



Officer: Charles Thuaine
Application Number: PW9902135
Address: 40-42 Fitzjohns Avenue NW3.
Proposal: Retention of new front garden brick wall, railings and gates.
Drawing Numbers: 1441/106
RECOMMENDATION SUMMARY: FP

OFFICER REPORT

1. SITE

- 1.1 The building is a 3 storey plus basement double fronted property, originally one of a pair of 2 semi-detached Edwardian houses, with a large lift and stair tower extension at the rear, and containing flats. It has been refurbished and extended following planning permission granted on 18.10.96. The original low front garden wall and gate piers were replaced earlier this year by a high brick wall topped by railings, new gates and higher piers in same position as original ones. An application to retain the wall and gates has now been made following a complaint by a neighbour that they were unauthorised.
- 1.2 The property lies within Fitzjohns/Netherhall conservation area, characterised by large Victorian houses with front gardens and low brick walls and hedges. It is possible that the walls were originally surmounted by railings which were later removed during the war.

2. PROPOSAL

- 2.1 Retention of railings and gates to front brick wall.

3. RELEVANT HISTORY

18.10.96 - pp for erection of 2 rear extensions and 4 balconies.

4. RELEVANT POLICIES

Relevant policies include the following:

- 4.1 Borough Plan-
UD3,32- design
UD11,14,18- conservation areas
- 4.2 draft UDP-
EN16,26- design
EN33,36,37- conservation areas
EN51- alterations
EN59- front garden railings

5. CONSULTATIONS

5.1 **Conservation Area Advisory Committee Comments**
HCAAC - No objection.

5.2 Adjoining Occupiers	Number Notified	18
	Replies Received	01
	Objections	01

Objection from no. 38, that original traditional wall has been lost and replacement higher wall and railings is out of character with street, other buildings and CA; refers to restrictive covenant which prevents such changes in design and height.

6. ASSESSMENT

- 6.1 The original front boundary consisted of a low brick wall, topped by a grey brick capping, and which was stepped in 3 sections down the hill, its height ranging from approx. 0.6m to 1m. The wall had three openings, one in the centre and two at either side, all of which were flanked by approx. 2m. high brick piers with stone cappings. The replacement wall now consists of a higher brick wall stepped down in 4 sections and ranging in height from 0.75m at the uphill end of the steps to 1.3m - 4m. at the downhill end. The wall is surmounted by 0.4m high metal railings. The 3 openings are retained but the piers have been replaced by slightly higher ones and new metal gates provided.
- 6.2 The character of this street is described in para 1.2 above. Virtually all properties in this avenue have low brick walls identical to the one previously existing here and some also have hedges but no railings. However five properties have been noted as having higher walls and no. 35 opposite the application site has a low wall surmounted by 0.95m railings which were approved in 1995.
- 6.3 It is considered unfortunate that these wall and railings were erected without a prior application for permission and therefore without the opportunity to consider revisions to the design. Although the uphill end of the new wall (i.e. left of the central entrance) is only marginally higher than the previous one at this point, the downhill end (i.e. right of the entrance) is divided into 3 steps rather than the previous 2 and is considerably higher, thus giving the impression of a bulkier and more solid frontage on the downhill part. The contrast is particularly evident when viewed alongside the original wall and piers of no. 38 next door. No objection is raised to the higher piers which match the style of the previous ones. However the railings are an additional feature which are considered very ornate with their finials and roundel design; the new railings at no. 35 are not only lower and placed on a lower plinth wall but they are also in a very simple design.
- 6.4 Notwithstanding the above, the new wall is not viewed easily in the context of the whole avenue due to this road's length and width. It has been noted that the walls may have been originally surmounted by railings. Although it would have been preferred that the wall was lower at its downhill end and that the railings were of a simpler design, the materials used and the detailed design of the wall and piers are essentially correct for this street. It is considered that the harm caused by the new higher wall and the new railings is not so great that it seriously detracts from the character and appearance of this part of the street or the conservation area. It is also considered that it would not be expedient to take enforcement action against these elements of the

boundary treatment and that, if refusal of permission and enforcement was contested at appeal (which the applicant would propose to do), it is unlikely that the Council would be successful.

8. RECOMMENDATION

8.1 Grant planning permission

* exclude 5 year condition (standard) *