
Appeal Decision

Site visit made on 10 October 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/N5090/D/19/3234920
53 Flower Lane, Mill Hill, London NW7 2JN

- 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 Leon Kaye against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1969/RCU, dated 2 April 2019, was refused by notice dated 12 July 2019.
 - The development proposed is retention of gates and railings to the front and side of the property, with alterations to include a further reduction in height.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity, the existing gates and railings that I observed on my site visit are not the development subject to this appeal. The appeal proposal is for the retention of existing gates and railings following a reduction in height.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is a detached dwelling located on the corner of Flower Lane and Parkmead Gardens. Whilst the dwelling forms part of the Flower Lane street-scene it has been developed as part of the Parkmead Gardens group of houses, one of the characteristics of which is their open plan front gardens.
5. The area around the appeal site contains a wide variety of residential properties styles. Whilst most properties have low level front garden boundaries, there are various forms of boundary treatments in the surrounding area including some railings.
6. The appeal site occupies a prominent corner site. Due to this siting, any front and side boundary treatments will be focal point whose prominence will be exacerbated. The proposed railings, in terms of their design and height, will be out of character with the immediate surroundings. Due to their height they will be particularly dominant in the street-scene. They will remove the feeling of openness from the development of which the appeal site is part and would be out of character with the area.

7. The proposal would therefore have a harmful effect on the character and appearance of the area. Thus, it would be contrary to Policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document (2012) and Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012). These policies seek to ensure, amongst other things, that development is of a high quality and standard of design.
8. The proposal would also be contrary to the Barnet Residential Design Guidance Supplementary Planning Document (2016) which outlines that boundary treatments at the front of properties of 1m will be appropriate except where the original character of an area is open plan; boundary materials should reflect those prevailing in the area and in most cases, the fronts of houses should generally remain open to view in order to increase natural surveillance therefore front boundaries treatments should be kept low; boundary treatments such as high railings and gates can be obtrusive and have a negative impact on the street-scene by conveying a sense of severance and overbearing.
9. The Council's reason for refusal refers to the proposal being contrary to Policies 7.4 and 7.6 of the London Plan (2015). Copies of these policies were submitted with the appeal. This is not however the latest version of the London Plan and therefore these policies cannot be given weight in the appeal.

Other Matters

10. I acknowledge the fallback position put forward by the appellant that would allow for boundary treatments not exceeding 1m in height to be installed at the property without planning permission being required. I am however required to determine the appeal on its own individual merits against the development plan. I find that the fallback position would not override the harm I have identified with the proposal.
11. The appellant has cited reasons of security and privacy in reference to the height of the railings and gates proposed. Boundary treatments are one of several measures that can be taken to maximise security and privacy, however they are not the only measure, and they should not be installed to the extent that they cause harm to the character and appearance of the area. I therefore give little weight to this argument.
12. The appellant has referred to the timescale and deliberation of the Council with regard to its handling of the planning application. These matters have little weight in the consideration of the planning merits of the appeal proposal. The appellant has referred to comments from local neighbours in support of the development, however no such comments have been submitted for me to consider in this appeal.

Conclusion

13. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR