

**Location** Hendon Park London NW4 2TR

**Reference:** 21/0131/FUL Received: 11th January 2021  
Accepted: 12th January 2021

Ward: West Hendon Expiry 9th March 2021

**Case Officer:** Elizabeth Thomas

Applicant:

Proposal: Installation of fence line along east perimeter of the park

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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:

Site photo with annotation specifying 2.4m high mesh weld fence - Security standard of the of for the fence line - LPS 1175/Issue 7 SR1  
Details document including site photos and map showing location of fencing  
Site photos  
Email from Thaddeus Thomas dated 05/05/2021 showing example fence at Twickenham stadium  
Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) - Writtle Forest Consultancy Queens Gardens, Hendon, London, NW4 2TR. Ref No: 210516. Version 2 as revised and submitted 10.09.2021  
Tree Survey and Tree Constraints Plan Writtle Forest Consultancy Queens Gardens, Hendon, London, NW4 2TR. Ref No: 210516.  
210516/01 RevA

Arboricultural Implication Assessment (AIA) Writtle Forest Consultancy Queens Gardens, Hendon, London, NW4 2TR. Ref No: 210516.

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 development shall be implemented in accordance with the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) An Arboricultural Method Statement and Tree Protection Plan derived from the Arboricultural Implication Assessment Writtle Forest Consultancy Queens Gardens, Hendon, London, NW4 2TR. Ref No: 210516 Version 2 as revised and submitted 10.09.2021

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G5 of the London Plan 2021.

- 4 The materials to be used in the external surfaces of the building(s) shall match those specified within the application documentation specifying mesh fencing of green RAL 6005

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 38-57 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. 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 relates to Hendon Park, a Council owned and maintained public park. The park is bound by residential properties. The site is within close proximity to the Brent Cross shopping centre. There are lines of mature trees that run along the boundaries of the park

### **2. Site History**

W14055C/07

Hendon Park Cafe Queens Road London NW4 2TL

External alterations including addition of new windows and doors. New security shutters. Provision of outdoor seating.

Approved subject to conditions

07.08.2007

W14055D/07

Hendon Park Cafe Queens Road London NW4 2TL

Installation of externally illuminated fascia sign.

Approved subject to conditions

27.02.2008

H/04536/10

Land Adjacent To Hendon Park Cafe, Hendon Park, Queens Road, London, NW4

Use of land as a public car park. Provision of decked area adjacent to the Cafe with associated landscaping.

Refused

23.12.2010

H/00449/11

Land Adjacent To Hendon Park Cafe, Hendon Park, Queens Road, London, NW4

Use of land as a public car park. Provision of decked area adjacent to the Cafe with associated landscaping.

Approve subject to conditions  
22.03.2011

### **3. Proposal**

The application relates to the provision of a new fence along the eastern boundary of the Park towards Queens Gardens and Park View Gardens. The fence will be 2.4m high, and green RAL 6005 in colour. The fence would run for a distance of approximately 450m along this perimeter of the park and sit behind existing boundary fences to the rear of the residential properties. The existing pedestrian access from Park View Gardens will be retained.

### **4. Public Consultation**

Consultation letters were sent to 167 neighbouring properties.

6 responses have been received, comprising 2 letters of objection, 3 letters of support and 1 letter of comment.

The objections received can be summarised as follows:

- Aesthetics. If the fence is taller than our existing fence with some form of spikes/barbed wire it will look very unsightly. The view of the park from our gardens is a huge benefit and undoubtedly a selling point in terms of the value of our houses.
- Gaps. Unless your proposed fence is completely flush with our fence (which I don't think is possible), there will be a gap which, inevitably will become a repository for rubbish and, subsequently, vermin.
- It won't achieve its intended objective as the thefts are occurring to both sides of Park View not just the side backing on to the park or they are coming through side gates. A better solution is needed. Additionally it will be unsightly and concerned vegetation and rubbish will accumulate in between.

The representations received can be summarised as follows:

- Gate to be inserted within mesh fence opposite garden gate to secure property and maintain access.
- Fencing should be higher 3.3m to ensure correct and best level of security.
- The area between the existing fence line and the new mesh fence will need to be maintained by council contractors, e.g. cutting grass, removing weeds, removing fallen leaves in the autumn and, importantly, regularly clearing discarded food and other litter so as prevent it becoming unsightly and, worse, a shelter for vermin. There are already rats in the park (and foxes have been sighted too).

### **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 in 2021. This is a key part of the Government's 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 2021

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.

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

### 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.

### Barnet's Local Plan (Reg 19) 2021

Barnet's Draft Local Plan -Reg 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage

as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan.

## **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**

### Background to the application

The applicants for the application have provided the following justification for the need for the increased security fence at the park. The application has been made in collaboration with the Met Police and they have provided the following statement.

The properties on this road as shown in the ONS have a high burglary rate with over 90 % of the burglaries taking place with access gained via the side and rear.

This application for the fence in the park is part of a wider scheme. The scheme is part of the Homes Office Safer Streets scheme, a funding application for this scheme was made by the Metropolitan Police and Barnet Council and MOPAC with the desired aim of reducing burglary in this area as it suffers such high burglary rates.

A holistic approach was taken to target hardening the homes in this scheme. Within the scheme all the houses that back onto the park have also had visits from the Met police to review their home security, with security hardware on doors and windows (locks and frame improvements) installed where needed, also as part of the scheme side access/gates improved or replaced where required, all at no cost to residents. These elements of the scheme had no implication upon planning thus do not form part of this application.

The park fence is required to ensure that the improvements that have been made are not compromised by the continued security weakness that is the access available from the park.

The met police have stated that In terms of any crime figures that may be presented to you to argue against the need for the fence, the statistics below (contained in the initial application for the fence) are from a prolonged period of time and are truly representative of the issue of burglary in this location. A positive aspect of the lockdowns of the past 18 months has been the drastic reduction in residential burglary across the country for obvious reasons, however as residents use of their homes returns to their pre pandemic patterns I fear unfortunately a return to burglary levels as seen in the previous decade is to be anticipated nationwide. However I believe that this potential fence and other security improvement made will see a marked reduction in the burglary rates of this particular area.

Based on the data available from the Officer of National Statistics (ONS) from Sept 2019, in England the current annual burglary rate is 11.4 per 1000 homes per year and in London this raises to 17.2 per 1000 homes. If this rate continued it would mean that over a 10 year period in London every home would have a 17.2% chance of being burgled, and 11.4% nationally. A search of every reported burglary over the past 10 years (from 15th February 2020) shows that the burglary rate for the decade for this area is 55.26% and in

90.47% of burglaries of these burglaries access was gained from either the side or the rear of the properties.

#### Impact on the character of the area

The application proposes new fencing on the eastern perimeter of the park to provide enhanced security. The proposed fence will be green in colour mesh security fencing at 2.4m high with no harsh toppings. The proposed fencing will run along the same line as the neighbouring boundary fences, but will form an additional level of security in the park. The fence is lightweight in appearance being mesh fencing allowing views through. The type of fencing proposed is typical around premises such as schools and sports stadiums, an example of the type of fencing proposed is evident at Twickenham Stadium. The proposal is 2.4m in height and whilst this is of a greater height than a standard boundary treatment to residential properties, taking into account the use of the site as a park and its lightweight appearance it is not considered that this additional height would be overbearing or visually obtrusive when viewed from the neighbouring residential properties.

#### Impact on the amenities of neighbours

The fencing is proposed at 2.4m in height and runs to the rear of a number of properties whilst the fencing will extend higher than the existing timber fencing which runs along the rear boundary, the additional height is not considered to result in harm to the neighbouring amenities. The fence being mesh will allow light through into the rear garden space of the neighbouring residential properties. The proposal is such that the design would not result in a loss of outlook and would not impact on privacy or overlooking to the neighbouring occupiers.

#### Access

The proposed fencing will not effect the existing pedestrian entrance to the park with a break in the fence line to maintain appropriate access.

The eastern perimeter of the park benefits from a significant line of mature trees which provides a soft, green appearance along this boundary and it an important feature of the park and the character of the area. As a result, special care has to taken to ensure the trees are not harmed particularly during installation works. A tree survey and method statement was submitted during the life of the application. The tree officer has reviewed the information submitted and is satisfied that in compliance with the submitted tree method statement and tree protection plan that the fence can be installed without causing detrimental harm to the trees along this boundary.

#### **5.4 Response to Public Consultation**

The fence will be unsightly if it is to include spikes or barbed wire at the top, the agent has confirmed no harsh toppings such as spikes or barbed wire are proposed.

One of the attractive parts of the properties is the views into the park - the proposed fencing is mesh fencing which will still allow views through. It should also be noted that the fencing is proposed at 2.4m in height, at this height it is not considered that the fencing would be visually obtrusive.

A number of objectors have raised concerns that as existing they have gates in their existing rear fence line which provides direct access to the park. The agent is advised to

Speak to these householders directly. This would be covered by rights of way/access and would not be a material planning consideration. The agent has advised that the cost of providing additional gates within the proposed fencing is cost prohibitive.

The fence will not prevent crime as people are coming in from the side entrance a better solution is needed - it should be noted that the purpose of this application is to determine the acceptability of the fence as proposed. If other security measures are required these may be subject to a separate application if planning permission is required. The proposals have been proposed in liaison with the Met Police and they are content at the moment that the fence would be a suitable deterrent.

Rubbish will accumulate between the fences - this is acknowledged as a concern but would be a matter of management by the greenspaces team who maintain the park and who are aware of the application 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**

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

