
Appeal Decision

Site visit made on 27 September 2016

by Nigel Burrows BA MRTPI

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

Decision date: 21 October 2016

Appeal Ref: APP/Q5300/C/16/3148989
65 Parkgate Crescent, Barnet, EN4 0NW

- 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 Dimitris Nicola against an enforcement notice issued by the Council of the London Borough of Enfield.
- The enforcement notice, ref: ENF/14/0579, was issued on 25 March 2016.
- The breach of planning control, as alleged in the notice, is the unauthorised erection of a front boundary wall, railings, and gate (identified in blue on the plan for identification purposes) in excess of the parameters [*sic*] set out within Part 2, Class A of The Town and Country Planning (General Permitted Development) Order 1995.
- The requirements of the notice are:
 1. Reduce the height of the front boundary wall, railings, gate (identified in blue on attached plan for identification purposes) to a maximum height of 1 metre from original ground level in order to comply with Part 2 Class A of The Town and Country Planning (General Permitted Development) Order 1995.
 2. Remove all resulting materials from the Premises.
- The period for compliance with the requirements is one (1) calendar month.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections

Procedural Matters

1. The allegation in the enforcement notice refers to 'gate', not 'gates'. This appears to be a minor typographical error, given that the boundary treatment along the frontage of the property includes a pair of metal entrance gates. The gates in question are also referred to in the submissions lodged on the appellant's behalf. The appellant appears to be in no doubt as to what he is alleged to have done wrong and what the Council requires him to do in order to put things right. I am satisfied the allegation in the notice can be corrected without injustice to the appellant. In order to be consistent with the corrected allegation, the requirements of the notice should also be corrected to refer to 'gates'. I consider the notice can also be corrected in this respect without causing any injustice to the appellant.
2. I shall also correct the minor typographical error contained in the third line of the allegation by substituting the word 'tolerances' for 'parameters'. I am satisfied this correction can be made without causing injustice to either of the main parties to this appeal.

The ground (a) appeal and deemed application

3. The appeal property is a recently constructed house located on the outer edge of a shallow bend in Parkgate Crescent, which forms part of an area of fairly low density housing near Monken Hadley Common. The road contains detached properties of different style and design occupying generous plots. The front boundary treatments in the vicinity of the site
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tend to be characterised by low walls or fences, which in some cases are reinforced by hedges and planting. There are a few examples of higher boundary enclosures nearby, for example, the overgrown planting on the frontage of a property opposite. Conversely, some properties have nominal boundary enclosures, which give an open plan character.

4. The enforcement notice appears to be specifically directed at the boundary enclosures erected along the frontage of the property. According to the submissions lodged on the appellant's behalf, the main part of the boundary wall incorporates four 1.38m high brick piers which frame an intervening 640mm high brick wall; the latter is surmounted by railings, giving an overall height of about 1.32m. The black metal entrance gates are about 1.5m high and the pier on the east side of the entrance is similar in height.
5. I consider there is one main issue in this case, which is the effect of the development subject of the notice upon the character and appearance of the area.
6. The piers and boundary wall are constructed in grey brickwork with natural mortar. The brick piers are capped by what appears to be thin slabs of marble. The boundary treatment attacked by the notice appear intrusive within this locality due to its overall height and design. The intrusive impact of the development is accentuated by the choice of grey brickwork for the piers and boundary wall, which has little visual affinity with the other boundary enclosures that exist within this part of Parkgate Crescent. The intrusive impact of the development is exacerbated by the location of the appeal property at a focal point in the street scene, namely the outer edge of a shallow bend.
7. The submissions for the appellant have drawn my attention to the presence of other piers, walls, railings and gates, including examples at 8 and 39 Parkgate Crescent. However, such examples tend to be in the minority and are not characteristic of the street scene. In any event, they are not directly comparable to the development before me, especially in terms of their design and choice of materials. Similarly, I am not persuaded that the examples cited within Parkgate Avenue are directly comparable.
8. The submissions lodged on the appellant's behalf suggest the boundary treatment 'emphasises and enhances the visual appearance of the boundary hedge fronting the property'. I disagree. The planting in question is currently subsumed by the piers, wall and railings erected along the frontage. I do not share the appellant's optimism that, in time, this planting would become visually more important and 'green' the site frontage, particularly if the boundary enclosures were to be retained at their present height.
9. The appellant's stance is the development only just exceeds the relevant 'permitted development' tolerances which allow the erection of a means of enclosure up to 1.0m high adjoining a highway used by vehicular traffic. However, this is not a positive factor in favour of development that is subject to planning control and which appears intrusive.
10. The submissions also appear to suggest the entrance gates are not subject to the 1.0m height limit, as they are inset by about 1.28m and do not adjoin a highway. However, the appeal has not been lodged on ground (c) - that there has not been a breach of planning control. Furthermore, it has not been lodged on ground (f) - that the requirements of the notice are excessive. In any event, the onus would be on the appellant under ground (c) to make out the case that there has not been a breach of planning control. In this instance, there is no firm evidence before me to demonstrate that the gates do not adjoin a highway for the purposes of the relevant 'permitted development' tolerances and limitations.
11. As matters stand, I conclude the boundary treatment harms the character and appearance of the area. It conflicts with the relevant development plan policies, including core policy 30 of the Council's Core Strategy and policy DMD 37 of its Development Management document, insofar as they seek to maintain and improve the quality of the built environment and achieve high quality development which has regard to its surroundings.
12. The Council's concern to protect the built environment of the Borough is generally consistent with the Government's objectives for the planning system. Paragraph 14 of

the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development. The economic, social and environmental dimensions of sustainable development should be addressed. Paragraph 9 also makes it clear that pursuing sustainable development includes seeking positive improvements in the quality of the environment. I consider the development conflicts with this objective.

13. I therefore conclude the ground (a) appeal and deemed application should not succeed.

Overall Conclusions

14. I have taken into account all the other matters raised in the representations, including the references to a previous fence that existed along the site frontage. However, I find they do not alter or outweigh the main considerations that have led to my decision. For the reasons given above, I intend to uphold the enforcement notice with corrections.

Formal Decision

15. The enforcement notice is corrected by:-

- (a) Substituting the word '*gates*' for '*gate*' in the second line of paragraph 3.
- (b) Substituting the word '*tolerances*' for '*parametres*' in the third line of paragraph 3.
- (c) Substituting the word '*gates*' for '*gate*' in the first line of paragraph 5.1.

16. Subject to the above corrections, the appeal is dismissed and the enforcement notice is upheld.

Nigel Burrows

INSPECTOR