



Appeal Decision

Site visit made on 8 December 2021

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022.

Appeal Ref: APP/N5090/D/21/3282758
20 Uphill Road London NW7 4RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of an application for planning permission.
 - The appeal is made by Mr Bahador Akbarnia against the Council of the London Borough of Barnet.
 - The application Ref 21/3978/HSE dated 19 July 2021 was refused on the 8 September 2021.
 - The development proposed is the erection of a front boundary wall with associated piers, railings and gates; new permeable hardstanding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on (a) the character and appearance of the street scene, and (b) highway safety.

Reasons

3. The appeal site comprises a large plot on which, at the time of my site visit, a dwelling was under construction. The front boundary was marked by hoarding. The wider road consists of large detached properties of a variety of age and design. The predominant character is one of older, traditional dwellings with well landscaped front gardens, fronted by low walls and established planting.

Character and appearance

4. The proposal would involve the erection of a brick wall of around 1.6 metres height with metal railing top, interspersed with a number of 1.8 metre high brick piers. An in / out vehicular access would be provided at either end of the site frontage both marked by metal railing gates, also of similar height to the wall. Planting and landscaping would be provided within a semi-circular bed to the rear of the wall along the site frontage with further planting to both side boundaries, which would be marked by brick walls. The remainder of the area to the front of the new dwelling would be hard surfaced.
5. The proposed means of enclosure along the front boundary would introduce a continuous, relatively high front boundary wall within the street scene. This would result in a much greater level of enclosure and introduce a much harsher feature within the street scene than those nearby. The height of the brick wall would be such as to screen much of the planting within the front garden so reducing the ability for it to soften the appearance of the boundary feature when viewed in the street scene.

6. The Appellant contends that there are a number of other properties with boundary walls and railings not too dissimilar to the proposed scheme. However, details of the specific properties are not given. As indicated above, I found the character of the street scene within which the appeal site is located to be predominantly one of more open and 'green' frontages, with low boundary walls with planting behind or planted boundaries.
7. There was a new property opposite the site that had a new wall along the frontage but it was a low height with planting clearly visible behind it. I also noted two further properties located to the north of the appeal site with enclosures along the front boundary but again these comprised of a more 'open' frontage of railings above a low brick wall, albeit with pillars. These enclosures appeared to be of recent construction but generally maintain a 'green' frontage to the street scene. In my view the proposed treatment at the appeal site, whereby the solid brick wall would comprise the dominant feature, would not be sympathetic to this established street scene character.
8. I therefore find that the proposal would fail to complement the character and appearance street scene. As such it would fail to comply with Policy CS5 of the Core Strategy (2012) (CS), Policy DM01 of the Development Management Policies DPD (2012) (DMP) and Policies D3 and HC1 of the London Plan (2021)(LP) which seek to ensure that development is of the highest standard of urban design to create attractive environments, that respect local context and distinctive local character.

Highway safety

9. The proposed plans indicate that the existing in / out access points would be slightly widened and thereby extend closer to the side boundaries. The Council's Highway Officer commented that the plans do not indicate clearly how the proposed accesses would relate to an existing lamp column located to the front of the site nor do they show any visibility splays. In addition, it is argued that the height of the proposed wall could obstruct visibility for vehicles exiting the site.
10. In my view, the above concerns are valid and in particular the height of the wall and lack of visibility splays could lead to conditions of danger particularly for pedestrians.
11. I therefore find that the proposal would be harmful to highway safety as a result of which it would conflict with DMP policy DM17 which seeks to ensure that the safety of all road users is taken into account and avoid development that unacceptably increases conflicting movements or increase the risk to vulnerable users.

Conclusions

12. Overall, therefore, for the reasons set out, I conclude that this appeal should be refused.

P Jarvis

INSPECTOR