

Location **52 Tenterden Grove London NW4 1TH**

Reference: **22/5179/RCU** Received: 21st October 2022
Accepted: 21st October 2022

Ward: Hendon Expiry 16th December 2022

Case Officer: **Radhika Bedi**

Applicant: Mr Hillel Broder

Proposal: Raising of boundary wall piers and insertion of metal railings
(Retrospective Application)

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 Chair (or in their absence the Vice-Chair) 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 Location Plan
Block Plan
Drg No HB/52TG/1 - Tenterden Close Elevation

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 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. 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 a three-storey detached corner dwelling located on Tenterden Grove, the adjacent road being Tenterden Close. The area is characterised by large detached dwellings with amenity space to the front and rear of the properties. Front boundary treatments are typically large pillars featuring metal railings in between.

The property is not listed and does not fall within a conservation area. There is a protected tree sited near the front boundary wall of the property.

2. Site History

Application reference: W14390/08

Address: 50 Tenterden Grove, NW11 1TH

Description: Demolition of existing dwelling and erection of 2, two storey detached houses with rooms in basement and roof space. Provision of off-street car parking.

Decision: Approved, subject to conditions

Decision date: 24.04.2008

Application reference: H/03715/11

Address: 50 Tenterden Grove, NW11 1TH

Description: Submission of details of conditions 4 (levels), 5 (Materials), 6 (Means of Enclosure), 7 (Refuse), 11 (Cycle Stores), 20 (Privacy Screens), 21 (Landscaping Screen)
Pursuant to planning permission W14390/E/08 dated 28/4/08
Decision: Approved
Decision date: 31.10.2011

3. Proposal

The application seeks planning permission for the raising of boundary wall piers and insertion of metal railings (Retrospective Application).

The side boundary wall originally comprised a brick wall, stepped to reflect the fall in levels towards the rear of the site. The existing piers are shown to have been progressively raised along the side elevation adjacent to Tenterden Close, along with the erection of metal railings between the piers. This is a retrospective application in which the proposed works have already been built.

4. Public Consultation

Consultation letters were sent to 29 neighbouring properties.

6 objections were received throughout the lifetime of this application, the main points for consideration are:

Breach of planning regulations, loss of outlook, poor design of metal bars, reduce value of neighbouring property, excessive height, loss of local character.

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 revised National Planning Policy Framework (NPPF) was published on 20th July 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, 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 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, CS4, CS5,

Relevant Development Management Policies: DM01.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents 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 and the stage that it has reached.

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.

5.3 Assessment

Character

Any proposed 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, CS5 (both of the Barnet Local Plan), D3 (both of the London Plan).

Proposals for new or replacement fences, walls or other means of enclosure will be considered in terms of their impact on residential amenity, highway safety and in particular the visual character of the surrounding area. Domestic means of enclosure are a prominent feature within residential streets. They define residential boundaries and contribute to the quality and character of the street scene. Where there is a distinctive type of frontage in a residential area, including an open frontage, it will be desirable to keep and reinforce this type of boundary treatment in new development. Any development proposal should as far as practicable retain as much as possible of existing characteristic boundary treatments and/or re-create the predominant type of boundary treatment.

This application was consulted with the highways officer, who stated that they did not object to the proposal on the grounds that 'The proposal only extends existing fencing rather than creating new boundary walls, as well as not directly facing a highway, although being adjacent to Tenterden Close.

Many of the neighbouring properties feature boundary walls and metal railing fencing in between, as such, the proposal is considered to be acceptable by way of character. Although the height of the boundary wall is progressively raised higher along Tenterden Close, this is not visually obtrusive due to the wall being broken up into sections of railings and piers. The design and siting of the boundary wall is considered to be appropriate given its location. It is recognised that the previous wall, given the fall in levels, did not provide a secure boundary to the property.

Residential Amenities

The proposal is not considered to have any impact on the living conditions of neighbouring properties, being sited near Tenterden Close. Although visible from residents in Tenterden Close, the railings provide an element of visual transparency, enabling natural surveillance as well as avoiding creating a sense of enclosure. The original boundary feature was similar in appearance, it is just the height that has been increased with the addition of higher piers and railings. The proposal is not considered to result in an unacceptable loss

of outlook due to the fractured nature of the railings and piers.

The protected tree near to the site lies on the front elevation of the host dwelling, and does not interact with this development, as such, there would be no need for mitigating conditions in this regard.

Highways Officers recommended approval, citing no concerns due to the basis of this development being simply the raising of existing boundary walls and fencing.

Therefore, it is considered that the development as existing has an acceptable impact on the residential amenity of neighbouring occupiers and its impact to character, appearance and the street scene are minimal and therefore acceptable.

5.4 Response to Public Consultation

Key planning considerations have been addressed within the body of the report.

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.

