



Date: 14th April 2023
Your Ref: APP/X5210/C/23/3317855
Our Refs: EN20/0386
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Dear Sir/Madam,

31 St Mark's Crescent, London, NW1 7TT

Appeal against the Enforcement Notice dated 04/03/23 (EN22/0386) for the erection of a timber entrance gate to front garden

APPEAL BY: MR BEARD

I write in connection to the above referenced appeal.

The Council's case is largely set out in the Officer's delegated report, a copy of which was sent with the appeal questionnaire. In addition to the information sent with the questionnaire, I would be pleased if the Inspector could take into account the following comments before deciding the appeal.

1.0 Summary:

Site Description:

- 1.1** The application site is a three-storey end of terrace dwelling located on the north side of St Mark's Crescent. It lies within a terrace of similar type buildings where the predominant land use is for residential use.
- 1.2** The property is not listed, however, lies within the Primrose Hill Conservation Area, and is identified in the Conservation Area Statement as making a positive contribution to the character and appearance of the conservation area.

Planning history:

- 1.3** On 29th November 2023, planning permission was refused for the erection of timber entrance gate to front garden boundary. This

application was retrospective, as the gate had already been installed at the time of submission (Ref: 2022/1233/P). The application was refused for the following reason:

“The timber gate, by reason of its materials and design, harms the character and appearance of the host property, streetscene and the conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 201.” **(See Appendix 1)**

Enforcement History:

1.4 The issue relating to the unauthorised timber gate was initially reported to the Council in April 2021(Ref: EN21/0248). Following conversations with the Appellant’s Agent, a letter was submitted to the Council on 7th March 2022 confirming that the timber gate had been removed and the iron gate reinstated **(See Appendix 2)**. As a result of the above, the enforcement case was formally closed. Subsequent to the enforcement case being closed, the timber gate was reinstated and the matter again reported to the Council in May 2022 (Ref: EN22/0386). In light of the above, an enforcement notice was issued on 20/01/2023, that would have taken effect on 04/04/2023 had an appeal not been lodged. The notice required that within 3 months of it taking effect the Owner should:

- Completely remove the timber gate to the front of the property; and
- Make good any damage as a result of the above works

(See Appendix 3)

2.0 Relevant planning policy:

2.1 In arriving at its current position the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The development subject to this appeal was considered in the light of the following policies:-

National policy documents:-

2.2 National Planning Policy Framework (NPPF) 2021 - The Council’s policies within the Officer’s Delegated Report are recent and up to date. The Camden Local Plan was adopted in 2017 and the Camden Planning Guidance CPG1 on Design & CPG on Amenity & adopted in 2021 after extensive consultation.

2.3 Development Plan:-

1. The relevant policies contained in Camden’s Local Plan 2017 are listed below:

D1- Design
D2- Heritage

2. The full text of each of the policies was sent with the questionnaire documents.

**2.4 Supplementary Planning Guidance:
CPG Amenity 2021
CPG Design 2021**

**2.5 Primrose Hill Conservation Area Appraisal and Management
Strategy 2000**

As such, there are no new material considerations in this instance.

3.0 Comments on appellant's grounds of appeal:

Ground A- that Planning permission should be granted

- 3.1 Figure (2) of the Appellant's statement has cited various sites with gates of a similar design at nos. 51, 53, 55, 57 & 61 Gloucester Avenue as well as those at nos. 3, 5, 7, 21, 27 and 29 & 31 Regent's Park Road. The statement then asserts in para 2.15 that the Council attempts to dismiss the examples, stating that they are unlawful and cannot be used as precedents and that the Council has not made it clear whether these alleged breaches have been enforced against or whether it is intended to enforce against these. I would refer the Inspector to paragraph 3.6 of the Officer delegated report, which states:

"Three of examples provided are in the neighbouring street, Gloucester Avenue and these are not considered an original boundary treatment. 61 Gloucester Avenue gate was not built in accordance with planning permission received under 2006/1166/P. 53 and 55 Gloucester Avenue gates were erected without planning permission. The other examples appear to relate to side boundaries treatments rather than a prominent front entrance".

- 3.2 The Appellant attempts to show the relevant gates in isolation, with no appreciation of the street context where the gates are located or their relationship within the various streets cited, compared to that at the appeal site. As such, the examples should not be used in comparison to the appealed gate. Moreover, the gates on all of the properties cited above have been in place for more than 4 years, and are therefore immune from enforcement action. In light of the above, they should not be used as a justification for the retention of the unauthorised gate at the appeal site, neither should bad examples of other gates within the vicinity of the appeal site be used to justify a further bad example. The

Appellant was well aware that the installation of this timber front gate would be unlawful and that it was considered unacceptable in terms of its design and would be enforced against. When the breach was initially reported to the Council, and the breach brought to the Appellant's attention, the timber gate was removed, and the ornate metal gate reinstated. **(See Appendix 2)**. Subsequent to the enforcement case being closed the Appellant wilfully reinstated the timber gate without permission and subsequently submitted a retrospective application for consideration of its retention.

- 3.3** Paragraph 2.18 of the Appellant's statement confirms that CPG1(Design) states that *"the design of front gardens should retain or reintroduce original surface materials and boundary style, especially in conservation areas such as wall, railings and hedges where they have been removed"*. It should be noted that the relevant GPG is for guidance purposes, setting out guidelines for specific types of development, and the precepts contained in the guidance are not 'set in stone'. Moreover, the guidance certainly does not purport to encourage unauthorised works to be undertaken in order to meet the specific objective. Similarly, paragraph 2.19 of the Appellant's Statement confirms that the Primrose Hill Conservation Area Statement says:

"Proposals to erect new boundary structures or replace or alter existing boundary structures should respect the original boundary style. Where original boundary structures have been lost these should be reinstated to match the original". Again, the conservation area statement does not purport to say that the objective should be met by undertaking unauthorised development.

- 3.4** In addition to the above, policy PH1 in the Primrose Hill Conservation Area Statement states that:

"New development should be seen as an opportunity to enhance the Conservation Area. All development should respect existing features such as building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings".

- 3.5** Policy D1 in Camden's Local Plan 2017 also advocates for development to respect local context and character. The addition of timber gate on the appeal site is not considered to respect the prevailing character of the street and in this respect I would refer the Inspector to paragraph 3.5 of the Officer Delegated Report that states:

"The introduction of a timber gate in this case is not considered appropriate or complementary to the setting of the streetscene. Although the location, size and height of the gate are considered acceptable, the materials and design are not. The typical front boundaries in the area comprise low boundary walls with open metal

railings and metal gates. As a result, the solid timber gate as installed is a highly visible alteration to the front elevation and fails to respect the predominant pattern of boundary treatment harming the character and appearance of the host property, streetscene and the wider conservation area. Its installation if approved would set a precedent for further erosion of the character of the street defined by its boundary enclosures”.

- 3.6** Paragraph 2.20 of the Appellant’s statement confirms that the wrought iron gate which was replaced by the timber gate was unoriginal, but could provide no historical evidence to substantiate what the original boundary treatment at the site was. Figure 6-13 of the Heritage Statement submitted in support of the Appellant’s appeal, identifies that historically timber has evidently been employed for the gates in this part of the conservation area and is likely that a timber gate was previously present on the property. Again, no evidence has been provided to substantiate this claim. The Council is of the opinion that regardless as to whether the wrought iron gate is original or not, it is more in keeping with the prevailing character of the street and respects the character. The majority of gates on properties on the north side of the street on where the appeal site lies are of metal and are of an open nature rather than being solid features. The solid timber gate that has been installed at the appeal site is an anomaly and presents an incongruous feature within the street and would set an unacceptable precedent, providing the opportunity for other occupiers of properties along the street to replace their metal gates with these bland timber gates, in place of the ornate iron gates. This could potentially result in eroding the character and appearance of this part of the conservation area.
- 3.6** In paragraph 2.21 of the Appellant’s statement it is asserted that the timber gate subject to this appeal is in keeping with the several other examples in the surrounding area in terms of materiality and proportions and therefore respects the character of the area. The Council refutes this statement as the Appellant has failed to consider and make an assessment of the timber gate within its immediate street context and as stated in the paragraph above is out of keeping with the prevailing character of the street.
- 3.7** The Appellant in paragraph 2.23 of their statement considers the timber gate to be a discreet feature when viewed in the streetscene in isolation, without any precedent examples and is of a negligible visual impact. The Council maintains the assertion that the wrought metal gates are a particular characteristic on properties along this side of St Marks Crescent and therefore the solid timber gate is out of keeping and detracts from the visual amenity of the street. For this reason, the appealed gate should not be looked upon in isolation as the Appellant aims to do in paragraph 2.24 of their statement.

4.0 Conclusion

- 4.1** This unauthorised timber gate is considered to be an anomaly within the streetscene and is out of keeping with the prevailing character of this side of St Mark's Crescent. As such, the Council maintains that the unauthorised gate, by reason of its materials and design, harms the character and appearance of the host property, streetscene and the conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local plan 2017. Therefore the Council respectfully request that the Inspector dismiss this appeal
- 4.2** The Council is unable to recommend any conditions to mitigate the impact of the development should the appeal be allowed, given that the development has already been fully implemented.

For the reasons give above, the Council respectfully requests that this appeal is dismissed. If you require any further information or clarification on any matters associated with this case, then please contact Angela Ryan on the above direct dial number.

Yours Sincerely,



Angela Ryan
Planning Officer
Culture and Environment Department