



Appeal Decision

Site visit made on 26 September 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022.

Appeal Ref: APP/N1920/D/22/3302225

28 Whaley Road, Potters Bar EN6 2RA

- 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 and Mrs Sweeney against the decision of Hertsmere Borough Council.
 - The application Ref 22/0791/HSE, dated 4 May 2022, was refused by notice dated 28 June 2022.
 - The development is described as the 'enlargement of existing brickwork wall and new slatted fencing to boundary'.
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Decision

1. The appeal is allowed and planning permission is granted for the brickwork wall and slatted fencing to the boundary at 28 Whaley Road, Potters Bar EN6 2RA in accordance with the terms of the application, Ref 22/0791/HSE, dated 4 May 2022, as depicted on drawing no. FGF PR 01 and the site photographs by fairgroundfish.

Procedural Matter

2. The boundary features the subject of this appeal, and as depicted on the submitted drawing, are already in place. I have therefore dealt with the appeal on the basis of the retention of the existing development. In the interests of clarity, I have accordingly made minor amendments to the description of the development in my formal decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. Amongst other things, Part D of the Hertsmere Planning and Design Guide Supplementary Planning Document Draft 2016 ('PDG') sets out that the design of front boundaries should complement the existing pattern of boundary treatment, and should help to create and enhance a local sense of place by maintaining consistency within the street, but should not be divisive or intimidating in appearance, or create a sense of segregation.
5. The dwellings on Whaley Road either abut the pavement, or are set back a short distance from it, typically behind a low boundary wall, or a largely open frontage. However, around the junction with Southgate Road, there are taller features on Whaley Road, including a close boarded timber fence next to the

appeal site at 27 Southgate Road, and a high hedgerow beyond, as well as a timber fence opposite.

6. The wall that has been constructed here is of a fairly limited height, and the slatted construction of the timber fence above it and to the side allows some limited views through it to the house, thus limiting any sense of segregation. The structure's overall height is lower than the adjacent timber fence which forms part of this streetscene. Moreover, its light coloured finish respects the brickwork on the host property and the other dwellings in this terrace, and helps to soften its visual impact.
7. Consequently, in this location at this end of Whaley Road, and given the presence of nearby tall boundary features, the scheme does not have a domineering or segregating impact, and it has not harmed the character and appearance of the area.
8. The scheme does not therefore conflict with those parts of Policies SP1 and CS22 of the Hertsmere Core Strategy 2013, or Policy SADM30 of the Hertsmere Site Allocations and Development Management Policies Plan 2016, which require high quality design, with development which respects the area, and which is appropriate in scale, appearance and function to the local character and context.
9. Neither does it conflict with the National Planning Policy Framework requirement for good design, taking account of local design guidance; or with the stance in the PDG.
10. Whilst the Council has suggested a condition requiring that the development be carried out in accordance with the submitted plans, as it is already in place, that is unnecessary.
11. For the above reasons, and having regard to all other matters raised, including representations by interested parties both supporting and opposed to the development, the appeal is allowed.

Chris Couper

INSPECTOR