



Appeal Decision

Site visit made on 25 April 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2023

Appeal Ref: APP/N5090/D/23/3315168

14 Park Road, High Barnet, Barnet EN5 5SQ

- 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 Anupam Bhattacharjee against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/0891/RCU, dated 21 February 2022, was refused by notice dated 8 December 2022.
 - The development is the erection of a 2.7 metre high wooden trellis fence.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2.7 metre high wooden trellis fence at 14 Park Road, High Barnet, Barnet EN5 5SQ in accordance with the terms of the application, Ref 22/0891/RCU, dated 21 February 2022, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 4D-229 E00; 4D-229 PE01; 4D-229 E01; 4D-229 PE02; 4D-229 E02; 4D-229 P03; 4D-229 E03; 4D-229 P04; 4D-229 E04; 4D-229 P05 and 4D-229 E05.

Main Issues

2. It is considered that the main issues are the effects of the development on (a) the living conditions of the occupiers of 12 Park Road and (b) the character and appearance of the surrounding area.

Reasons

Living Conditions

3. The development comprises the erection of a circa 8-metre long freestanding trellis fence sited adjacent to a wooden fence and a brick wall which form the shared boundary with 12 Park Road. The trellis comprises wooden slates erected between poles and projects above the fence by around 0.55 metres according to the Council. It is claimed that purpose of the trellis is to afford some degree of privacy for the appellant's side facing windows within a rear extension and raised patio area.
4. To the rear of No. 12 is an extensive raised patio area and the appellant claims that the trellis is needed as a screen to preclude overlooking and loss of privacy. During the site visit to No. 12, the potential to overlook the side windows of the appeal property's rear extension above the boundary fence without the trellis was evident. The trellis does preclude overlooking and its

erection does reflect the guidance in the Council's *Design and Construction Supplementary Planning Document* (SDCSPD) concerning maintaining the privacy of the occupiers of neighbouring properties when erecting extensions.

5. By reason of the appeal property's rear decking being at a lower level, the full circa 2.7 metre height of the trellis is not evident when viewed from the rear windows and raised patio of No. 12. It is of a similar height as the brick wall which forms part of the shared boundary. For this reason, the trellis does not create a sense of being an overbearing means of enclosure which is detrimental to the living conditions of the occupiers of this neighbouring property. The potential for a reduction in sunlight reaching a limited area of the patio of No. 12 was observed during the site visit. However, there would still be more than adequate levels of sunlight reaching this extensive patio area during the day.
6. Accordingly, it is concluded that the development does not cause unacceptable harm to the living conditions of the occupiers of 12 Park Road and, as such, it does not conflict with Policies DM01 and DM02 of Barnet's Local Plan Development Management Policies Development Plan Document (DMP). Amongst other matters, these policies require development proposals to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and they cross reference to the guidance contained in the SDCSPD. Policy D4 of the London Plan (LP) and Policies CS1 and CS5 of the Core Strategy Development Plan Document (CS) do not directly assess living conditions matters.

Character and Appearance

7. The Council's *Residential Design Guidance Supplementary Design Guidance* (RDG) refers to 2 metre high boundaries as being appropriate in most suburban situations. The appeal scheme exceeds this guidance but the RDG cannot provide guidance to address all situations.
8. Although taller than 2 metres and projecting above the fence, the trellis is of a similar height as the existing boundary wall and is partially screened from wider views within neighbouring gardens by the property's rear extension and landscaping within the gardens. As such, when viewed from the surrounding residential gardens the appeal scheme is not a visually prominent nor dominant means of enclosure. No significant harm is caused to the verdant character and appearance of the surrounding residential rear gardens.
9. For the reasons given, it is concluded that the development does not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it does not conflict with CS Policy CS5 and DMP Policy DM1. Amongst other matters, these policies promote high quality development which respects and responds to local characteristics, context and distinctiveness.

Conditions

10. By reason of the trellis having been erected and for reasons of clarity, the only condition considered necessary is for an approved list of drawings to be specified. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR