

DESIGN AND ACCESS STATEMENT

For the Proposed

BOUNDARY FENCE WALL, RAILINGS AND NEW
GATES

For JUST HOUSE

In Coopers Lane/Wells Road

Undertaken on behalf of Mr & Mrs Georgiou

Eve Tudor Associates
1 Kingston Road
Barnet
EN4 8BN

Tel: 07775 615372
Email: evetudor@btconnect.com
Date: 26th August 2019

1. This is a Design & Access statement in support of the new of the Planning Application for “THE INSTALLATION OF A FRONT GARDEN DWARF WALL WITH STEEL RAILINGS AND ELECTRIC GATES, INCLUDING THE RELOCATION OF THE TWO (2) EXISTING ENTRANCES TO THE HOUSE AND EXISTING DROP KERBS”.
2. This statement provides details of the design approach taken and remedying the existing concerns of entering and exiting the forecourt of the property.
3. The application site is within the Green Belt and is at the corner with Coopers Lane and Judges Hill with Well Road. In this particular junction there are only three properties which are all detached; Jupiter house opposite and Spinney Cottage which is adjacent in Well Road.
4. To the west of the site is Leggatts Park Farm, to the north is Spinney Cottage and to the south is Northaw Place. To the east however is Wells Road which at this point merges with Judges Hill and both merge with Coopers Lane.
5. These roads are fairly busy roads, especially in the morning and late afternoon. These roads only have vehicular traffic and occasionally on Sunday may have some leisure bicycle traffic. They do not have any pedestrian traffic, especially Well Road. I expect this is the reason why in Well Road the Highway Agency and the Local Authority have not invested in any form of pavements.
6. Upon inspecting traffic movement around these properties, the flow of traffic is within a single lane in either direction, it becomes obvious that any parking on the road does create a hazard and problems to other drivers. There is literally nowhere to park for any visitors, as seen in the photographs below. It is important therefore to create as much off-street parking as possible.

The care the Local Authority and Highways have for pedestrians is displayed very clearly outside my clients’ property, as it can be seen in the photograph below.





How on earth can pedestrians walk beside the road on muddy uneven ground when it is full of bushes and nettles. Do they really expect this? It simply suits them to make this their excuse for refusal.

7. My clients have a family of four grown up children who often visit them with their grandchildren. So far they have been parking in Well Road as close to the fence as possible. This of course is far from ideal as getting out of the cars with their grandchildren who vary in age from babies to 10 year olds is dangerous as cars travelling from Coopers Lane into Well Road are fairly fast. The speed limit is unfortunately 40 mph. This is the speed limit on dual carriageways such as for example the A10 and some sections of the A406. One must also take into consideration that many drivers do not adhere to the speed limit and therefore are driving considerably faster, and it is also dangerous for children who might chase their ball having kicked it out of the garden. The gates are important.

Why does the Highways Department allow this kind of speed in this rural, residential area? Is it not safer to be 30 mph? I would advise the Highway Department to consider this carefully as these speeds with hedges forming blind spots are not well thought out. It is obvious that they use policies as a guide rather than factual experience.

8. When my clients purchased the house there was a small forecourt where they did park their cars as there was no garage. The forecourt could only accommodate for two to three cars. The car port that already existed was very small to park a car in. Whenever their children with their own children came, which is at least every Sunday, then everybody parked as close to the fence as possible in Well Road. Absolutely not ideal and indeed dangerous. This was the reason for the works that they have undertaken to build the garage, for which my clients have already received planning permission, and has already been implemented, but they need to alter the forecourts entrance and exit to make the property safe for their children to enter and exit by car,

the safety of their grandchildren, as well as to avoid the continuous innocent trespassing that is constantly taking place.

The proposal which will retain the character of the existing building and also retain the existing trees and bushes of the residence, will complement the street scene and improve the character of the area.

9. Both planning applications that my clients have made for the boundary treatment have been refused for the same reasons as below.
 1. The proposed boundary treatment and gates would represent inappropriate development in the Green Belt and would result in a significant loss of Green Belt openness. No very special circumstances exist to clearly outweigh this harm. Also, the proposal, by reason of its siting, height and span, would fail to respect or relate to the existing character and visual amenity of the immediate locality. This fencing therefore fails as a minimum to maintain the character of the existing area. Consequently, the proposed development fails to accord with Policies GBSP1, D1 and D2 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005, Policy SADM34 of the Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework 2018.
 2. The proposed gates and accesses, by reason of the siting and location, would adversely affect the safety of traffic in the adjoining public highway. Furthermore, the proposal would result in substandard pedestrian visibility splays and would not meet the minimum standard of 2.4m x 66m. The proposal is therefore contrary to the National Planning Policy Framework 2018 and Policies D1 and D5 of the Welwyn Hatfield District Plan 2005 and Policy SADM2 of the Draft Local Plan Proposed Submission 2016.
10. This section considers the planning issues highlighted in previous planning refusals and demonstrate with references to relevant material considerations that permission should be granted. The Local Authority's reason for refusal claim that the proposed boundary treatment ie. The design, height, span and siting of the railings and gates would result in a loss of openness and visual permeability of the Green Belt and would fail to adequately respect or relate to the existing character and visual amenity of the immediate locality.
11. The purpose of the Green Belt as set out by the London Green Belt Council in the National Planning Policy is "Green Belt exist to provide open space and to prevent urban sprawl The green belt is intended to check further growth of large built-up areas (sprawl), to prevent neighbouring towns from merging into one another and to preserve the special character of towns." The previous two planning applications my clients submitted followed these guidelines correctly.
12. With regards to this planning application for boundary fence wall my clients have endeavoured to follow the guideline of the pre-application advice Ref: 6/2017/2360?PA issued on the 20th November 2017 and the comments of the Planning Officer Mr Richard Sakyi during my client's meeting after the first refusal, and

reduced the height of the gates to what was advised by Mr Sakyi and ensure that the existing bushes are maintained plus introduce further boundary planting.

13. Although each case is looked at on its own merits one cannot detach this case completely from what already exists in the Green Belt, especially in Welwyn and Hatfield, in Potters Bar, and Northaw and specifically in Coopers Lane as this property is in Coopers Lane.
14. Considerable effort has been made to put forward a proposal that would complement the design, character and appearance of other boundary treatment in the area, as recommended from the initial enquiries by various planning officers, pre-application advice and the two planning refusals.
15. The design, positioning, spacing, massing and scale of the proposal was based not only on current policies, but also on other designs in the local area in the Green Belt, to ensure that it did not only respect the host building, but the unique blend of designs of dwellings and boundary treatments in the local area, and specifically within the Green Belt. The established pattern of designs in the surrounding area ensures that the unique design, its height, mass and bulk of the proposal appears subordinate to the overall view of the existing building.
16. Due to the location of the proposal, its design has been tailored not to have an adverse visual impact on the street scene and will not result in any adverse visual impact on the character of the house; unlike some of the boundary treatments which have already been approved in the local Green Belt area by the Local Authority. This is very obvious from the accompanying photographs in APPENDICES F, G, H and J. One cannot but be appalled by what the Local Authority has approved.
17. The Local Authority refused the previous applications with a catalogue of planning policies which have absolutely nothing to do with these applications. In searching through the endless policies I have struggled to find some specific policy that relates to the previous applications. Policies were highlighted simply because these included the words such as "Design" and "Boundary treatment".
18. On receipt of the decision from the Local Authority, my clients were extremely surprised and upset as any reasonable couple would be. They had applied for NOTHING MORE, than what has already been approved throughout the Green Belt in the local area in hundreds of cases and much consultation with local Duty Planning Officers, and the pre-application, planning application.

This is what encouraged them to make the planning application to secure their home for their four children and six grandchildren. Their home, which the whole extended family love, is located in an awkward, busy with traffic and dangerous corner.

They wanted to make their home safe. In the recent past they have had many trespassers; from simply people driving into their drive to ask directions, to others mistaking their property for another as there are no numbers in the street, to bicycle riders who had accidents outside, because of the dangerous corner outside, and needed to telephone an ambulance. There is no mobile telephone signal in the

locality, it is very weak or none existent depending on the mobile provider; of course they didn't mind that occasion. The most bizarre occasion was when at about 10 o'clock in the evening, my client was in his study which is facing the front garden, and a horse galloped in the front garden and started neighing as the horse felt enclosed and frightened. As soon as my clients turned the garden lights on it galloped out disappearing into the darkness of Well Road as there are no street lights. Again on another occasion my client was at his desk in his study working when about 7 o'clock in the evening somebody was knocking on the study window. The unfortunate thing was that it happened in the winter when it gets dark early. He was startled and momentarily shocked! Fortunately it was an elderly gentleman who was looking for Northaw Place. This kind of incidents take place fairly often. Nobody would be happy with this type of intrusion.

19. Initially my client endeavored through the Local Authority's website to find some guidance on the Local Authority's views, and policy on boundary front walls and railings. This was not very successful as every one of the three Duty Planning Officers my clients spoke to, simply said there were no specific policies and they suggested that my clients should go out and look at what has already been agreed by the Local Authority in the area. My clients did exactly that.

From the internet my clients down-loaded the extent of the Green Belt as it is Indicated on Drg. No. AR/A3/100 (APPENDIX A) and the extent of the Green Belt in the local area to the property AR/A3/101 (APPENDIX B)

20. Initially my clients prepared drawings for a new detached garage and a new boundary fence wall about 1metre height with railings of 1-1.5metres above that.

My client made an appointment with a Duty Planning Officer, who unfortunately made no real comments. She avoided commitment. She simply suggested that a pre-application advice application is made, which would require the planning office to investigate and consider the proposal. Some minor changes were made which the Duty Planning officer suggested, and a pre-application advice application was made on the 12th October 2017, indicating that the boundary wall will be constructed with a 1 metre brick wall and between 1-1.5metres above the wall of metal railings. For the gates there were 2 metre high brick piers and at the highest point 3 metre high gates on the front boundary of the plot.

21. The response was:

"The changes suggested in order to increase the likelihood of planning permission and being granted comprise:

- a) Subject to Highways concern being overcome, you may be able to erect brick/stone/concrete pillars for the iron (railings) gate (entrance) at height no more than 1.5 metres.
- b) Railings (1.5 high max.) may be used instead of brick wall to minimize any visual impact and to allow for the hedges to be planted to add to the existing vegetation retained.

22. On receiving the first planning refusal, my client telephoned Richard Sakyi, the planning officer who dealt with the planning application. He was kind enough to agree to see my client.

When my client saw him in the planning office, he made it clear that the reasons for the refusal were threefold:

- a) The gates were too high
- b) The railings on the front boundary were prominent and
- c) He suggested I spoke to Highways to attempt to resolve their concerns. He gave me the name of the Highways officer Miss Ania Jakacka and her telephone number. Before the meeting finished my client made a further appointment to see Richard Sakyi on the 11th October to show him some revised designs. Subsequently my client telephoned Ania Jakacka to see her on the 25th October to discuss Highways objections and show her possible ways to overcome these.

23. On the 11th October my client met again with Richard Sakyi as agreed in the Local Authority's Planning office. My client showed him the revised boundary elevations where my client had reduced the height of the gates from 3.5metres to 2.6metres and increased the planting to the railings by introducing evergreen climbers such as jasmine, honeysuckle and clematis of various colours. Mr Sakyi was happy with the revisions, as long as the Highways are satisfied.

24. My client met Ania Jakacka, Highways' case officer in their offices as agreed on the 28th October and went through their main concerns. These were twofold:

- a) That in entering the property a vehicle would need to project into the Highway until the gates opened. This she considered dangerous and
- b) That my client wanted to introduce a new entry point into the forecourt.

My client explained to Ms Jakacka that it would not be necessary for a vehicle to project into the highway as with today's technology it is very possible to open the gates using a remote control from quite a distance away, so that when one arrives with a vehicle at the gate, it would already be open, and one simply drives in.

My client further showed her, and gave her a copy of a document for a remote control gate opening using a telephone, (SEE APPENDIX E) which today's technology allows this to be carried out hands free, and absolutely legal. My client explained that most cars have hand free telephoning as his car, has and it was 10 years old. Nowadays most cars even the least expensive have hands free telephoning.

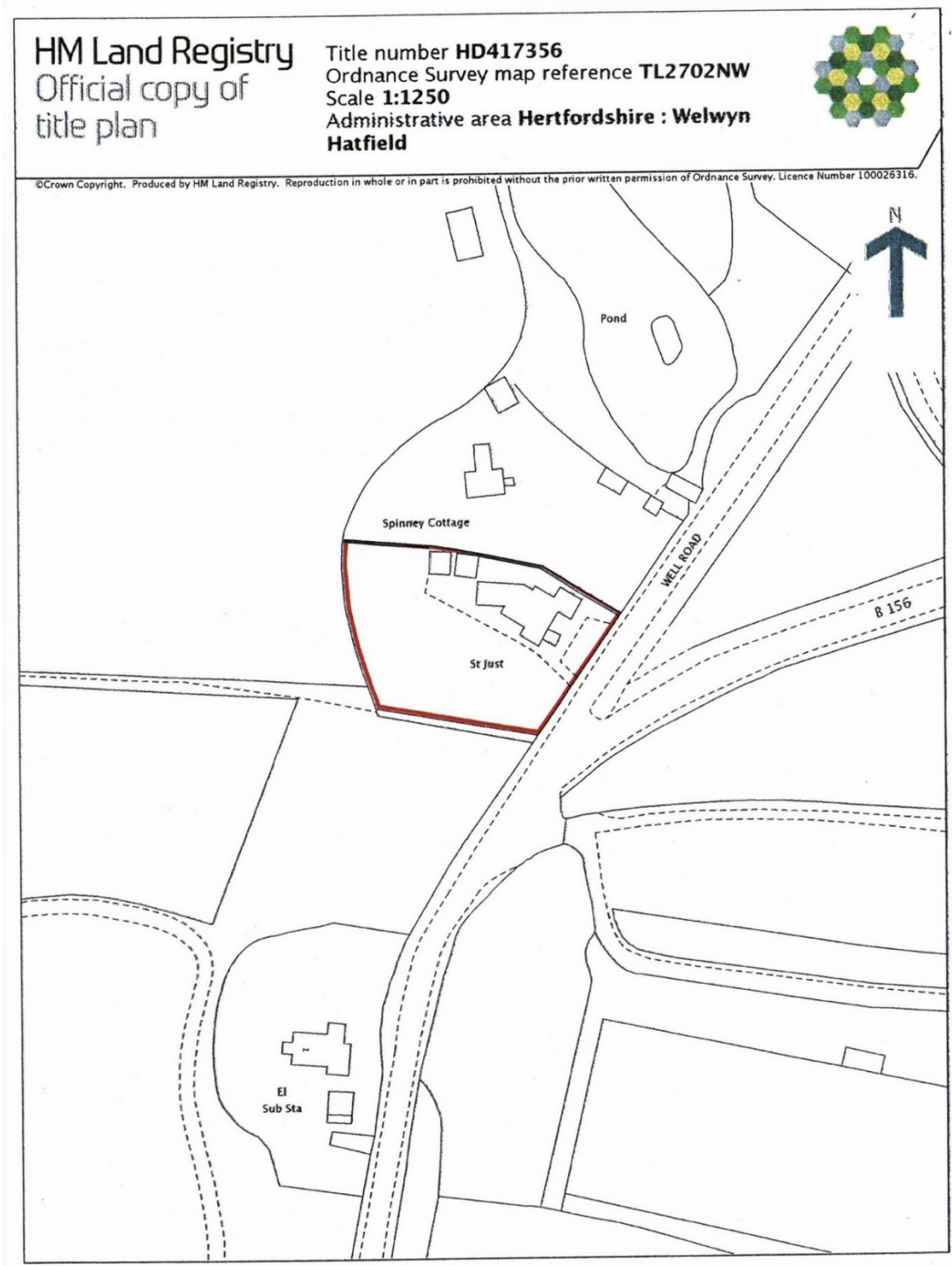
She was extremely surprised and she promised to discussed it with her manager and let my client know. She never did! She never contacted my client again!

With regards to Highways second concern my client explained that the second entry point to the property existed; it was not a new proposed entry. She asked my client to provide her with documentary evidence that shows the second entrance to the forecourt of the house existed. She promised my client that one's she received the

documentation confirming the second entrance, she would discuss everything with her manager and then contact my client.

The same day my clients send her an email enclosing a) The land registry plan and b) The Thames Water Drainage plan. Both clearly showed the two entrances to the property. (See the following drawings).

SHE NEVER RESPONDED!



**Residential CON29DW Drainage & Water Search Sewer Map-DWS/DWS
Standard/2017_3590027**



The width of the displayed area is 200m

The position of the apparatus shown on this plan is given without obligation and warranty, and the accuracy cannot be guaranteed. Service pipes are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Thames Water for any error or omission. The actual position of mains and services must be verified and established on site before any works are undertaken.

Based on the Ordnance Survey Map with the Sanction of the controller of H.M. Stationery Office, License no. 100019345 Crown Copyright Reserved.

25. On the 14th February 2019 my client re-submitted planning application No. 6/2019/0276/HOUSE for “The erection of front garden dwarf wall with steel railings and electric gates and installation of two new accesses following removal of existing”. (THIS WAS ACTUALLY JUST MOVING THE TWO EXISTING OPENINGS TO THE PROPERTY VERY LITTLE TO ENABLE MORE OFF-STREET PARKING AND MAKE IT SAFER FOR THEIR CHILDREN AND GRANDCHILDREN).

With regards to moving the two existing accesses to the property, this has never been an issue to either the planning or highway office. The Highways are simply concerned

with the installation of the gates. They simply consider that if a vehicle needs to wait in the highway for a gate to open it is dangerous to other vehicles on the highway. This has been proven unnecessary and therefore unfounded.

26. I consider their concerns unreasonable. Obviously their concerns are for vehicles approaching the property from either Well Road or Coopers Lane. If a vehicle is approaching the property from Well Road in a southerly direction the entrance to the property is visible as soon as the approaching vehicle turns the corner, which is 130metres from the entrance. The vehicles are travelling on the opposite side of the road to where the gates are and therefore the visibility splay does not affect the visibility of a vehicle exiting the property. If the approaching vehicle is coming from Coopers Lane, in a northerly direction, the vehicle driver will have sight of any vehicle entering the property 110 metres away. It is obvious that the planning and Highway offices consider this to be dangerous. IS IT? I STRONGLY DISAGREE!
27. The speed limit in both Coopers Lane and Wells Road is unfortunately 40mph. However in the Highway Code, page 42 and 43 (SEE APPENDIX D) it clearly indicates that the recommended distance for stopping at 40mph is 12metres thinking distance and 24metres breaking distance. A total of 36metres. In both directions the distance of visibility of the entrance is far further than it is required by law. Therefore it is neither Inconvenient or Dangerous to any approaching driver.
28. If I am allowed to indulge for a moment, it is in the Highway Code, pages 42 and 43, (See APPENDIX D) even if a vehicle is approaching at 70mph (the motorway speed limit) the total stopping distance is 96 metres. Even at that speed no driver will be neither inconvenienced or endangered. PLEASE LET'S NOT CREATE SOMETHING OUT OF NOTHING. I am sure the Highways Officers are fully aware of the above statistics.
29. What is amazing and baffling is that The Planning and Highways Offices have a) no concerns for the major problem which countless large vans and articulated lorries cause in Coopers Lane not far from Just House, in the industrial estate, still in the Green Belt. A large number of lorries enter and exit the site countless times during the day blocking the highway. It is incredibly disruptive to both pedestrians and private vehicles alike. It is so disruptive it often causes traffic jams. It is in fact exceptionally dangerous. Nor b) the constant flooding that takes place in Coopers Lane between the entrance to Northaw Place and Just House. The flooding is at least 200mm above the pavement that exists in that section of Coopers Lane. Is that safe and convenient for any pedestrians or cyclists when cars and lorries are travelling at 40 mph? My clients informed Highways several times about the flooding, as other residents must have done, BUT NOTHING HAS HAPPENED YET, SINCE MY CLIENTS MOVED INTO THE PROPERTY TWO YEARS AGO. The Highways have just put a warning sign for "Flooding" which is there permanently. See the following photographs.



30. If you are travelling in a northerly direction, from Potters Bar and you find the lights green, as the vehicle turns the bend, because of the public house hiding the highway behind it, a blind spot is created and a driver will suddenly be confronted with a mountain of articulated lorries. (SEE PHOTOGRAPHS 27 and 28 APPENDIX F).
31. This is what is DANGEROUS! In my opinion these lorries are extremely dangerous as they constantly park in the road very close to the traffic lights adjacent to "The Chequers" public house. How is this allowed? Perhaps the revenue from the

industrial estate stops the Planning Office and Highways from considering the DANGER and inconvenience these large articulated lorries pose to the public!!!

32. Yet both the Planning and Highway offices find unacceptable the entering of a single small vehicle once or twice a day into a property where it can be extremely clearly seen from a very long distance, far more than it is required by law.
33. The other concern Highways have is exiting the property. They have quoted the minimum standard pedestrian visibility splay of 2.4m x 66m. This is not practiced as can be seen in the many photographs throughout the borough. You do not need to go far; Coopers Lane has many examples. (See APPENDIX F).
34. What is being used by some of the more conscientious residents and obviously dealt with the problem of visibility is convex mirrors. This can be seen in photograph 26 in APPENDIX F and is used in Jupiter House, opposite Just House. What is overlooked by the Highways Agency is that a visibility splay of 2.4m x 66m will also do is to remove a great deal of the boundary hedges and general planting which the Planning office are attempting to retain in the Green Belt. My clients prefer to use technology to overcome the visibility splay requirements as the more planting they use on the boundary the better the sound-proofing between the many vehicles on the highway and their home. The visibility splays demanded by the Highways Agency is neither ideal nor needed this day and age when other methods are available to achieve the same safety to the pedestrians (which do not exist in front of the property) and traffic on the highway.
35. The photographs below show what existed at the property for many years. Where are the visibility splays?





Do the properties in Appendix F, photographs 7,8,10,11 and 14 in Coopers Lane or the property in photograph 32 in Northaw Road offer a visibility splay?

36. Furthermore the existing visibility splay from both entrance/exits to the property was completely blocked by 3m high hedges; yet this was not even mentioned even though the planning officers did visit the house to see for themselves. My clients did thin the hedging out a little to provide better visibility.
37. Convex mirror and flushing amber light has been proposed at the time when a vehicle is exiting the property to warn any approaching traffic and pedestrians?, such as what is used by other properties in Coopers Lane such as "The Grange" (see photograph 7 in APPENDIX F) and others throughout the Green Belt.
38. The installation of a directional camera, which will be wirelessly linked to the exiting vehicles screen has also been proposed to the highway agency, if it was considered necessary. Exiting the property does not have to be a problem! Technology, especially these days can solve all concerns. Any other suggestion will be welcomed and undertaken.
39. An important point to consider is that Highways have not made any provision for pedestrians. It is simply a strip of muddy ground which is not used by pedestrians and many residents in the area have actually planted this strip outside their homes. Such as can be seen in Appendix F Coopers Lane photographs 4,5,6,18 and 26. In Appendix G, Kentish Lane photographs 5,7 and 8, Appendix J, Waggon Road photographs 1,4 and 5 and Appendix K, Cockfosters Road photographs 1 and 2. No pavement has been provided by the Highway Agency. Is it perhaps because it is simply not required or are they failing their Duty of Care?
40. In the refusal the Planning Office claims that the design, height, span and siting of the proposed railings and gates would result in a loss of openness and visual permeability

of the Green Belt and fail to adequately respect or relate to the existing character and visual amenity of the immediate locality.

41. The normal terminology used by planning officers if they want to refuse a planning application is "IT IS NOT CONGRUOUS TO THE STREET SCENE"; it covers all excuses they wish to make. In this particular case, however, the street scene phraseology could not be used due to the much variety of boundary front walls and railings that exist in Coopers Lane. Therefore they chose another general phraseology "IMMEDIATE LOCALITY". Does it really mean that the boundary treatment of this property has to match the one next door, or opposite? What a sad world it would be when the whole of the Green Belt are replicas of their next door neighbours; It simply doesn't make sense! I would have thought "immediate locality" means any property in Coopers Lane! Is that not immediate enough?
42. We know this is not true by simply driving through Coopers Lane and other local areas in the Green Belt. In APPENDIX F it is clearly shown that there is a large variety of boundary treatments in Coopers Lane, as well as in many locations in the locality in the Green Belt. These vary from 4m. high hedges, to 3m. brick walls, to 2m. high timber fences and 1.5m. high steel railings and timber fences up to 1.8m. high.
43. In APPENDICES G, H and K one can see a range of boundary treatments in the local area in the Green Belt, which have been marked on the map DRG. No AR/A3/101 APPENDIX B. APPENDIX J, Waggon Road whilst at the edge of the Green Belt is not shown on the above Drg. No. AR/A3/101.
44. Driving in the area it isn't difficult to see that boundary treatment of properties in the Green Belt is not a specific policy which the local authority and its officers follow. It varies so much within all different areas which forces one to think that its planning policy on the Green Belt depends on the mood of the planning officer. It is no wonder that when my client spoke to three planning officers on three different occasions, they more or less simply shrug their shoulders and simply said that there was no specific planning policy and advised him to look at what existed, what has already been allowed in the area.
45. My clients did, and the results are shown in the many photographs included in this Design & Access Statement to substantiate their concerns and comments.

The photographs clearly show that the Green Belt planning policies are not set in stone, nothing is concrete. The Green Belt policy is flexible depending on the mood of the planning officers which occasionally.

46. It should also be noted that opposite the house are two properties, both of which have railings – Northaw House and Jupiter House – as shown in APPENDIX F 22,23,24, 25 . Therefore metal railings are used in the near proximity of this property. I believe the design of the railings in this application is far higher.
47. The Planning office constantly refer to the Green Belt as basically NO GO AREA for anything but, from the many photographs that have included in the Appendices F,G

and H, it is not true. What exactly are my clients proposing that is any different to what has already been approved in the Green Belt?

48. In fact it is an extremely well designed boundary fence which would blend and improve and enhance the design ethos of the area. Is the Green Belt so fragile that it would be eroded by the well-designed railings of a single dwelling? I emphatically say NO!!!
49. As it can be seen in many of the photographs where brick walls or timber fences have been used, these in my opinion are ugly and should not be used in the Green Belt. These are the boundary treatment that the planning officers must be referring to when they are describing as “would result in a loss of openness and visual permeability of the Green Belt and fail to adequately respect or relate to the existing character and visual amenity of the immediate locality”. You cannot see through brick walls and timber fences; it is dangerous. What does Highways have to say about this? However railings that are incorporated with hedges, in due course due to the 100mm gaps between the rails, the hedges will grow through the rails and their visual impact is greatly diminished, unlike brick walls and timber fences. The railings at the same time offer the security that residence such as my clients who are in their 70’s need. This can easily be seen in photograph 6 in APPENDIX F, photograph 7 in APPENDIX G, photographs 5 and 6 in APPENDIX H, photographs 1 and 5 in APPENDIX J and photograph 2 in APPENDIX K.
50. Another point to consider is this: The planning office does not want railings or gates, that’s obvious. They want hedges which some properties have up to 4m. high and timber fences. The Highways office want visibility splays of 2.4m.x 66m. What both offices fail to recognize and indeed accept is that 3m-4m hedges BLOCK VISIBILITY COMPLETELY. Railings however, where as in this case use standard manufacturing methods, offer a great deal of visibility between the 100mm. c/cs vertical steels. These are only 12.5mm diameter rods, and of course there were no hedges. As soon as one introduces hedges and other planting , timber fences, or brick walls as already approved, visibility becomes restricted whether you have railings or not. One is forced to use technology to solve the problem.

How can an architect ever satisfy both parties when they have a conflict of interest and neither want to compromise. Technology is the answer! WHERE HAVE I HEARD THIS BEFORE?

It is my humble opinion that the Planning Office and Highways Office should treat all of its residents EQUALLY FAIR.

I respectfully request that the Planning Office grant planning permission for this application.