
Appeal Decision

Site visit made on 20 October 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 3rd November 2016

Appeal Ref: APP/N5090/D/16/3157761

Highview, Salisbury Avenue, Finchley, London N3 3AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ilan Mahalla against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4403/HSE, dated 5 July 2016, was refused by notice dated 30 August 2016.
 - The development proposed is a boundary fence to front of property with personnel and vehicular access gate.
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Decision

1. The appeal is allowed and planning permission is granted for a boundary fence to the front of the property with personnel and vehicular access gate at Highview, Salisbury Avenue, Finchley, London N3 3AJ, in accordance with the terms of the application Ref:16/4403/HSE, dated 5 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-001; PL-101 Rev B.
 - 3) The materials to be used in the construction of the fence hereby permitted shall match those used in the existing personnel and vehicular access gates and as specified on Plan Ref PL-101 Rev B.

Main Issue

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

Reasons

3. The appeal property comprises a contemporary designed dwelling located on a residential street containing a variety of dwelling types and design styles. Although the adjoining properties have front boundary treatments comprising of dwarf walls and hedges, I observed at my site visit that there is a variety of front boundary treatments along Salisbury Avenue. In particular, the properties at Nos 44 and 46 Arden Road have side boundaries abutting Salisbury Avenue and comprise a substantial timber fence and brick wall respectively constructed at a height of approximately 1.8m.
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4. The appeal property has the benefit of planning permission for a front boundary wall, 0.6m high, with side piers and personnel and vehicular gates approximately 1.7m high (Ref F/00613/14). These comprise of a grey rendered wall and cedar style horizontally slatted wooden gates which have been constructed. In my view these elements reflect the contemporary design of the property.
5. The proposed development seeks to insert horizontal wooden slats in between the two piers such that the design, height and materials would match those of the existing gates.
6. Whilst I note the Council's desire to see planting in between the existing piers, in my view, this would appear of odds with the contemporary design of the existing gates and the property itself. Moreover, I agree with the appellant that infill planting would compromise the purity and simplicity of the design of the existing boundary treatment. The proposed fence would provide some visual consistency to the street scene as it would be entirely in keeping with the design of the existing gates and reflect the design style of the property as a whole.
7. I recognise that the proposed fence would not be entirely consistent with the more traditional boundary treatment of the adjoining properties. However, the host dwelling and existing gates are not entirely reflective of the predominant existing local character either. In my view, the proposed fence would retain consistency in the design of the boundary treatment to the property and provide an acceptable level of diversity and interest to the street scene that compliments, rather than replicates, local character. Moreover, being reflective of the design character of the dwelling and gates, I do not consider that the proposed fence would appear unduly dominant or incongruous.
8. I have taken into account the advice provided in the Council's Design Guidance Note No:9 Walls, Fences and Gates (1994) which suggests that any fencing should be appropriate to the appearance, style and scale of the individual building and consider the boundaries that already exist in the locality. The street does display some variance in boundary treatment and whilst there is a greater proportion of dwarf walls with hedging there are examples of properties where the hedging has become quite substantial and where more solid timber and brick construction is used.
9. The existing gates make use of high quality materials that compliment the design style of the property and I have no evidence to suggest that the fence would not be constructed to the same quality. The proposed fence would be of an appropriate height and constructed of high quality materials which, owing to its slatted design, would provide a degree of transparency to offer a degree of visibility between private and public realms. Overall, the proposed fence would be appropriate to the appearance, style and scale of the host building and provide uniformity and vibrancy to the street scene.
10. Taking the above matters into consideration, and in particular the contemporary design of the dwelling and existing gates, I conclude that the proposal would not significantly harm the character and appearance of its surroundings. It would not therefore conflict with Policy CS5 of the Barnet Core Strategy (2012) and Policy DM01 of the Barnet Development Management Policies Document (2012). These policies, amongst other things, require that development displays a high level of design which understands local

characteristics, contributes to a vibrant street which provides visual interest and protects and enhances the gardens of residential properties.

11. In addition there would be no conflict with Policies 7.4 and 7.6 of the London Plan (2015). These policies, amongst other things, require structures to make a positive contribution to the character of a place and comprise details and materials that compliment, not necessarily replicate, local character.

Conditions

12. In addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the materials to be used in the fence matches those used in the existing personnel and vehicular access gates.

Conclusion

13. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR