

Location **31 Cadogan Gardens London N3 2HN**

Reference: **18/3218/RCU** Received: 25th May 2018
Accepted: 30th May 2018

Ward: West Finchley Expiry 25th July 2018

Applicant: Mr Y RAJKOTIA

Proposal: Boundary wall (Retrospective Application)

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:

PL-01 Rev A; PL-02

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 The external faces of the boundary wall hereby approved must be painted white within 3 months of the date of the decision notice.

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 in accordance with Policies 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 186-187, 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.

Officer's Assessment

1. Site Description

The application site is located on the corner of Cadogan Gardens and Strathmore Gardens in the West Finchley ward.

The application property is a two-storey, end-of-terrace, corner residential property with rooms in the roofspace. The application plot is wedge shaped with a frontage of 12m and rear measurement of 9m, the length of the plot is 32m.

The property is not listed and does not fall within a conservation area.

2. Site History

Reference: F/02684/10

Address: 31 Cadogan Gardens, London, N3 2HN

Decision: Approved subject to conditions

Decision Date: 6 September 2010

Description: Two storey side and part single, part two storey rear extension. Single storey detached building in the rear garden. Roof extension including rear dormer window to facilitate loft conversion.

Reference: C16801/06

Address: 31 Cadogan Gardens, London, N3 2HN

Decision: Approved subject to conditions

Decision Date: 31 October 2006

Description: Two-storey extension to side elevation and new entrance porch.

3. Proposal

This application seeks retrospective consent for the erection of new rendered boundary wall to replace wooden fence to the side and rear of the application site.

The new wall measures approximately 2.05m in height, replacing a previous wooden fence of 1.8m height.

4. Public Consultation

Consultation letters were sent to 15 neighbouring properties.
7 objections have been received

The views of the objectors can be summarised as follows;

- Ugly and offensive intrusion
- Contrary to design guidance on walls
- Out of character
- Appearance mars this part of Strathmore Gardens
- Too high
- Eyesore
- Granting permission would set a precedent

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 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.

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.

Supplementary Planning Documents

Design Guidance Note 9: Walls, Fences and Gates.

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.

5.3 Assessment of proposals

This application seeks retrospective consent for the construction of a 2.05m high boundary wall to the side and rear of the application property. The side façade of the new wall faces 32- 22 Strathmore Gardens and the rear element faces on to the flank of 9 Strathmore Gardens. An amended plan has been submitted which confirms that the wall will be painted white.

The adopted Residential Design guidance notes that;

"The permitted height of a means of enclosure is generally 1 metre adjacent to a highway and 2 metres elsewhere. This is the permitted development allowance. Generally, these heights will be appropriate in most suburban situations in Barnet except where the original character of an area is open plan, or where for example the return frontages of a corner property are enclosed up to a height of 2 metres. Boundary materials should reflect those prevailing in the area and the use of hedges and other green boundaries (preferably using native plant species) should not be obtrusive."

Design Guidance Note 9, which provides guidance on the erection of walls, fences and gates focuses on the design and appearance of front boundaries specifically, notes that boundaries should reinforce the prevailing character of the streetscape, especially where a continuous uniform treatment forms a distinctive character.

From conducting the site visit it was noted that there are a range of boundary treatments including low brick walls, wooden fences, green hedges and open frontages. These serve the front of the sites and there is limited visibility of side and rear boundary treatments given the terraced nature of the properties. However, it is noted that 39 Oakland Road has its side flank and side / rear boundary facing the front of the application property; this creates a white rendered frontage to the street, similar to that seen at the application property and therefore it can be considered that the precedent for such development has already been set and this application does not result in development which is out of character with the existing locality.

The Residential Design Guidance states that fronts of houses should generally remain open to view in order to increase natural surveillance to the street and therefore boundaries should be kept low. The existing front boundary of the application property is unchanged and remains low, which the new wall only starting to the side of the application property adjacent to the front door.

In regard to the impact of the new boundary wall on the amenities of neighbouring occupiers it is considered that the wall is sited a sufficient distance away from neighbours not to be harmful to their visual amenity. This will be further preserved once the wall is painted white to match the render on the main house.

The proposals as amended to show the rendered wall painted white are considered to be acceptable. Although timber fences are a more traditional method of enclosing rear

gardens, boundary walls it is considered in this case that the new wall have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is also not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

5.4 Response to Public Consultation

The concerns raised by objectors are noted.

The wall as built measures 2.05m; it is not considered that the additional height over the previous fence is harmful to the character and appearance of the locality. Furthermore, the property opposite the application site has a similar side / rear boundary treatment, exacerbated by the white rendered flank of the property siting hard on the pavement boundary and therefore the proposal is not considered to appear out of character or at odds with the established vernacular for side and rear boundary treatments in this particular area. It is not considered that the retained boundary treatment will give rise to detrimental harm to the amenities of neighbouring occupiers.

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 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 also not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



SITE PLAN (1:1250)