

LOCATION: Service Road between East Walk and Ferney Road,
Barnet, Herts, EN4 8JU

REFERENCE: B/02489/12

Received: 28 June 2012

Accepted: 24 July 2012

WARD(S): Brunswick Park

Expiry: 18 September 2012

Final Revisions:

APPLICANT:

PROPOSAL: Installation of 4no. access gates across the rear service road between East Walk and Ferney Road, with gates located to the rear of Nos. 7/8 East Walk & 6/8 Ferney Road, 25/26 East Walk & 42/44 Ferney Road, 27/28 East Walk & 46/48 Ferney Road, and 65 East Walk/31 Uplands Road

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Two site location plans (dated 4 September 2012) and elevations (received 7 September 2012).

Reason:

For the avoidance of doubt and in the interests of proper planning.

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.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, M11, M12, Design Guidance Note No. 9 - Walls, Fences and Gates.

Core Strategy (Adopted) 2012: CS NPPF, CS5 and CS9.

Development Management Policies (Adopted) 2012: DM01 and DM17.

ii) The proposal is acceptable for the following reason(s):

The proposed development is considered to have an acceptable impact on

the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers, and would not be detrimental to highway safety. This proposal is considered to accord with Council policies and guidance.

2. The applicant must ensure that any equipment associated with the gate operation is located within the site boundaries and does not encroach onto the public highways.
3. The applicant is advised that, prior to the installation of the gates hereby approved, consultation should be undertaken with the relevant Emergency Services.
4. The applicant is advised that permission should be obtained from the relevant land owners or those with a right of way over the land prior to any development taking place.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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".

NPPF retains 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 2011:

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.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, M11, M12, Design Guidance Note No. 9 - Walls, Fences and Gates.

Core Strategy (Adopted September 2012):

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on 11 September 2012. It will be subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS5 and CS9.

Development Management Policies (Adopted September 2012):

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Development Management Policies DPD was adopted by the Council on 11 September 2012. It will be subject to a 6 week period of legal challenge which ends on 30 October 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01 and DM17.

Relevant Planning History: None relevant.

Consultations and Views Expressed:

Neighbours Consulted: 123 Replies: 7 letters of objection and 11 letters of support received.

Neighbours Wishing To Speak: 0

The objections raised may be summarised as follows:

- Wish to continue to access garage without hindrance, proposed gates would stop this and would obstruct access to garage.
- It is illegal to reverse onto a main road, and the gates would force people to do this. The road is not wide enough to turn in.
- The gates would mean people have to exit their vehicles to gain access to the service road, and this would not be safe.
- Opening and closing of gates would result in noise and disturbance to neighbouring occupiers.

- Parking to the front of properties along East Walk and Ferney Road is at a premium. The gates would exacerbate parking problems, as it will discourage garage owners from using their garages.
- Service road has been open to the public for many years and should remain open.
- Gates will restrict the police from patrolling the access road.

The letters of support include the following comments (summarised):

- Gates will improve security to the houses and reduce fly tipping.

Internal /Other Consultations:

Traffic and Development: The proposal is for the installation of 4 gates on the entrances of private service roads between East Walk and Ferney Road. The location of the gates will be on private land. The gates are set back more than one car length from the edge of the carriageway and will open away from the highway, allowing a vehicle to be parked off the highway while the occupant opens or closes the gate. The operation of the gates will not adversely affect the public highway. The applicant must ensure that any gate operation equipment is located within the site boundaries and does not encroach onto the public highways. The applicant should contact the Fire Brigade and London Ambulance Service to discuss their requirements. The Cleansing Department should be consulted regarding impact on refuse collection arrangements. Please note that the applicant will need permission from the land owner and any persons who have a right of way over the access road.

Date of Site Notice: 02 August 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to the service road which runs to the rear of Ferney Road and East Walk. The road is used to access garages which are to the rear of each site.

Proposal:

This application proposes the installation of 4 security gates, to enclose the service road that runs between Ferney Road and East Walk. One gate would be set approximately 45 metres along the service road from Parkside Gardens, to the rear of Nos. 8 East Walk and 8 Ferney Road. One gate would be located to the rear of Nos. 25 East Walk/42 Ferney Road, and would be set back 6 metres from the junction with the access road. Another gate would be located to the rear of Nos. 28 East Walk/48 Ferney Road, and also be set 6 metres back from the junction. The final gate would be set approximately 11 metres from Uplands Road. The proposed gates would be 2 metres in height, and be metal railings. The openings would be a minimum of 3.5 metres wide. The applicant's Design and Access statement confirms that the gates would all open away from the highway.

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

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

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character of the general location in terms of scale, design and impact on neighbouring properties.

Policy DM01 of the Development Management Policies (Adoption version) 2012 states that all development should represent high quality design.

The Council's Design Guidance Note No.9 - Walls, Fences and Gates deals with boundary treatment or means of enclosure around properties. Whilst not directly applicable to the application, the note does state that 'in considering the design and siting of fencing a balance has to be struck between privacy, safety and security on the one hand and aesthetic considerations on the other. The need for security does not outstrip other relevant considerations such as the visual impact and effects on local amenity'. This proposal is considered to strike a balance between the security requirements of the residents and the streetscene of the area. The introduction of the gates is not considered to detract from the quality and character of the locality. The proposed gates would be set back from the main roads, and would not appear clearly visible unless approached head-on along the access road. Given their setback, the proposed gates would not appear as prominent features within the street scene, and would not adversely affect the character or appearance of the area or the wider locality.

The proposed gates would be set back from the highway to enable a vehicle to pull clear of the highway before opening the gates.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Land ownership issues are not a material planning consideration, but are a private matter to be dealt with outside the planning system. Other matters are addressed above.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

It is not considered that the development would have any detrimental impact upon the visual or residential amenities of the neighbouring occupiers or the character and appearance of the area. It is therefore recommended that the application be approved.

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