



Appeal Decision

Site visit made on 6 August 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/N5090/C/18/3208919

Land at 21 Wickliffe Avenue, London N3 3EL

- 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 Jason Lipman against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice, numbered ENF/0384/18, was issued on 11 July 2018.
 - The breach of planning control as alleged in the notice is without planning permission the erection of side fences at the front of the property.
 - The requirements of the notice are:
 1. *either remove the side fences at the front of the property*
 - or,*
 2. *reduce any part of the side front fences which are within 5m of the public footpath to height of no more than 1m.*
 3. *The permanent removal from the property of all constituent materials resulting from the works listed above.*
 - 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. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. A page was missing from the enforcement notice submitted with the appeal form by the appellant, so I contacted the parties to query whether the whole notice had been served. The Council have stated that the notice was served correctly and have submitted their Certificate of Service but I have not had a response from the appellant. On that basis, I am satisfied that the notice was correctly served and will proceed with the appeal on that basis.

The appeal on Ground (a) and the Deemed Planning Application

Main Issue

3. The effect of the fences at the front of the property on the character and appearance of the surrounding area.

Reasons

4. Wickliffe Avenue comprises a mix of detached and semi-detached two storey houses on most of the side of the road of no. 21, with three storey townhouses and blocks of flats opposite. The houses step down the slope of the hill, with a noticeable difference between the paving to the front of no. 19 and no. 21. To the front of the houses are gardens, many of which have been paved or partially paved to provide parking. The side boundaries of houses vary, comprising low walls or fences, or soft landscaping.
5. The side boundaries of no. 21 comprise close boarded fencing that extends to the edge of the pavement. This is disguised to some extent by the slope of the land between no. 19 and no. 21 and the fence is stepped down from the house to the edge of the road to reflect the topography. The fence contrasts in materials, style or height with other boundaries to properties in the street and this results in a harsh appearance to the side boundaries of this property. As a result, they appear prominent and incongruous in the street scene.
6. I note that Design Guidance Note No. 9 Walls Fences & Gates states that high level boundary features between neighbouring front gardens, such as the fences, are inappropriate in most situations and can be unsightly.
7. For these reasons, I conclude that the fences harm the character and appearance of the surrounding area. As such, the development conflicts with Policies 7.4 and 7.6 of the London Plan, Policy CS5 of the Barnet Core Strategy and Policy DM01 of the Barnet Development Management Policies Document that seek high quality design that preserves or enhances local character, including the gardens of residential properties and respecting the appearance, scale and height of surrounding development.
8. I note that the fence provides a degree of privacy from overlooking. However, the front garden is otherwise open to the road such that it is not a private area of the property.
9. I understand that the appellant was not aware that planning permission would be required for the fence. Whilst I have sympathy with the circumstances described, it does not alter my conclusions on the main issue.
10. For the reasons set out above, I conclude that the proposed development would not accord with the development plan. Thus, having had regard to all other matters raised the appeal is dismissed and the enforcement notice is upheld in the terms set out above in the Formal Decision.

AJ Steen

INSPECTOR