
Appeal Decisions

Site visit made on 1 June 2015

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 6th July 2015

Appeal A Ref: APP/X5210/C/14/3000225

23 Christchurch Hill, London NW3 1JY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Sophy Tahta against an enforcement notice issued by the Council of the London Borough of Camden.
 - The Council's reference is EN14/0358.
 - The notice was issued on 24 September 2014.
 - The breach of planning control as alleged in the notice is:
Without planning permission the unauthorised installation of timber trellis and fencing to front garden area and boundary.
 - The requirements of the notice are:
 1. *Remove the timber trellis/fencing from front garden area and boundaries with no.21 Christchurch Hill and no.25 Christchurch Hill.*
 2. *Make good any damage caused.*
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/X5210/C/14/3000256

23 Christchurch Hill, London NW3 1JY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Sophy Tahta against an enforcement notice issued by the Council of the London Borough of Camden.
 - The Council's reference is EN14/0453.
 - The notice was issued on 4 September 2014.
 - The breach of planning control as alleged in the notice is:
Without planning permission the unauthorised installation of a part solid/part louver timber fence to rear terrace.
 - The requirements of the notice are:
 1. *Remove the part solid/part louver timber fence from western edge/boundary of 25 Christchurch Hill rear terrace & re-instate balustrade to match the design, height & materials of balustrade approved within permission ref: 2008/0692/P as shown on drawing ref: P 013.*
 2. *Make good any damage caused.*
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Procedural matter

1. As the two appeals relate to similar developments on the same property it is appropriate for me to deal with them together.

Decisions

Appeal A

2. 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 timber trellis and fencing to front garden area and boundary on land at 23 Christchurch Hill, London NW3 1JY referred to in the notice.

Appeal B

3. 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 installation of a part solid/part louver timber fence to rear terrace on land at 23 Christchurch Hill, London NW3 1JY referred to in the notice.

Reasons

Appeals on Ground (a)

4. The main issue is whether the developments preserve or enhance the character or appearance of the Hampstead Conservation Area.
5. Notice A deals with trellises erected in the front garden, whilst Notice B deals with a louvred fence on a rear balcony. I shall deal with them in turn.
6. The area is typified by terraced properties of three and four storeys, with ground floor entrances reached by a flight of steps leading from the footway. The predominant material is brick and front and side boundaries to the fronts of the properties are characterised by brick walls with metal railings. I consider that the high quality of the materials used and the uniformity makes a significant contribution to the appearance of the area. Although there are some properties in the vicinity of the site which possess wooden railings, fences or trellises, they are few in number, and they are not a significant feature in this part of the conservation area. In my view, wooden boundary materials jar with the traditional materials to which I have referred.
7. Having said that, planting is also important to the overall character of the area. Many of the front gardens have an abundance of planting, which softens the appearance of the dwellings, is attractive and complements the setting of those buildings which lie opposite the green open space on Christchurch Hill. The front garden of the appeal site is well planted; trellises have been added to all the low walls bounding and within the small front garden, supporting planting in beds or in troughs.
8. At the time of my visit, the new planting had not yet become well established, but even so, the trellises play an important part in supporting the foliage, and the plants help to integrate the trellises into the landscape. The integration will

be all the greater once the planting becomes more established. The trellis mesh is a lattice of rounded, fairly fine wooden struts, and has a twig-like appearance. I consider that the trellises have a clear affinity with the garden landscape, which fit in satisfactorily with the verdant planted character of the gardens in the area. They are less likely to be seen in the same way that more substantial fencing would, which would contrast more obviously with the more mannered built-environment where brick and iron railings predominate.

9. I appreciate that the planting may not survive or thrive as the appellant hopes, or that future occupiers may not wish to continue with it. However, the planting seemed in good health, and bearing in mind that the trellises were erected in order to support the plants, I consider that there is a good prospect that the planting will prosper, and will be a valuable and attractive feature that future occupiers would be likely to retain.
10. Turning to the rear fence, the rear elevations of the buildings are of poorer quality than those on the front, lacking both the ornate design quality and the same degree of uniformity that are typical of the frontage buildings. The plainer design, and the presence of numerous drainage pipes and a miscellany of alterations to several of the properties mean that the rear elevations make a lesser contribution to the significance of the area as a heritage asset.
11. The louvred fence is erected on the side of a rear-facing balcony adjacent the boundary with 25 Christchurch Hill and it measures about 2.65m wide and 0.63m high, mounted on top of an existing wooden railing. The Council says that it was 2.17m high, but at the time of my visit it was about 1.7m high. Planting on both sides of the fence has already started to soften its appearance, and it is likely that it will continue to do so in the future, to an increasing extent.
12. Wooden fences and trellises are ubiquitous in the large, well-planted rear gardens in the vicinity of the appeal site. Trellises are also found on some rear walls above balconies. In this context, the louvred fence is a small, incidental development which is unremarkable in views from nearby properties and is entirely in keeping with both the character and appearance of the area.
13. I therefore find that, in respect of the developments subject of both of the notices, they at least preserve the character and appearance of the Christchurch Hill Conservation Area, and do not conflict with Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy 2010, which deals with promoting high quality places and conserving the borough's heritage or with Policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies which deal with similar matters.
14. The Council considers that no conditions are necessary and I agree. The appeal on ground (a) therefore succeeds in respect of both appeals, and I shall grant planning permission for them.

Appeals on grounds (f) and (g)

15. As I have found that planning permission should be granted for the developments, it follows that the appeals on these grounds do not need to be considered.

Conclusions

16. For the reasons given above, I conclude that both of the appeals succeed on ground (a), planning permission is granted, and that the enforcement notices are quashed.

JP Roberts

INSPECTOR