



Appeal Decision

Site visit made on 16 May 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 TH June 2024

Appeal Ref: APP/N5090/D/24/3340026

119 Friern Barnet Lane, Friern Barnet, Barnet, London N20 0XZ

- 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 Huseyin Salih against the decision of the London Borough of Barnet Council.
 - The application Ref 23/5007/HSE, dated 23 November 2023, was refused by notice dated 18 January 2024.
 - The development is described as proposed railing/gate along the front boundary of the property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the date of the application in the banner above from the appeal form and the Council's decision notice. This is because the date on the application form, within the Declaration, is incorrect.

Main Issue

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

Reasons

4. The appeal property is a two-storey detached dwelling which is positioned centrally within a row of large detached properties. Land between the dwelling and the public highway is laid to hardstanding for parking. The front and side boundary with No.117 Friern Barnet Lane are not defined by boundary treatment, while the boundary with No.121 Friern Barnet Lane comprises a low-level post and rail fence and soft landscaping. The surrounding area is predominantly residential in character. Dwellings along this part of Friern Barnet Lane, between Manor Drive and Queens Well Avenue, have a generally consistent building line and front curtilages which have open or low-level boundaries. On the opposite side of Friern Barnet Lane is a large area of public open space. The open frontages and public open space opposite provide an open and spacious character to this part of Friern Barnet Lane.
5. The development would be provided on all three sides to the front of the appeal property, enclosing the existing parking area. The height of the boundary would erode the existing open character of the frontages along this part of

Friern Barnet Lane and, as such, would appear as a prominent and alien addition to the streetscene. The central position of the dwelling, within this row of properties, means that the railings would appear poorly related to existing boundaries and therefore would appear as an isolated intervention. While I acknowledge that the design of the boundary would allow for views through, the isolated positioning and overall height means that the proposals would appear contextually at odds with its surroundings. Furthermore, its siting immediately adjacent to the public highway, would mean that the incongruity and prominence of the development would be apparent from both directions along Friern Barnet Road and from the public open space opposite. Existing landscaping would, to a degree, help to partially screen the development from some limited vantage points, although this is not so substantial to mitigate the harmful effects of the proposals.

6. I note that there are a range of boundary treatments in the wider area, including tall boundaries adjacent to the highway further along Friern Barnet Lane, and on other streets. However, as I have observed above, the context of this site is the row of properties that are located between Manor Drive and Queens Well Avenue which is characterised by open frontages with low-level, unobtrusive boundary treatments. Therefore, I find other existing boundary treatments in the area to be contextually different.
7. I acknowledge that means of enclosure can be erected under permitted development rights¹. However, I have no definitive evidence before me to demonstrate what could be constructed under such rights. In any event, the appeal proposals, when considered as a whole, greatly exceed what may possibly be allowed under these rights. Therefore, I am not persuaded that there is a realistic fallback that would have a similar, or more harmful, impact than the appeal proposals.
8. For the above reasons, I conclude that the development has an unacceptable and harmful effect on the character and appearance of the site and surrounding area. Therefore, the development conflicts with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012); Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012); and, D3 of The London Plan. Together, amongst other things, these require that development respect local context and achieve high quality design. The development also conflicts with the guidance contained within the Local Plan Supplementary Planning Document: The Residential Design Guide (2016) which requires that front garden walls, fencing and railings should be sympathetic to the character of the building and garden.

Conclusion

9. For the above reasons the appeal is dismissed.

D Cleary

INSPECTOR

¹ Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)