

Date: 12/08/2016
Your ref: APP/X5210/W/16/3152834
Our ref: 2016/1328/P
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Eva Sherman
The Planning Inspectorate
Temple Quay House
2 The Square
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BS1 6PN

Dear Eva Sherman,

Town and Country Planning Acts 1990 (as amended)
Planning Appeal Statement (Authority)

Appellant: Citadel Investments
Site: 1 - 8 Harmond Grove, London NW1 8DH

Application proposal: Full Planning Permission (2016/1328/P): Installation of additional fence above existing fence and gates (part retention).

I write in connection with the above appeal against Council's refusal to grant planning permission for installation of additional fence above existing fence and gates (part retention) 1 - 8 Harmond Grove, London NW1 8DH.

The Council's case is set out primarily in the delegated officer's report (ref: 2016/1328/P) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of the relevant LDF policies and accompanying guidance were also sent with the appeal questionnaire.

In addition, Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the Appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

1.0 Summary

1.1 The appeal site is a fairly new part-two and part-three storey development at Harmond Grove. It contains both residential and office units. The site is surrounded by the rear of properties along Harmond Street to the west, Clarence Way to the north and Hartland Road to the east. Although the neighbouring buildings on Harmond Grove and Clarence Way are within the Harmond Street Conservation area, the application site itself falls outside of the boundary.

1.2 The fence to be extended is located at the front of the building. The majority of the existing metal fence (1.6m) is seated on the metal dwarf wall (0.6m) resulting in a total height 2.2m. The proposal would increase the total height up to 3.3m, by virtue of adding a horizontally designed 1.1m metal fence above the existing fence and gates. (It has already been partly extended on the south side and the proposal seeks to retain this). The scheme is unacceptable on detail design and height ground, it was refused accordingly.

2.0 Relevant History

- 2.1 15/08/2013 – granted (2013/3548/P) GPDO prior approval class J change of use B1 to C3 - for the Change of use of ground floor from office use (Class B1a) to 8 residential units (x3 1 bed and x5 2 bed) (Class C3).
- 2.2 22/04/2011 – pp granted (2011/1005/P) for the erection of new boundary treatment including vehicular and pedestrian gates and railings above a metal clad wall, hard and soft landscaping and additional lighting and CCTV cameras.
- 2.3 09/03/2011 – p.p. granted (2010/6101/P) for the change of use of 2 x non self-contained work/live units and 2 x self-contained work/live units (Sui Generis) to form 4 x office units (Class B1) at ground floor level and 4 x residential units (Class C3) at first floor level.
- 2.4 05/08/2008 – p.p. granted (2007/5126/P) for the Retention of mixed use development, comprising 10x residential units, 4x work/live units, and 4x Class B1 units as built (as a variation to a permission granted on 17/01/2005, reference 2004/4568/P), plus provision of timber privacy screens on part of the boundary wall of the site.
- 2.5 17/01/2005- p.p. granted (2004/4568/P) for the Demolition of existing buildings and redevelopment of the site to include a mixed use development, comprising 10 residential units, 4 work/live units, and offices B1.

3.0 Reason for refusal

3.1 The Application was refused on 15/06/2016. The reason for refusal is detailed below.

The proposed development, by reason of its height, bulk and detailed design would be detrimental to the character and appearance of the host building and adjacent Harmond Street Conservation Area. The proposal is therefore contrary to CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP24 (Securing high quality design) and 25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.

4.0 Development Plan Policies

- 4.1 The London Borough of Camden Local Development Framework was formally adopted on the 8th November 2010. The policies of relevance to the appeal scheme are set out in the delegated report and decision notice and on point 4.4. The full text of the relevant policies was sent with the questionnaire documents.

4.2 The Council also refers to supporting guidance documents CPG1: Design and CPG6: Amenity. The Camden Planning Guidance has been subject to public consultation and was approved by the Council in July 2015.

4.3 With reference to the National Planning Policy Framework 2012, policies and guidance contained within Camden's LDF 2010 are up to date. The National Planning Policy Framework states that development should be refused if the proposed development conflicts with the local plan unless other material considerations indicate otherwise. There are no material differences between the council's policies and the NPPF in relation to this appeal.

4.4 The relevant LDF policies to this appeal are as follows:

LDF Core Strategy

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving heritage / conservation areas

CS17 – Making Camden a safer place

Development Policies

DP24 - Securing high quality design

DP25- Conserving Camden's

DP26 - Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2015

CPG 1 (Design) Chapter 6

The appeal site is adjacent to the Harmood Street Conservation Area.

5.0 Comment's on the Appellant's Ground of Appeal

5.1 The vast majority of points raised by the appellant have already been detailed within the officer's delegated report. However a number of points raised by the Appellant are addressed in detail below. The Appellant's ground of appeals are summarised as follows addressed in the paragraphs below.

- The Case Officer failed to work proactively, discuss and provide feedback.
- LPA should look for solutions than problems.
- The planning application was not thoroughly assessed and come to conclusion without making a site visit.
- Installation of additional fence is solely to increase the security level, and prevent break-ins and burglary.
- No objection has been raised from neighbours and accordance with policy
- Full length of fence is not visible from conservation area.
- The appeal site is not in Conservation Area, the proposed fence material and design matching existing; it would not impact on streetscene or character and appearance.
- The extended fence will not noticeable, the boundary treatments of the surrounding properties are similar or taller in height to the proposed fencing.
- It would not obscure or cover a significant part of the first floor window.

- Part retention of fence already in situ, style and bars match the existing.

5.2 The Appellant argues that the Council failed to work proactively, to give constructive feedback and to provide reasons for refusal of the planning application. The Council disputes this and the appellant was asked to lower the fence (as set out below). The appellant's comments in 2.6, 2.9 and 4.10 of their statement clearly indicates, that Camden had worked as closely as possible and acted in accordance with Paragraph 187 of the NPPF. Most of the matter was discussed over the phone and there is evidence of reply to the applicant via email (see appendix 2). The application was thoroughly assessed on the bases of the plans and evidence submitted. The site visit had taken place on 03/05/2016 and the application was determined on 15/06/2016. It is not correct that the application concluded without making site visit as it claimed by the appellant.

5.3 Whilst it is not the duty of the planning authority to find solutions to problems arising from planning applications, Camden planners do seek to support applicants in coming to an acceptable scheme. For example the applicant had submitted simultaneous advertisement application ref; 2016/1299/A on 08/03/2016 for the same site, it was an unacceptable according to Camden guidelines and it was going to be refused, but the applicant was encouraged to submit revised drawings. These were submitted in the last moments on 12th July before the Camden refused the advertisement consent, and the revised advert proposal was accepted and approved. There was a similar proactive approach applied to the planning application, but the applicant decided to challenge the decision.

5.4 The proposed fence would be located to the front elevation of the building and it is clearly visible from the street view map. After the initial assessment of the plans, supporting information and street view map, a Case Officer had expressed his views that the fence appeared to be too high, the case officer was then available at all times to discuss the development with the applicant and they were fully aware of this. Indeed the case officer spoke to the agent on numerous occasions both by telephone and few correspondences via email throughout the application process prior to the decision; the last email to applicant was on 3rd June 2016 (see Appendix 2). In fact the applicant had been given the team manager contact details and the applicant had spoken Camden Planning team manager for further advice.

5.5 Prior to 8 week determination deadline of 06/05/2016, the message was clear to the applicant that the application would be refused: the appellant does not acknowledge this in their letter.

5.6 In regards to security point, the applicant failed to consider and assess an alternative measures to increase the security. The Case Officer had tried to contact to Metropolitan Police (Designing Out Crime officer) to discuss their views, but was unable to get these before the refusal was issued. Eventually but the comments were made after the decision. These have were forwarded to the Planning Inspectorate on 11/08/2016. The comment suggest that there may be other security products more suitable in preventing crime in this area, a higher fence would increase the security,

but to what value is unknown, the method of entry to the building and what is stolen, should be considered (see Appendix 2).

5.7 As mentioned above, the Council has behaved entirely reasonably.

- The planning application (ref: 2016/1328/P) was received on 09/03/2016, after an initial desk top assessment of the plans, the Case Officer had expressed preliminary concerns, that development was unacceptable. The applicant was updated over the phone.
- The site visit was undertaken on 03/05/2016, and subsequently views of the case officer were consolidated. The applicant was updated; the height was key concern in principles.
- A discussion took place about revision between the Council and applicant, Such as; the Council has suggested removing dwarf wall and redesigning the fence, and enough time was given to consider and revise other options to increase the security.
- The application was refused on 15/06/2016.

5.8 The fact that the neighbours have not object to the planning application does not mean that, the height, bulk and design would be acceptable.

5.9 The majority of the existing metal fence (1.6m) is seated on the metal dwarf wall (0.6m) resulting in a total height 2.2m. The proposal would increase the total height up to 3.3m, by virtue of adding a horizontally designed 1.1m metal fence above the existing fence and gates. A boundary wall is typically around 2m in height, this can be higher in some other locations however the resultant fence would be 3.3m which is considered detrimentally significant and uncharacteristic of a mixed use building in a predominantly residential area. The proposed height is therefore incongruous and represents an unduly prominent addition, which would harm the character, appearance and integrity of the host building and streetscene. It is considered the proposed fence addition would significantly increase the height of the boundary, its apparent nature and its dominance in relation to the streetscene. Due to its resultant height it would unduly fortify the building and obscure or cover a significant part of the host building, particularly from the closer view (standing by the fence) it does partially cover and filter the view of the window openings at 1st floor level.

5.10 The appellant's grounds of appeal state that the proposal will not be visible from the junction of Harmood Street and Clarence way, and therefore will not have an impact on the character and appearance of the appeal building or streetscene, and boundary treatment similar or taller in height. The Council disagrees. The boundary treatment of the surrounding properties are not similar to the proposed fencing, except the fencing to the rear part of the 87 Clarence Way, It is clearly visible from public realm and almost 50 % from Harmood street and Clarence way junction, and in full length walking inside the street. The proposed additional fence appears overly dominant and an unsympathetic intrusion into the appearance of the street, an outcome of the excessive height of part of the fence which undermines the visual harmony of the street scene, to the detriment of both the interest of the building and the character and appearance of the surrounding area.

5.11 The retention of a fence (1.1m height) on the top of the south side pedestrian gate, is not visible from the junction of main street and junction of Harwood Street and Clarence way, however it is considered the resulting increase in height unduly fortifies the boundary and represents an unsympathetic addition.

5.12 The appellant asserts that the proposal would not have a detrimental impact on the amenity of neighbouring occupiers or residents. The Council does not dispute this, hence this was not a reason for refusal.

6.0 Conclusions

It is respectfully requested that the Inspector dismiss the appeal having regard to the entirety of the Council's submissions including the content of this letter.

Without prejudice and in the event that the appeal is allowed, the Inspector is respectfully requested to consider the imposition of conditions which are **attached as Appendix 1 to this letter**.

If any further clarification or submissions are required, please do not hesitate to contact the undersigned by the direct dial telephone number or email address quoted in this letter.

Yours faithfully,

Jagdish Akhaja
Planning Technician
Culture and Environment Directorate

Appendices

1. Planning Conditions
2. Correspondence evidence and Met police comments.

Appendix 1 – Planning Conditions

Without prejudice and in the event that the appeal is allowed, the Inspector is respectfully requested to consider the imposition of the following conditions.

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

3. The development hereby permitted shall be carried out in accordance with the approved plans:

The site Location plan IL13228-03-002, 90-213, 90-212 Rev A, 90-213 rev 4, HG_016 and cover letter

Reason: For the avoidance of doubt and in the interest of proper planning.

Appendix 2:

Correspondence with Agent

From: Owain Nedin [mailto:onedin@nlpplanning.com]
Sent: 03 June 2016 14:58
To: Akhaja, Jagdish
Cc: Matthew Williams
Subject: RE: harmood Grove [NLP-DMS.FID371846]

Thanks Jagdish.

Owain Nedin
Associate Director
Nathaniel Lichfield & Partners, 14 Regent's Wharf, All Saints Street, London N1 9RL
T 020 7837 4477 / M 07475481674 / E onedin@nlpplanning.com

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From: Akhaja, Jagdish [mailto:Jagdish.Akhaja@camden.gov.uk]
Sent: 03 June 2016 14:57
To: Owain Nedin
Cc: Matthew Williams
Subject: RE: harmood Grove [NLP-DMS.FID371846]

Report has not fully completed and hoping to be done by today, I will go through with my manager on Tuesday next week. But I will update you as soon as it done.

Regards
Jagdish Akhaja
Planning Technician

Telephone: 0207 974 4899

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From: Owain Nedin [mailto:onedin@nlpplanning.com]
Sent: 03 June 2016 14:44
To: Akhaja, Jagdish
Cc: Matthew Williams
Subject: RE: harmood Grove [NLP-DMS.FID371846]

Will it be today, as we discussed yesterday?

Owain Nedin
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Comments from Met Police

From: Adam.Lindsay@met.pnn.police.uk
Sent: 05 August 2016 07:34
To: Akhaja, Jagdish
Subject: 1 - 8 Harmood Grove Planning Application ref: 2016/1328/P

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning,

Further to our meeting on Wednesday the 3rd of August where this planning application was discussed.

I think a higher fence will increase the security of these premises, but to what value is unknown.

The method of entry to the building and what is stolen, should be considered .

There may be other security products more suitable in preventing crime in this area.

Regards Adam Lindsay

Designing Out Crime Officer

Ruislip Police Station

The Oaks, Ruislip,

TP C&S North West

0208 733 3703

07825103933

Office Email: DOCOMailbox.NW@met.police.uk