



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

Our ref: E/4345

24th September 2019

Dear Sir

CAMDEN: 17A BELSIZE LANE NW3 5AD: COUNCIL REFERENCE 2018/4595/P.

1. This letter is the appellant's statement in respect of an appeal against the Council's refusal of a retrospective application for *Erection of a timber boundary fence to front (west) elevation with vehicular and pedestrian gates, intercom and mail box.*
2. The application was refused on 14 August 2019 for this reason: *The timber fencing and gates at the front boundary, by reason of location, design, height, materials and finish, is an unsympathetic and incongruous addition which is detrimental to the character and appearance of the host building, which is locally listed, the streetscape, and the wider Fitzjohn's and Netherhall Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*

Application Documents

Plans	
	OS 1:1250 site plan
PP010	Proposed Section AA
PP011	Proposed Section BB
PP012	Proposed Section CC
PP020	Proposed Elevation with photo
EX010	Existing Section AA
EX011	Existing Section BB

EX012	Existing Section CC
EX020	Existing Elevation with photo
	Design, Access and Heritage Statement

CONTEXT

General Location

- The proposal is within the Fitzjohns/Netherall Conservation Area about 250m west of Belsize Park Shopping Centre and underground station. Its position (yellow triangle) is shown on the extract from the Council's Policies Map below.



- The brown wash shows the Conservation Area. Note that the appeal site is on the southern edge of the Conservation Area.

The Site

- No. 17a is a 2-storey flat-roofed pale grey terrazzo-clad corner house with an extension at the oblique junction of Belsize Lane and Ornan Road. It was originally permitted in 1970 and with various extensions permitted since. The position of the appeal fence is shown blue.



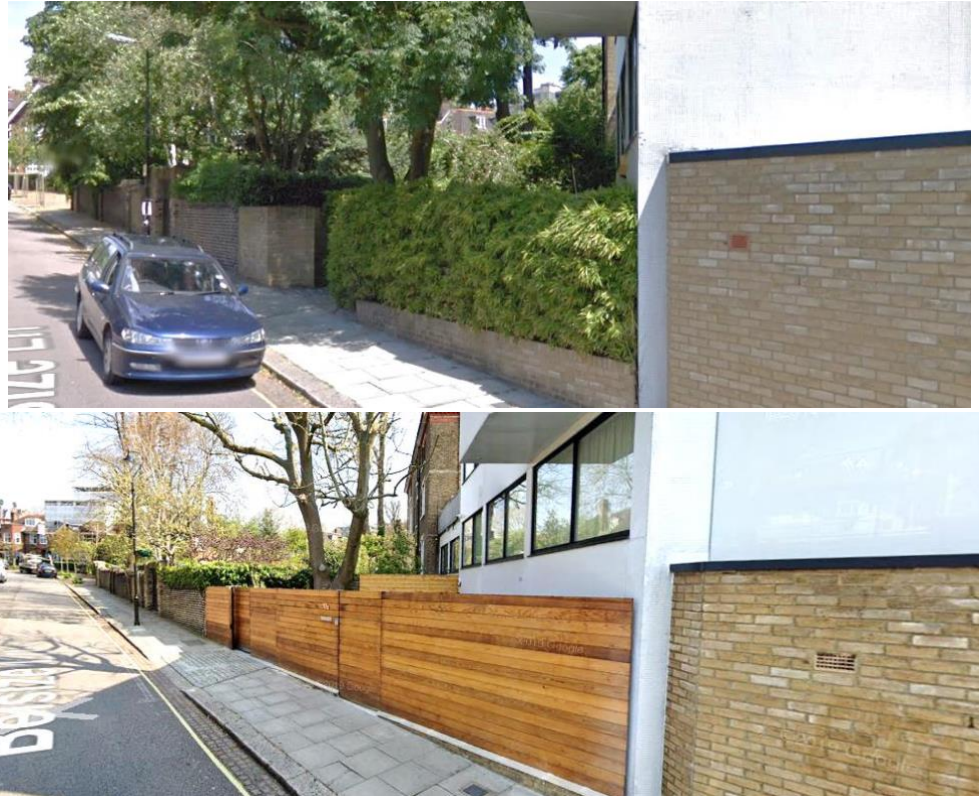
6. It adjoins No 40 Ornan Road, which is a similar design.



7. They are locally listed. The description says: *Two houses in a terrace of three set in gardens behind old wall, both by architect John Winter, 1971. Well-proportioned three bay houses with pale grey mosaic cladding; both based on 10 ft. module but differ in height and plan; quoted in Fitzjohn's Netherhall CA statement as "elegant in their simplicity" and "where the contrast of materials and design make a positive contribution" but not included in list of buildings making a positive contribution. In modernist tradition of integrating modern houses into historic settings sensitively. Contributes to the wealth of high-quality post-war architect designed houses in Camden.*
8. Note that No. 40 and the original Victorian semi-detached houses it adjoins front Ornan Road to the south, while No. 17a fronts Belsize Lane to the north. The street walls to the north of the appeal site are back garden walls in contrast to the appeal fence that encloses No. 17a's front garden.
9. Belsize Lane rises sharply to the north. No. 17a has a 3-storey scale from Belsize Lane but the fall of the ground means that the garage on the lower ground floor of No. 17a has to be accessed by a steep ramp from Belsize Lane. Pedestrian access to No. 17a is also from

Belsize Lane because its Ornan Road garden is about 1m above the level of the road behind a 2m retaining wall.

10. The appearance of the boundary before and after the new fence was installed is shown in the photographs below.



11. The similar heights of the hedge and the fence and the previous lack of a secure entrance to the house should be noted.

The Immediate Area

12. **Annexe 1** shows there have been 12 crimes reported to the Police in Belsize Lane over the past year, including vehicle crime, criminal damage, burglary and violence. There is growing awareness of increased crime in this area and this is an important reason why the appellant has replaced the old hedge with no gates with a secure fence and gates.
13. The Council's Conservation Area Appraisal comments on the historic character of the Rosslyn sub area that the appeal site is on the edge of are below:

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The street layout in this sub-area has a smaller and more intimate character, with gentler gradients, and the architecture ranges from the earlier period of the 1860s to the 1880s,



The streets are in alphabetical order.

Belsize Lane The road winds from Rosslyn Hill to Swiss Cottage, its character due to its formerly being a rural lane. On the northern side Nos.2-22 & 26 are red brick three storey buildings with semi-basement and full dormer, slate roofs. Nos.4-22 are semi detached with a double porch with arched entrance and a shared gable. (Pevsner



attributes them as probably 1883 by Henry Spalding). The rest of the Lane has a smaller scale in terms of height. On the south side is No.5 Hunters Lodge (listed Grade II) a stucco two storey cottage ornee with crenellated parapet, one of the earliest buildings of the area. The west side is faced by Belsize Court

(described under Wedderburn Road). No.32 (now a school) is a large detached three storey plus roof additions building, set back from the road, it was built with a drive and now has an assortment of outbuildings that do not enhance its appearance. An interesting feature is the large octagonal ventilation shaft for the Midland railway that rises through the middle of the building and is visible from Wedderburn Road and Belsize Lane. As the road winds towards the junction with Orman Road Nos.13&15 are gable ended two storey semi-detached properties. Nos.9 & 11 align with them in terms of scale, although later in period.



14. It is evident from the photographs above that the post-war design of Nos. 17a and 40 is far from typical of the Conservation Area (one hundred years later than the CAS's identification of its 1860-1880 character). They have more in common with the scale and character of the post-war houses on the south side of Belsize Lane outside the Conservation Area.



15. The immediate Conservation Area context of the appeal fence is set by the boundary fence of St Christopher's School opposite at No. 33 Belsize Lane. This comprise a high wire netting fence with a wooden fence and a brick wall beneath it. In 2016 the wooden fence was about the same height as the appeal fence. The photo below shows this.



16. The wooden fence was raised by about 1m after 2016 and its current appearance is shown in the photo below. It is the dominant feature in this part of the Conservation Area that defines its character and appearance. Its height is a 0.9m brick wall at the northern end (1.9m at the southern end because of the fall of the road), a 1m lower fence, a 0.9m upper fence and a 3m wire netting fence above this – 5.8-6.8m in total. There is no sign on the Council’s website that planning consent was sought for the increase in height.



17. There are many other high front garden fences in the area. Nos. 53 and 55 Ornan Road’s 2m high fences are shown below.

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18. No. 53's fence was permitted by planning appeal 2189547 in 2013 (**Annexe 2**). The appeal Inspector applied a Conservation Area standard of test (even though the site is on the opposite side of the road from it) and concluded:

5. Front boundary treatments vary. Many of them are high and examples of walls, fences and hedges, either on their own or, more commonly, in combination, can be seen. Whilst the Council maintains that not all of these make a positive contribution to the character and appearance of the area and that some are now exempt from enforcement action, the appellant refers to examples in Perceval Avenue, opposite the appeal property, which have been approved in recent years.

6. I consider that the variety of front boundary treatments is part of the character and appearance of the area. Fairly high boundaries, whether in solid materials or vegetation, or a combination of the two, are an established part of that.

7. The appellant's fence stretches about half the length of the frontage, with a separate, lower gate across the driveway. Tall coniferous vegetation rises behind the middle section of the frontage, to a height just higher than the fence. The combination of solid material and vegetation is not, therefore, uncharacteristic of the street.

8. Whilst the fence is taller than many in the street, it is not, as referred to above, uniquely tall. Its horizontally slatted design and western red cedar material have a good quality, contemporary appearance, which complements the modernised house, with its horizontal design elements, and provides a visually interesting frontage.

9. I consider, therefore, that the fence and gate do not have a detrimental impact on the host building, the street scene or the character and appearance of the area. Consequently, although the property is somewhat prominent, opposite the end of Perceval Avenue, the

setting of the Fitzjohns / Netherhall Conservation Area would not be harmed, and its character and appearance would be preserved. It follows that there would be no conflict with Policy CS14 of Camden's Core Strategy or with Policy DP26 of Camden's Development Plan Policies (DPP), which both aim to promote high quality design which respects local context and character. Nor would there be conflict with the objectives of DPP Policy DP26, which seeks to manage the impact of development on neighbours. I have also taken account of the Council's Supplementary Planning Document Camden Planning Guidance (CPG). It refers, among other things, to the importance of materials, visual interest, retention of vegetation and security as contributing to continuity and enclosure. Therefore, I find that the development would not conflict with the CPG.

19. Obviously, very similar circumstances apply in this case.

THE APPEAL FENCE

20. The photographs above show the fence is made of horizontal western red cedar planks fitting into vertical steel posts. It replaced a hedge of similar height on the front boundary of the site fronting Belsize Lane. Its horizontal top rises from 1.65m above street level at its northern end to 2.2m at its southern end because of the fall of the road.
21. There are two gates in it - a pedestrian and a sliding car gate that gives access to the ramp that serves the garage. An intercom at the pedestrian gate allows visitors to be identified.
22. In February 2019, the appellant planted Jasmine on the inside of the fence which will grow over to screen the external appearance.



POLICY

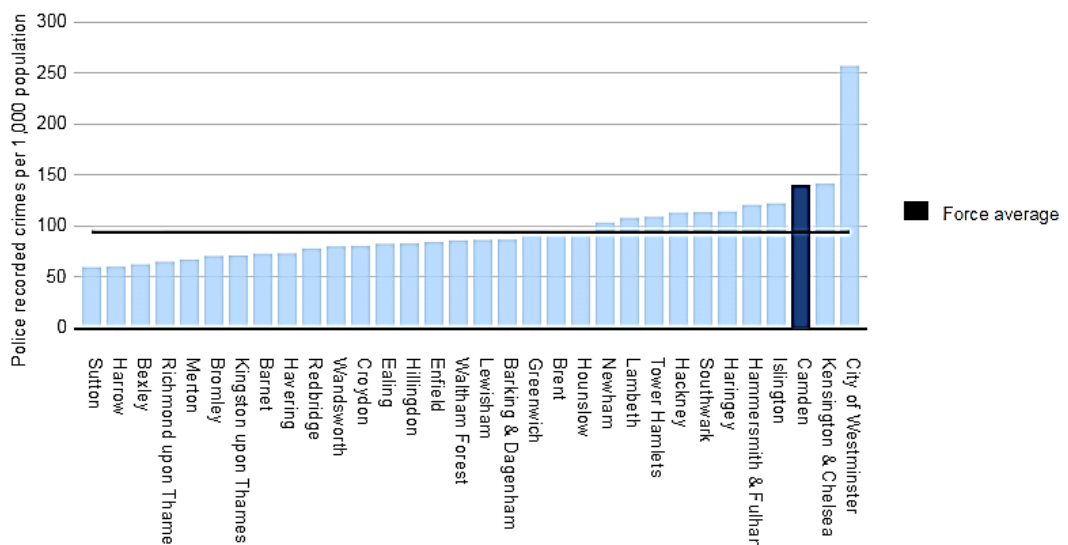
23. The Camden Local Plan recognises at **para 4.14** that: *crime and fear of crime is a significant concern for many of Camden's residents and businesses and can undermine people's quality of life, health and wellbeing. At **para 4.87** it saysThe Council will require all developments to incorporate appropriate design, layout and access measures to help reduce opportunities for crime, the fear of crime and to create a more safe and secure environment....*
24. This leads to two policies that apply across the Borough:
- **Policy D1 Design** says: *The Council will seek to secure high quality design in development. The Council will require that development: ...i. is secure and designed to minimise crime and antisocial behaviour..*
 - **Policy C5 Safety and security** says: *The Council will aim to make Camden a safer place. We will: ...b. require developments to demonstrate that they have incorporated design principles which contribute to community safety and security...*

25. However, **Camden Planning Guidance 1 Design para 4.57** says *For boundary treatments around listed buildings or in a conservation area we will expect that:*

- *the elements are repaired or replaced to replicate the original design and detailing and comprise the same materials as the original features; and*
- *the works preserve and enhance the existing qualities and context of the site and surrounding area.*

26. There is an obvious inconsistency between the Local Plan and the Design Guidance. The first prioritises measures in design that reduce opportunities for crime and fear of crime, while the second seeks to deny this opportunity in conservation areas by promoting non-secure front boundary treatments.

27. In 2018 crime in Camden was about 40% higher than the London average. The Metropolitan Police graph below shows this:



28. The Council has the difficult task of explaining why residents of Conservation Areas should have lower security than elsewhere and so are forced to experience a higher degree of fear of crime, contrary to its own Local Plan Policies.

THE CASE OFFICER'S REPORT

29. This is at **Annexe 3**. It makes the following points that the appellant agrees with:
- *the position of the site on the corner of Belsize Lane and Ornan Road, and the nature and design of the house, may lend itself to an alternative boundary treatment (3.6);*
 - *Given the nature of the proposal there would not be impacts on residential amenity (4.2); and*
 - *As the property is a private residence as opposed to a public building, it is not considered that accessibility issues constitute a formal reason for refusal of the application (5.4).*
28. These points in the Case Officer's report underpin the Council's refusal and are considered below:
- *The timber fencing as installed is not a preservation or enhancement to the conservation area (3.5);*
 - *the fencing installed is considered overly dominant (3.6);*
 - *The prevailing character of the immediate neighbouring boundaries is that of low brick walls. Although the immediate neighbouring boundaries represent the rear boundaries of properties on Ornan Road, rather than fronting Belsize Lane, the prevailing character is such that it provides a degree of openness and visibility. The installation of the timber fencing is considered to create an undesirable enclosure (3.7);*
 - *Closer inspection of the fencing revealed that the finished installation is not considered of high quality. For example, there are significant gaps between fencing and gates and also at the point where the fence abuts the main house (3.7); and*
 - *There is timber fencing on the other side of the road on the boundary of St. Christopher's School, however, this is located above the brick wall and extends the whole length of this part of the street, as opposed to interrupting a continuous brick wall (3.10).*
29. The Case Officer and the reason for refusal identify Local Plan policies D1 (Design) and D2 (Heritage) as supporting the reason for refusal. These will be questionnaire documents. They have no mandatory requirements that the fence contravenes and are qualitative policies that require judgement to be exercised.

30. It should be noted that Policy D1 requires designs that minimise crime and antisocial behaviour, which is the main purpose of the appeal fence.

PLANNING ISSUES

31. The appellant's response to the Case Officer's points is below.

The timber fencing as installed is not a preservation or enhancement to the conservation area

31. Following the 50-year old statutory test and South Lakeland, the question the Case Officer should have asked is whether the fence has harmed the Conservation Area. The proposal has not harmed the Conservation Area for these reasons:

- the Case Officer accepts that the position of the site and the nature and design of the house may lend itself to an alternative boundary treatment (to what he describes as *the prevailing character of the immediate neighbouring boundaries is that of low brick walls (3.7)*);
- its different appearance signals the fact that it is the front entrance to a locally listed post-war house and not the back-garden wall of its Victorian neighbours;
- the hedge and open drive that previously formed the boundary was equally out of character with the prevailing character and had the disadvantage, contrary to policy, of not being secure;
- there is no consistent boundary treatment in the immediate area, which is dominated by the taller wooden fence and even taller wire netting at St Christopher's School opposite; and
- the horizontal design of the fence is consistent with the horizontal architectural emphasis of No. 17a.

33. The Case Officer gave no weight to these important material considerations when he reached his conclusion on the effect of the proposal on the Conservation Area. The fence has not harmed its character or appearance.

The fencing installed is considered overly dominant

34. Obviously, this must be considered in its local context, which as the photos above show and the appeal decision confirms have a wide variety of front boundary treatment. Its

height is consistent with the prevailing height of the garden walls and its effect is insignificant compared with the extremely dominant school fence opposite.

The prevailing character of the immediate neighbouring boundaries is that of low brick walls... that provides a degree of openness and visibility. The installation of the timber fencing is considered to create an undesirable enclosure

35. The photo below (taken from the Google streetview camera height of 8.5 feet) shows this is not true. The appeal fence is lower than the other brick walls in this part of the road, which step down from about 2.2m to 18m as they descend the hill.



36. Any sense of openness across the long rear gardens to the north is the result of views across them rather than views into them. These are precluded by the height of the walls.
37. No. 17a is in the entirely different position of having the house adjoining Belsize Lane with its front access onto Belsize Lane and having a small front garden with a car access. To satisfy the LP policy D1 for designs that are secure and preclude anti-social behaviour it is obviously necessary to have enclosure.

Closer inspection of the fencing revealed that the finished installation is not considered of high quality. For example, there are significant gaps between fencing and gates and also at the point where the fence abuts the main house

38. This is a matter of judgement for the site inspection. We do not consider the quality of the fence to be noticeably sub-standard to the extent it harms the character or appearance of the Conservation Area.

There is timber fencing on the other side of the road on the boundary of St. Christopher's School, however, this is located above the brick wall and extends the whole length of this part of the street, as opposed to interrupting a continuous brick wall

39. The photos above show that the Case Officer is mistaken in his view that the fence interrupted a continuous brick wall – the photos above show that it was previously a hedge with a gap for car access.

40. We have found no earlier photos that show there has ever been a wall on the appeal frontage which was probably lost 50 years ago when No. 17a was built. This was many years before this part of the Conservation Area was designated in 2001.

41. In our opinion the Case Officer has given insufficient weight to the dominant effect of this boundary opposite the appeal fence in discounting its effect.

CONCLUSIONS

42. The starting point for consideration is that the appeal fence is on a site where the Case Officer accepts that *the nature and design of the house, may lend itself to an alternative boundary treatment* to the brick walls he identifies as the prevalent boundary treatment in the area.

43. The proposal is consistent with this conclusion and is of a design that sits comfortably with the modern houses on the site. It does not harm the character or appearance of the Conservation Area and is consistent with LP policy D1's requirement that new development should enhance security.

44. For all the reasons identified above, the Inspector is respectfully invited to allow the appeal.

Yours faithfully

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Annex 1

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Annex 1- Crimes reported to the Police in Belsize Lane

Crime ID	Month	Location	Category	Outcome status
72b6eae1d756e7b9e350d4c1568b3f797fa37d6fb37f1ffcff8a9559db14d156	2019-07	On or near Belsize Lane	Bicycle theft	Under investigation
d0003b31a2b87646aec3de63a7eda2cea257fcf257cbe2d443675e01f36f90d9	2019-07	On or near Belsize Lane	Vehicle crime	Under investigation
b9e45e8e460462361ae28408882b10b334187a8c10dfe7d4479bbedf03279916	2019-07	On or near Belsize Lane	Vehicle crime	Under investigation
5859ff0457e9843645f444d2a429995adc617e6827712f726f80442f358999fc	2019-05	On or near Belsize Lane	Vehicle crime	Under investigation
7ea44cbf9eaa8e015451b5223a2461f68ee81b3273be36640aa8c2e36fbc2d41	2019-04	On or near Belsize Lane	Criminal damage and arson	Under investigation
d4bfed89102950cd72c40aaa5ccbcebbfd73dcfae93b48bfe19ec635db98f158	2019-03	On or near Belsize Lane	Criminal damage and arson	Status update unavailable
b0f6f03c6ddc661a975bc7be474949b3a926b678a5419118b37b2465caeac8ac	2018-12	On or near Belsize Lane	Criminal damage and arson	Status update unavailable
83e134b4ee380811280cc7a0724e33dd1e6d6a135ec17654a63153898c47a865	2018-11	On or near Belsize Lane	Burglary	Status update unavailable
6da2d155c30d0a44846da66f9c4b89681b51aa6eb7987410a46c00a7032658c8	2018-10	On or near Belsize Lane	Violence and sexual offences	Investigation complete; no suspect identified
19737448dfccc6d9ce0a1073cca707c73344521d239348e7d2fefef7edb2a8da	2018-09	On or near Belsize Lane	Criminal damage and arson	Investigation complete; no suspect identified
19737448dfccc6d9ce0a1073cca707c73344521d239348e7d2fefef7edb2a8da	2018-09	On or near Belsize Lane	Violence and sexual offences	Status update unavailable
a54b7cff627e107ba0f9b05ac3de2a760ee068086053361e8ee8f5823e873733	2018-08	On or near Belsize Lane	Vehicle crime	Status update unavailable

Annex 2

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Appeal Decision

Site visit made on 22 January 2012

by Nicholas Taylor BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 January 2013

Appeal Ref: APP/X5210/D/12/2189547

53 Ornan Road, Belsize Park, London NW3 4QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Cregan against the decision of The Council of the London Borough of Camden.
 - The application Ref 2012/4399/P was refused by notice dated 19 November 2012.
 - The development proposed is retrospective planning application for new front boundary gate and fence.
-

Decision

1. The appeal is allowed and planning permission is granted for a front boundary gate and fence at 53 Ornan Road, Belsize Park, London NW3 4QD in accordance with the terms of the application Ref 2012/4399/P, dated 16 August 2012 and the following plans: Drawings numbered 323_05_221 "Front Elevation", 323_05_221 "Front Elevation 'As Built' Photographs", 323_05_222 "Boundary Fence Plan and Elevation" and 323_05_222 "'As Built' Front Boundary Fence".

Preliminary Matters

2. The fence and gate have already been erected. The appellant also appealed, under ground (g), against an enforcement notice concerning unauthorised erection of a timber fence to the front boundary. That appeal (APP/X5210/C/12/2185222) was determined on 23 January 2013. The decision was to vary the compliance period for the notice. However, I confirm that I have determined the current appeal on its own merits.
3. I have altered the description of the development in my formal decision, as the term 'retrospective planning application' is not an act of development.

Main issues

4. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal property is a semi-detached house in a residential street. The dwellings in Ornan Road are of a mixture of styles and periods, with some large, Victorian properties but mostly relatively modern, two storey houses with small front gardens and driveway areas. Front boundary treatments vary. Many of them are high and examples of walls, fences and hedges, either on

- their own or, more commonly, in combination, can be seen. Whilst the Council maintains that not all of these make a positive contribution to the character and appearance of the area and that some are now exempt from enforcement action, the appellant refers to examples in Perceval Avenue, opposite the appeal property, which have been approved in recent years.
6. I consider that the variety of front boundary treatments is part of the character and appearance of the area. Fairly high boundaries, whether in solid materials or vegetation, or a combination of the two, are an established part of that.
 7. The appellant's fence stretches about half the length of the frontage, with a separate, lower gate across the driveway. Tall coniferous vegetation rises behind the middle section of the frontage, to a height just higher than the fence. The combination of solid material and vegetation is not, therefore, uncharacteristic of the street.
 8. Whilst the fence is taller than many in the street, it is not, as referred to above, uniquely tall. Its horizontally slatted design and western red cedar material have a good quality, contemporary appearance, which complements the modernised house, with its horizontal design elements, and provides a visually interesting frontage.
 9. I consider, therefore, that the fence and gate do not have a detrimental impact on the host building, the street scene or the character and appearance of the area. Consequently, although the property is somewhat prominent, opposite the end of Perceval Avenue, the setting of the Fitzjohns / Netherhall Conservation Area would not be harmed and its character and appearance would be preserved. It follows that there would be no conflict with Policy CS14 of Camden's *Core Strategy* or with Policy DP26 of Camden's *Development Plan Policies* (DPP), which both aim to promote high quality design which respects local context and character. Nor would there be conflict with the objectives of DPP Policy DP26, which seeks to manage the impact of development on neighbours. I have also taken account of the Council's Supplementary Planning Document *Camden Planning Guidance* (CPG). It refers, among other things, to the importance of materials, visual interest, retention of vegetation and security as contributing to continuity and enclosure. Therefore, I find that the development would not conflict with the CPG.
 10. The Council has not suggested any conditions, in the event that the appeal is allowed, and, as the development is in existence, none are required.
 11. Therefore, for the reasons set out above, the appeal is allowed.

Nicholas Taylor

INSPECTOR

Annex 3

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Delegated Report		Analysis sheet		Expiry Date:		07/06/2019	
		N/A / attached		Consultation Expiry Date:		23/12/2018	
Officer				Application Number(s)			
Matthew Dempsey				2018/4595/P			
Application Address				Drawing Numbers			
17 A Belsize Lane London NW3 5AD				Please refer to Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of a timber boundary fence to front (west) elevation with vehicular and pedestrian gates, intercom and mailbox. [Retrospective].							
Recommendation(s):		Refused and Warning of Enforcement Action to be Taken					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:		A press notice was published on 29/11/2018 and expired 23/12/2018. A site notice was displayed on 28/11/2018 and expired 22/12/2018. No comments were received from individual neighbouring residents.					
CAAC/Local groups comments:		No comments were received from the Fitzjohn's and Netherhall Conservation Area Advisory Committee or other local groups.					

Site Description

The site is at the corner of Belsize Lane and Ornan Road. The host property, 17a, fronting Belsize Lane, is a Locally Listed Heritage Asset designed by John Winter, 1970. Noted within the Conservation Area statement for being elegant in simplicity, alongside its neighbour, No 40, fronting Ornan Road. The property is clad in a pale grey mosaic finish. This is noted for being an example where the contrasting materials and design make a positive contribution in position next to earlier built properties fronting Ornan Road. The property is specifically mentioned as making a positive contribution to the Fitzjohn's and Netherhall Conservation Area. Prior to the works being carried out the boundary treatment to this property consisted of a small brick wall with bamboo planting above providing screening. There were no boundary gates.

Relevant History

8601430 - Erection of a single-storey side extension for residential use as shown on drawing No.DI/3. **Grant Full or Outline Perm. With Condit. 09/10/1986.**

9005023 - Construction of first floor extension to dwelling house including new balcony and staircase as shown on drawing nos D2/1 D2/2 D2/3 D2/4 D2/5 and one un-numbered perspective drawing. **Refuse (subject to Appeal decision). 15/08/1990.**

9005244 - Construction of first floor extension to dwelling house including new balcony and staircase as shown on drawing nos D2/1 D2/2 D2/3 D2/4 D2/5 and one un-numbered perspective drawing. **Refuse Full or Outline Permission. 15/08/1990.**

9100650 - The erection of a first floor side extension above the existing ground floor extension including a balcony on the garden elevation as shown on drawing numbers D/3/1 2 3 4 and 5. **Refuse Full or Outline Permission. 05/11/1991.**

9100636 - The erection of a first floor side extension above the existing ground floor extension including a balcony on the garden elevation as shown on drawing numbers D/3/1 2 3 4 and 5. Appeal received against the Council's failure to issue their decision within the appropriate period. **Refuse (subject to Appeal decision). 05/11/1991.**

9201306 - The erection of an additional storey above the existing ground floor side extension. as shown on drawing numbers D1/4/1 2 3 and letter dated 11 March 1993. **Grant Full or Outline Perm. With Condit. 27/05/1993.**

PW9902425 - The erection of an additional storey above the ground floor side extension, As shown on drawing numbers; BEL-PL01, PL02, PL03A, PL04A and report for the protection of trees. **Grant Full Planning Permission (conds). 21/09/1999.**

PW9902924 - Application for amendment to planning permission ref. PW9902425, granted 21st September 1999, for the erection of an additional storey above the ground floor side extension, As shown on drawing numbers; BEL-PL01, BEL-PL02, BEL-A-01 rev D, BEL-A-02 rev D, BEL-A-03 and BEL-E-01 rev B. **Grant Full Planning Permission (conds). 25/01/2000.**

2005/5289/P - Alterations and replacement of external windows and doors at ground floor & 1st floor levels of the dwellinghouse. **Granted 17/01/2006.**

2016/5952/P - Single storey rear extension to the dwellinghouse (C3). **Granted 03/11/2016.**

2017/0894/P - Erection of single storey side extension at first floor level; associated works. **Granted 19/04/2017.**

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2017)

London Borough of Camden Local Plan (2017)

A1 Managing the impact of development

D1 Design

D2 Heritage

C5 Safety and security

C6 Access for all

Camden Planning Guidance

Access for all 2019

Altering and Extending your Home March 2019

Design March 2019

Amenity March 2018

Fitzjohn's & Netherhall Conservation Area Statement 2000

Local List Ref 3493 - 17a Belsize Lane and 40 Ornan Road.

Assessment

1.0 Proposal

- 1.1 Retrospective planning permission is sought for the erection of a timber fence with metal framing to the front elevation of the property fronting Belsize Lane.
- 1.2 The proposed fence will be 2.3m from ground level dropping to 1.6m from ground level to account for the sloped gradient in the road from North to South.
- 1.3 The works include the creation of 2 x timber gates incorporated in the fencing. 1 x pedestrian access and 1 x vehicular access.
- 1.4 An intercom system has been installed to the pedestrian gate at approx. 1.6m from ground.
- 1.5 Stone steps and paving have been built from the new pedestrian gateway, down to the house.
- 1.6 A letter/ mailbox fitted to the top and front of the fence approximately 1.6m high.

2.0 Assessment

- 2.1 The main considerations in the determination of this application are as follows:
- 2.2 Design and Heritage (The impact of the proposal on the special character of the locally listed heritage asset and wider Fitzjohn's and Netherhall Conservation Area).
- 2.3 Amenity (Impact on neighbouring amenity in terms of daylight/ sunlight, outlook, noise and privacy).
- 2.4 Safety and Security (the impact of the proposal to create safe and attractive places to live and work, and reduce the opportunity for crime).
- 2.5 Access for all (The impact of the proposal to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities).

3.0 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 Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves or, where possible, enhances' its established character and appearance, and will preserve garden spaces which contribute to the character and appearance of a conservation area.
- 3.4 The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 3.5 It is considered that the timber fencing as installed is not a preservation or enhancement to the conservation area.
- 3.6 Although the position of the site on the corner of Belsize Lane and Ornan Road, and the nature and design of the house, may lend itself to an alternative boundary treatment; the fencing installed is considered overly dominant.
- 3.7 The prevailing character of the immediate neighbouring boundaries is that of low brick walls. Although the immediate neighbouring boundaries represent the rear boundaries of properties on Ornan Road, rather than fronting Belsize Lane, the prevailing character is such that it provides a degree of openness and visibility. The installation of the timber fencing is considered to create an undesirable enclosure.
- 3.8 Closer inspection of the fencing revealed that the finished installation is not considered of high quality. For example, there are significant gaps between fencing and gates and also at the point where the fence abuts the main house.
- 3.9 At the northern end of the fencing; Brick detailing of the neighbouring wall has not been incorporated into the junction of wall and fence giving a messy appearance. A more carefully considered design would benefit from utilising this feature within any proposed finish.
- 3.10 There is timber fencing on the other side of the road on the boundary of St. Christopher's School, however, this is located above the brick wall and extends the whole length of this part of the street, as opposed to interrupting a continuous brick wall.

4.0 Amenity

- 4.1. The Council will seek to ensure that the amenity of neighbours is protected from development. The factors the Council will consider the impact on daylight/sunlight, noise, overlooking, outlook, and artificial light levels (light pollution).

4.2. Given the nature of the proposal there would not be impacts on residential amenity.

4.3 It may be noted that the previous boundary treatment of simple bamboo planting provided a more pleasant aesthetic for people passing by and additionally would have provided a certain amount of habitat for wildlife in the vicinity.

5.0 Access for all

5.1 The Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities. We will expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.

5.2 Prior to works carried out the property benefitted from level access from public to private realm without hindrance. The works that have been undertaken provide a distinct barrier and prevent access for all in the simplest terms.

5.3 The Access Officer has objected on the grounds that the accessibility has been made worse in direct contravention to Council policies. Steps have been introduced where there were none previously. These steps do not have any sort of hand rail support. The intercom installed at the pedestrian gate is positioned too high for any wheelchair users to operate and there have been no details provided in relation to accessibility for those with speech, hearing and visual impairments.

5.4 As the property is a private residence as opposed to a public building, it is not considered that accessibility issues constitute a formal reason for refusal of the application, particularly with regards to the installation of the steps to the pedestrian gate which do not require express planning consent, however; it is noted that the proposed arrangement is not considered an improvement to the previous layout to promote accessibility.

6.0 Recommendation

6.1 Refuse planning permission with warning of enforcement action.