
Appeal Decision

Site visit made on 19 January 2022

by Chris Preston BA (Hons) BPI MRTPI

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

Decision date: 4th February 2022

Appeal Ref: APP/Q5300/D/21/3287071

5 Ridge Avenue, Southgate, London N21 2RL

- 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 George Dacas against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/02451/HOU, dated 22 June 2021, was refused by notice dated 26 August 2021.
 - The development proposed is boundary fence alteration to increase height at rear
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Decision

1. The appeal is allowed and planning permission is granted for alterations to boundary fence to increase height at the rear at 5 Ridge Avenue, Southgate, London N21 2RL, in accordance with the terms of the application, Ref 21/02451/HOU, dated 22 June 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan (scale 1:500) depicting location of the proposed fence; aerial photograph depicting location of proposed fence; side elevation photographs depicting 600mm translucent panel on top of existing timber boundary fence.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The proposal seeks permission to increase the height of a rear garden fence which runs directly along the shared boundary between Nos 5 and 7 Ridge Avenue. This would be achieved through the addition of a 600mm high Perspex panel attached to the top of the existing timber fence. The area is predominantly residential in character. Ridge Avenue is a reasonably busy thoroughfare but the rear has a quieter feel with the rear garden of the appeal property backing onto the neighbouring housing at Elsiedene Road. The gardens of surrounding properties are of modest scale, generally separated by timber fencing of varying heights, alongside established planting.

4. From street level on Elsiedene Road the shared boundary between Nos 5 and 7 is not prominent due to the fence to the opposite side boundary of No. 7 which directly abuts the pavement. Due to that fence and the intervening space, the proposed boundary treatment would not have any notable visual impact in the wider area, notwithstanding its increased height. For the most part it would go unnoticed by those passing along the street. The primary impact would be at the very local level, as seen from the dwelling and rear garden of the appeal property itself and from the neighbouring house and garden at No7.
5. Somewhat unusually, the rear gardens do not run directly in line with the rear of the dwellings but are off-set at an angle. The floor level of the dwellings is also set above the level of the gardens. As a result of those two factors the rear windows of No.7 face on a slight angle towards the rear of No.5 which does result in a sense of being overlooked when stood in the rear garden. The proposed increase in height of the fence would mitigate against that and the resulting fence would be slightly higher than a typical rear boundary enclosure. However, given the raised floor height of the dwellings the fence would not be overly dominant when viewed from inside No.7.
6. Moreover, immediately to the rear of No.7 is a patio/ decking area which is also raised above ground level. Given the respective heights, the proposed fence would not be overly dominant or oppressive from the neighbouring patio. The proposed use of Perspex would also enable light to pass through the panel which would reduce the apparent visual impact. The choice of material would clearly contrast against the timber of the fence and would not be a common form of boundary treatment within the area. However, although a trellis may be a more traditional solution, glazed or Perspex screens are not unusual where privacy is required in urban areas and, in this instance, it would offer a lightweight and transparent solution that would enhance boundary screening without appearing overly dominant from the neighbouring house and garden.
7. Given that, and the fact that there would be no substantial impact when viewed from the street I am satisfied that the proposal would not result in harm to the character and appearance of the area and that it would be an appropriate design response to the specific characteristics of the site, including the respective heights of the dwellings and unusual alignment of the gardens. As such, the proposal would not conflict with the design related aims of policies D1, D3 and D8 of the London Plan (2021), Core Policy 30 of the Enfield Core Strategy (2010) and policies DMD6 and DMD37 of the Council's Development Management Document (2014).
8. A number of representations were received by the Council at the application stage including objections on visual impact which are covered above but also in relation to air flow to the rear of the adjacent property. The Council was satisfied that the impact on neighbouring living conditions would be acceptable and I am satisfied that the height of the fence would not restrict light or air reaching the rear of the adjacent property, given the respective heights and the fact that the garden is large enough to maintain a feeling of openness which would not be unduly constrained by the modest increase in the height of the fence.
9. Representations were received by the Council to the effect that the fence may be owned by No.7. That is a private matter between the parties involved and does not affect my assessment of the planning merits of the proposal.

Conditions

10. Neither party has suggested any conditions in the event that the appeal is allowed. However, in addition to the standard commencement condition, a condition is necessary to ensure that the proposal complies with the submitted plans in the interests of clarity.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed subject to the conditions set out.

Chris Preston

INSPECTOR