

Delegated Report		Analysis sheet	Expiry Date:	10/09/2019
		N/A / attached	Consultation Expiry Date:	18/08/2019
Officer			Application Number(s)	
Matthew Dempsey			2019/2592/P	
Application Address			Drawing Numbers	
7 Oakhill Avenue London NW3 7RD			Please refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Increase in height of existing brick pillars, widening of vehicle entrance, installation of gates, erection of black metal railings above dwarf wall (retrospective)				
Recommendation(s):		Refuse Planning Permission, with warning of Enforcement Action to be taken.		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>A press notice was published 25/07/2019 which expired 18/08/2019. A site notice was displayed 24/07/2019 which expired 17/08/2019.</p> <p>1 x neighbouring resident raised concerns about the construction of the bin store, and that the fence erected shields the bin store from view from the applicant's window, but creates an enclosure which harms the outlook of the neighbouring property.</p> <p>1 x neighbouring resident objected in relation to the height of the timber fencing and trellising placed above it.</p> <p>Officer response: The erection of timber fencing to the side boundaries is not subject to this application. A further application for a certificate of lawful development has been submitted to consider these elements, reference 2019/5269/P (decision pending). If the fencing requires planning permission the applicant will be invited to make a planning application. Otherwise, planning enforcement action may be taken.</p>					
CAAC/Local groups* comments: *Please Specify	No response from either the Redington and Frogna; Conservation Area Advisory Committee, or the Redington and Frogna Neighbourhood Forum.					

Site Description

The host property is a three-storey detached single family dwelling house, built in red brick with red tile cladding to the first floor and Dutch Gable at the roof space to the front of the property. The fenestration is mostly timber framed, painted white. The property benefits from tall elegant chimney stacks either side of the main roof. The topography of the site slopes from North(east) to South(west).

Prior to development, the property benefitted from a mature hedge to the side boundary with No.5 Oakhill Avenue. The front boundary consisted of a low brick wall with low brick pillars. The pre-existing pillars varied in height from ground level owing to the topography of the street, ranging from approximately 0.4m – 1.3m.

A single lane driveway lead to the garage. The front garden was planted with a variety of plant-life taking up approximately half of the overall outside front garden space, including a tree estimated to be approximately 4m in height, which remains on site.

The property is not a listed building, but it is within the Redington Froggnal Conservation Area and is identified within the Conservation Area Statement as making a positive contribution to the character and appearance of the area.

Relevant History

No relevant planning history for the application site.

Live application at host site:

2019/5269/P – Alterations to side fences adjacent to Nos. 5 & 9 abutting the highway. **Received 16/10/2019, under consideration.**

Other properties along Oakhill Avenue:

2017/1050/P – (5 Oakhill Avenue) – Installation of gates and erection of replacement railings and brick wall/pillars with associated landscaping. **Granted, 06/06/2017, Subject to a Section 106 Legal Agreement.**

2015/3747/P – (3 Oakhill Avenue) – Erection of new front garden wall and railings. **Granted 16/09/2015.**

2014/2630/P – (14 Oakhill Avenue) – Alterations to driveway and front boundary wall for the provision of a new sliding gate, the provision of raised paved garden area and soft landscaping works to the front elevation. **Granted 17/06/2014.**

Relevant policies

National Planning Policy Framework 2019

London Plan March 2016 and Draft London Plan 2019

Camden Local Plan 2017

Policy A1 (Managing the impact of development)

Policy CC1 (Climate change mitigation)

Policy CC2 (Adapting to climate change)

Policy D1 (Design)

Policy D2 (Heritage)

Policy A3 (Biodiversity)

Policy T1 (Prioritising walking, cycling and public transport)

Policy T2 (Parking and car-free development)

Camden Planning Guidance

Design (March 2019)

Amenity (March 2019)

Altering & extending your home (March 2019)

Transport (March 2019)

Redington and Frogna Conservation Area Statement 2000

Assessment

1.0 Proposal:

1.1 Retrospective planning permission is sought for alterations to the front boundary including:

- Increasing the height of the brick pillars (ranging from approximately 1.2m – 1.6m) either side of the vehicular and 2 x pedestrian entrances, with slight widening of the vehicular gateway (from approximately 3.3m to 3.6m).
- Installation of black metal gates to vehicular and 2 x pedestrian entrances (maximum height approximately 1.6m).
- Installation of black metal railings above dwarf boundary wall (maximum height approximately 1.6m).

1.2 The works carried out also include the creation of a bin store, with erection of a timber fence, accessed via the new side pedestrian gateway adjacent to the side boundary with No. 9 Oakhill. This fence ranges in height from approximately 1.9m where it abuts the highway to 2.6m where it abuts the house.

1.3 An additional timber fence has been installed to replace a mature hedge removed from the side boundary with No.5 Oakhill. Although the removal of this hedge is not welcomed, it does not require permission. This fence ranges in height from approximately 1.7m where it abuts the highway to 2.4m where it abuts the house.

1.4 The works also include the creation of additional parking spaces within the front boundary/ driveway with the installation of hard-standing and the loss of permeable surface.

1.5 The applicant has not sought permission for the works described in 1.2 – 1.4. This report will only consider alterations as described in 1.1

1.6 It may also be noted, there is an enforcement investigation in place concerning works described in 1.2 – 1.4. Furthermore; an application for a certificate of lawful development has been received in relation to the timber fencing described in 1.2 & 1.3 (reference 2019/5269/P).

2.0 Assessment:

2.1 The principle planning considerations for this proposal are as follows:

- Design / Heritage
- Neighbouring amenity
- Transport considerations

3.0 Design / Heritage:

3.1 The Council's design policies are aimed at achieving the highest standard of design in all

developments, including where alterations and extensions are proposed. 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; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

- 3.2 The Redington and Frogna Conservation Area Statement guidance RF8, in relation to front gardens and boundaries, states that; "proposals should respect the original style of the boundary and these should generally be retained and reinstated where lost".
- 3.3 RF9 states "the Council will resist any further loss of front boundary walls and conversion of front gardens in to hardstanding parking area."
- 3.4 Historic images reveal the property boundary prior to the proposed development, showing an open and verdant frontage which is considered to be far more appropriate to the character and appearance of the host building, the streetscene and the wider area.
- 3.5 The railings and gates as installed create an unwanted sense of enclosure and present a fortified appearance to the street as opposed to the open setting of the original design.
- 3.6 Furthermore, the railings and gates installed are not considered appropriate in terms of the design style when compared to the style of the host building, nor to other metal railings in place along the street. No railings are considered appropriate for the building, however; at least more neutral metal work may have blended with other railings on neighbouring properties. The railings as installed are considered to stand out as a particularly incongruous addition, to the detriment of the character and appearance of the host building, the streetscene and the wider area.
- 3.7 The removal of the mature hedge to the side boundary is not considered an improvement to the appearance of the site. Although this work may not require planning permission, its loss is considered to be contrary to the aims of Policy A3 of the Local Plan.
- 3.8 Paragraph 5.7 of Camden Planning Guidance 'Altering and extending your home' states; "Permitted development for hardstanding: The General Permitted Development Order no longer allows the creation of more than 5 square metres of impermeable surfaces at the front of a dwelling house that would allow uncontrolled runoff of rainwater from front gardens onto roads without first obtaining planning permission".
- 3.9 The alterations, as built, appear to have created more than 5sqm of hard-standing, However; given that there is provision of permeable surface areas within the curtilage of the dwelling, i.e.) flower beds, then this aspect of the works may constitute permitted development. Having said that, no details to confirm any water run-off have been provided.
- 3.10 The Metropolitan Police raised no objection to the proposal, however; the Officer noted that any benefit to security provided by the installation of gates/ railings would be lost if the gates remain unlocked. It may be noted there are no details of any locking mechanism provided with the proposed plans.
- 3.11 The Access Officer raised no concerns to the proposals. However; it may be noted that the access to the property has been negatively affected by the installation of gates which now present a barrier to access for all.
- 3.12 The pre-existing arrangement of front boundary and garden space is considered to have been a far more appropriate design for this property. Although some of the work carried out may not require householder consent, the overall finish is considered to harm the character of the conservation area, street scene and host property.

4.0 Neighbouring Amenity:

- 4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes daylight/sunlight, privacy, and outlook.
- 4.2 It is not considered that the proposed works would cause undue harm to the amenities of neighbouring properties.

5.0 Transport considerations:

- 5.1 The pre-existing arrangement of this site was that of an open vehicular access point, which provided off-street parking space(s), leading to a single garage door. There was also a main pedestrian entrance positioned centrally, and a further side entrance to the South-western side of the front boundary. There were no gates previously installed to any accessway from public to private realm.
- 5.2 Following the development, the alterations to the front garden have resulted in the creation of additional parking spaces within the front boundary. Nevertheless, despite the 'car-free' aspirations of the Local Plan, the creation of additional hardstanding within the curtilage of the property does not require planning permission.
- 5.3 The gates, as installed, do not encroach on the public highway and are therefore not considered to cause harm to the movement of people along the pavement outside the property.
- 5.4 The proposal is considered to be acceptable in this respect.

6.0 Recommendation

- 6.1 Refuse Householder Consent, with warning of enforcement action to be taken.