



Appeal Decisions

Site visit made on 25 November 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/N5090/C/24/3338377 & APP/N5090/C/24/3338378

9 Ivere Drive, Barnet EN5 1AS

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mrs Nancy Palmer and Mr Fredrick Palmer against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The notice was issued on 11 January 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the raising of the side and rear boundary fences of the property as shown in the approximate location of the blue line on the attached plan 01.
 - The requirements of the notice are:
 - 1 Reduce the height of the side and rear boundary fences as shown in plan 01 to no more than 2 metres in height. Measurement to be taken from the immediately adjacent ground level.
 - 2 Permanently remove all constituent materials resulting from the works in above from the property.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the ground 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.
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Decisions

1. The appeals are 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 raising of the side and rear boundary fences of the property as shown in the approximate location of the blue line on the attached plan 01 at 9 Ivere Drive, New Barnet, Barnet EN5 1AS 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 main parties have been given the opportunity to comment on the new BLP and so have not been prejudiced. I have therefore not assessed the development against the policies of the superseded LP.
3. The Council advise that reference to harm caused to the occupiers at 12 Park Road is an error and should instead refer to neighbouring occupiers at 7 Ivere Drive. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area; and the living conditions for the occupiers of 7 Ivere Drive and 31 Wycherley Crescent with regard to outlook.

Reasons

Character and appearance

5. The appeal site is a two-storey semi-detached property in a residential area characterised predominantly by other two storey semi-detached properties. A number of properties in the area have been extended with various extensions and outbuildings. The appeal development relates to the raising of the side boundary fence along and boundary with No 7 Ivere Drive and the rear boundary fence with the installation of a trellis attached to the boundary fence.
6. Barnet's Local Plan Supplementary Planning Document Residential Design Guidance, 2016 (Design SPD) states that "in general, rear garden walls and fences should not exceed 2 metres to protect views and daylight". On this occasion the trellis added above the rear garden fence exceeds 2m in height and therefore is not strictly in accordance with this guidance.
7. Nevertheless, the trellis above 2m in height, has been painted to match the remainder of the fence and has a relatively open design and appearance, which allows light and views to pass through. I also witnessed similar height boundary treatments along Ivere Drive and in these respects the development blends in well with the appeal site and the area.
8. I therefore conclude that the development does not have a harmful impact upon the character and appearance of the area. Accordingly, the development complies with Policies CDH01 and CDH07 of the BLP. 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 ensure that design and layout is sympathetic to the local character.

Living conditions for the occupiers of the 7 Ivere Drive and 31 Wycherley Crescent with regard to outlook

9. Owing to the design of the trellis which allows light and views through, I am satisfied that the raised boundary treatment does not result in any demonstrable loss of outlook or an increased sense of enclosure to neighbouring residential occupiers of 7 Ivere Drive and 31 Wycherley Crescent.
10. Therefore, the development provides acceptable living conditions for occupiers of 7 Ivere Drive and 31 Wycherley Crescent with regard to outlook. Accordingly, the development is in accordance with Policy CDH01 of the BLP and Policy D4 of the London Plan. Amongst other things, these seek to deliver good design and state that the Council will expect development proposals to provide a good standard of amenity that is consistent with other policies in the Plan and will allow for acceptable levels of daylight, sunlight, privacy and outlook for adjoining and potential occupants and nearby users impacted by the development.

Other matters

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

Conclusions

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

R Satheesan

INSPECTOR