

**Date: 23/07/2019**  
**Your Ref: APP/X5210/D/19/3230332**  
**and APP/X5210/Y/19/3230331**  
**Our Ref: 2018/4555/P and 2018/5122/L**

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The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Dear Sir/Madam,

**Town and Country Planning Act 1990 (as amended)**  
**Appeal on behalf of Mr Christopher Carter**  
**Site address: 4 St Mark's Square, London, NW1 7TN**

I write in connection with the above appeal against the Council's refusal to grant permission for the planning application ref: 2018/4555/P and associated listed building consent application ref: 2018/5122/L for the 'Erection of timber fence above existing boundary wall to St Mark's Square and Princess Road. (Retrospective).'

## **1.0 Summary**

**1.1** The appeal site is 4 St Mark's Square, which is a three-storey plus attic and basement property use as a dwelling house. The site is located on the corner of Regent's Park Road and St Mark's Square with the principle elevation facing Regent's Park Road. At the rear of the appeal site 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 corner boundary treatment facing Regent's Park Road (St Mark's Square) and Princess Road.

**1.2** The appeal site is a Grade II Listed building within the Primrose Hill Conservation Area with an Article 4 direction in place which, amongst other things, removes the right to construct gates, fences, walls, or other means of enclosure next to a highway. The appeal site is part of a wider listing with the adjacent property at number 36 Regent's Park Road. Number 4 St Mark's Square is formed by the return and rear of number 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 roads: Regent's Park Road and Princess Road which ranges to the bridge over Regent's (Grand Union) Canal on

Regent' Park Road, and comprises St Mark's Church and numbers 1 to 11 St Mark's Square, (see Appendix A). All the buildings in St Mark's Square are Grade II listed buildings, (see Appendix B).

**1.3** The planning application was refused on 07/05/2019 for the following reasons:

- 1. 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 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.*
- 2. The Director of Culture and Environment will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control.*

**1.4** The listed building consent application was refused on 07/05/2019 for the following reasons:

- 1 The addition of the timber fence above the front boundary wall, by reason of size, location, height and materials, is unsympathetic and incongruous addition which is detrimental, 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.*
- 2 The Director of Culture and Environment will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control.*

**1.5** The Council's case for the decision is set out primarily in the delegated Officer's Report that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of the relevant Local Plan policies and accompanying guidance were also sent with the appeal questionnaire.

**1.6** In addition to the information sent with the questionnaire, I would be pleased if the Inspector could take into account the following information and comments, (as well as the associated files outlined in the appendices), before deciding the appeal.

## **2. Status of Policies and Guidance**

**2.1** In determining the above mentioned application, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The full text of the relevant policies was sent with the questionnaire documents.

**2.2** The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017. The Council's policies are recent and up to date and are the basis for planning decisions and future development in the borough. They do not differ from the National Planning Policy Framework (NPPF) 2019 or the London Plan policies in relation

to this appeal. The relevant Local Plan policies as they relate to the reasons for refusal are:

- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- C5 Safety and Security

**2.3** The Council also refers to the following supporting documentation in Camden Planning Guidance, the specific sections most relevant to the appeal are as follows:

Design CPG (2019)

- Chapter 2 Design Excellence
- Chapter 3 Heritage
- Chapter 4 Landscape and public realm
- Chapter 7 Designing safer environments

CPG Amenity (2018)

- Chapter 2 Overlooking, privacy and outlook

CPG Altering and Extending your Home (2019)

- Chapter 2 Design excellence for houses and flats
- Chapter 5 Gardens, garden buildings and biodiversity: Front gardens; Front boundary treatments 5.9-5.11

**3.4** The Council also refers to the following Conservation Area Statement and Article 4 Direction.

Primrose Hill Conservation Area Statement 2000

- Policy PH36

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, (see Appendices C and D).

### **3 Relevant History**

A full summary of the planning history for the appeal site is outlined in the 'relevant history' section of the Officer's Report. Since 2010, no additional alterations to the boundary treatments within St Mark's Square have been permitted other than repairs and retention. The neighbouring site at 1 Princess Road was granted permission in 2010 to replace the boundary wall and brick pier with black metal railings. The boundary alterations subject to this approval at the neighbouring site were due to the site constraints and the existing tree whilst addressing issues with instability; they were of appropriate design and materials, were less visible and they did not face the highway.

### **4 Comments on the Appellant's Grounds of Appeal (Planning Permission)**

**4.1** The appellant's grounds of appeal are summarised as follows:

1. Design & Heritage
2. Amenity
3. Security and Safety

## **5 Response to ground of appeal 1 Design & Heritage (paragraphs 4.4-4.8)**

**5.1** Paragraph 2.1 of the appellant's statement regarding the site refers to the brick boundary wall being painted cream.

**5.2** Response: During the most recent site visit made 5 December 2018, it was observed that the wall is unpainted brick.

**5.3** Paragraph 2.1 of the appellant's statement regarding the site refers to the boundary wall being 1.6m in height with additional fence of 0.44m above.

**5.4** Response: The appellant does not refer to the difference in the site's ground level resulting in the overall height of the boundary treatment ranging from approximately 2.03m to 2.23m, according to the application drawings.

**5.5** Paragraph 2.4 of the appellant's statement regarding the amendments discussed with the Council officer as including painting the fence black, removing alternate slats and removing the part of the fence fronting St Mark's Square. The Appellant considered that these may worsen the appearance of the fence.

**5.6** Response: The Council's other suggestions were that a more lightweight structure, like a trellis, would be more acceptable, rather than the solid timber panels that have been erected. In soliciting an application, it was considered that a more traditionally designed and open structure was envisaged. The Conservation officer's comments can be viewed in full in Appendix E email dated 14 November 2019.

**5.7** Paragraphs 4.4 to 4.7 of the appellant's statement refers to the local policy and the officers report assessment of the design and focusses on the variety of boundary treatments that existing in St Mark's Square and the adjoining roads.

**5.8** Response: The impact of the design is assessed in full in paragraphs 3.5 to 3.8 of the Officer's Report. In response to the examples provided with the application the Officer's Report paragraph 3.7 identifies that they have an open design in the form of trellis or railings. In response to the additional examples provided the appellant's statement, The Councils reasoning is that the examples provided differ in design to the timber close-boarded slatted design installed at the application site, in that they have an open design in the form of trellis or railings above a low or medium height brick wall. With reference to the specific examples provided, the relevant approvals were granted prior to the current local planning policy and guidance. In addition, the character of Prince Albert Road differs to the appeal site in that it is a principle road facing Regent's Park. The next five points address each example specifically.

- 5.8.1** 1 St Mark's Square: photos 4 & 5. The boundary treatment is subject to current enforcement investigation under Camden Planning reference EN18/0488.

- 5.8.2** 6 Albert Terrace: photos 6 & 7. The gates were granted under planning permission ref: 2007/4245/P. The boundary wall was rebuilt to the previous height and included an open wooden trellis above.
- 5.8.3** 16 Prince Albert Road: photo 8. The treatment above the boundary wall consists of open wooden trellis.
- 5.8.4** 18 Prince Albert Road: photo 9. The rebuilt boundary wall was to a height of 1.4m, with open circular York stone detail above to height of 1.95m. The officer's report of referred to the design matching the boundary detail of numbers 21 & 22 Prince Albert Road.
- 5.8.5** 22 Prince Albert Road: photos 10, 11 & 12. The planning history does not confirm the alterations made. However, Prince Albert Road is described in the Conservation Area Statement as having 'high boundary walls'.

**5.9** Paragraph 4.7 of the appellant's statement asserts that there is no strong, rigid, pattern of boundary treatment on St Mark's Square or the adjoining Regent's Park Road or Prince Albert Terrace, that the original boundary treatment character is diminished and, therefore the fence does not harm the listed building or conservation area.

**5.10** Response: The officer's report paragraph 3.8 acknowledges there is some variety to the boundary treatments in neighbouring roads, however, they are a different character to that of the close-boarded painted fence installed at the appeal site. The Local Plan paragraph 7.54 states '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. Where alterations are proposed they should be undertaken in a material of a similar appearance to the original. Traditional features should be retained or reinstated where they have been lost, using examples on neighbouring houses and streets to inform the restoration.' Page 11 of the Primrose Hill Conservation Area Statement describes St Marks' Square properties as having large front areas with railings and plinths. Paragraph 3.5 of the officer's report acknowledges that the existing boundary wall may not be original and 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. The Primrose Hill Conservation Area Statement Guideline PH36 (page 33) states that 'proposals to erect new boundary structures or replace or alter existing boundary structures should respect the original boundary style. Where original boundary structures have been lost these should be reinstated to match the original.' A low or medium brick wall as that in situ for some time, is considered to respect the original boundary style. The fence that has been installed is not considered to respect the original boundary style.

**5.11** Response: The Local Plan policy D2 states that The Council will resist development that would cause harm to significance of a listed building through an effect on its setting. The Listed status also extends to any object or structure within its curtilage which forms part of the land.' Camden Planning Guidance for Design paragraph 3.25 states that 'In assessing applications for listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Historic England (in Conservation Principles, Policies and Guidance, 2008) define harm as: Change for

the worse, here primarily referring to the effect of inappropriate interventions on the heritage value of a place. CPG Design 3.41 states that, as set out in Historic England Advice Note 1 (second edition, 2018) the cumulative impact of incremental small-scale changes on a particular heritage asset may have as great an effect on its significance as a larger scale change, the Council will consider whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with the approach. The cumulative impact of the loss of traditional features and an unsympathetic addition to the boundary is detrimental to the conservation area and fails to preserve the special historic and architectural interest and harms the setting of the Grade II listed building.

**5.12** Paragraph 4.8 of the appellant's statement addition states that the development retains soft landscaping on site and preserve a sense of 'green' within the area, unlike neighbouring sites, which creates a positive contribution to the visual amenity of the site.

**5.13** Response: The Council's recognises the existing soft landscaping has positive contribution to the visual amenity and would seek to protect this. The Council's reasoning is that the fence structure obscures some of the foliage and does not allow views through. In seeking to work with the applicant has suggested that opening up the foliage would allow for natural surveillance thereby reducing the risk of criminal activity.

## **6 Response to ground of appeal 2 Amenity (paragraphs 4.9)**

**6.1** The appellant's statement refers to the Camden Planning Guidance on Amenity and the Officer's report paragraph 4.1, 'impact on outlook is not considered substantial in this instance and would not so unduly impact of nearby occupants as to warrant refusal'.

**6.2** Response: The Councils reasoning for addressing the impact on amenity in paragraph 4.1 of the officer's report is that the fence does has some effect in terms of outlook and 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 conservation area's visual amenity.

## **7 Response to ground of appeal 3 Security and Safety (paragraphs 4.10-4.16)**

**7.1** Paragraph 4.3 of the appellant's statement refers to main reason for the submission is the security of the site. The appellant has raised new information with respect to paragraphs 4.10-4.12 detailing members of the public climbing the wall, accessing the private garden space, throwing objects over the boundary, and these objects have hit children playing in the lower garden space. The bench adjacent to the site on Princess Road as a location that people frequently loiter and sleep more than four times a week. The erection of the fence provides the security required to prevent the intruders or objects thrown in to the private space and that there have been no instances since the fence was erected.

**7.2** Response: The main reason for the submission was that it was reported by the Primrose Hill Conservation Advisory Committee as works in breach of planning permission. Whilst The Councils recognises the appellants main reason for erecting the fence was for security reasons, the incidents raised in paragraphs 4.10 to 4.12 of the appellant's statement is new information. The Council's reasoning is that the design advice is that it

would worsen the likelihood of crime. The 'Designing Out Crime' officer's comments can be viewed in full in Appendix E email dated 14 November 2019. His recommendations included keeping the height low with open foliage to allow natural surveillance as dense planting creates a screen and replacing the solid fence with trellis which is more open and would fail should anyone try to climb it. Installation of a secure entrance gate may also help reduce opportunities for breaches of security as well as good security lighting.

## **8 Appellant would consider small alterations to make the fence acceptable and can be secured by condition (paragraph 5.4).**

**8.1** Response: Whilst The Council was prepared to accept some additional height to the side road (Princess Road) elevation during the course of the application. The reasoning was that it was not acceptable to surround the perimeter of the house with tall fencing facing the highway and obscuring the listed building which is out of character with the neighbouring properties and wider Conservation Area. During the course of the application, the appellant was not in agreement with The Council's suggested amendments of reducing the density of the fence structure and or building up the wall along Princess Road elevation. The options of amendments suggested by The Council would mitigate the newly raised issues of breaching the boundary and throwing objects over the boundary, helping to prevent the anti-social behaviour whilst being sympathetic to the host building and surrounding Conservation Area.

## **9 Conclusions**

**9.1** The concerns raised in this appeal statement regarding the impact of the development on the listed building and the conservation area could not be fully mitigated by conditions, meaning that the reasons for refusal are maintained. Substantial changes would be required to make any fencing acceptable as set out in this statement.

**9.2** Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.16 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

**9.3** Based on the information set out above, and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable for those reasons set out within the original decision notices and remains contrary to the Council's policies. Notwithstanding, the information submitted by the appellant in support of the appeal does not overcome the Council's concerns. The proposal presents no benefits that would outweigh the harm identified. For these reasons the proposal fails to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal.

**9.4** If any further clarification of the appeal submission is required please do not hesitate to contact Leela Muthoora on the above direct dial number or email address.

Yours sincerely,

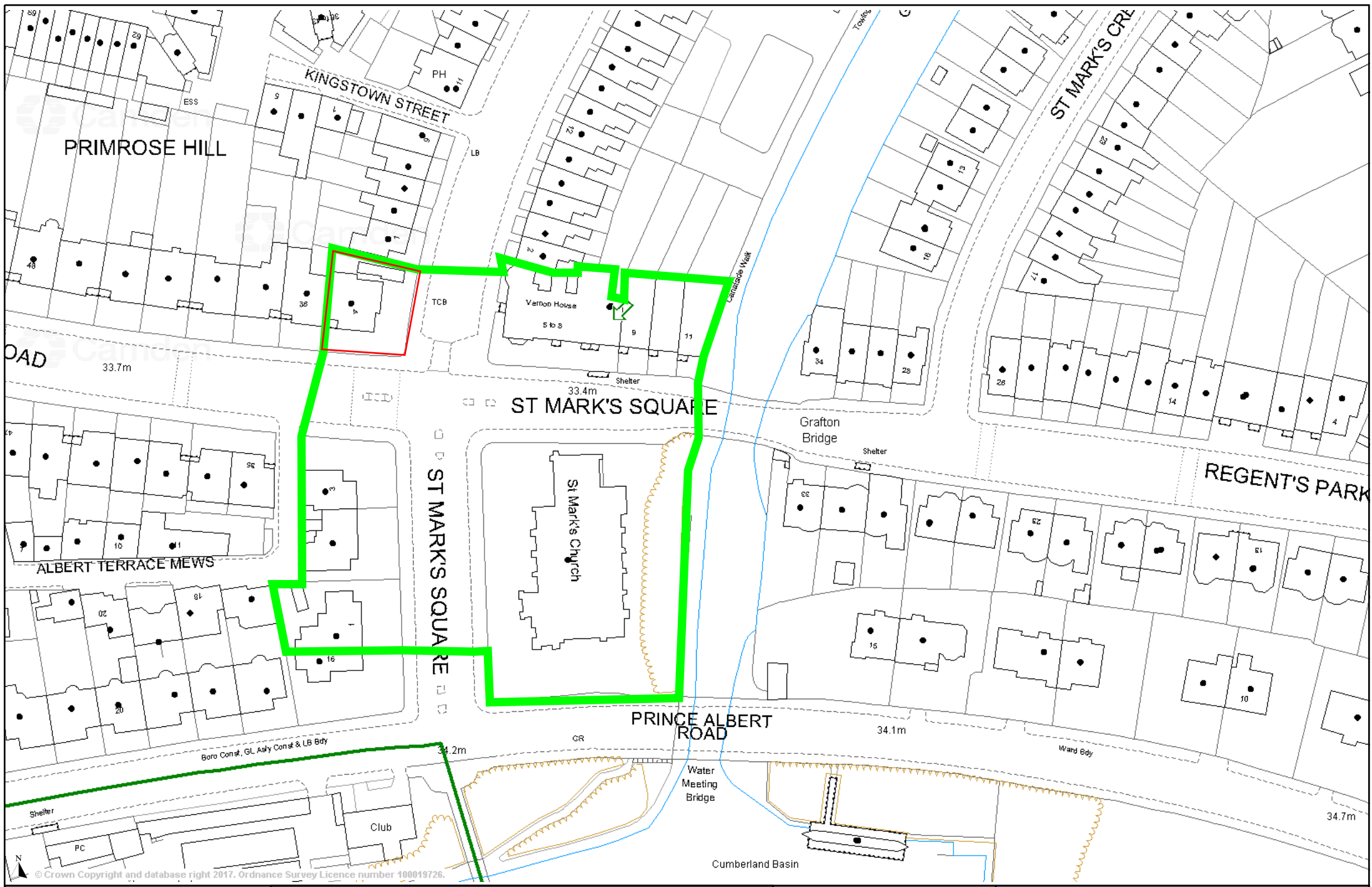
Leela Muthoora  
Planning Technician - Planning Solutions Team  
Supporting Communities Directorate  
London Borough of Camden

**List of Appendices**

- **Appendix A: St Mark's Square outlined in green - appeal site in red**
- **Appendix B: St Mark's Square - heritage context**
- **Appendix C: Article 4 Direction Schedule dated 3 March 1983**
- **Appendix D: Article 4 Direction - List of properties affected in Primrose Hill Conservation Area**
- **Appendix E: Email discussions 14.11.18 to 18.12.18**



## Appendix A



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### St Mark's Square outlined

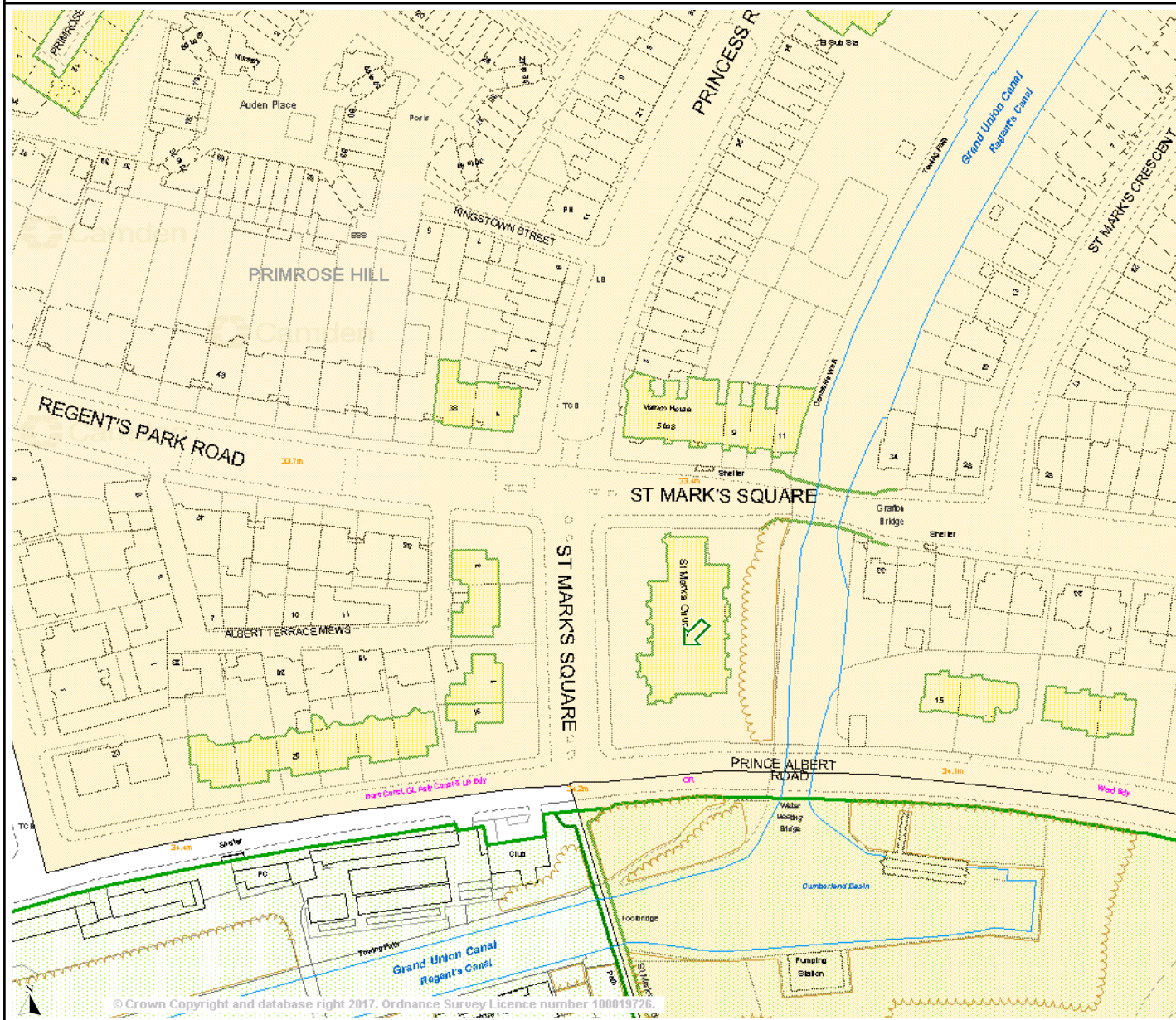
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












Scale 1/1042

Centre = 528270 E 183750 N

Date 15/7/2019

## Appendix B



-  Annotations
-  MMOtherText
-  MMBuildingText
-  MMRoadText
-  MMWater
-  MMRail
-  MMLandform
-  RegisteredHistoricParkOrGarden
-  Locallist
-  ConservationAreaCarto
-  ConservationArea
-  ListedBuilding
-  MMBuilding
-  MMGeneral
-  MMRoad



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Scale 1/1613

Date 15/7/2019

Centre = 528222 E 183754 N

## Appendix C

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS 1977 TO 1981THE TOWN AND COUNTRY PLANNING (NATIONAL PARKS, AREAS OF OUTSTANDING NATURAL BEAUTY AND CONSERVATION AREAS) SPECIAL DEVELOPMENT ORDER 1981ARTICLE 4 DIRECTION - PRIMROSE HILL CONSERVATION AREA

## WHEREAS:

The Council of the London Borough of Camden being the appropriate Local Planning Authority for the said Borough within the meaning of Article 4 of the Town and Country Planning General Development Order 1977 as amended by Article 2(a) of the Town and Country Planning General Development (Amendment) Order 1980 are of the opinion that development of the descriptions set out in Schedule I hereto should not be carried out to the properties referred to in Schedule II hereto all of which properties are situated within the Primrose Hill Conservation Area being the land shown edged red on the plan annexed hereto unless permission therefore is granted on application made under the Town and Country Planning General Development Order 1977 as amended.

## NOW THEREFORE:

The said Council in pursuance of the powers conferred upon them by the said Article 4(1) hereby direct that the permission granted by Article 3 of the Town and Country Planning (National Parks, Areas of Outstanding Natural Beauty and Conservation Areas) Special Development Order 1981 shall not apply to development on the said land (being land within an area designated as a Conservation Area) of the descriptions set out in Schedule I hereto.

Town and Country Planning General  
Development Order 1977 as  
modified by the

SCHEDULE I

Class I - Development within the curtilage of a dwelling house

1. The enlargement, improvement or other alteration of a dwelling house except in so far as such development affects the side or rear of the buildings so long as;
  - (a) The cubic content of the original dwelling house (as ascertained by external measurements) is not exceeded by more than 50 cubic metres or 10 per centum whichever is the greater, subject to a maximum of 115 cubic metres;
  - (b) The height of the building as so enlarged, improved or altered does not exceed the height of the highest part of the roof of the original dwelling house;
  - (c) No part of the building as so enlarged, improved or altered projects beyond the forwardmost part of any wall of the original dwelling house which fronts on a highway;
  - (d) No part of the building (as so enlarged, improved or altered) which lies within a distance of two metres from any boundary of the curtilage of the dwelling house has as a result of the development a height exceeding four metres;
  - (e) The area of ground covered by buildings within the curtilage of the dwelling house (other than the original dwelling house) does not thereby exceed 50% of the total area of the curtilage excluding the ground area of the original dwelling house;

Provided that;

  - (a) The erection of a garage, stable, loosebox or coach-house within the curtilage of the dwelling house shall be treated as the enlargement of the dwelling house for all purposes of this permission (including calculation of the cubic content);
  - (b) For the purposes of this permission the extent to which the cubic content of the original dwelling house is exceeded shall be ascertained by deducting the amount of the cubic content of the original dwelling house from the amount of the cubic content of the dwelling house as enlarged, improved or altered (whether such enlargement, improvement or alteration was carried out in pursuance of this permission or otherwise); and
  - (c) The limitation contained in sub-paragraph (d) above shall not apply to development consisting of;
    - (i) The insertion of a window (including a dormer window) into a wall or the roof of the original dwelling house or the alteration or enlargement of an existing window; or
    - (ii) Any other alterations to any part of the roof of the original dwelling house;
4. The construction within the curtilage of the dwelling house of a hard standing for vehicles for a purpose incidental to the enjoyment of the dwelling house as such.

Class II - Sundry, Minor Operations

1. The erection or construction of gates, fences, walls, or other means of enclosure where abutting on a highway used by vehicular traffic.
2. The formation, laying out and construction of a means of access to a highway not being a trunk or classified road where required in connection with development permitted by Article 3 of and Schedule 1 to the Town and Country Planning General Development Order 1977 as amended ~~by Article 2(a) of Town and Country Planning General Development (Amendment) Order 1980~~ (other than under this class).
3. The painting of the exterior brickwork of any building, such brickwork being visible from the highway.

Being the development comprised within Classes I and II referred to in Schedule 1 of the Town and Country Planning General Development Order 1977 as amended ~~by Article 2(b)(1) of the Town and Country Planning General Development (Amendment) Order 1980 modified by Article 3(a) of the Town and Country Planning (National Parks, Areas of Outstanding Natural Beauty and Conservation Areas) Special Development Order 1981~~ and not being development comprised within any other Class.



## Appendix D

<u>SCHEDULE II</u>	<u>STREET NUMBER</u>	<u>G.D.O. CLASS</u>
Albert Terrace	1	I.4; II.1 & 2
	2-6 (consec.)	I.1 & 4; II.1 & 2
Albert Terrace Mews	2	I.1; II.3
	3,4,5,7,23	I.1
	6	I.1; II.1
Auden Place	1 - 87 (consec.)	II.1 & 3
Berkeley Road	1, Chalk Farm Baptist Church	II.1 & 3
	2	I.1; II.1
	3-9 (odd)	I.4; II.1 & 2 & 3
	6	I.1; II.1 & 3
Chalcot Crescent	1-11 (odd), 12,13,15,17 30,32,34,38,46	II.1
	2-10 (even), 14-28 (even) 36,40,42,44	I.1; II.1
	19,21,23,25, 31-37 (odd) 27,29,39	II.1 & 3 I.4; II.1 & 2 & 3
	1,2,5,41,48	II.1
	3,4,6-40 (consec.) 42-47 (consec.) 49-62 (consec.) 63-66 (consec.)	II.1 & 3 I.1; II.1
Chalcot Road	1-7 (consec.) 12,13,14	I.1 & 4; II.1 & 2
	8-11 (consec.)	I.4; II.1 & 2
	15-21 (consec.) 23,24,25,27,28,35	I.1; II.1
	29-32 (consec.), 34, 38	I.1; II.1 & 3
	33	I.1 & 4; II.1 & 2 & 3
	36, 37	II.1
	39	II.1 & 3
	1-11 (consec.) 13,14 12	I.1; II.1 & 3 II.1 & 3
Edis street	2,31	II.1
	3-26 (consec.)	II.1 & 3
	28,29,30	I.1; II.1
Egbert Street	1-14 (consec.)	II.1 & 3
Fitzroy Road	1,3,55,57	I.1 & 4; II.1 & 2 & 3
	2,4,6, 10-30 (consec.)	II.1 & 3
	32-36 (even), 44,44a,49,52 (Jacqueline House), 54 (Marion House)	
	31,33,35, 37-43 (consec.) 45-48 (consec.), 50	I.1; II.1 & 3
	7,11,27,29,31,36,37,41 42,42A,44,52-64 (even) 66-80 (consec.) 82-88 (even) 91, 94-100 (even), 104,133,134 175	II.1 & 3
9,81,181,183	I.4; II.1 & 2	
15-25 (odd), 83-89 (odd), 93-131 (odd), 135-173 (odd)	I.4; II.1 & 2 & 3	

	33,46,90,92,102,106-132(even)	II.1
	136-150 (even), 177,179	
	1-105 Darwin Court	
	35,51-59 (odd)	I.1 & 4; II.1 & 2
	39, 43-49 (odd)	I.1 & 4; II.1 & 2 & 3
	42B	I.1; II.1 & 3
	44A, 61 63	I.1; II.1
Gloucester Crescent	1-10 (consec.) 15-23 (consec)	I.1 & 4; II.1 & 2 & 3
	50,51,51A,55-65 (consec.) 69	
	70	
	11-14 (consec.) 52,53,54,68	I.1; II.1 & 3
	24-28 (consec.) 32-36 (consec.)	I.4; II.1 & 2 & 3
	39,40,41,66,67	
	29,30,31,37,38,42,43	II.1 & 3
Inverness Street	37	I.1; II.1
	39-44 (consec.)	II.1 & 3
Kingstown Street	1,37,39	I.1; II.3
	3,5	I.1
	34,53,55,59,61	II.1 & 3
	47	I.1; II.1 & 3
Manley Street	4,8-16 (even)	II.1 & 3
	6	II.1
Oval Road	1A-1E (consec.) 10	I.4; II.1 & 2 & 3
	1F,3,5,11-17 (odd), 31	I.1; II.1 & 3
	2-8 (even)	II.1 & 3
	7	I.1 & 4; II.1 & 2 & 3
	9,19-29 (odd)	I.1; II.1
Parkway	115,127	II.1
	York and Albany PH	
	119-125 (odd), Holy Rood House	II.1 & 3
Park Village East	1	II.1 & 3
Primrose Hill Studios	1-12 (consec.) and the Lodge	I.1; II.1 & 3
Princess Road	1-7 (odd)	I.1; II.1
	2-10 (even), 12-20 (consec.)	II.1 & 3
	22-35 (consec.) 37-43 (odd)	
	45-51 (consec.) 53,57,59,61,65	
	and Engineer PH Prince Albert	
	PH and Primrose Hill School	
	9,21,55,63	II.1
	42	I.1 & 4; II.1 & 2 & 3
Prince Albert Road	1-6 (consec.) 7,8,10-22	I.1; & 4; II.1 & 2
	(consec.) 6A	I.1 & 4; II.1 & 2 & 3
	23	II.1 & 3
Regents Park Road	1,3-9 (consec.) 11-34 (consec.)	I.1 & 4; II.1 & 2
	36,37,39-43 (consec.) 45,47,	
	48-70 (even), 98,100,106,108,	
	176-182 (even), 186,188,190	
	2,10,80 (Carole House), 113,	II.1 & 3
	118-142 (even), Queens PH	
	35,111,174,184,192,194,196	I.1 & 4; II.1 & 2 & 3
	38,115,117,119	II.1

	44,96,102,110	I.4; II.1 & 2
	46	I.1; II.1
	63,69-87 (odd), 91-103 (odd)	II.3
	107,109,146-172 (even)	
	104,112,114,116	I.4; II.1 & 2 & 3
Regents Park Terrace	1-22 (consec.)	II.1 & 3
Rothwell Street	1-15 (consec.)	II.1 & 3
Sharples Hall St.	1-7 (consec.) 11 (the Library)	II.1 & 3
	8,9,10	I.1; II.1 & 3
St. Georges Mews	1-6 (consec.)	II.3
St. Georges Terrace	1	I.1 & 4; II.1 & 2
	2,10	I.4; II.1 & 2 & 3
	3,4,5,9,11	I.1 & 4; II.1 & 2 & 3
	6,7,8	II.1 & 3
St. Mark's Crescent	1-4 (consec.) 13-16 (consec.) 29	I.1; II.1
	5-8 (consec.) 17-24 (consec.)	I.1; II.1 & 3
	26	
	9-12 (consec.) 31	I.1 & 4; II.1 & 2
	25,27,28,30	I.1 & 4; II.1 & 2 & 3
St. Mark's Square	1-4 (consec.)	I.1 & 4; II.1 & 2
	Vernon House, St. Mark's Church	II.1
Waterside Place	1-10	II.3

GIVEN UNDER THE COMMON SEAL OF THE COUNCIL OF THE LONDON BOROUGH OF  
CAMDEN THIS 28th day of October 1982

The Common Seal of the  
Council was hereunto  
affixed by Order

*John Oliver*  
*J. Nicholson*

The Secretary of State for the  
Environment hereby approves the  
foregoing directions subject to the  
modifications shown in red ink  
thereon.

Signed by authority  
of the Secretary of  
State

3 MARCH 1983

*[Signature]*  
\*An Assistant  
Secretary in the  
Department of the  
Environment.

## Appendix E

## Muthoora, Leela

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**From:** Muthoora, Leela  
**Sent:** 18 December 2018 17:28  
**To:** 'Rebekah Jubb'  
**Subject:** RE: 2018/4555/P & 2018/5122/L - 4 St Mark's Square

Good afternoon Rebekah

I've discussed your comments and suggestion to retain the fence as it is and paint it black with my conservation colleagues.

Whilst he may be prepared to accept some additional height to the side road (Princess Road) elevation it is not acceptable to surround the perimeter of the house with tall fencing facing the highway and obscuring the listed building which is also out of character with the neighbouring properties and wider Conservation Area. I'm sorry to say without any amendments we will be required to refuse the applications and pass back to our enforcement team for further action.

I have other cases to prioritise this week so will not have the capacity to complete my report before the end of the week. I am on leave from Monday 24<sup>th</sup> Dec to 7<sup>th</sup> Jan so I will aim to finalise my report in that week.

Kind regards  
Leela Muthoora  
Planning Technician  
Regeneration and Planning  
London Borough of Camden

020 7974 2506



---

**From:** Rebekah Jubb <Rjubb@bell-cornwell.co.uk>  
**Sent:** 04 December 2018 10:32  
**To:** Muthoora, Leela <Leela.Muthoora@camden.gov.uk>  
**Subject:** RE: 2018/4555/P & 2018/5122/L - 4 St Mark's Square

Leela

Thank you for your e-mail below. We have discussed it with our client and can respond to the points raised as follows:

- We have had a further look at other examples in the surrounding area in addition to those identified with the original application submission. The attached document provides examples of other similar horizontal modern fences. The fence on our client's property is not, therefore, the only example.
- Whilst it is more dense than the trellis examples you have mentioned, there are still gaps between the wood to allow views through. In any event, the density of planting in the garden means that there is very little view of the building from the street frontage anyway.

- Our client is happy to paint the fence black but is very keen to retain it around the full perimeter of the frontage of the property.
- In our view, retaining the fence for the full perimeter of the frontage of the property ensures a more comprehensive and unified visual solution.
- Since installing the fence our client has not had any further security issues so they are confident that it is serving the intended purpose.

Please could you consider these points and advise whether painting the fencing black to reduce its prominence would offer an acceptable compromise?

Regards,

Rebekah

## Rebekah Jubb

BSc(Hons) MATP MRTPI

### Partner

01256 382039 | 07917 182980 | [rjubb@bell-cornwell.co.uk](mailto:rjubb@bell-cornwell.co.uk) | [bell-cornwell.co.uk](http://bell-cornwell.co.uk)

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**From:** Muthoora, Leela <[Leela.Muthoora@camden.gov.uk](mailto:Leela.Muthoora@camden.gov.uk)>

**Sent:** 14 November 2018 19:04

**To:** Rebekah Jubb <[Rjubb@bell-cornwell.co.uk](mailto:Rjubb@bell-cornwell.co.uk)>

**Subject:** RE: 2018/4555/P & 2018/5122/L - 4 St Mark's Square

Good evening Rebekah

Thank you for your email, I'm sorry for the delay in replying, I was unable to meet the conservation officer last week and then I was on leave for a few days. I have now been able to discuss it with him.

He advises that 'the horizontal timber fence is excessively modern in design, an overly noticeable unnatural reddish brown colour, and too dense to see through, effectively raising the height of the wall to 2m when the existing is 1.6m and usual maximum is 1m facing the highway. All of these factors harm the setting of the listed building and its curtilage wall. In soliciting an application, it is considered that a more traditionally designed and open structure was envisaged. If security is a problem, such as around the street furniture, parts of the wall might be considered to be raised more than other parts. However the total enclosure from sight of this heritage asset by an overtly modern fence is not acceptable. Alternatively, if the applicant paints the fence matt black on the Princess Road elevation and removes it from the St Mark's Square elevation, that might provide a sufficient compromise allowing security and addressing the above concerns.'

I consulted our designing out crime advisor from Met Police regarding the security concerns. He advised the recommendation for front boundary treatments is to keep the height low with open planting that you can see through. The raised fence appears to be fixed to solid posts which would be easier to climb over and the closed panels of the fence would hide any breaches of security taking place within the garden. He recommends creating 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 and would fail should anyone try to climb it. Installation of a secure entrance gate may also help reduce opportunities for breaches of security.

I would suggest the current fence is currently unacceptable and we would refuse the application and pass it back to enforcement. A better option would be to follow advice provided above by removing the fence from the St Mark's Square elevation, remove alternate boards from the fence on Princess Road and paint it black to reduce its visibility. The examples given in the planning & heritage report page 4 demonstrate this approach with open trellis painted in dark colours with open planting.

I understand you will need to discuss this with the applicant, please let me know how you wish to proceed.

Kind regards

Leela Muthoora  
Planning Technician

Telephone: 020 7974 2506



---

**From:** Rebekah Jubb <[Rjubb@bell-cornwell.co.uk](mailto:Rjubb@bell-cornwell.co.uk)>  
**Sent:** 14 November 2018 08:05  
**To:** Muthoora, Leela <[Leela.Muthoora@camden.gov.uk](mailto:Leela.Muthoora@camden.gov.uk)>  
**Subject:** RE: 2018/4555/P & 2018/5122/L - 4 St Mark's Square

Leela

Further to your e-mail below, I hope you have now been able to discuss this case with your Conservation Officer. Are you able to let me have a further update?

I am keen to ensure that the examples of other similar fencing in the area and the variety of other boundary treatment, which have been demonstrated in our submission, are taken into account in assessing this application.

I look forward to hearing from you.

Regards,

Rebekah

**Rebekah Jubb**

BSc(Hons) MATP MRTPI

**Partner**

01256 382039 | 07917 182980 | [rjubb@bell-cornwell.co.uk](mailto:rjubb@bell-cornwell.co.uk) | [bell-cornwell.co.uk](http://bell-cornwell.co.uk)

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**From:** Muthoora, Leela <[Leela.Muthoora@camden.gov.uk](mailto:Leela.Muthoora@camden.gov.uk)>  
**Sent:** 07 November 2018 12:54  
**To:** Rebekah Jubb <[Rjubb@bell-cornwell.co.uk](mailto:Rjubb@bell-cornwell.co.uk)>  
**Subject:** RE: 2018/4555/P & 2018/5122/L - 4 St Mark's Square

Good afternoon Rebekah

I am due to discuss your application with our Conservation & Heritage officer later today so I will hopefully update you on any issues he has with the fence design tomorrow morning.



The consultation period runs until 19<sup>th</sup> November due to the late registration so we are legally required to allow for any consultation responses until then. You can view any responses we receive on the case file published online.

<http://camdocs.camden.gov.uk/HPRMWebDrawer/PlanRec?q=recContainer:2018/4555/P>

I will update you tomorrow if the Conservation officer has concerns. As I mentioned in my previous email my expectations are that he would prefer see something more lightweight to a Grade II listed building, like a trellis, rather than the solid timber panels.

Kind regards

Leela Muthoora  
Planning Technician

Telephone: 020 7974 2506



---

**From:** Rebekah Jubb <[Rjubb@bell-cornwell.co.uk](mailto:Rjubb@bell-cornwell.co.uk)>  
**Sent:** 07 November 2018 08:29  
**To:** Muthoora, Leela <[Leela.Muthoora@camden.gov.uk](mailto:Leela.Muthoora@camden.gov.uk)>  
**Subject:** RE: 2018/4555/P & 2018/5122/L - 4 St Mark's Square

Leela

Please could you give me an update on this application?

Many thanks,

Rebekah

**Rebekah Jubb**

BSc(Hons) MATP MRTPI

**Partner**

01256 382039 | 07917 182980 | [rjubb@bell-cornwell.co.uk](mailto:rjubb@bell-cornwell.co.uk) | [bell-cornwell.co.uk](http://bell-cornwell.co.uk)

---

**From:** Rebekah Jubb  
**Sent:** 25 October 2018 10:53  
**To:** 'Muthoora, Leela' <[Leela.Muthoora@camden.gov.uk](mailto:Leela.Muthoora@camden.gov.uk)>  
**Subject:** RE: 2018/4555/P & 2018/5122/L - 4 St Mark's Square

Leela

Thank you for your e-mail.

The description of development you have suggested is fine.

With regard to the design, we have shown within our submission examples of other similar fences on nearby properties and have shown the quality of what has been constructed. We trust you will take that into account when discussing it with your colleagues. We look forward to hearing from you when you have progressed further.

Many thanks for your assistance to date.

Regards,

Rebekah

## Rebekah Jubb

BSc(Hons) MATP MRTPI

### Partner

01256 382039 | 07917 182980 | [rjubb@bell-cornwell.co.uk](mailto:rjubb@bell-cornwell.co.uk) | [bell-cornwell.co.uk](http://bell-cornwell.co.uk)

---

**From:** Muthoora, Leela <[Leela.Muthoora@camden.gov.uk](mailto:Leela.Muthoora@camden.gov.uk)>

**Sent:** 23 October 2018 14:53

**To:** Rebekah Jubb <[Rjubb@bell-cornwell.co.uk](mailto:Rjubb@bell-cornwell.co.uk)>

**Subject:** RE: 2018/4555/P & 2018/5122/L - 4 St Mark's Square

Good afternoon

Please accept my apology for the delay in registering your application, this has been due to requirements to prioritise other cases and service demands.

#### Validation

Please confirm you agree with the development description as: Erection of timber fence above existing boundary wall to St Mark's Square and Princess Road. (Retrospective).

#### Acceptability

As the site is within the Primrose Hill Conservation Area and a Grade II listed building, I expect we would prefer to approve something that is more lightweight, like a trellis rather than the solid timber panels that have been erected. I will discuss the proposals with our Conservation & Heritage and the investigating enforcement colleagues and I will get back to you with their concerns or require any further information.

#### Consultation

I have registered the application today and started the consultation process. We are legally required to consult on your application with individuals who may be affected by the proposals. We will put up a notice near the site, advertise in a local newspaper and email people signed up for notifications. The Council must allow 24 days from the consultation start date for responses to be received. Any comments we receive will be available to view on the Council's website using the planning application search and application reference number: [2018/4555/P](#). As we must allow 24 days for the consultation period, this takes us past the expiry date of the application, I appreciate your patience so far but would you be kind enough to agree to an extension of the time to determine the application?

#### Determination

It is likely that your application will be determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel. For more details click [here](#).

I will update you as soon as I've discussed the development with my colleagues.

Kind regards

Leela Muthoora

Planning Technician

Regeneration and Planning  
Supporting Communities  
London Borough of Camden

020 7974 2506

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**From:** Rebekah Jubb <[Rjubb@bell-cornwell.co.uk](mailto:Rjubb@bell-cornwell.co.uk)>  
**Sent:** 19 October 2018 07:17  
**To:** Muthoora, Leela <[Leela.Muthoora@camden.gov.uk](mailto:Leela.Muthoora@camden.gov.uk)>  
**Subject:** RE: 2018/4555/P - 4 St Mark's Square

Leela

Many thanks for your e-mail. We look forward to hearing from you again in due course.

Regards,

Rebekah

**Rebekah Jubb**

BSc(Hons) MATP MRTPI

**Partner**

01256 382039 | 07917 182980 | [rjubb@bell-cornwell.co.uk](mailto:rjubb@bell-cornwell.co.uk) | [bell-cornwell.co.uk](http://bell-cornwell.co.uk)

---

**From:** Muthoora, Leela <[Leela.Muthoora@camden.gov.uk](mailto:Leela.Muthoora@camden.gov.uk)>  
**Sent:** 18 October 2018 20:03  
**To:** Rebekah Jubb <[Rjubb@bell-cornwell.co.uk](mailto:Rjubb@bell-cornwell.co.uk)>  
**Subject:** 2018/4555/P - 4 St Mark's Square

Good morning

Thank you for your application for at 4 St Mark's Square. This is quick note to introduce myself as the case officer and acknowledge receipt of your application which we received on 21/09/2018.

Please accept our apology for the delay in acknowledging your application, we have a high volume of applications at present which has led to a backlog. The application was allocated to me today and I am on leave tomorrow, so I aim to look at your application in detail early next week and will contact you as soon as I have, in case we require any further information to register the application.

The application will be backdated if all validation requirements have been met.

Kind regards  
Leela Muthoora  
Planning Technician

Regeneration and Planning  
Supporting Communities  
London Borough of Camden

020 7974 2506

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