

**Location**                      **Fairlight Cottage 7 Horseshoe Lane London N20 8NJ**

**Reference:**                      **16/8068/CON**                      Received: 19th December 2016  
Accepted: 20th December 2016

Ward:                      Totteridge                      Expiry 14th February 2017

Applicant:                      Mr Melvin Robinson

Proposal:                      Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Canterbury Combi-style fencing, 1.52m high to side and front, with Jacksons Cathedral gates)

**Recommendation:** Approve

**Informative(s):**

- 1      The plans accompanying this application are: Drawing No. 2102 (received 4 April 2017).

**Officer's Assessment**

b 1. Site Description

The application site is located at the northern end of Horseshoe Lane and is the last plot at the end of Horseshoe Lane, which continues north as a footpath beyond the application site. The plot originally contained a detached bungalow, and a detached single garage. Since planning permission was approved, the bungalow has been demolished and works have commenced on the construction of a new replacement building.

Horseshoe Lane contains only a small number of dwellings, with the layout generally comprising pairs of dwellings in relatively close proximity, with larger gaps between the pairs. For example, Nos. 1 and 3 are approximately 16 metres apart, Nos. 5 and 7 approximately 13 metres apart. However, Nos. 3 and 5 are approximately 47 metres apart. Similarly, Nos. 2 and 4 are over 70 metres apart. This spacing between properties and the different form of the properties (a mixture of bungalows, and two storey dwellings) ensures that Horseshoe Lane retains a spacious and rural feel.

**2. Site History**

17/1312/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme D - larch lap fencing panel 1.2m high with 0.3m diamond trellis on top to front and 1.52m larch lap to side, with Jacksons Cathedral gates to front). Under consideration and on this committee agenda.

17/1309/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme C - larch lap fencing panel 1.52m high to side and 1.8m high to front, with Jacksons Cathedral gates). Refused.

17/1305/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme A - Featheredge fencing, 1.5m high to side and 1.8m high to front, with Jacksons Cathedral gates). Refused.

17/1307/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme B - Featheredge panel 1.2m high with 0.3m diamond trellis on top to front, and 1.52m featheredge panels to side, with Jacksons Cathedral gates). Under consideration and on this committee agenda.

16/6918/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 08/12/14. Refused December 2016, being a reversal of the recommendation - Proposed front and side boundary fence, by reason of its design and inadequate height would be out of keeping with the rural character of the road and would not preserve or enhance this part of the Totteridge Conservation Area.

16/5440/CON: Submission of details of condition 11 (Landscaping) pursuant to planning permission B/05539/14 dated 08/12/14. Approved by the Chipping Barnet Area Planning Committee in December 2016.

16/2448/S73: Variation to condition 1 (Plans) pursuant to planning permission B/05539/14 dated 08/12/14 for "Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping". Variations include changes to window, rooflight and door positions, addition of PV panels and variations to landscaping. Refused July 2016, being a reversal of the recommendation - The proposed replacement house, by reason of its design, appearance, size, bulk, height and rooftop PV panels would appear as an incompatible structure in this part of the Totteridge Conservation Area and would result in a loss of outlook and an overbearing and visually intrusive impact when viewed from No. 5 Horseshoe Lane. The proposal would not preserve or enhance the character or appearance of the conservation area, would be detrimental to the amenities of neighbouring occupiers. Appeal allowed April 2017.

16/0249/CON: Submission of details for condition 11(landscaping) pursuant to planning permission B/05539/14 dated 08.12.14. Refused May 2016, being a reversal of the recommendation - The proposed hard landscaping, by reason of its site coverage and proximity to Horseshoe Lane would be excessive and would detract from the open and rural character of the street scene. The proposal would not preserve or enhance the character or appearance of the conservation area.

15/04496/CON: Submission of details for condition 3 (Levels), condition 4 (Materials), condition 5 (Proposed windows) and condition 11 (Hard and soft landscaping) pursuant to planning permission B/05539/14 dated 08/12/14. Split decision issued - application approved in respect of conditions 3, 4 and 5. Application refused in respect of condition 11 - landscaping on the grounds that the landscaping would harm the character and appearance of the conservation area.

15/00603/CON: Submission of details of conditions 10 (Demolition and Construction Method Statement), 14 (Trees -Protective Fencing), 15 (Method Statement -Trees), 18

(Demolition Works in Conservation Areas) pursuant to planning permission reference B/05539/14, dated 08/12/2014. Details approved March 2015.

B/05539/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved December 2014.

B/02926/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved at Chipping Barnet Area Planning Committee in September 2014.

### **3. Proposal**

This application relates to the submission of details pursuant to Condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14.

Condition 6 reads as follows:

*Before the development hereby permitted is first occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).*

When submitted this application proposed Canterbury Combi fencing, 1.83m high to the front and 1.52m high to the side. The lower three quarters of the fence panel is horizontal tongue and groove style boards, with the top quarter having a venetian style open slatted appearance to give some permeability. The proposal includes Jacksons Cathedral gates, which have vertical timber boarding with black-painted metal railings in the top part, again to give some permeability.

During the course of the application, the applicant has submitted amended drawings to show the fence style at a reduced height of 1.52m to the front boundary. The fence proposed to the side remains at 1.52m.

This application has been referred to the Area Planning Committee by the Head of Development Management.

### **4. Public Consultation**

This application concerns the submission of details pursuant to a condition attached to the original grant of planning permission. Four neighbouring residents were consulted on this application when it was first received, and the following responses were received:

Objection from person consulted:

- Neither of the proposed fencing styles are in keeping with this part of the Conservation Area and it is unclear where the front boundary of the property lies. Is it where the fencing posts are or in front of the hedge the applicant is proposing to plant? I understand an ancient hedgerow was also originally in situ along the northern boundary this should be

reinstated although it should never have been removed in the first place. I strongly believe this current proposal would not conserve or enhance this part of the Conservation Area.

Totteridge Residents Association:

- Neither of the proposed fencing styles are in keeping with this part of the Conservation Area and it is unclear where the front boundary of the property lies. Is it where the fencing posts are or in front of the hedge the applicant is proposing to plant. We understand a hedgerow was also originally in situ along the northern boundary and the committee would like to see this reinstated. It is thought this current proposal would not conserve or enhance this part of the Conservation Area.

Totteridge Conservation Area Advisory Committee:

- The committee is concerned that the plans are not clear in respect of the precise position of the boundary - is it where the fence posts are shown or in front of the hedgerow the applicant proposes to plant? Neither options A or B proposed are in keeping with the Conservation Area and the fence should be more in keeping with the rural nature of the area. The gate design is acceptable. We understand that a hedgerow which originally flanked the north boundary has been removed and this should be reinstated.

Following receipt of the amended plans (reducing the height of the fence fronting Horseshoe Lane from 1.83m to 1.52m), a new consultation period was opened and interested parties written to. No further responses have been received. The application will be referred to the Totteridge Conservation Area Advisory Committee at its meeting of 3 May which is after the publication of this committee report. The comments from that Committee will be verbally reported.

## **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 Mayor's London Plan July 2016

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, DM06.

### Supplementary Planning Documents

Totteridge Conservation Area Character Appraisal.

## **5.2 Main issues for consideration**

The main issue for consideration is whether the proposed boundary treatments preserve or enhance the character and appearance of this part of the conservation area, the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the free flow of traffic and conditions of general safety on the adjoining highway.

## **5.3 Assessment of proposals**

As amended this application proposes the installation of fencing measuring 1.52m high to the front and side boundaries of the plot. The lower three quarters of the fence would be solid, whilst the top quarter would have horizontal slats with spaces between, to allow views in and out of site therefore some visual permeability to the site would be retained.

This application has been submitted following the refusal of application 16/6918/CON, which related to the same planning condition as the current application. That application proposed a 1.2m high post and rail fence (which would comprise vertical posts 2.85m apart, and 9x horizontal rails, with identical entrance gates) and was refused by members on the grounds that the proposed front and side boundary fence, by reason of its design and inadequate height would be out of keeping with the rural character of the road and would not preserve or enhance this part of the Totteridge Conservation Area.

The Totteridge Conservation Area Character appraisal identifies 'views to descending open countryside of the Dollis Brook from Horseshoe Lane' as being amongst the most notable views and vistas. The proposed fencing would be low in height and open in appearance, and therefore is considered by officers to maintain these views and vistas. However, it is also considered to overcome the previous reason for refusal as it would have a greater height and different design. The proposed boundary treatment is considered to be commensurate with the semi-rural character and appearance of this part of Horseshoe Lane. It is considered that the height and design of the proposed fencing would reflect the open and rural character of this narrow site, and would preserve the character and appearance of this part of the Totteridge Conservation Area.

The proposed fencing is not considered to prejudice the amenities of the occupiers of adjoining residential properties. The proposed front and side fencing would confine vehicular access to the single point of access at the northern part of the site.

To the rear of the site, and the southern boundary of the site (the boundary with No. 5 Horseshoe Lane), the existing boundary treatment is proposed to be retained and this is considered to be acceptable.

## **5.4 Response to Public Consultation**

The comment received is addressed in the appraisal above.

## 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

The proposal is considered to preserve the character and appearance of this part of the Totteridge Conservation Area and is therefore recommended for approval.

