The Planning Inspectorate

Appeal Decision

Site visit made on 30 April 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/N5090/C/23/3318573
45A Chandos Avenue, London N20 9EE

- 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 appeal is made by Mr Kevin Zadshir against an enforcement notice issued by the Council of the London Borough of Barnet.
- The enforcement notice was issued on 2 February 2023.
- The breach of planning control as alleged in the notice is without planning permission the construction of front boundary wall associated panelling and access gates.
- The requirements of the notice are:
  1 Demolish the boundary fencing and the access gates.
  2 Remove all constituent elements resulting from the works in (1) above from the site.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of front boundary wall associated panelling and access gates at 45A Chandos Avenue, London N20 9EE referred to in the notice.

Preliminary matters

2. During the course of this appeal, the Barnet Local Plan 2012 (LP), and policies contained within it, has been replaced with the Barnet Local Plan, adopted in March 2025 (BLP). This must now be given full weight in the decision-making process. Both parties have been given the opportunity to comment on the new Local Plan, and so have not been prejudiced. I have therefore not assessed the development against the policies of the superseded LP.

Main Issue

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

Reasons

4. The appeal site comprises of a two-storey detached dwelling. Chandos Avenue is a tree lined residential street characterised by other detached and semi-detached properties with a variety of front boundary treatments with generous sized landscaped front gardens, front hedges and driveways. The combination of these well sized properties, landscaped front gardens, tree lined streets and front boundary treatments gives a verdant and spacious character to the residential area.

5. Barnet's Local Plan Supplementary Planning Document Residential Design Guidance, 2016 (Design SPD) states that in most cases, the fronts of houses should generally remain open to view in order to increase natural surveillance to the street, therefore walls, fences and hedges defining the fronts of properties should be kept low. Boundary treatments such as high railings and gates can be obtrusive and have a negative impact on the streetscene by conveying a sense of severance and overbearing.

6. The brick wall and pillars has been constructed in red bricks similar to the host property. Whilst this and the metal panels are in excess of 1m, the panels are painted in a light colour which compliments the palette of the main dwelling. The panels are not sold and are evenly spaced which allows clear views through to the dwelling and front garden, thereby retaining the openness and spacious feel of the area. Given the overall size of the host detached building, the front boundary walls, gate and panels do not look disproportionate in terms of its size, height, scale or appearance.

7. Furthermore, the boundary treatment, with a low brick wall and panels above is not dissimilar to the height and appearance of other front boundary treatments in the area, including those at No. 8. In this respect the development does not result in an obtrusive or negative impact on the streetscene or area.

8. I therefore conclude that the front boundary wall pillars and front gates does not have a harmful impact upon the character and appearance of the area. In this respect the development complies with Policy CDH01 of the BLP and policies D1 and D4 of The London Plan (2021). Taken together these state that the Council will expect development proposals to respond sensitively to the distinctive local character and design, building form, patterns of development, scale, massing, roof form and height of the existing context, and seek to deliver good design by understanding the existing character and context of individual areas.

Other Matters

9. The Council have also referred to Policy D5 of the London Plan. However, this relates to inclusive design and accessibility which does not appear to be particularly relevant to the case advanced by the Council. I therefore find no conflict against this policy.

10. Comments made by third parties have been taken into account but do not alter the conclusions reached in this decision. Given that the panels are approximately 2m in height and allows clear views and light through, the development does not result in any demonstrable harm to the living conditions of neighbouring occupiers in terms of loss of light or outlook. Builders

trespassing on neighbouring land is a civil matter between owners and not a reason for withholding planning permission.

11. No conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

Conclusion

12. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the enforcement notice as corrected.

R Satheesan

INSPECTOR