



Appeal Decisions

Site visit made on 9 July 2019

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 02 September 2019

Appeal A: ref. APP/N5090/C/18/3210267

31 Cadogan Gardens, London N3 2HN

- 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 by Mr Yogesh Rajkotia against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice, ref. ENF/1132/18, was issued on 3 August 2018.
 - The breach of planning control alleged in the notice is the erection of a boundary wall at the side and rear of the property.
 - The requirements of the notice are to:
EITHER:
 1. Demolish the unauthorised side and rear boundary wall and reinstate the timber fence of previous design, size and specifications shown in existing plan PL-02 of planning permission 18/3218IRCU dated 25.07.2018 to a height not exceeding 1.8m.OR,
 2. Reduce the boundary wall to a height not exceeding 1m.
 3. Permanently remove from the property all constituent materials resulting from the works in 1 or 2 above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. This case is exempt from the statutory fee, and the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended fall to be considered
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Appeal B: ref. APP/N5090/W/18/ 3210227

31 Cadogan Gardens, London N3 2HN

- 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 Yogesh Rajkotia against the decision of the Council of the London Borough of Barnet.
 - The application ref.18/3218/RCU, dated 24 May 2018, was refused by notice dated 25 July 2018.
 - The application is for retrospective planning permission for the retention of a boundary wall.
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Decisions

Appeal A: ref. APP/N5090/C/18/3210267

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 the erection of a boundary wall at the side and rear of the property on land at 31 Cadogan Gardens, London N3 2HN referred to in the notice.

Appeal B: ref. APP/N5090/W/18/ 3210227

2. The appeal is allowed, and planning permission is granted for the retention of a boundary wall at 31 Cadogan Gardens, London N3 2HN, in accordance with the terms of the application ref.18/3218/RCU, dated 24 May 2018, and the plans submitted with it.

Preliminary matters

3. The development enforced against is one and the same as the boundary wall proposed for retention in the planning application. I have therefore treated Appeal A on ground (a), the deemed planning application, and Appeal B together.

Background matters

4. The appeal property is a 2-storey house at the end of a terrace. It stands on the south-western side of Cadogan Gardens at the corner with Strathmore Gardens. There is an access lane running along the backs of the Cadogan Gardens houses.
5. The boundary wall is of rendered block construction, painted white. It extends along part of the south-eastern boundary from a point aligning with the main front wall of the house to the back boundary, and across the back boundary, in which there is a gate. The height of the new wall is around 2.04 metres above pavement level measured near the back of the plot. I understand this wall replaces a 1.8 metre high close-boarded timber fence. The remainder of the side boundary, and across the front of the house, is a yellow brick wall with piers about 1 metre in height.

Appeal A on ground (a), the deemed planning application and Appeal B

6. Ground (a) is that planning permission should be granted for the matters stated in the notice.
7. From my inspection of the appeal site and surroundings, and all that I have read I consider the main issue in both appeals to be the effect of the development on the street scene in the vicinity of the appeal property.
8. Houses in the area are set back behind short front gardens, and I saw that front and side boundary treatments in the area are highly varied. These include dwarf brick walls, timber fences, trelliswork, hedges and shrubbery. The houses themselves are predominantly white painted render or roughcast, with tiled roofs.
9. I saw that there are corner properties nearby with side boundary fences that are not dissimilar in height to the boundary wall of no. 31. It appears to me that this is a reasonable form of boundary treatment in order to provide a standard of privacy and security that can be expected for the back gardens of corner properties. This is recognised in paragraph 6.17 of the Council's Local Plan Supplementary Planning Document of 2016 – Residential Design Guidance (the SPD) – which states that in general heights of means of enclosure for most

suburban situations in the Borough should be 1 metre adjacent to a highway and 2 metres elsewhere, but that an exception would be where the return frontage of corner properties are enclosed up to a height of 2 metres. In my opinion this is just such a situation.

10. Paragraph 6.17 goes on to say that boundary materials should reflect those prevailing in the area. I did not see any significant examples of white painted rendered boundary walls in the area, and indeed the higher boundary enclosures I saw on corner properties were of timber. However, as noted above the houses are for the most part finished in white painted render and use of this finishing material cannot realistically be regarded as an incongruous and/or intrusive introduction to the area. Indeed, the flank wall of the house opposite no. 31, on the corner of Oakfield Road and Cadogan Gardens, is white rendered and is effectively the boundary of that property.
11. Although the new boundary wall is slightly higher than the SPD maximum of 2 metres, I consider this to be *de minimis*. Overall, I consider this wall to be of a suitable height to ensure a good standard of privacy and security on this corner plot, that it is visually consistent with the prevailing character in terms of scale and materials, and by no means out of place in this area.
12. I conclude on the main issue that the boundary wall has a neutral impact on the street scene in the vicinity of the appeal property. The development accords with the development plan, particularly with respect to Policy DM01 of the Barnet Local Plan Development Management Policies of 2012. This seeks to promote high quality design, and amongst other things seeks to ensure proposals should preserve or enhance local character. The appeal on ground (a) therefore succeeds, and I shall grant planning permission on the deemed planning application. The planning appeal also succeeds.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I conclude that the enforcement appeal should succeed on ground (a) and planning permission will be granted on the deemed planning application. I also conclude that the planning appeal should be allowed.

Stephen Brown

INSPECTOR