



Appeal Decision

Site visit made on 5 June 2020

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/N5090/C/19/3235012

Land at 90 Barnet Gate Lane, Barnet EN5 2AX

- 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 Mrs Nurbanu Damji against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice, numbered ENF/0444/19, was issued on 23 July 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission the installation of security gates and railings to the front and side elevation.
 - The requirements of the notice are to:
 1. Remove the security gates and railings to the front and side of the property.
 2. Permanently remove all constituent materials resulting from the works in 1. above from the property.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the development is exempt from the payment of fees, the application for planning permission deemed to have been made under section 177(5) of the Act falls to be considered.
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Decision

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 installation of security gates and railings to the front and side elevation on land at 90 Barnet Gate Lane, Barnet EN5 2AX referred to in the notice.

The ground (a) appeal and the deemed planning application

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the appeal property and the surrounding area.

Reasons

3. The appeal property is a detached house occupying a corner plot at the junction of Barnet Gate Lane with Althorp Close, which is a predominantly residential area notwithstanding open Green Belt land opposite the site. The house in Althorp Close across the junction to the appeal property has a significantly enclosing boundary treatment close to or abutting the highway comprising hedging, other vegetation, fencing and solid black entrance gates with brick pillars. The effect of this boundary treatment is to obscure a view of the ground floor of that property from the street. Slightly further from the junction, prominent within the setting of the appeal property and junction, are

tall metal double gates across the road controlling access to other properties within Althorp Close.

4. The properties along Barnet Gate Lane have a variety of different boundary treatments. While there are numerous examples of low and modest walls and fences, there are also a significant number of properties with more substantial and taller boundary treatments to lead me to conclude that the prevailing character in this respect is not particularly marked by way of any significant uniformity or pattern of development. The character, however, in the immediate locality of the appeal property is strongly influenced by the enclosing effects I have identified in respect to Althorp Close structures and the railings and gates to the front of the neighbouring dwelling at No 88 Barnet Gate Lane (No 88) which are a similar size, scale and design to those of the appeal development. Further, in largely replicating the boundary treatment of its neighbour, the appeal development is pleasingly congruous within the streetscene as experienced at this section of the lane. Notwithstanding the Council's comments that No 88's railings, gate and pillars have not benefited from planning permission they are nevertheless lawful through acquired immunity under Section 171B of the Act and in any respect contribute significantly to local character and appearance.
5. The security gates and railings to the front and side of the appeal property, while over 2m in height, are of a light and open design with well-spaced slim vertical elements providing significant visibility of the dwelling and its frontage. Being set back behind a large grass verge from the lane, the total effect is the preservation of the openness associated with the nearby Green Belt land and junction setting.
6. The Council's Residential Design Guidance SPD (the SPD) states that "in most cases, the fronts of houses should generally remain open to view in order to increase natural surveillance to the street, therefore walls, fences and hedges defining the fronts of properties should be kept low. Boundary treatments such as high railings and gates can be obtrusive and have a negative impact on the streetscene by conveying a sense of severance and overbearing." For the reasons in the preceding paragraph, despite its height, the appeal development meets the aim of the SPD in keeping the front of the house open to view. Its light and open design together with setback behind the grass verge does not cause it to be obtrusive, overbearing or creating of a sense of severance.
7. Therefore, the appeal development does not have an unacceptable visual impact and does not harm the character and appearance of the property or the surrounding area. Accordingly, it is not contrary to Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document, supported by the SPD, which seek to protect character and amenity.

Conclusion

8. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on grounds (f) and (g) does not therefore need to be considered.

Andrew Walker

INSPECTOR