



Appeal Decision

Site visit made on 10 October 2023

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH NOVEMBER 2023

Appeal Ref: APP/X5210/C/23/3317855

Land at 31 St Marks Crescent, London NW1 7TT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Beard against an enforcement notice issued by the Council of the London Borough of Camden.
 - The notice was issued on 22 January 2023.
 - The breach of planning control as alleged in the notice is 'Without planning permission: Erection of a timber entrance gate to front garden boundary.'
 - The requirements of the notice are: 1. Completely remove the timber gate to the front of the property; and 2. Make good any damage as a result of the above works.
 - The period for compliance with the requirements is within 3 months of the notice taking effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a timber entrance gate to front garden boundary at Land at 31 St Marks Crescent, London NW1 7TT as shown on the plan attached to the notice.

Main Issue

2. The main issue is the effect of the timber entrance gate on the character and appearance of the area, with particular regard to the Primrose Hill Conservation Area (CA).

Reasons

3. The appeal site is located within the CA. The CA is characterised by a mix of residential 19th and 20th century houses in the form of terraces, villas, and grand terraces. Residential properties in the CA tend to be enclosed by front boundary walls which vary in height, or metal railings. Some of those front boundary walls have gates, others do not. Some of those gates are metal, others are timber. There is little consistency in the designs of front boundary gates along St Marks Crescent, Regent's Park Road, and Gloucester Avenue, within the CA. The significance of the CA appears to rely to a large extent on the mix of high-quality historic buildings and the uniformity of architectural styles and features along individual streets.

4. The timber gate the subject of the enforcement notice is a modest addition to the appeal site. It replaces what appears to have been a modern metal gate of similar height. It forms a solid barrier preventing direct views into the front garden of the appeal site from the street, but this does not have any effect on the sense of openness experienced along St Marks Crescent. This is on account of the low height of the front boundary wall and gate. The timber gate is of high-quality design and finish, consistent with the overall attractive appearance of the appeal site from the street.
5. Most properties along St Marks Crescent appear to have metal gates of different designs set within their front boundary walls, but there are also examples of properties without gates. Front boundary gates are not a uniform feature along St Marks Crescent, and metal gates are not a notable characteristic of this part of the CA.
6. The timber gate the subject of the notice is similar to examples of many other front boundary gates I saw within the CA. I also note reference to many other examples of different timber gates across the CA within the appellant's submissions¹. Those gates may have been installed without the benefit of express planning permission from the Council, but there is little evidence before me to suggest that all of them required express planning permission, are not otherwise lawful, or are the subject of enforcement action. The Council suggests that some of them have been in place for more than 4 years, despite various 'permitted development rights' not being applicable within the CA².
7. The broad range of front boundary gates across the CA form part of the established character of the area. The timber gates I saw during my site visit within the CA did not have the appearance of 'bad examples' of front boundary treatment. In that context, the timber gate the subject of the enforcement notice is not an anomaly or an incongruous or uncharacteristic feature within St Marks Crescent or the CA as a whole. It is typical of the different designs of low front boundary gates within the local area, where its overall design is sympathetic to that of adjacent walls.
8. There is little evidence as to whether the original building at the appeal site was served by a front boundary gate historically, and if it was, whether that gate was likely to have been metal or timber. In any case, the timber gate the subject of the notice respects the existing design and architectural characteristics of the appeal dwelling and its front boundary wall, following the broad guidance set out in the Council's CA Statement³ and Design Guidance⁴.
9. The timber entrance gate to the front garden boundary at the appeal site does not harm the character or appearance of the area, or the significance of the CA. It preserves the character and appearance of the CA and accords with Policies D1 and D2 of the Camden Local Plan (2017). These require, amongst other things, development to be of high-quality design and materials which complements local character and preserves or enhances the historic environment.

¹ Appendix 1: Appeal Statement (Heritage) by Cambridge Heritage Limited, dated February 2023; and Appendix 2: Heritage Statement by Robinson Wild Consulting, dated March 2023

² On account of an Article 4 Direction being in effect

³ Primrose Hill Conservation Area Statement (2001)

⁴ Camden Planning Guidance: Design (2021)

10. The Council has suggested that if permitted, the timber gate would set a precedent for metal gates to be replaced by timber gates elsewhere, detrimental to the character and appearance of the street. Each case must be considered on its individual merits. The acceptability of the timber gate in this particular case would not justify any harm to the character or appearance of the street or the CA.

Conditions

11. As the timber gate has already been erected and accords with the development plan, in the absence of any other relevant material considerations, I do not find any conditions are necessary to make the development acceptable.

Conclusion

12. For the reasons given above, the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice.

L Douglas

INSPECTOR