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# Appeal Decision

Site visit made on 26 September 2011

**by Tim Wood BA(Hons) BTP MRTPI**

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

**Decision date: 14 October 2011**

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**Appeal Ref: APP/X5210/A/11/2156677**  
**Lancaster Stables, London NW3 4PH**

- 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 Mr Arnon Rubinstein against the decision of the Council of the London Borough of Camden.
  - The application Ref 2010/5937/P, dated 19 October 2010, was refused by notice dated 21 January 2011.
  - The development proposed is the installation of metal entrance gates to the existing entrance of the mews.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of the proposal used above is based on that used on the appeal forms in preference to the lengthy and descriptive statement made on the planning application forms.
3. There appears to have been some mis-interpretation of the submitted drawings and the Council refers to much greater dimensions than the appellant. From the drawings and the statements made by the appellant it would appear that the proposed gates would be around 2m in height and I have relied on this in determining the appeal.

## Main Issues

4. The main issues in this appeal are as follows;
  - The effects of the proposal on the character and appearance of the conservation area.
  - The effects on social cohesion and crime prevention
  - The effects of the proposal on accessibility and highway safety.

## Reasons

***The effects of the proposal on the character and appearance of the conservation area***

5. The appeal relates to the entrance of Lancaster Stables, which is a mews situated off Lambolle Place and is within the Belsize Park Conservation Area.

The area contains mainly 3-4 storey villas (variously referred to by the Council as Georgian and Victorian) and a number of mews courts. The proposal would replace an existing simple barrier which currently controls vehicular access to the mews.

6. The proposed sets of gates would comprise a pair of central vehicle gates and a pedestrian gate at each side. The heights are stated to be 2m and their design would be of solid panels on the lower half and rails set within a metal frame on the upper half.
7. The proposed gates would appear heavy and cumbersome as a result of their overall design and particularly the lower solid sections. I find no reference for such a design in the surrounding area and consider that they would be significantly at odds with the prevailing character of the area. I accept that the existing yellow painted barrier does not contribute positively to the area but the proposal would have a significantly negative visual effect and the presence of the existing barrier does not justify the proposal.
8. I have considered the other examples of gates in the area, as referred to by the appellant. However, the Council set out reasons why they should not be viewed as precedents. From the information submitted, and from my own consideration, I agree that there are differences in the circumstances of the examples referred to and the appeal proposal which means that my findings on this issue remain unaltered. Therefore, the proposal would fail to preserve or enhance the character or appearance of the conservation area, contrary to Policies CS4 and CS14 of the Core Strategy (CS) and DP24 and DP25 of Camden Development Policies (CDP).

### ***The effects on social cohesion and crime prevention***

9. Local Development Framework policies generally seek a reduction in crime and anti-social behaviour and also to promote mixed and inclusive communities. Advice in Camden Planning Guidance (CPG) states that gating of residential areas will not normally be acceptable but provides matters for consideration of such proposals. The appellant has submitted a letter from a Crime Prevention Officer of the Metropolitan Police Service who is supportive of the proposal. However, the Crime Prevention Officer states that he does not have an in depth knowledge of the area and is aware of some problems in Lambolle Place, as well as incidents referred to by the appellant. I have also considered the additional views put forward by local residents in this respect.
10. The appellant has also submitted a map of crimes and anti-social behaviour for the Belsize area. Although this does show a considerable number of incidents in the broad area, it is not possible to identify details of incidents or their location. Importantly for my consideration, they do not indicate any details necessary to determine whether such incidents would have been prevented by the proposal. Therefore, I do not find that there is the necessary evidential support or exceptional circumstances necessary to justify the proposal in this respect.
11. The creation of gated areas is perceived as dividing communities and can reinforce or create negative views and perceptions of an area. The LDF sets a presumption against gated areas which may be outweighed in exceptional circumstances. In the case before me the case in favour of the gates is not sufficient to outweigh the negative effects that arise from them.

***The effects of the proposal on accessibility and highway safety***

12. Policies CS9 of the CS and DP17 and DP29 of the CDP require high levels of pedestrian and cycle access. The Council is concerned that the proposal would prejudice this aim. The appellant states that the gates will be left open during the daytime, when the majority of people would require access. This is a matter which could suitably be controlled by planning conditions, along with an entry system in order to allow visitors to be given access, if necessary. Therefore, the overall aims of the above policies would not be compromised by the proposal.
13. In relation to highway safety, as set out above, if the gates were left open during the daytime, the majority of vehicles requiring access could readily gain it. Therefore the occasions when vehicles would need to wait in Lambolle Place would be relatively few and not sufficient to prejudice highway safety in this case.

**Conclusions**

14. I have taken careful account of all of the matters raised in this appeal, including the views of local residents in relation to crime reduction and other matters. However, the proposal would have clear and unacceptable effects on the conservation area and on social cohesion. In relation to crime reduction, it is not demonstrated that there is a specific and significant problem in Lancaster Stables which could only be addressed by the proposal. Therefore the necessary justification for the gates as proposed is not present. Consequently, the appeal is dismissed.

*S T Wood*

INSPECTOR