

**Location** **84 Gordon Road London N3 1EP**

**Reference:** **21/3338/FUL** Received: 16th June 2021  
Accepted: 16th June 2021

Ward: West Finchley Expiry 11th August 2021

**Case Officer:** **Andrew Turner**

Applicant: Mr Federico Redin

Proposal: Replacement of the existing roadside boundary fence with a higher fence. New front porch

### **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:

Design and Access Statement

L001

E001/2

E002/2

E003/2

E004

P001/2

P002/2

P003/2

P004/2

P005/2

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 materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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 is located at 84 Gordon Road, N3 1EP, consisting of a two storey semi-detached property which is divided into 2 flats no. 82 and 84 Gordon Road. The property is on the corner of Gordon Road and Grosvenor Road with front amenity space. The area surrounding the site is predominantly residential consisting of blocks of flats, semi detached and terraced properties. The site is located within the West Finchley ward.

The site is not within a conservation area and is not a listed building.

## **2. Site History**

None

## **3. Proposal**

This application seeks consent for replacement of the existing roadside boundary fence with a higher fence and a new front porch.

## **4. Public Consultation**

34 consultation letters were sent to neighbouring properties. 5 objections were received. Summaries were as follows:

Interrupts the uniformity of the front of the property.  
Querying whether freeholder been consulted.  
Concerns over the height of the fence being too tall.  
Front garden not supposed to be private and fenced off.  
Breaches of covenant in erecting a front boundary 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 updated in 2021. 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 2021

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. 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 Draft Local Plan 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.

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. 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

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.

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 the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene.
- Whether harm would be caused to the living conditions of neighbouring residents;

### 5.3 Assessment of proposals

#### Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene

The Council's Residential Design Guidance (2016) states "the design and layout of new development should be informed by the local pattern of development."

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D3 and D5 (both of the London Plan).

The Council's Residential Design Guidance (RDG) SPD 2016 states that the permitted height of a means of enclosure is generally 1 metre adjacent to a highway and 2 metres elsewhere. It is noted the property is a maisonette property with the outdoor amenity space for the upper flat of 84 Gordon Road being to the front of the property facing Grosvenor Road which fronts the highway. The amenity space for the lower flat, no. 82 fronts Gordon Road but that flat also benefits from the rear garden. Initially the fencing was proposed to wrap around the majority of the property along Grosvenor Road and coming up the side elevation along Gordon Road. However, following amendments the fence now comes up to the boundary line with the green screening along Grosvenor Road. It then drops down to 1 metre along the rest of the front boundary. It is acknowledged that ordinarily, boundary treatments of up to 1 metre would be acceptable where they front the highway. However, it is acknowledged that the property only has private amenity space to the front of their property. Therefore, in order to benefit from private amenity space, screening would be needed along the front boundary of the property. Given the property is on the corner of the street any fencing will be prominent. However, fencing has been kept to a minimum with the recognition that a lot the boundary is screened effectively through planting which has a softer aesthetic and lesser impact on the character of the street scene which is characterised by front boundary treatments which are lower in height or made up of greenery. The current revision being proposed is seen as having an acceptable impact on the character of the street scene given the constraints of the property and its amenity space and its setting and is considered compliant with DM01.

The porch is proposed to be 2.22 metres in width and 1.35 metres in depth. It is noted that this is 3 sq. m. in size. The proposed height is 2.98 metres and is not within 2 metres of the boundary. Therefore it meets the requirements of permitted development and were it a single family dwelling house would have this as a fallback position. Owing to its siting, size, design and roof form, the proposed porch is considered to be subordinate in its size to the main dwelling and is not considered out of character with other porches along the rest of the street and is considered compliant with DM01.

#### Whether harm would be caused to the living conditions of neighbouring residents

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Due to its siting, the height of the boundary fencing will not have any additional impact on the amenity of neighbouring properties.

The porch benefits from permitted development and had this as a fallback position were it a single family dwelling. Owing to its siting, size, design and roof form, the proposed porch is considered to be subordinate in its size to the main dwelling and is not considered to cause any material harm to the amenities of neighbouring properties and is considered compliant with DM01.

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

Interrupts the uniformity of the front of the property.

Response: the proposed porch is considered subordinate and the fence has been reduced in size to reduce the impact. The private amenity space needs outweigh the uniformity in this instance.

Querying whether freeholder been consulted.

Response: A certificate B was issued on a number of interested parties and they state they have served all interested parties. Therefore this is considered adequate in this regard.

Concerns over the height of the fence being too tall.

Response: this was taken into account and the fence reduced in width. The remaining 1.8 metre fence is considered to be required to provide private outdoor amenity space for the residents of 84 Gordon Road.

Front garden not supposed to be private and fenced off.

Response: There is no other private outdoor amenity space for no. 84 Gordon Road. Although this may interrupt the character of the street this is an exception owing to its layout and warrants it being acceptable in this instance.

Breaches of covenant in erecting a front boundary fence.

Response: this is not a planning matter.

#### **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 support the Council in meeting its statutory equality responsibilities.

#### **7. Conclusion**

Having taken all material considerations into account, the proposal would not detrimentally impact on the character of this part of the street or the amenities of neighbours and is acceptable.

