
Appeal Decision

Site visit made on 27 September 2016

by Diane Fleming BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2016

Appeal Ref: APP/N5090/C/16/3152981

13 Raydean Road, New Barnet, Barnet, London EN5 1AN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Michal Jagodzinski against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice was issued on 20 May 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a front boundary wall surmounted by railings and with associated gate and piers.
 - The requirements of the notice are 1. Reduce the front boundary wall surmounted by railings and with associated gate and piers to a height not exceeding 1 metre from adjacent ground level. 2. Permanently remove all of the constituent materials resulting from the works from the property.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a front boundary wall surmounted by railings and with associated gate and piers on land at No 13 Raydean Road, New Barnet, Barnet, London EN5 1AN, referred to in the notice.

The ground (a) appeal and the deemed planning application

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal concerns a two storey dwelling with a large front garden that has been blocked paved and enclosed by a wall, railings and a metal gate, all approximately 1.4m high. There are other hard surfaced front gardens at neighbouring properties which provide off street parking in this residential area though some gardens still remain, such as at No 9. Boundary treatments along the road vary in design and appearance and include low brick walls, hedging and fencing. Some of these completely border the front of the property and others have been reduced in width to create space for a vehicle crossing.
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Although there is a significant amount of on and off street parking along the road, the character and appearance of the area remains pleasant due to the spacious front garden areas and the homogenous design of the housing on each side of the road.

4. The design of the appellant's development includes a low red brick wall, which is a common feature along the road. The boundary treatment differs from others in the road due to the use of railings on top of the wall, a wide metal gate and the overall height of the development. The Council are concerned about the development being discordant and visually obtrusive as well as about the design and material of the railings but acknowledge that they are permeable. As the design of the scheme is permeable, I find the use of low, metal railings does not detract from the spacious character and appearance of the road. Whilst this is a new form of boundary treatment for the road, it is not too dissimilar from the open wooden fencing at No 9, though it is more rigid.
5. With regard to the overall height of the development, at 1.4m this is only marginally greater than some other boundary treatments in the road such as the brick wall opposite. Furthermore, the Town and Country Planning (General Permitted Development) Order 2015 permits the erection of boundary treatment up to a metre high adjacent to a highway. I find the harm caused by the height of the development is reduced as it is seen against the backdrop of planting in neighbouring gardens. In addition, the appellant has added his own greenery within his garden which softens the appearance of the development, though there is no guarantee that this would be retained.
6. Nevertheless, for these reasons I conclude that the character and appearance of the surrounding area is preserved by the development. Therefore the development accords with Policy CS5 of the Council's Core Strategy¹ and Policies DM01 and DM02 of the Council's Development Management Document². These require that development respects local character, distinctiveness and protects the gardens of residential properties. The development also accords with Policies 7.4 and 7.6 of The London Plan³. These require that development is of the highest architectural quality that has regard to the pattern of existing spaces.

Conditions

7. No conditions have been suggested by the Council in the event of planning permission being granted. Since the development being granted planning permission was substantially complete when the notice was issued, none are necessary.

Conclusion

8. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

D Fleming

INSPECTOR

¹ Barnet's Local Plan (Core Strategy) Development Plan Document September 2012

² Barnet's Local plan (Development Management Policies) Development Plan Document September 2012

³ The London plan, Spatial Development Strategy for Greater London March 2015