



Appeal Decision

Site visit made on 3 June 2025

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/N5090/C/23/3319873

Heather Cottage, Hendon Wood Lane, London NW7 4HS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Adam Jastrzebski against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 1 March 2023.
- The breach of planning control as alleged in the notice is: *Without planning permission, the construction of a front boundary wall over 1m in height.*
- The requirements of the notice are:
 - 1 Either
 - a) Alter the front boundary wall treatment so that it matches in full that which was approved in planning application referenced 20/1552/FUL, as seen in plan A-PD-BN-04-EL-311. The maximum height of the resulting wall not to exceed 1 metre.
 - Or,
 - b) Demolish the front boundary wall
 - 2 Remove the constituent elements
- The period for compliance with the requirements are: *3 months after this notice takes effect.*
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) 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.

Summary of Formal Decision: The appeal is allowed, the corrected enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Formal Decision

1. It is directed that the enforcement notice (EN) is corrected by:
 - The deletion of the description of the alleged breach of planning control at section 3) of the EN and the substitution with the following description:

“Without planning permission, the construction of a front boundary brick wall, including the brick pillars, metal railings and automated metal gate which are all over 1m in height.”
 - The deletion of the wording of the requirements at section 5) of the EN and the substitution with the words:
 - 1 Either
 - a) Alter the front boundary which includes a front boundary brick wall, brick pillars, metal railings and automated metal gate so that it matches in full that which was approved in planning application referenced 20/1552/FUL, as seen in plan A-PD-BN-04-EL-311. The maximum height of the resulting front boundary treatment is not to exceed 1 metre.
 - Or,

b) Demolish the front boundary brick wall, including the brick pillars, metal railings and automated metal gate.

2 Remove the constituent elements as a result of the works associated with 1a) and 1b) above.

2. Subject to the corrections above, the appeal is allowed, the EN 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 a front boundary brick wall, including the brick pillars, metal railings and automated metal gate which are all over 1m in height at Heather Cottage, Hendon Wood Lane, London NW7 4HS.

Preliminary Matters

3. Since the Council issued the EN, the new Barnet Local Plan 2023-2036 (BLP) has been adopted in March 2025. As such, I have taken it into account in my decision. In regard to this appeal the Council have clarified the relevant BLP policies are ECC05, ECC06, GSS01 and HOU03. The appellant has had the opportunity to comment on these new policies.
4. The Council has indicated that the property is located in the Green Belt (GB). From the information before me this assertion is erroneous as the property is located within a finger of development that sits in between two areas of GB, and it therefore does not sit within designated GB land. Consequently, the development would not be in conflict with policies ECC05 and ECC06 of the BLP nor G2 of the London Plan (LP), March 2021, as these are primarily concerned with development within the GB and thus are irrelevant to the scheme before me.

Appeal on ground (a), the deemed planning application

Main Issue

5. Ground (a) is that planning permission should be granted for the matters alleged in the enforcement notice. The main issue therefore is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

Character and appearance

6. The appeal site is a large detached two-storey dwellinghouse located on the eastern side of Hendon Wood Lane. The character and appearance of the immediate area consists of a ribbon of development along Hendon Wood Lane within a generally open, verdant and semi-rural feel. Like the appeal site, the properties in the area consist of mainly large detached two-storey dwellings with a mixture of ridge heights, materials and finishes. The properties are generally set back from the roadside, with gardens and forecourts to the front, providing a traditional arrangement.
7. During my site visit, I noted significant variation in the design and style of boundary treatments. Demarcation features such as boundary walls, fences and gates in the area are also varied in terms of height, materiality and appearance although they are generally domestic in proportions. Nevertheless, there are several examples in the vicinity of large gates, railings and walls which provide a secure and somewhat

fortified appearance to these properties, and therefore form a typified characteristic within the appearance of this area.

8. The appeal site consists of a brick wall, with brick pillars interspersed with metal railings and a set of automated metal railed gates opening inwards ranging between 1.8 – 2.0 metres in height, approximately. The brickwork is similar to that of the existing dwellinghouse, thus it is in keeping with the host property. It is acknowledged that there are boundary treatments in the immediate area that are significantly lower, providing a more open appearance at these neighbouring properties. However, as previously stated larger structures fronting the roadside are also prevalent in the area. Thus, the general lack of uniformity, ensures the more enclosed frontage to the appeal site does not appear discordant within the street scene, allowing the development to integrate effectively within the wider area, as its height and materials are not unique.
9. For these reasons, the development preserves the character and appearance of the host dwelling and the surrounding area. It is therefore consistent with the relevant sections of policies GSS01 and HOU03 of the BLP, which seek, amongst other things, to deliver good design and do not have an unacceptable impact upon the surrounding character of the area. The development is also consistent with the overarching design objectives of the National Planning Policy Framework insofar as it seeks a high quality of design.

Conclusion

10. The development is consistent with the development plan and the appeal therefore succeeds on ground (a). I shall grant planning permission for the development as described in the corrected notice, and the enforcement notice will be quashed. The appeals on grounds (f) and (g) do not therefore fall to be considered.
11. With regard to the corrections I have made to the enforcement notice, representations have been made by both parties, which refer to the development on the front boundary. This consists of all the elements which include the brick wall, brick pillars, metal railings and automated metal gate. As such, the corrected notice should not come as a surprise, and I do not consider that any injustice has been caused to either party.

Robert Naylor

INSPECTOR