

Appeal Decision

Site visit made on 1 February 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2022

Appeal Ref: APP/N5090/D/21/3288804
51 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 Dr Olatunde Olaniawo against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/4309/HSE, dated 2 August 2021, was refused by notice dated 4 October 2021.
 - The development proposed is raise front garden fence to 1.08 metres including insertion railings and insert vehicular/pedestrian access gates up to 1.38 metres.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During my site visit, I observed that the development the subject of this appeal appeared largely complete. Consequently, I refer to it below as “the development.”

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property is a two storey detached dwelling located in a prominent position along Flower Lane, at its junction with Parkmead Gardens.
 5. The area is residential and is characterised by the presence of two storey detached and semi-detached dwellings set back from the road behind front gardens and parking areas.
 6. Flower Lane in this area has wide pavements, with grass verges and street trees. This combines with the presence of very low boundary walls, of brick, stone and/or render, to the front of dwellings, occasional hedgerows and planting in front garden areas, to provide a significant and attractive sense of openness, spaciousness and greenery.
 7. The development comprises three sections of brick-built boundary walls to the front of the house, along with two gates. Each of the sections of walling have
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tall brick piers to either end and railings run between the piers above the brick walls.

8. The lower sections of brick walling appear taller than the very low front boundary walls common to this part of Flower Lane. As such, they draw attention to themselves as incongruous, visually obtrusive features, the alien appearance of which is exacerbated by the presence of the even taller brick piers.
9. The additional railings above the walls and the gates result in the creation of a tall boundary feature and the creation of a highly enclosed space within an area otherwise noted for its attractive sense of openness.
10. Further to the above, in contrast to the area's green qualities, the significant expanse of brickwork, together with the railings and gates, results in the area to the front of the appeal property appearing as a hard urban edge which jars with the softer, greener frontages to neighbouring properties.
11. I find that the harm arising from the above is exacerbated by the prominent location of the appeal property, whereby the eye is drawn to the development and away from the area's identified attributes.
12. Taking all of the above into account, I find that the development harms the character and appearance of the area, contrary to the National Planning Policy Framework; to London Plan (2021) Policies D1, D4 and D5; to Policy CS5 of Barnet's Local Plan Core Strategy (2012); and to Policy DM01 of Barnet's Adopted Development Management Policies Development Plan Document (2012), which together amongst other things, seek to protect local character.

Other Matters

13. The Council, in its reasons for refusal, also stated that the proposal "appeared to have resulted in the unlawful removal of a TPO tree." I note that there is an absence of relevant detailed information in this regard.
14. The Council also referred to harm to highway safety. However, it is apparent from the Council's officer's report that the highways officer sought further information rather than concluding that the development would necessarily be detrimental to highway safety.
15. Notwithstanding these factors, I have found that the proposal would result in significant harm and hence the decision below.

Conclusion

16. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR