Highway Safety*

10. The appeal site has a vehicular access and a hardstanding at the front for parking vehicles. Outside the access is a pavement crossover, and a dedicated bus lane runs along the frontage of the appeal site. A bus stop is located a short walking distance to the south of the appeal site, which is also near a junction that connects to an adjacent retail park. At my site visit I saw that Coldharbour Lane is a heavily-trafficked road with frequent bus services calling at the bus stop and that generates pedestrian movements.
11. The proposed boundary wall and gates would be constructed directly against the frontage of the site. Due to the height of the proposed boundary treatment, when a vehicle exits the site, even in a forward gear, the driver's visibility of oncoming pedestrians would be obscured. Whilst the appellant has suggested that the gates will not be completely opaque, the solid metal planks below the mesh screens would still restrict the driver's visibility, given the height of these planks. But also, based on the information provided, I am not satisfied the mesh screens proposed would provide adequate visibility either. I am also mindful that visibility is equally important for pedestrians who may not notice a vehicle leaving the site.

12. The appellant has referred to technology available to aid highway safety, including vehicle cameras and sensors. However, not all vehicles are equipped with such technology and so this does not overcome the harm identified above.
13. Therefore, the proposed development would have an unacceptable and detrimental effect on highway safety. Consequently, the proposal would conflict with Policies DMT 1, DMT 2 and DMT 5 of the DMP. Taken together, these policies seek that development safeguards highway safety for road users including pedestrian and cyclists.

### **Other Matters**

14. I have considered the appellant's concern about anti-social behaviour at the appeal site which, it has been indicated, may be race-related. Accordingly, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. This requires me to consider the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's race.
15. In this regard, the proposed development may provide better safety and security for the appellant and his family. Notwithstanding this important consideration, it does not follow from the PSED that the appeal should succeed, particularly as there are other means by which anti-social behaviour may be addressed, without resulting in the harm identified above, in respect of character and appearance and highway safety. Balancing these effects with the appellant's need for the development, I am satisfied that dismissing the appeal would be a proportionate response in this case.

### **Conclusion**

16. For the reasons given above the appeal should be dismissed.

*O Tresa*

INSPECTOR