

Location **49 Broughton Avenue London N3 3EN**

Reference: **17/3448/RCU** Received: 30th May 2017
Accepted: 1st June 2017

Ward: Finchley Church End Expiry 27th July 2017

Applicant: Mr P Atwal

Proposal: Erection of screening to rear of garden (retrospective)

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Block Plan
Location Plan
Received 30 May 2017

Elevation Drawing Number 01
Technical Specification
Received 1 June 2017

Rear Elevation viewed from Windsor Open Space
Front Elevation of house and screening
Plan of site showing fencing

Received 27 April 2018

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).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

- 2 Trees at and/or adjacent to this site are included within a Tree Preservation Order. The proposal encroaches within the root protection area (as defined in BS5837:2012 Trees in Relation to design, demolition and construction-Recommendations) of protected trees. This certificate confers no rights for any treatment (including any cutting of roots or branches) of the tree(s) or any other work to be undertaken to tree(s) included within a Tree Preservation Order at or adjacent to the site. If any treatment is proposed, an application would be required in accordance with the Tree Preservation Legislation.

Officer's Assessment

1. Site Description

The application site is located on the western side of Broughton Avenue, in a residential area of Finchley Church End. The property is a corner plot by the junction of Waverley Grove and Broughton Avenue. The site is not within a conservation area. Numerous properties in the street have undertaken alterations. The Windsor Open Space adjoins the site to the rear. There is a tree subject to a Tree Preservation Order immediately to the rear of the site within the Windsor Open Space.

The property comprises a semi-detached dwellinghouse, mobile home to the rear and a high boundary fence. A Lawful Development Certificate has been granted in respect to a mobile home. An enforcement case is ongoing regarding the retention and use of the mobile home in the rear garden.

Permission for the boundary fence is being sought in this application.

2. Site History

Reference: TPP/0360/17

Address: Windsor Open Space (Rear Of 49 Broughton Avenue) London

Decision: Trees Refused

Decision Date: 7. 09. 2017

Description: 1 x Oak (Ezytreev Reference 424012) - Reduce specified lowest lateral scaffold limb by up to 6m leaving approx 1m of growth on each upright, (Remove deadwood and remove hanging limb), Reduce away from building to allow 4m clearance. Standing in area A1 of Tree Preservation Order

Reference: 17/1267/192

Address: 49 Broughton Avenue, London, N3 3EN

Decision: Lawful

Decision Date: 14 March 2017

Description: Caravan/mobile home in rear garden

Reference: 16/6998/192

Address: 49 Broughton Avenue, London, N3 3EN

Decision: Unlawful

Decision Date: 24 January 2017

Description: Erection of mobile home in rear of garden

Reference: F/02335/09

Address: 49 Broughton Avenue, London, N3 3EN

Decision: Approved subject to conditions

Decision Date: 12 August 2009

Description: Retention of raised terrace and proposed new privacy screen.

Reference: C06313C
Address: 49 Broughton Avenue, London, N3
Decision: Lawful
Decision Date: 01.07.1999
Description: Conversion of garage to a kitchen, alterations to elevations.

Reference: C06313B
Address: 49 Broughton Avenue, London, N3
Decision: Approved subject to conditions
Decision Date: 13.08.1986
Description: Two storey side extension

Reference: C06313A
Address: 49 Broughton Avenue, London, N3
Decision: Approved subject to conditions
Decision Date: 18.07.1979
Description: Single storey rear extension.

Reference: C06313
Address: 49 Broughton Avenue, London, N3
Decision: Lawful
Decision Date: 13.03.1978
Description: Erection of a double garage.

3. Proposal

The applicant seeks retrospective permission for the erection of a 4 metre high willow fence along the rear of the property.

The fence measures approximately 25 metres in length along the rear boundary of 49 Broughton Avenue and the Windsor Open Space, has a height of 4 metres and is 150mm thick.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

13 responses have been received, comprising 13 letters of objection. 1 objection is made on behalf of the Finchley Society. It is noted that 2 recorded objections (15 in total) appear to be duplicates.

The objections received can be summarised as follows:

- A screen of 4 metres is too high. It is an eyesore and is poorly constructed and the materials are not in keeping with the area.
- Impact on adjacent open space. It blocks light falling on plants and undergrowth in Windsor Open Space. A TPO tree has been affected by the concrete posts. The screen will deter visitors from the park as it is unsightly and foreboding.
- The screen was erected without planning permission and enforcement action needs to be taken.
- The screen is to hide the mobile home which is clearly a second building and is not mobile. The mobile home and screen is detrimental to the character of the area. This has

ruined the view from the park and Broughton Avenue. The mobile home should be considered as part of this application.

- Request this is considered by the Planning Committee.
- Dangerous in high winds
- The garden has been raised by over 1 metre in height to accommodate a trailer and this affects drainage sloping to neighbouring properties.
- The information provided in the application form is incorrect. The applicant does not identify the watercourse and flood risk or damage to the TPO trees. A full survey of the trees should be undertaken.
- The community were not consulted before the works for the mobile home or fence

Internal consultation:

Greenspaces were consulted on the proposal. The advice of the Tree officers was to monitor the tree and require a TPO application for works when this becomes necessary. There was no objection to the application for the retention of the fence.

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 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 2050. 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.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. Trees should be safeguarded. When protected trees are to be felled the Council will require replanting with suitable size and species of tree where appropriate.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- 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 for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Impact on trees and the Windsor Open Space

5.3 Assessment of proposals

The application is for retrospective permission for the erection of a 4 metre high fence along the rear boundary of 49 Broughton Avenue.

The fence is described as a 4 metre high Willow fence. The fence has been erected along the rear boundary with the Windsor Open Space. The height of the fence is 4 metres and therefore requires permission.

Green Spaces and Barnet Street Trees were consulted on the proposal. The fence has been erected in close proximity to the trunk of a TPO tree. The works is within the root zone of the TPO tree within the Windsor Open Space to the rear. Tree officers noted there are no details provided of the methodology for the erection of the fence and it is difficult to determine the extent of any damage.

Concerns have been raised by objectors regarding the materials and appearance of the fence. The fence is visible within the open space and partially visible from the street. The material of the fence is willow and departs from the more traditional fencing styles in the area. However the fence is partially screened by the existing vegetation along the boundary and is not considered to be harmful to the character or appearance of the host property or locality that would warrant a refusal. While higher than generally permitted, this is a rear boundary fence with no immediate neighbours to the rear other than the Open Space. The fence is set away from the walking path by a planted bank. The additional height is not considered to harm users of the park who would view the fence from a distance.

It is noted objections were received in this application regarding the retention and use of the mobile home. The mobile home structure is not part of this application. This application makes no assessment nor infers any permissions on the mobile home. There has been detailed planning enforcement investigation undertaken in response to concerns raised by Members and local residents - which have concluded that, at present, with the exception of the rear boundary fence, the activities taking place on site are deemed lawful.

It is noted that the plans and elevations submitted and level of information provided are rudimentary. Officers have undertaken a site inspection to assess the existing fence and have made an assessment with the information provided. Although minimal, it is not considered the level of information provided is a justifiable reason for refusal.

On balance, it is considered the retention of the fence does not have a harmful impact on the character or appearance of the host property, local park or locality or on the amenities of neighbouring occupiers. It is therefore recommended the retention of the rear boundary fence should be approved.

5.4 Response to Public Consultation

- Visual impacts: discussed above
- Impact on TPOs: discussed above
- Enforcement issues: The mobile home is separate to this application
- Request this is considered by the Planning Committee; Noted.
- Dangerous in high winds: This is not a planning matter.
- Drainage issues: This is not a planning consideration.
- The information provided in the application form is incorrect: The application is considered valid and enough information has been provided to allow the LPA to make a determination.
- Consultation: the LPA have consulted on this proposal. This is a retrospective permission which follows the works occurring. The LPA did not consult on the erection of the mobile home as this was permitted under a LDC where consultation is not required.

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 development 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.

