

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	16/11/2018
		N/A / attached	<b>Consultation Expiry Date:</b>	
<b>Officer</b>			<b>Application Number(s)</b>	
Leela Muthoora			1. 2018/4555/P 2. 2018/5122/L	
<b>Application Address</b>			<b>Drawing Numbers</b>	
4 St Mark's Square London NW1 7TN			See decision notices	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Erection of timber fence above existing boundary wall to St Mark's Square and Princess Road. (Retrospective).				
<b>Recommendation(s):</b>		Refuse Planning Permission and Warning of Enforcement Refuse Listed Building Consent and Warning of Enforcement		
<b>Application Type:</b>		Full Planning Permission Listed Building Consent		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notices</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed from 26 October 2018 until 19 November 2018. A press notice was published in Camden New Journal 25 October 2018.</p> <p>No responses were received from neighbours.</p>					
<b>Primrose Hill CAAC comments:</b>	<p>Objection.</p> <p>The Committee raised this unauthorised work to a Listed Building because of the special importance of front boundary walls in the conservation area. This importance is reflected in the Article 4 Direction of 1983 which removes permitted development rights to alter front boundary walls in the CA, including, specifically, this property.</p> <p>The property is at a highly visible location in the conservation area, at the junction of St Mark's Square, Regent's Park Road and Princess Road: the boundary walls are prominent in a number of views across and along these streets.</p> <p>The importance, and character, of boundary treatments, is specifically set out in policy guidance in the Primrose Hill Conservation Area Statement which is current SPG, at PH36 which specifically notes that boundaries in the CA are predominantly formed by brick walls or railings, and that proposals to erect new boundary structures or alter existing boundary structures 'should reflect the original boundary style'. The introduction of a timber fence in this case does not reflect the original boundary style, but is alien and intrusive in terms of materials.</p> <p>The increase in height is also inappropriate. There is a balance in the conservation area between openness and seclusion, where front gardens are generally visible from the public realm – a characteristic fundamental to the sense of the area as 'green'. The PHCAAC has successfully sought to protect this balance in other cases in the CA. What may appear now as a modest loss can be taken as a precedent leading to cumulative harm to the character and appearance of the conservation area.</p> <p>We note that the privacy of this house has been achieved by the planting. Security concerns could be addressed by less harmful means.</p> <p>Chair of Primrose Hill CAAC</p>					

## Site Description

The application property is a 3 storey plus attic and basement Grade II Listed building in the Primrose Hill Conservation Area. The property is located on the corner of Regent's Park Road and St Mark's Square with the principle elevation facing Regent's Park Road. The property is part of a wider listing with the adjacent property No.36 Regent's Park Road, with No.4 St Mark's Square formed by the return and rear of No.36 Regent's Park Road, both properties date from the mid-19th century.

St. Mark's Square is not a conventional square, but an intersection of a number of roads.

At the rear of the property in the garden (facing onto Princess Road) is a single storey garage set back from the pavement.

The part of the property subject to this application is the boundary treatment to facing Regent's Park Road (St Mark's Square) and Princess Road.

## Relevant History

**2005/4569/P:** Alterations at rear garden level to provide new door opening to yard; raising of parapet on garage and existing garden level extension; to single dwelling house (Class C3). **Granted 27/03/2006.**

**2005/4570/L:** Raising of parapet to single storey protrusion and new doors and windows all at lower ground floor level at rear of house together with internal alterations including alterations to internal walls at lower ground, second and third floor levels. **Granted 27/03/2006.**

**PE9800699R2:** Retention of dormer windows within the roof. **Granted 21/09/1999**

**LE9800700:** Retention of dormer windows within the roof. **Listed Building Consent Granted 21/09/1999**

**LE9800719:** Submission of details of all new internal and external joinery, including windows W8, W9, and W16, new decorative plaster, new fire surrounding and methods of ensuring stability of existing building throughout construction period, pursuant to additional conditions 3 (a), (b) (c) and 5, of listed building consent dated 3rd July 1998 (Reg. No. LE9800157R3) for the conversion of the building to a single dwelling house. **Grant Approval of Details (Listed Building) 20/11/1998**

**PE9800156R3:** Conversion of existing 8 flats to a single dwellinghouse, insertion of velux rooflights and the erection of a rear extension at lower and upper ground floor levels. **Granted 03/07/1998**

**LE9800157R3:** Internal alterations, provision of rooflights and the erection of a rear extension at lower and upper ground floor levels in association with the conversion of existing 8 flats to a single dwellinghouse. **Listed Building Consent Granted 03/07/1998**

**8970405:** Erection of a single storey rear extension removal of existing front dormer and replacement with 2 new dormer windows and internal alterations to provide 7 residential units. **Listed Building Consent Granted 23/11/1989**

**8903047:** Change of use and works of conversion to provide a self-contained 3-bedroom maisonette at lower ground/ground floor levels including a single storey rear extension at lower ground level to provide a 4th bedroom a new bathroom 3 x 1 bedroom self-contained flats at 1st, 2nd and 3rd floor levels and 3 self-contained bedsitting rooms including removal of existing front dormer and replacement with 2 new dormer windows and alterations to provide new bathrooms and kitchens for 2 of the 1-bedroom flats and 2 of the 3 existing bed-sitting rooms. **Granted 23/11/1989**

**8570040:** Subdivision of 3 rooms to form bathrooms. **Listed Building Consent Granted 04/04/1985**

## Enforcement history

**EN18/0489:** Fence added to boundary wall. Subject of application

**EN09/0022:** Installation of satellite dish to the front of property. **Complied with 11/09/2009**

**EN06/0513:** Parapet on garage/side extension raised by 300mm as per permission (2005/4569/P & 2005/4570/L) but colour of bricks is not to match. **Complied with 09/06/2010**

**EN990778:** The erection of a lower and upper ground floor rear extension at the rear of the premises not in accordance with approved drawings. **Listed Building Enforcement Notice 21/12/1999.**

**Appealed and Appeal Dismissed & Listed Building Enforcement upheld 28/06/2000**

**EN981140:** The erection of a lower and upper ground floor rear extension at the rear of 4 St Mark's Square which does not in accord with approved drawings. **Enforcement Notice 21/12/1999.**

**Appealed and Appeal Dismissed 28/06/2000.**

**EN000059:** i) The removal of the listed retaining wall to the basement lightwell, to the Princess Road and Regent's Park Road elevations.

ii) The demolition and rebuilding of the listed boundary wall on the corner of Princess Road and Regents Park Road, using inappropriate bricks, bonding, detailing, pointing and mortar. **Listed Building Enforcement Notice 11/08/2000. Appealed and Appeal Dismissed & LB enforcement upheld 11/01/2001**

**EN000693:** Works which severely damaged 3 mature lime trees to the Regents Park Road elevation, which are included in the Tree Preservation Order St Pancras No. 4 1955. (3 semi- mature Lime Trees are to be planted in the garden fronting Regents Park Road) **Tree Preservation Order Enforcement Notice 11/08/2000**

**Neighbouring site - 1 Princess Road and 4 St. Mark's Square**

**2009/0234/L:** Removal of approx. 2.7m of the boundary wall and brick pier between 1 Princess Road and 4 St. Mark's Square, and replacement of 2 metres of the wall using black metal railings. **Granted 01/10/2010**

## **Relevant policies**

**National Planning Policy Framework (2019)**

**The London Plan (2016)**

**London Borough of Camden Local Plan (2017)**

A1 Managing the impact of development

D1 Design

D2 Heritage

C5 Safety and security

**Camden Planning Guidance**

Altering and Extending your Home March 2019

Design March 2019

Amenity March 2018

**Primrose Hill Conservation Area Statement 2000**

**Article 4 direction – Primrose Hill Conservation Area dated 3 March 1983**

An Article 4 direction in place (which covers the entire conservation area) which amongst other things removes the right to construct gates, fences, walls, or other means of enclosure next to a highway.

## Assessment

### 1.0 Proposal

Planning permission and listed building consent are sought for the following works: The retention of timber fence installed above an existing brick boundary wall to Princess Road and St Mark's Square consisting of lateral timber slats fixed to vertical posts, and measuring approximately 14.5m in width and 0.45m in height to the St Mark's Square (Regent's Park Road) elevation and approximately 15.95m in width and 0.45m in height to the Princess Road elevation. Due to the existing boundary wall height ranging between 1.58m to 1.75m, due to the change in ground level, the addition of the fence results in the total height of the boundary treatment as 2.05m to the St Mark's Square (Regent's Park Road) and 2.03m to 2.23m, to the Princess Road elevation.

### 2.0 Assessment

The principle considerations in the determination of this application are as follows:

- Design (the impact of the proposal on the special character of the host Grade II listed building and wider Bloomsbury Conservation Area),
- Amenity (impact on neighbouring amenity in terms of daylight/sunlight, outlook, noise and privacy).
- Safety and Security (the impact on the proposal to create safe and attractive places to live and work, and reduce the opportunity for crime).

### 3. Design and Heritage

- 3.1 The Council's Design Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Development should respect the local context and character; preserve or enhances the historic environment and heritage assets; comprises details and materials that are of high quality and complement the local character; integrates well with the surrounding streets and open spaces; be secure and designed to minimise crime and antisocial behaviour; respond to natural features and preserves gardens and other open space; incorporates high quality landscape design and maximises opportunities for soft landscaping, preserves strategic and local views.
- 3.2 Careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development, which integrates into its surroundings and considers the prevailing pattern and the existing rhythms, symmetries and uniformities in the townscape.
- 3.3 The design of front gardens and boundary treatments make a large impact to the character and attractiveness of an area and streetscene. Camden Planning Guidance for Design states that front gardens should retain or reintroduce boundary features, especially in conservation areas, such as walls, railings and hedges where they have been removed, retain trees and vegetation which contribute to the character of the site and surrounding area, and encourages the combination of low brick boundary walls and hedges as a boundary treatment. For listed buildings we expect that the works preserve and enhance the existing qualities and context of the site and surrounding area.
- 3.4 The Primrose Hill Conservation Area Statement states that 'Alterations to the front and side boundaries between the pavement and the house can dramatically affect and harm the character of the Conservation Area. Proposals to erect new boundary structures or replace or alter existing boundary structures should respect the original boundary style.'
- 3.5 The existing boundary consists of a yellow stock brick wall constructed in Flemish bond, with brick coping and four brick piers and coping stones either side of two gate entrances on the St Mark's Square/Regent's Park Road elevation. The boundary wall matches that of number 36 Regent's Park Road and has the effect of forming a singular boundary wall enclosing the pair of listed buildings returning at the junction of Princess Road with a distinctive curved corner. The wall has a string course layer which may indicate the height of the original wall; however, the colour, texture, face-bond and pointing indicated that the wall has been repaired or reconstructed at some point.

The boundary wall also matches that opposite at number 3 St Mark's Square, despite this being in a poor state. Whilst the boundary wall is not a specified in the listed building description as an historic feature, it is sympathetic to the conservation and host building and forms part of an overall pattern of boundary treatments and gate piers on St Mark's Square, Regents' Park Road and Princess Road.

- 3.6 The application site is in a prominent position with two elevations highly visible in the corner position of St Mark's Square, which is an intersection of St Mark's Square, Regent's Park Road and Princess Road. It is considered to have an amenity contribution to the streetscene and wider conservation area. The boundary is prominent in a number of views across and along these streets, it forms an incongruous element that detracts from the conservation area.
- 3.7 The applicant makes reference to a similar boundary treatments at nearby properties at 6 Albert Terrace, 6 Prince Albert Road and unnumbered property on Regent's Park Road. The examples provided differ in design to the timber slatted design installed at the application site, in that they have an open design in the form of trellis or railings. Each case is determined on its own planning merits, and the presence of a trellis and railings above boundary walls at these sites do not represent precedent for development.
- 3.8 It is acknowledged that there is some variety to the boundary treatments in the neighbouring roads; however, the boundaries in the Conservation Area are predominantly characterised by low brick walls or railings set into a plinth with hedges and vegetation behind & surrounding. The addition of a modern detailed fence to the front and side boundary treatment results in a higher and more solid structure than the brick wall alone, which is considered inappropriate. As noted by the PHCAAC, there is a balance in the conservation area between openness and seclusion, where front gardens are generally visible from the public realm, a characteristic fundamental to the sense of the area as 'green'. The fence reduces the openness which is characteristic of this part of the conservation area.
- 3.9 Heritage Policy D2 states that The Council will seek to preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. The character and appearance of a conservation area can be eroded through the loss of traditional architectural details such as garden settings and boundary treatments. As noted by the CAAC, an Article 4 direction was introduced in 1983 to protect these features where they were under threat.
- 3.10 The Council's Conservation and Heritage officer advised that the addition of the fence effectively raises the height of the boundary facing the highway to 2m when the usual maximum is 1.2m. It is considered to be overly large, modern in design, insubordinate and would not preserve the character of the host listed building. The horizontal slatted fence is modern in design, distinctive in colour and too dense to see through; this has the effect of enclosing the heritage asset at ground level by an overly large modern fence which is unlike the surrounding properties and contrary to the prevailing fencing typology in London. Due to the fence obscuring the listed building, which is not acceptable and as it would not preserve the character and setting of the host Grade II listed building and its curtilage wall.
- 3.11 The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm. No evidence of public benefit has been provided.
- 3.12 Due to the location, height and materials, the development is considered an unsympathetic and incongruous addition which is detrimental to the character and appearance of the host building which is Grade II listed, the streetscape, and the wider Primrose Hill Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017. Therefore it is recommended that planning permission and listed building consent are refused, and enforcement action is taken.

#### **4. Amenity**

4.1 The Council will seek to protect the quality of life of occupiers and neighbours by ensuring the impact of development is fully considered. The addition of the fence above the boundary wall has some effect over the amenity of the neighbouring occupiers in terms of outlook and leads to a sense of enclosure to the host property. The effect of this 'fortress approach' is unattractive and can result in an oppressive, unwelcoming environment for both residents, passing pedestrians and the wider community. Whilst this approach is discouraged, the impact on outlook is not considered substantial in this instance and would not so unduly impact of nearby occupants as to warrant refusal of the application for this reason.

#### **5. Security & Safety**

5.1 The applicant states that one of the reasons for erecting the fence was for security due to the street furniture along the boundary wall to Princess Road. Any schemes that alter the streetscape or provide new streets must also be carefully designed to ensure that safe, connected and efficient streets are created or maintained, and should create safe and attractive places and be designed to prevent crime and antisocial behaviour.

5.2 The Metropolitan Police 'Design Out Crime' Officer recommended that front boundary treatments should be kept low in height with open planting that allows views through. He advised that the design of the fence with closed panels fixed to solid posts would be easier to climb and would hide any breaches of security taking place within the garden. He recommended allowing natural surveillance by opening up the foliage as the dense planting creates a screen and replacing the solid fence with trellis which is more open, would fail should anyone try to climb it and would make potential offenders feel exposed. Installation of a secure entrance gate may also help reduce opportunities for breaches of security as well as appropriate lighting.

5.3 Crime and the fear of crime can undermine people's quality of life, health and wellbeing. The Council will require developments to incorporate appropriate design, layout and access measures to help reduce opportunities for crime. The addition of the fence results in the loss of natural surveillance by neighbours and passers-by, thereby increasing the opportunity for crime and anti-social behaviour.

#### **6. Recommendation: Refuse planning permission**

6.1 The addition of the timber fence above the front boundary wall, by reason of location, height and materials, is an unsympathetic and incongruous addition which is detrimental to the streetscape and the character and appearance of the Primrose Hill Conservation Area, and fails to preserve the special historic and architectural interest and harms the setting of the Grade II listed building, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

#### **7. Enforcement action to be taken**

7.1 **The Notice shall allege the following breach of planning control:** The unauthorised erection of a timber fence above the existing boundary wall to St Mark's Square/Regent's Park Road and Princess Road.

7.2 **The Notice shall require that, within a period of 1 month of the Notice taking effect:** Removal of the timber fence, including all associated fixtures and fittings and make good any damage to the original boundary wall with regard to the methods used and to material, colour, texture and profile.

7.3 **Reasons for Issuing the Notice:** The unauthorised development by reason of the harm to the listed building and the wider conservation area is contrary to policy D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.