

CONSULTATION SUMMARY

Case reference number

2017/0774/P

2017/1159/L

Case Officer:

Samir Benmbarek

Application Address:

15 The Mount Square, London, NW3 6SX

Proposal

Erection of timber boundary fence within garden [Retrospective]

Representations

Consultations:	No. notified	00	No. of responses	01	No. of objections	01
					No of comments	00
					No of support	00
Summary of representations <i>(Officer response in italics)</i>	The owner/occupier of 15 The Mount Square has commented on the following grounds: <ol style="list-style-type: none">1. Erection of the fence would make the plot size small and not in keeping with the conservation area2. Erection of high fence would diminish light into the garden which would lead to health concerns for the occupier3. Dialogue between the applicant and the neighbouring occupier in relation to the correct procedure to the division of the garden, land and legal rights. This part of the objection has been accompanied by a statement from an employed chartered surveyor hired by the					

objector.

4. Damage to property and brick wall in which the fence was erected prior to gaining planning permission.

Officer's Response:

1. *The amended fence in its scale and height would not be visible from the public view or streetscene and therefore would only be experienced by the occupiers of Nos. 14 and 15 of The Square Mount. It is further considered the minimal structure will still retain the integrity of the garden.*
2. *The amended fence has been decreased in its height resulting in a consistent structure. It is further considered both sides of the garden will still enjoy levels of daylight and sunlight and a high quality of amenity for users of both resulting parts of the garden space..*
3. *The Council encourages active dialogue between all parties involved in any scheme of development prior and during the planning application process. In accompaniment with the planning application, title deeds were submitted which show the ownership of the garden. The objector has refuted this with a professional statement from a surveyor. The land division has been discussed with the Council's Planning Enforcement Department in which the fence adheres to the title deed plan. Regardless, ownership of land is not a material planning consideration and the correct certificate was signed in association with this application.*
4. *There is no evidence of damaged property or boundary wall from discussion with the Council's Planning Enforcement Team and Conservation and Heritage Team. This application overall seeks to rectify the enforcement case on this matter.*

Recommendation:-

Grant conditional planning permission and listed building consent.