

# **IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT, 1990  
(as amended by the Planning and Compensation Action, 1991)**

## **ENFORCEMENT NOTICE**

**ENF/1016/21**

ISSUED BY THE Council of the London Borough of Barnet ("the Council")

- 1. THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important addition information.

- 2. THE LAND TO WHICH THIS NOTICE RELATES**

Land at 18 Underne Avenue London N14 7NE, shown edged and coloured green on the attached plan (hereinafter called "the Property").

- 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without Planning Permission: the erection of a single storey rear extension with associated raised patio and steps (edged in red in the attached images); The erection of a wall adjoining the single storey rear extension built on top of the raised patio to a total height exceeding 2 metres (edged in yellow in the attached images); The raising of the level of the rear garden, (edged in blue in the attached images) and; The erection of boundary fencing (with 20 Underne) that exceeds 2 metres in height.

- 4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years.

- 1 The existing single storey rear extension by virtue of its height, size, siting, design and excessive rearward projection is overbearing and visually obtrusive, resulting in serious loss of light, outlook and increased sense of enclosure detrimental to the visual and residential amenities of the neighbouring occupiers of 16 Underne Avenue contrary to Policies CS1 and CS5 of Barnet's Adopted Core Strategy DPD (2012); Policies DM01 of the Adopted Development Management Policies DPD (2012) and the LB Barnet: Residential Design Guidance SPD (2016)
- 2 The existing raised patio, associated steps and retaining wall, by reason of their height, siting and rearward projection, results in overlooking and loss of privacy detrimental to the amenities of the occupiers of neighbouring residents at Nos 16 and 20 Underne Avenue. The development is therefore contrary to policies D3 of the London Plan 2021, CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).
- 3 The raised level of the rear garden by reason of its excessive height constitutes an incongruous addition which subsumes its character and appearance, to the detriment of the character and appearance of the existing dwellinghouse and the general locality. It is also visually obtrusive to the occupiers of the neighbouring occupiers, contrary to policy DM01 of the Development Management Policies DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2016). Also, contrary to policy D3 of the London Plan 2021.
- 4 The boundary fence with the neighbouring property of 20 Underne, which is in excess of two metres by reason of its height and siting, represents a dominant and incongruous addition to the property which is out of keeping with the established character and appearance of the local area. The development is therefore found to be unacceptable and contrary to policies D1 and D4 of The London Plan (2021), policy CS5 of the Barnet Core Strategy (2012), policy DM01, DM02 and DM06 of the Barnet Development Management Policies document (2012) and the Residential Design Guidance (2016).

## **5. WHAT YOU ARE REQUIRED TO DO**

- 1 Demolish the existing single storey rear extension and raised patio terrace with associated steps. This includes the wall erected upon the patio to the side of the patio, neighbouring the property of 20 Underne Avenue.
- 2 Return the level of the garden to that which existed prior to the breach of planning control by:

- a) On the North East boundary reduce the levels of the garden to match that on the adjacent land at number 16 Underne.
  - b) On the North West boundary reduce the levels of the garden to no more than 30 cm higher than the adjacent land at number 20 Underne.
  - c) Ensure that there is a smooth gradient between the two boundaries.
- 3 Reduce the height of the boundary fencing with No. 20 Underne to 2 metres in height.
  - 4 Permanently remove from the property; of all constituent materials resulting from the works in 1, 2 and 3 above.

## **6. TIME FOR COMPLIANCE**

6 Months after this notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 23rd November 2022, unless an appeal is made against it beforehand.

DATED: 12th October 2022

Signed:



**Fabien Gaudin**  
**Service Director – Planning and Building Control**

2 Bristol Avenue, Colindale, London, NW9 4EW

## ANNEX

### YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Secretary of State **before** 23rd November 2022. The enclosed information sheet from The Planning Inspectorate explains the appeal process and advises on appeal-making procedures. Read it carefully.

### WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 23rd November 2022 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.