
Appeal Decision

Site visit made on 13 August 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/N5090/D/19/3230284

1 The Pastures, Whetstone, London, N20 8AN

- 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 and Mrs J Tendler against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 19/1591/HSE dated 18 March 2019, was refused by notice dated 25 April 2019.
 - The development proposed is the replacement of the front boundary wall and gates.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The Pastures is a cul-de-sac comprising a number of substantial detached dwellings set back from the road with hard standings and / or lawns. The front boundaries of the plots are open or are marked by low brick walls, low fences or hedges. These boundary treatments and other vegetation on the frontages give The Pastures a sense of informality and openness.
4. The proposed wall with railings and piers and the two pairs of gates would run along the full extent of the front boundary of the appeal property replacing the existing low brick wall and open in / out driveway. Notwithstanding the use of railings and the modest height of the wall, railings, gates and piers, the proposed development would result in a degree of enclosure and formality that would be at odds with, and harmful to, the prevailing character and appearance of The Pastures.
5. I do not consider that the effects of the proposed development would be satisfactorily overcome by the appellants' suggested evergreen planting as the walls, piers, gates and potentially the railings would still remain visible. I observed the fence along the side boundary of 2 The Pastures during my site visit but consider this to also be out of keeping with the prevailing character of The Pastures. I do not have full details of the history of this fence, but I do not consider that it justifies the proposed development.
6. The appeal property is within the Totteridge Conservation Area. The Totteridge Conservation Area Character Statement divides the Conservation Area into 5-character areas with The Pastures being within Character Area 3. One of the key characteristics within Area 3 is the high brick walls along Barnet Lane toward Totteridge village. I saw those in the vicinity of the appeal site during my site visit. However, whilst this form of boundary treatment and the resulting sense of enclosure are

characteristics of this section of Barnet Lane, these are not characteristics of The Pastures, and accordingly I do not consider that these high walls provide justification for the proposed development.

7. The Character Statement identifies The Pastures as one of the principal negative features in Character Area 3, but I do not consider that this justifies the further harm I consider would arise from the proposed development. I therefore conclude that the proposed development would neither preserve nor enhance the character or appearance of the Totteridge Conservation Area. In accordance with the National Planning Policy Framework (the Framework), I consider that the proposed development would result in less than substantial harm to the Conservation Area. Paragraph 196 of the Framework requires less than substantial harm to a designated heritage asset to be weighed against the public benefits of a development proposal. In this case, no public benefits would be derived from the proposed development.
8. Accordingly, I conclude that the proposed development would be contrary to Policies CS1 and CS5 of the Local Plan Core Strategy (2012) (LPCS) and Policies DM01 and DM06 of the Development Management Policies DPD (2012), which seek to protect character and the historic environment. Given this conclusion, I find no support for the proposed development in Policies 7.4 or 7.6 of the London Plan, quoted by the appellants in their Statement of Case. However, I find no conflict with Policy CS NPPF of the LPCS, which is a generic policy setting out the presumption in favour of sustainable development. The proposed development would also be contrary to Recommendation 1 of the Totteridge Conservation Area Character Appraisal, although this does not form part of the development plan.

Other matters

9. I acknowledge that the appellants wish to improve the security of their property. However, the planning system operates in the public interest and I have concluded above that the proposed development would be harmful to the public realm. I therefore consider that the desire for greater security does not outweigh that harm. The appellants have also referred to the policies of the National Planning Policy Framework relating to design but given my conclusion on harm I find no support for the proposed development in those policies.
10. The Planning Officer's Report refers to 2 objections to the proposed development being received from the occupiers of neighbouring properties. I have not been provided with copies of these objections, but they are summarised in the Planning Officer's Report. Based on that summary, the objections were that the proposed development would be out of character with the area, overbearing and block the view, and that a covenant applies to all houses in The Pastures that requires the retention of an open frontage.
11. However, given the modest height of the proposed development and the use of railings, I do not consider that it would be overbearing nor block any views of the appeal property or elsewhere. Even if it was to do so, it is a well-established principle that the planning system does not exist to protect private interests such as views. The matter of the covenant falls beyond what I can consider in this appeal.

Conclusion

12. For the reasons given above, and having regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR