

Location **2 Fitzalan Road London N3 3PD**

Reference: **15/05287/HSE**

Received: 19th August 2015

Accepted: 24th August 2015

Ward: Finchley Church End

Expiry 19th October 2015

Applicant: Mr Yehuda Barashi

Proposal: New 1200mm high wall and 1500mm high piers to front boundary following demolition of existing wall. Installation of lighting to boundary wall. Installation of metal electrically operated sliding gates fitted within existing two driveway openings

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, C302_S_01 and C302_GA_01 B, C302_GE_01 REV E.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall be in full accordance with the approved plans.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is located on the northern side of Fitzalan Road, within Finchley Church End ward. The property is the first along this part of the road with its side boundary adjacent to the rear of properties along Regents Park Road.

The road is residential on the northern side. On the southern side of the road is College Farm Conservation Area.

The application property is a detached, two-storey residential dwelling house. It is not a Statutory Listed building.

The character of front boundary treatments shows low walls to the front boundaries of the residential properties.

2. Site History

Reference: 15/00816/HSE

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Approved subject to conditions

Decision Date: 14 April 2015

Description: New 1200mm high wall and 1500mm high piers to front boundary following demolition of existing wall

Reference: 15/00820/HSE

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Refused

Decision Date: 14 April 2015

Description: new 1800mm high wall to front boundary following demolition of existing wall

Reference: F/04662/13

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Refused

Decision Date: 5 December 2013

Description: Erection of two storey single family dwelling including basement and rooms in roofspace, following demolition of existing dwelling.

Reference: C15635B/07

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Approved subject to conditions

Decision Date: 15 January 2008

Description: First floor side extension and tiled roof over existing flat roof to rear of house.

Reference: C15635A/04

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Approved subject to conditions

Decision Date: 5 April 2004

Description: Single storey extension to side following demolition of existing garage and out buildings. Alteration to rear elevation involving the in-filling of recessed area between kitchen and dining room and the installation of a new window.

Reference: C15635/03

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Refused

Decision Date: 3 February 2004

Description: Single storey extension to side following demolition of existing garage and out buildings. Alteration to rear elevation involving the infilling of recessed area between kitchen and dining room and the installation of a new window.

3. Proposal

This application seeks consent for the erection of a 1200mm high wall and 1500mm piers to the front boundary following the demolition of the existing wall. Installation of lighting to boundary wall. Installation of metal electrically operated sliding gates fitted within existing two driveway openings.

The application has been amended since its original submission to remove one of the 1500mm piers adjacent to 4 Fitzalan Road.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.

5 responses has been received, comprising 5 letters of objection

Neighbours Wishing To Speak 1

The objections received can be summarised as follows:

- Works already completed / Application follows planning enforcement
- Out of keeping / Creates appearance of fortress
- Obscure views of College Farm

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5
- Relevant Development Management Policies: DM01, DM02, DM06.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of Heritage and Conservation Areas in Barnet.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues in this case are considered to be covered by the following main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area, street scene and College Farm conservation area, having regard to the size and siting of the proposal.

5.3 Assessment of proposals

The proposal seeks permission for the demolition of the existing front wall and the erection of a new boundary wall with a height of 1.2 metres and piers of 1.5 metres. The proposal will have the same dimension as the wall previously approved (15/00816/HSE) at 2 Fitzalan Road. The main difference is the installation of two metal gates fitted within the two existing driveways.

Fitzalan Road comprises varied boundary treatments including front boundary walls, gates and hedging relatively low in height, often only reaching 1 metre.

Under permitted development, it is possible to erect a front boundary feature of up to 1 metre high. The proposed brick wall would be 1.2 metres high, only be 200mm taller than what would have been allowed under permitted development. Besides, the property is located at the beginning of the street next to 175 Regents Park Road which benefits from a

side boundary wall of approximately 1.9 metres with a gate of approximately 2 metres high, located close to the host property.

The proposal also includes two metal railings of 1.2 metres high on both driveways which would allow view through the front of the property. It is noted that Colleague Farm's green space, sited directly opposite to the host property, benefits from metal railings of 1.4 metres high. In this way, the proposed metal gates would not be harmful to the character of the area or the conservation area and is considered acceptable.

The insertion of lighting on each side of the two proposed gates is no works that requires planning permission, it is therefore considered acceptable.

The proposed wall and piers are considered acceptable and the introduction of gates along this frontage will not be harmful to the host property, the character and appearance of the area or the conservation area. Furthermore, it is not considered to have any detrimental impacts on the residential amenities of the neighbouring occupiers.

5.4 Response to Public Consultation

- Works already completed / Application follows planning enforcement

Each application is judged based on its own merits therefore it is not possible to judge an application based on the impacts of the others developments. The fact that previous works were done without planning permission is not a material consideration.

- Out of keeping and create appearance of fortress

The limited height of the proposal is considered to be an acceptable addition to the host property. As such, it is not considered that it will create a sense of enclosure or be out of character with the streetscene.

- Obscure views of College Farm

Loss of view is not a planning matter therefore it does not constitute a basis on which to refuse this proposal.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed front boundary wall would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

