

Design and Access and Heritage Statement

Site: Fairways, Pine Grove, London N20 8LB

Proposal: The excavation, alteration and raising of ground levels in the rear garden (part retrospective).

1.0 Site location

The application site consists of a two-storey detached Edwardian-style dwellinghouse located on the north east side of Pine Grove.

The property is not statutory listed but is located within the Totteridge Conservation area. The area is made up of larger detached properties in substantial plots, with the application site backing onto to extended open land golf course. Parts of the Conservation Area are covered by an Article 4 Direction taking away permitted development rights. However, the application site is not located within an area where the Article 4 is applicable.

The rear garden is at lower level to the main house.

There are TPO trees along the rear boundary in the rear garden - TRE/BA/20/G12 (1 Oak) and TRE/BA/20/T8 (1 Yew).

2.0 Relevant planning history.

An Enforcement Notice was served 13 December 2023 against; “the excavation, alteration and raising of the ground levels in the rear garden to the property.”

Reason for Issuing the Notice: “The development has resulted in harm to trees, specifically targeting those protected by Tree Preservation Orders TRE/BA/20/G12 (1 Oak) and TRE/BA/20/T8 (1 Yew). If the current soil levels are retained, it will further contribute to the harm inflicted, potentially leading to the loss of trees with special amenity value. Such loss would be detrimental to the character of the area, the preservation of trees with special significance, and the public visual amenity. These consequences directly contradict the National Planning Policy Framework (NPPF), Policy CS5 of the Local Plan Core Strategy (September 2012), and DM01 of the Local Plan Development Management Policies DPD (September 2012).”

Requirements of Notice:

“1 Remove all soil and fill material from the within the root protection area (10 metres) of the impacted trees.

2 Restore rear garden levels to those shown in plan No.19-11_S01 Existing Site Plan submitted with planning application 22/0679/FUL.

3 Ameliorate the now compacted soil situated within the area demarcated in Image 01 in accordance with methods stated in BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations, Section 8.4: Soil compaction and remediation measures.”

An appeal has been against the Notice (appeal ref: 3337384)

3.0 Planning considerations

The Enforcement Notice's sole objection to the existing excavation and raised ground levels was the impact on two protected trees (covered by a TPO).

Therefore, the Council have formally concluded that the works undertaken to change the levels of the rear garden would not result in demonstrable harm to the character and appearance of the conservation area or neighbouring amenity.

The ground (c) appeal of the Enforcement Notice appeal is made on the basis that part of the matters alleged in the Notice do not constitute a breach of planning control.

It is the applicants case that the placing of top soil in parts of the land covered by the Notice does not constitute development requiring planning permission.

The photograph below shows the extent of top soil placed around TRE/BA/20/G12 (1 Oak). This level of soil placement is not considered to be an engineering operation constituting development.



The applicant refers to the plan contained within the Arboricultural Impact Assessment submitted with this statement. It is the appellants case that the soil deposited on the land outside the areas coloured purple would not be sufficient to constitute development. The before and after spot levels on the plan show the varying before and after spot levels.

The Arboricultural Impact Assessment Notice justifies changes to soil levels which would ensure the roots of the protected trees are not negatively impacted.

does not refer to any hardstanding surfacing but if there is any doubt then it is the appellants case the provision of any hard surfacing would constitute permitted development.