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## Appeal Decision

Site visit made on 16 April 2012

by **David Prentis BA BPI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 May 2012

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**Appeal Ref: APP/X5210/A/12/2168499**

**3 Erskine Road, Primrose Hill, London NW3 3AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Sirine Saba against the decision of the Council of the London Borough of Camden.
  - The application Ref 2011/4754/P, dated 10 October 2011, was refused by notice dated 18 November 2011.
  - The development proposed is the installation of new metal railings in front of 3 Erskine Road.
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### Preliminary matter

1. The National Planning Policy Framework (*the Framework*) was published after the appeal statements were written, replacing various previous statements of national policy guidance. The Council and the appellant have been given an opportunity to comment on these policy changes.

### Decision

2. The appeal is allowed and planning permission is granted for the installation of new metal railings in front of 3 Erskine Road at 3 Erskine Road, Primrose Hill, London NW3 3AJ in accordance with the terms of the application, Ref 2011/4754/P, dated 10 October 2011, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until full details of the design of the railings, including sections and dimensions, details of the finials and a plinth, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: ERPH (Ex) 09; (Ex) 10; (10) 10; (10) 11; (20) 08 and (20) 09, except insofar as those drawings may be varied by details approved pursuant to condition 2.

### Main issues

3. The main issues are the effects of the proposal on: (1) the character and appearance of the Primrose Hill Conservation Area; and (2) the safe and convenient movement of pedestrians on the adjoining footway.

applied with some flexibility when dealing with an existing historic street. The available width would be sufficient to allow those using wheelchairs or buggies to move comfortably along the pavement without having to divert onto the road. There may be times when a pedestrian would need to pause for a moment to allow an oncoming pedestrian to pass the street tree. However, there is no evidence that this is a particularly heavily trafficked section of footway and, in any event, the same situation applies elsewhere in the street.

10. The Council suggests that the site has been used by the public for over 20 years and could therefore be regarded as highway. However, there is no evidence in support of that assertion and I attach little weight to it.
11. In conclusion, the proposal would not be detrimental to safe and convenient pedestrian movement in Erskine Road. It would not conflict with Policy CS11 or with Policy DP17. These policies promote sustainable means of transport, including walking.

*Other matters*

12. I have considered the proposal in the light of the Framework but this does not alter my conclusions in relation to the recently adopted development plan policies referred to above.
13. The Council has not requested any conditions but I have referred above to the need for a condition relating to the details of the railings. In addition, a condition requiring development to be in accordance with the approved plans should be imposed to reflect the advice in *Greater Flexibility for Planning Permissions*.

*Conclusion*

14. For the reasons given above, the appeal should be allowed.

***David Prentis***

Inspector