
Appeal Decision

Site visit made on 13 June 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 30 June 2017

Appeal Ref: APP/N5090/W/17/3171629

Fairlight Cottage, 7 Horseshoe Lane, Totteridge, London N20 8NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Melvin Robinson against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/6818/CON, dated 25 October 2016, sought approval of details pursuant to condition No 6 of planning permission Ref B/05539/14, granted on 8 December 2014.
 - The application was refused by notice dated 8 December 2016.
 - The development proposed is demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping.
 - The details for which approval is sought are: Means of enclosure.
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Decision

1. The appeal is allowed and the details of the means of enclosure submitted pursuant to condition No 6 attached to planning permission Ref B/05539/14, granted on 8 December 2014, in accordance with the application Ref 16/6818/CON, dated 25 October 2016, and the plans submitted with it are approved.

Procedural Matters

2. At the time of my site visit a fence had partially been erected along the frontage of the appeal site with Horseshoe Lane. This fence comprised a close boarded timber fence with trellis above. The design of this fence does not accord with the details of the fence submitted in application Ref 16/6818/CON and to which this appeal relates. I have no evidence to suggest that permission has been granted for the fence now partially erected pursuant to condition No 6 or whether this constitutes unauthorised development. This is a matter for the Council in the first instance.
3. For the avoidance of doubt, I have determined this appeal on the basis of the details of enclosure, as shown on Drawing No SITE-ENCLOSURE-1, that were submitted application Ref 16/6818/CON.

Main Issue

4. The main issue is whether the proposed means of enclosure would preserve or enhance the character or appearance of the Totteridge Conservation Area.
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Reasons

5. The appeal site comprises a rectangular plot at the northern end of Horseshoe Lane with open countryside, comprising of grassland and scrub woodland, to the north and north east. It is located within the Totteridge Conservation Area. A new single storey dwelling is in the final stages of construction on the site.
6. Horseshoe Lane is a narrow road terminating for vehicular traffic in the vicinity of the appeal site. The lane displays a quiet, semi-rural character with no pavements but with grass and planted verges. On both sides are a small number of bespoke designed detached dwellings set in large plots. These have a variety of boundary treatments on their frontages with the lane including close board fencing, hedging, lap fencing and segments of walls. Consequently there is no consistency in the design of boundary treatment along the lane.
7. The proposed means of enclosure to the appeal site would involve the erection of a 1.2m high post and rail fence comprising of vertical posts set approximately 2.85m apart and nine horizontal rails. This would be erected along the eastern boundary of the site fronting Horseshoe Lane and along the northern boundary with the open countryside. The existing close boarded fencing along the western and southern boundary of the site would be retained.
8. Although the existing boundary treatment to properties on Horseshoe Lane is relatively high, there is no overall consistency in height. In contrast to the majority of properties that have frontages along the lane, the appeal site has boundaries to open countryside. The appellant has also drawn my attention to Totteridge Conservation Area Character Appraisal which identifies that the views to the descending open countryside of the Dollis Brook from Horseshoe Lane are identified as being amongst the most notable views and vistas.
9. The location of the site is at the transition between a rural environment to the north and a semi-rural environment of the lane. The proposed fence is of a design that is commonly used in semi-rural areas and given the boundary with open countryside it would form an acceptable means of enclosure for the site. I agree with the appellant that the design of the proposed fence would have a more 'softer' effect in this transitional location. This can be contrasted with a higher close boarded fence that has a more residential appearance and which would appear as a more defined and harsher form of boundary treatment to the open countryside beyond the site.
10. In addition, the proposed fence, due to its relatively low height, would ensure that the important views over Dollis Brook are retained. Such views would be attainable not only for members of the public using Horseshoe Lane to access the footpath network to the north, but also for the occupants of the recently constructed dwelling.
11. Although, the proposed fence would be lower than others on Horseshoe Lane, given the varied appearance of boundary treatment in the area and the location of the appeal site at the rural interface, it would not cause any demonstrable harm to the character or appearance of the area and would be appropriate in this setting both in terms of height and design.
12. Taking the above factors into account, the proposed boundary fence would preserve the character and appearance of the Conservation Area as a whole in accordance with section 72 of the Planning (Listed Buildings and Conservation

Areas) Act 1990 and would accord with paragraphs 131 and 132 of the National Planning Policy Framework (the Framework). As a result there would be no conflict with Policies CS NPPF, CS1 and CS5 of the Barnet Local Plan Core Strategy (2012) and Policies DM01 and DM06 of the Barnet Local Plan Development Management Policies (2012). These policies, amongst other things, require that development should create a quality environment that responds to local context and distinctiveness, protects important views and preserves or enhances the character and appearance of Conservation Areas.

Other matters

13. The appeal site is located within the Green Belt. The Council have not identified any conflict with national or local policies relating to development within the Green Belt. However, I have nonetheless had regard to the duty to pay special attention to ensuring that development is not harmful to the Green Belt by reason of its inappropriateness. In granting planning permission for a replacement dwelling in 2014 (Ref B/05539/14) the Council identified that the development would not constitute inappropriate development within the Green Belt.
14. I have no evidence to suggest that the replacement dwelling now constructed has resulted in any extension of the residential curtilage beyond that which previously existed. The design of the enclosure of the residential curtilage proposed in this appeal would have a neutral effect on openness. Consequently, I am satisfied that the proposal would not constitute inappropriate development within the Green Belt.

Conclusion

15. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR