The Planning Inspectorate

Appeal Decision

Site visit made on 8 February 2022

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal Ref: APP/Q5300/C/21/3270109
49 Kingwell Road, Barnet, EN4 0HZ

- 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 Act").
- The appeal is made by Mr Mihai Gherdan against an enforcement notice issued by the Council of the London Borough of Enfield.
- The enforcement notice was issued on 5 February 2021.
- The breach of planning control alleged in the notice is without planning permission, the unauthorised erection of a front boundary wall, pillars, railings and gates (identified in blue on the plan for identification purposes) in excess of the parameters set out within Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.
- The requirements of the enforcement notice are:
  1) Reduce the height of the front boundary wall, pillars, railings and gates (identified in blue on attached plan for identification purposes) to a maximum height of 1 metre from ground level in order to comply with Part 2, class A of the Town and country Planning (General permitted Development) (England) Order 2015.
  2) Remove all resulting materials from the premises.
- The period for compliance with the requirements is 1 month.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Act. As such, an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld as set out below in the Formal Decision.

Main Issues

1. These are the effect of the development on the character and appearance of the area, and upon highway safety.

Reasons

Character and appearance of the area

2. Kingwell Road comprises a long straight run of mainly traditional designed two storey detached houses. On both sides of the road the frontages of the houses follow a fairly unvarying front building line, separated from the highway footpath by generally open garden areas or forecourts. Boundary treatments to these front areas mostly take the form of planting or very low solid walling with or without natural foliage. All of these factors in combination give the street scene as a whole a uniformity of character. The open frontages, having minimal built boundary treatments as described, are integral to that overall character.

3. The boundary treatment installed along the frontage of the property comprises brick walling with four capped brick pillars, railings, and two sets of double gates which match the form of the railings. The central section of wall is formed by a 0.7m high wall with 1m high railings on top. The gates are approximately 1.7m in height. Taken all together, I consider that the height and solidity of the boundary treatment has a distinctly enclosing effect and is starkly at odds with the prevailing uniformity of the open character and appearance of the area I have previously described, thereby in conflict with Policy CP30 of the Enfield Core Strategy (2010) and Policies DMD8 and DMD37 of the Development Management Plan (2014).

4. In support of allowing the appeal the appellant refers to a precedent for this type of development in Kingwell Road and in the Hadleigh Wood area. However, he has not identified these properties. Moreover, even if there were a few similar examples, they would be anomalies to the prevailing character and appearance of the area I have described, rather than setting precedents.

5. There is no evidence before me to demonstrate that crime rates are significantly higher in Kingwell Road as suggested. That aside, there is a wide and readily available range of alternative security measures for effectively protecting homes and vehicles. I accept that enclosure is desirable for children playing in the front garden. However, such an enclosure does not have to take the inappropriate form of the one installed here. I attach limited weight to these matters. They do not outweigh the significant harm I have described to the character and appearance of the area.

Highway safety

6. In order to satisfy Highway Authority safety standards the gates should be set back a distance of 5m from the carriageway edge to allow vehicles turning into the drive to pull clear of the highway (and other traffic) while the gates are being opened and closed. The installed gates are approximately 3m back from the carriageway edge and so do not meet the required standard. Also, in respect of any pedestrians on the footpath, the pillars and central railings obstruct required standard visibility splays when exiting the site. As such, the development results in an unacceptable increase in risk to highway safety in conflict with Policy CP24 of the Enfield Core Strategy (2010) and Policies DMD45 and DMD47 of the Development Management Plan (2014).

Conclusion on ground (a)

7. I have considered whether the imposition of planning conditions would overcome the harm I have identified, but there are none that would do so.

8. For all these reasons the appeal on ground (a) must fail.

FORMAL DECISION

9. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Thomas Shields

INSPECTOR