

Ward:Adelaide

Officer: Ian Pestel

Address: 19 Wadham Gardens, NW3

ELS Elsworthy Conservation Area

Type of Application: Full Planning Application

Date of Application : 28/06/1996

Application number: P9601963 Case File : H8/13/10

Proposal:

Alterations to the height and design of the existing gates.  
As shown on drawing no. 96/14/02.

RECOMMENDATION SUMMARY: Grant Planning Permission (conditions)

Applicant

Mrs S E Jacobs  
19 Wadham Gardens  
London  
NW3

Agent

Montagu Evans  
Premier House  
44-48 Dover Street  
London  
W1X 4JX

## OFFICER REPORT

### 1. SITE

1.1. Number 19 is a large detached house on the north side of Wadham Gardens. The area, which is within the Elsworthy Conservation Area, is characterised by these large, detached properties fronting mature, tree lined avenues. The red brick buildings are typically set back from the frontage by between 5-10 metres and have high hedges and gates, or in some instances, railings in front of either landscaped or paved areas.

### 2. HISTORY

2.1. The gates were originally erected as part of a general refurbishment of number 19 in January 1994. At the same time as the gates were erected, substantial relandscaping of the front garden area was undertaken. This included the repaving of the front garden and removal of the front hedge (which was in a poor state). The applicants were made aware of the necessity for the granting of planning permission for the gates whilst works were underway, and an application was received.

2.2. In a letter dated 28th October 1994 planning permission for the retention of the gates was refused on the grounds that "the gates, by reason of their height and appearance, harm the character and appearance of the Elsworthy Conservation Area". As part of the same recommendation, Enforcement action was agreed which required that the existing gates be removed for the same reason as above.

2.3. A subsequent appeal against the Enforcement Notice was ruled to be out of time. The applicants are, therefore, liable to prosecution by the Council for non-compliance with the Enforcement Notice and proceedings have been commenced by the Borough Solicitor to prosecute in respect of the non-compliance.

### 3. PROPOSAL

3.1. The current application seeks to address the concerns which were expressed in the reason for refusal of permission for the existing gates.

3.2. The alterations involve:-

- \* reduction to the height of both of the double gates and of the single pedestrian gate.
- \* associated reductions to the height of the gate posts.
- \* alterations to the form of the gates to introduce a curved profile.

- \* alterations are also proposed to the form of the gate posts. The existing steel posts would be clad and capped in timber.

#### 4. RELEVANT POLICIES

- 4.1. The Borough Plan
- 4.2. UD4, UD14, and UD32 set out the Council's concern to identify and protect areas of special character and to ensure that development accords with principles of good design.
- 4.3. The UDP
- 4.4. EN16, EN26, EN33, and EN35, which seek high standards of design in all developments including an appropriate relationship with neighbouring properties, the preservation and enhancement of the character and appearance of Conservation Areas.

#### 5. CONSULTATIONS

5.1. Adjoining Occupiers	Number Notified	02
	Replies Received	01
	Objections	00

#### **Local Groups**

Elsworth Residents Assoc. - approve of the changes, want timescale imposed on implementation.

#### 6. ASSESSMENT

- 6.1. Officers consider that the proposed alterations to the existing gates would have a beneficial affect on the existing townscape and consequently on the character and appearance of the Conservation Area at this point. The proposed reductions in height would allow most pedestrians views into the property and would therefore reinforce the existing pattern which persists much along Wadham Gardens, of strongly demarcated front garden areas which are visible through gaps in existing hedges or fences.
- 6.2. The hedge which was planted at the time of the original development has now filled out considerably and provides an adequate setting for gates of the size which is indicated in the revised proposal.
- 6.3. It is considered that the effect of the proposal would be to accord with the wishes of the Council that the existing (over large) gates be reduced in height. The design approach which has been taken to achieve this is considered to be appropriate and accords with the general style of the arts and crafts housing in this part of the Conservation Area.

29/10

7. LEGAL COMMENTS

7.1. None

8. RECOMMENDATION

8.1. That the Sub-Committee grant planning permission subject to following condition:

Condition(s)

1. The proposed development shall be completed not later than the expiration of two months from the date of this permission.

Informatives

1. The Council will suspend prosecution action with respect to the Outstanding Enforcement Notice to allow time for compliance with the requirements of Condition 1 above. Prosecution action will be resumed if the condition is not complied with.

IT IS ALSO RECOMMENDED THAT:-

8.2. In line with the above informative, the Borough Solicitor be instructed to suspend prosecution action with respect to the outstanding Enforcement Notice on 19 Wadham Gardens until the expiry of two months from the date of this permission.

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LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION.

Documents used in the production of this report:

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