

ENVIRONMENT DEPARTMENT

Planning, Transport and Health Service

Tel 071-278 4444
Fax 071-860 5556

Mr Jagdish Tolia
53 Snaresbrook Road
LONDON
E11 1PQ

Our Reference: HB/9460166/
Case File No: D4/6/32
Tel.Inqu:
Randall Macdonald ext. 5867

Date: -2 DEC 1994

Dear Sir(s)/Madam,

Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990

Refusal of Conservation Area Consent

The Council in pursuance of its powers under the above-mentioned Act and the Regulations made thereunder, hereby refuses to grant consent for the execution of the works referred to in the undermentioned schedule.

Your attention is drawn to the Statement of Applicants Rights set out below.

SCHEDULE

Date of Original Application : 28th October 1994

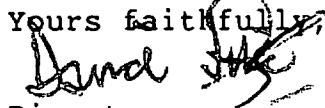
Address : 28 Hollycroft Avenue, NW3.

Proposal : Demolition of front boundary fence,
as shown on drawing number 185/3.

Reason(s) for Refusal:

- 01 The removal of the fence would have an adverse effect on the visual appearance of the building and character of the Conservation Area.

Yours faithfully,



Director,
Environment Department
(Duly authorised by the Council to sign this document)

LONDON BOROUGH OF CAMDEN

TOWN & COUNTRY PLANNING ACT 1990

SITE

28 Hollycroft Avenue, NW3

APPELLANT

Mr. Jagdish J. Polia. RIBA, 53 Snaresbrook Road, London E11.

DoE Ref: APP/X5210/E/95/811640

Council's Ref: PL9460166 D4/6/32

SUBJECT OF APPEAL

Appeal against the Council's decision of 2nd December 1994 to refuse demolition consent within a conservation area for the demolition of a front boundary fence, as shown on Drawing No. 185/3 at 28 Hollycroft Avenue.

1. SITE DESCRIPTION

A three storey semi-detached property in use as a single family dwelling located in Redington/Froggnal Conservation Area. The property has a small front garden enclosed by a wooden close board fence. There is a tree on the pavement at the edge of the site boundary. The properties on either side of No. 26, No. 30 and No. 24, have forecourt parking for two cars similar to that proposed at No. 28. The traditional pattern of the street however, and area in general, is large semi-detached properties set back from the road with gardens to the front. These front gardens are often partially concealed behind low walls or privet hedges.

2.0 PLANNING HISTORY

2.1 2nd December 1994. Demolition consent within a conservation area was refused with regard to demolition of the front boundary fence as shown on Drawing No. 185/3. The Council's reason for refusal was.

- 01 The removal of the fence would have an adverse effect on the visual appearance of the building and character of the conservation area.

3.0 PLANNING FRAMEWORK

3.1 The Statutory Development Plan is the Borough Plan read in conjunction with the Greater London Development Plan 1976. The Borough Plan was formally adopted by the Council in May 1987 and itself represents the first review of the Area Local Plan, then known as the District Plan, which was adopted in 1979. The Borough Plan consists of a Written Statement and two maps, the proposals map and the open space map.

- 3.2 The Council's Unitary Development Plan was presented to Committee on 14th June 1992 and underwent public consultation in July 1992 and following amendments was placed on deposit on 1st November 1993. The UDP is currently undergoing a Public Inquiry prior to its adoption. The UDP consists of a written statement and two maps, a proposals map and an open space map.

4.0 POLICY APPLICABLE

4.1 Planning (Listed Buildings in Conservation Areas) Act 1990:

The Inspector will be aware of the requirement of the Act to have regard to the desirability of preserving or enhancing the character or appearance of conservation areas when considering development proposals.

4.2 London Borough of Camden Borough Plan

Objective UD2 states:

To achieve a high standard of design through the control of development.

Policy UD3 states:

The Council will seek to ensure that all proposals for a new development in any part of the Borough are of a good standard of design, sensitive to and compatible with the scale and character of the existing surrounding environment. The replacement of buildings which form a part of a uniform terrace or row of villas may be of other than a modern design. The Council considers that a high quality of landscape design around new buildings is a key factor in determining any development proposal.

Policy UD14 states:

The Council will actively seek out and protect areas and individual buildings of special quality or character either through designating them as conservation areas

4.3 A report to the London Borough of Camden, Planning Transport Committee, 31st January 1989, residential forecourt parking states:

It is proposed that consideration of applications for residential forecourt parking should be based on whether the property is in a conservation area (permission to be refused if it is).

4.4 London Borough of Camden UDP 1993.

Policy EN16. The Council will seek to ensure a high standard of design in all developments. All proposals for development in any part of the Borough should be sensitive to and compatible with the scale and character of the existing surrounding environment.

EN17. The Council will seek to ensure a high standard of external space (landscape) design for all new development. Where planting is appropriate the use of native species will be encouraged. The Council will also encourage the greening of buildings through, for example, the use of vegetation on walls and roofs.

EN18. The Council will resist development on unbuilt space where this forms a significant element of the character of established townscape.

EN33. The Council will seek to ensure that development in a conservation area preserves and enhances its special character and appearance and is designed to harmonise with the established character of the area

EN59. In areas or streets where traditional railings or garden walls are part of the established character, the Council will seek their retention and where appropriate encourage the erection of replica railings and new walls to a traditional specification.

EN60. Where front gardens are an important feature in the appearance of an area the Council will normally use its powers to resist the loss to hardstanding for forecourt parking.

The proposal was considered to be in conflict with the above policy.

5.0 CONSIDERATIONS

- 5.1 Policy is to resist the loss of front gardens to off street parking in conservation areas in particular, and to resist proposals which fail to preserve or enhance the traditional character of the conservation area. The justification for this policy is that railings, boundary walls and front gardens are considered to contribute significantly to the townscape. Off street parking in front of the building line breaks the traditional form of the enclosure in the street, deprives the building of its setting and can involve the loss of planting which is of amenity value to the area as a whole. Exceptions to this policy may be made if the property is occupied by a person with a disability. In such cases applications would be considered on their merit.
- 5.2 28 Hollycroft Avenue lies within the Redington and Frogna Conservation Area. The traditional form of this conservation area consists of green front gardens with mature trees and is largely unaltered. While it is recognised that the hardstanding itself is permitted development and as such cannot be controlled within planning legislation, it is considered that the removal of the existing close boarded fence for the purpose of creating an open area for use as a hardstanding for off-street parking, is unacceptable. This arises from the adverse visual impact which would result on the character of the conservation area.

Should the loss of further front garden space and means of enclosure for the purposes of creating regular parking be allowed, notwithstanding that other hardstandings in the street have been created within permitted development rights, it is considered that the traditional form of development in this area will be altered substantially so as to set a precedent which directs the future pattern of development in the street to the detriment of the character of the conservation area. The applicant has not shown reasons why in this case policy should be relaxed.

- 5.3 While it is accepted that the wooden fence as existing is old and in a dilapidated form it is considered that its existence as a means of enclosure contributes positively to the character and setting of the building and general character of the conservation area as a whole. It is also considered worth noting that the dilapidated fence could be replaced by a new fence of similar materials and height or a privet hedge without adversely affecting the visual appearance of the building.

6. CONCLUSION

As the proposed development is contrary to policy and demonstrable harm would occur by failing to abide by policy, by virtue of the reasons contained in this report the Inspector is asked to dismiss the appeal.

7. DOCUMENTS SUBMITTED

London Borough of Camden Borough Plan 1987.

London Borough of Camden UDP 1993 (Draft).

Report to the Planning & Transport Committee 1989.

lyn/docs/1235