



Appeal Decision

Site visit made on 3 December 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 17 December 2019

Appeal Ref: APP/X5210/W/19/3237825

17a Belsize Lane, London NW3 5AD

- 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 Christopher Czarnocki against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2018/4595/P, dated 24 September 2018, was refused by notice dated 14 August 2019.
 - The development is the erection of a timber boundary fence to front (west) elevation with vehicular and pedestrian gates, intercom and mail box. [Retrospective].
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Decision

1. The appeal is allowed, and planning permission granted for the erection of a timber boundary fence to front (west) elevation with vehicular and pedestrian gates, intercom and mail box at 17a Belsize Lane, London NW3 5AD, in accordance with the terms of the application, 2018/4595/P, dated 24 September 2018.

Procedural Matters

2. The Council amended the description of the development from 'this is a retrospective application for a 2.2m high fence along the front (west) elevation' to 'the erection of a timber boundary fence to front (west) elevation with vehicular and pedestrian gates, intercom and mail box. [Retrospective]'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more succinct description of the development and have therefore proceeded on this basis.
3. On my site visit, I observed that the development had been carried out in accordance with the submitted plans.

Main Issue

4. The main issue is the effect of the fence upon the character and appearance of the existing dwelling and the surrounding Fitzjohn's and Netherhall Conservation Area (the CA).

Reasons

5. The appeal site consists of a 1970's Locally Listed dwelling of a distinctive design that is sited on the periphery of the CA. The significance of the CA is, in part, derived from the large number of residential dwellings and a school that are typically constructed to traditional designs and materials. Other buildings,

- such as the dwelling on the appeal site, contrast with this approach, but are of a notable design. There is a mixture of boundary treatments within the vicinity, including fences.
6. The evidence before me is indicative of the fence having replaced a bamboo fence and hedge. This would have been viewed alongside an existing brick wall at the site.
 7. Whilst I understand that the fence which is the subject of this appeal is longer than the bamboo fence and hedge, it has not resulted in a significant loss of openness at the site because it was previously partially enclosed. In addition, the current fence has a comparable height to the existing buff coloured brick wall on the site and the bulk of the wall at the adjoining property in Belsize Lane. Therefore, whilst the fence has removed an open section on this boundary, it has not had a significant adverse effect on the character of the site.
 8. The dwelling on the appeal site is constructed to a more modern design that contrasts with many of the other buildings within the surrounding area. Owing to this design approach, it is considered appropriate that a boundary treatment of a more modern design and style be constructed at the property. This is because it would relate to the type of architecture used within the building. Furthermore, leaving aside the fence that is the subject of this appeal, the site contains significantly sized boundary treatments. In consequence, the character of the site can be summarised as being enclosed. This character has therefore not been eroded by the fence.
 9. The fence is a light colour that compares with the adjoining buff brick wall that is also within the appeal site. This ensures that the fence is designed and located in a manner that is reasonably harmonious with its immediate surroundings.
 10. I have also noted that a number of the nearby properties feature similar sized boundary treatments, which contribute to the definition of the area's character. Therefore, the fence has not resulted in the loss of openness within the vicinity. In addition, the fence height is of similar proportions to nearby boundary treatments and on a comparable alignment. Consequently, it is reasonably well screened from many public viewpoints and as such is not unduly prominent. This reduces the impacts upon the character and appearance of the existing dwelling, and the wider area.
 11. Furthermore, boundary treatments within the vicinity typically vary depending upon the architectural style and materials of the associated building. As such, the presence of different boundary treatments on adjoining properties is a feature of the CA. In consequence, the installation of a fence of a contrasting appearance on the appeal site that is of a style complimentary to the existing dwelling would not erode the character of the CA.
 12. I acknowledge concerns raised by the Council regarding the quality of workmanship of the fence. Whilst I note that there are gaps between the fence and the older boundary treatments at either end, such gaps are very narrow and therefore relatively discrete. Accordingly, they are not particularly prominent and therefore do not harm the character and appearance of the appeal site, or the wider CA.

13. I therefore conclude that the fence does not result in harm to the character and appearance of the CA or the existing dwelling. The development is therefore in accordance with the requirements of Policies D1 and D2 of the London Borough of Camden Local Plan (2017). These policies, amongst other matters, seek to ensure that developments respect local context and character; integrate well with the surrounding streets; that developments preserve or enhance the character and appearance of Conservation Areas; and protect other heritage assets.

Conclusion

14. I have considered whether it is necessary and reasonable to impose any conditions. However, given that the works have been carried out, an implementation condition and plans condition would be unnecessary. Furthermore, I have found no harm emanating from the materials or colour of the fence. In result, I do not believe that any conditions are necessary. Therefore, for the foregoing reasons, I conclude that the appeal should be allowed, and planning permission granted.

Benjamin Clarke

INSPECTOR