

Householder Appeal Statement

7 Oakhill Avenue, Hampstead,
London, NW3 7RD

Prepared For
Ms R Bard

9183
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Planning application reference number -
2019/2592/P



bell cornwell

CHARTERED TOWN PLANNERS

Bell Cornwell LLP, The Print Rooms,
164/180 Union Street, London, SE1 0LH

020 3960 1530 | info@bell-cornwell.co.uk | bell-cornwell.co.uk



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1 INTRODUCTION

1.1 This Appeal Statement is written on behalf of Ms R Bard (The Appellant), in support of a householder appeal against the refusal of planning permission 2019/2592/P by the London Borough of Camden ('the LPA'). The development proposes an "Increase in height of existing brick pillars, widening of vehicle entrance, installation of gates, [and] erection of black metal railings above dwarf wall (retrospective)" (the 'Proposal') at 7 Oakhill Avenue, London ('the Site').

1.2 This Appeal Statement does not seek to duplicate the content of the details submitted with the planning application. It responds to the assessment of the application contained within the Planning Officer's Delegated Report and reviews the Proposal against the reason for refusal given by the LPA. It is considered that the reason for refusal is unsupported, subjective and unjustified. The LPA gave one reason for refusal, that reads;

"The brick pillars, metal gates and railings, by reason of their design, height and siting, create an unduly visually prominent and discordant feature, which harms the character and appearance of the host building, street scene and the Redington and Frognal Conservation Area, contrary to policies D1 and D2 of the Camden Local Plan 2017."

1.3 The following documentation was submitted as part of the planning application 2019/2592/P and should be considered in conjunction with this Appeal Statement and the supporting documents found within the Appendix (Section 6). This will ensure an informed assessment of the proposed development:

- Site Location Plan (536-17-0500)
- Pre-Existing Block Plan (536-17-1000)
- Pre-Existing Front Street Elevation (536-17-1100)
- As Built Block Plan (536-17-2000)
- As Built Front Street Elevation (536-17-3000)
- Planning, Design and Access Statement (Bell Cornwell)



2 SITE AND PLANNING HISTORY

- 2.1 The Site is located on the south side of Oakhill Avenue, falling within the Redington and Frognal Conservation Area. The area's character illustrates examples of Edwardian dwellings from the late 1800's, large, red brick-built properties with original front boundary walls and associated vegetation.
- 2.2 The 'Site Description' section of the LPA's Delegated Report highlights the elegant style of the Edwardian properties and specifies past boundary treatment before the alterations to the piers and installation of the associated railings and vehicle and pedestrian gate.
- 2.3 The Delegated Report states that *"Prior to development, the property benefitted from a mature hedge to the side boundary with No.5 Oakhill Avenue."* This hedge was removed from the application site boundary nearly two years (Google Maps) at the time of installation of a pedestrian gate at No.5 Oakhill Avenue. The removal of the hedge does not require planning permission. Therefore, the mature side boundary hedge is not of relevance to the Site's application for alterations solely to the front boundary.
- 2.4 Planting within the front garden/driveway area of the Site has been removed and reinstated since early 2018 with the planting of a Yew hedge. The intention is to grow this to a minimum of 1.2m tall as per the planning permission. Once fully grown, the hedge will be clearly visible behind the boundary wall and well-spaced railings, retaining the previous verdant character to the frontage of the Site.
- 2.5 The property is not listed and is not identified in the Conservation Area Statement as making a positive contribution to the character of the area (Redington/Frognal). Although the street scene of Oakhill Avenue, as a road, is considered to be characterised by *"brick paving... used between areas of concrete paving and the kerb on Oakhill Avenue."*



Relevant Planning History (updated since planning application submission)

2.6 In addition to the front boundary alterations evident on the street, several planning applications incorporating piers and associated gates have been approved on Oakhill Avenue. We note that every application must be assessed on its own merits. However, the following applications and consequent development on the street create a precedent and character within Oakhill Avenue and the Conservation Area.

2.7 Approved Planning Applications for front boundary alterations similar to the Site

Reference number and date	Address	Proposal	Relevance to the Site
2017/1050/P	5 Oakhill Avenue London NW3 7RD	Installation of gates and erection of replacement railings and brick wall/pillars with associated landscaping.	LPA's acceptance from front boundary alterations. No.5 adjacent to Appeal Site showing an increase in pier height, widening of vehicle access, installation of gates and black metal railings
2015/3747/P	3 Oakhill Avenue London NW3 7RD	Erection of new front garden wall and railings.	Another example of LPA's acceptance of the alterations to piers and installation of gates and railings. Additional piers and increase in height of those piers constructed, installation of two vehicle gates and black railings. Piers



			taller and more vehicle gates than the proposal at the Appeal Site.
2014/2630/P	14 Oakhill Avenue London NW3 7RE	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	Additional example following acceptance from the LPA of taller piers and installation of evenly spaced black railings and two vehicle gates.
2019/2885/P	66 Redington Road London NW3 7RS	Rebuilding existing brick boundary wall with the addition of railings and an inward opening gate.	Addition of vehicle gate and railings along long stretch of 12 piers. The impact on the street scene could be considered far greater than the smaller examples found on Oakhill Avenue.
2018/4692/P	24 Redington Gardens	Details of tree protection, hard and soft landscaping	Example of tall piers, railings and vehicle gate.



	London NW3 7RX	required by conditions 4 and 6 of planning permission 2016/1015/P dated 22/07/2016 (for erection of a replacement dwelling house).	
2017/3837/P	3 Greenaway Gardens London NW3 7DJ	Alterations to front boundary treatment	Acceptance of black iron pedestrian gates and the addition of matching vehicle access gate. Reduction in size of front boundary hedging and addition of two pedestrian and one vehicle access gate(s).

On-street examples of gates, piers and railings near the Site (updated since planning submission)

- 2.8 In addition to the planning history stated above, are the numerous on-street examples found on Oakhill Avenue, Redington Road, Bracknell Gardens and Greenaway Gardens where no planning history is recorded but the boundary treatment is in place. **Please refer to the 'Appendix of Site Photographs' on Page 12-16 of the Planning Statement submitted with the planning application for the Site.** The photographs were taken of



similar front boundary treatments on 28th February 2019 (prior to submission of the planning application on 17th May 2019).

2.9 In addition to the planning approvals above, the on-street examples of similar front boundary treatments that were referenced in the Planning Statement include:

- 3 Oakhill Avenue
- 5 Oakhill Avenue
- 12 Oakhill Avenue
- 15 Oakhill Avenue
- 20 Redington Road
- 37A Redington Road
- 39 Redington Road
- Bracknell House, Becknell Gardens
- 29 Bracknell Gardens

2.10 Additional on-street examples that were not included in the Planning Statement are as follows:

- 2A Oakhill Avenue
- 4 Greenaway Gardens
- 19 Greenaway Gardens

2.11 Photographs of the additional examples are included below to clearly indicate the precedent set by the LPA and those examples that already form part of the character of the area.

2.12 All examples set out in the planning history table (paragraph 2.7) and the sites in listed in paragraphs 2.9 and 2.10, are highlighted on a map for clarity. Please find the map in the supporting Appendix.

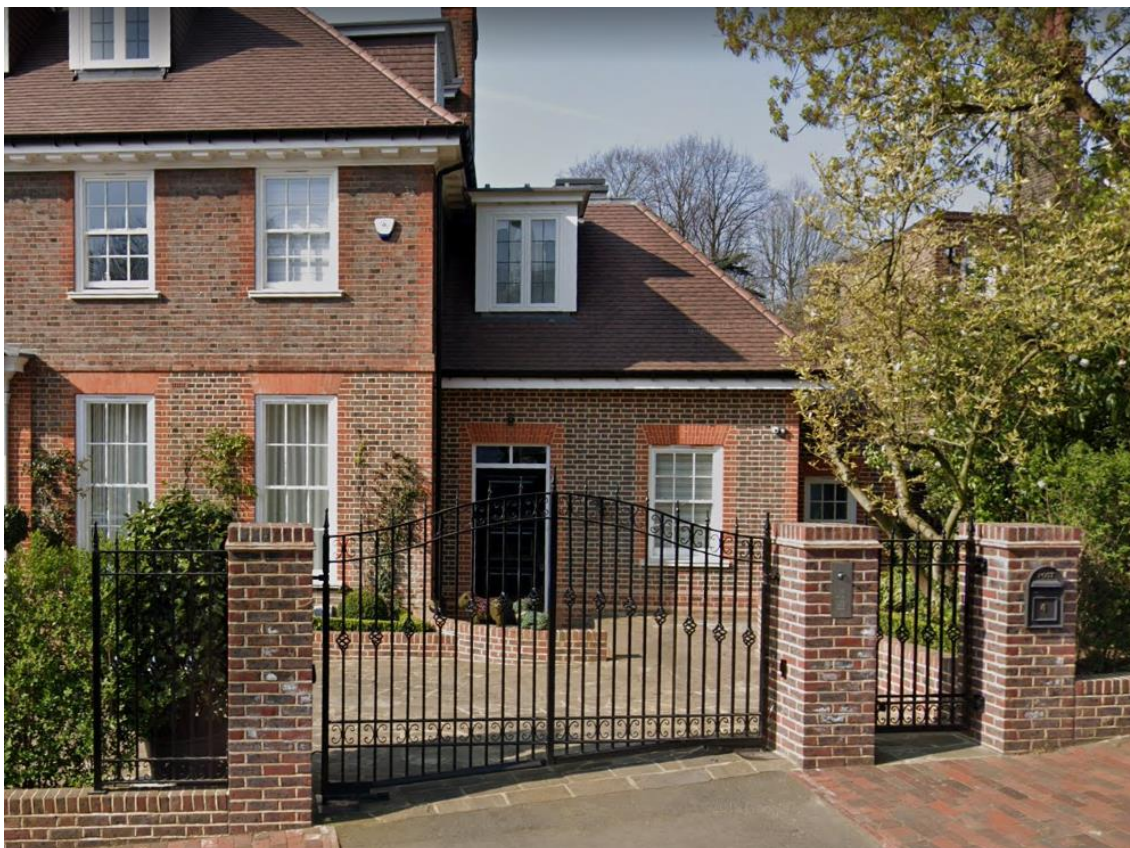
2.13 We invite the Planning Inspector to take the opportunity to view these examples in context when carrying out the site visit in due course.



2a Oakhill Avenue – This shows an increase in pier height and the addition of an ornate-style black iron pedestrian gate, similar to the piers and gate at the Site. *



4 Greenaway Gardens (1) – Additional example of LPA's acceptance for vehicle gates and tall piers. *



4 Greenaway Gardens (2) – Double fronted vehicle gate and addition of pedestrian gate between tall piers. Central set of railings above dwarf wall. *



19 Greenaway Gardens – Very similar example of proposed development, showing an increase in pier height and addition of pedestrian gate and black railings above dwarf wall.

(*Photographs dated April 2019, generated from Google Maps)



3 PLANNING POLICY & ASSESSMENT

- 3.1 As previously highlighted, this Appeal Statement does not seek to duplicate the content of the planning submission. It responds to the assessment of the application contained within the Planning Officer's Delegated Report and reviews the Proposal against the reason for refusal given by the LPA. Therefore, the following policy will relate solely to the policy references in the reason for refusal of the application. Please refer to the Planning Statement for the previous assessment.
- 3.2 The following Local Plan 2017 policies are stated in the reason for refusal:
- Policy D1 (Design)
 - Policy D2 (Heritage)
- 3.3 The London Borough of Camden's Local Plan 2017, Policy D1 (Design), requires "*high quality design in development*". The policy sets out 16 requirements. These include, (a) respecting the local context and character of the area, (b) preserving and enhancing the historic environment in accordance with Policy D2 (Heritage) and (k) incorporating opportunities for greening, through planting trees and other soft landscaping.
- 3.4 Policy D2 works alongside Policy D1. Any harm or loss of the heritage asset (Conservation Area) must be demonstrated to achieve public benefits that outweigh that loss or harm. As part of this assessment the LPA require (e) preservation or enhancement of the character and appearance of the area (f) resulting in a positive contribution as well as preserving trees and garden spaces, if they (h) contribute the setting and appearance of the area.
- 3.5 It is acknowledged within the previous Planning Statement that the character of the area is illustrated through red-brick, Edwardian dwellings, but it must be of note, and a material planning consideration within this appeal, that this is not an area of uniform houses with uniform boundary treatments. Each house is different and there are a significant number of front boundary treatments that have been changed and vary significantly, which does inform the character of the Conservation Area.



- 3.6 The sensitive increase in height of existing brick piers, and the addition of well-spaced black metal railings, along with matching pedestrian and vehicle gates allows for a high-quality design feature that does not dominate the existing frontages and allows for natural surveillance and substantial visibility of the property and landscaping behind the front boundary.
- 3.7 The height and siting of the piers, gates and railings do not differ from those already established on Oakhill Avenue and the surrounding roads. In addition, the railings are black iron railings like clearly visible at 3 and 5 Oakhill Avenue. The more ornate and interesting design does not create an *“unduly visually prominent and discordant feature”* (Officer’s reason for refusal wording). Design is subjective and it cannot be asked that the railings have to straight to be acceptable. An application cannot be refused based on the dislike of such a design, just because it isn’t identical to a neighbouring site.
- 3.8 Numbers 2A, 12 and 15 Oakhill Avenue have included the use of a more ornate and interesting designs for their front pedestrian and/or vehicle gates, each one is different. This is not something that harms or creates a loss of character within the area.
- 3.9 Furthermore, the use of landscaping has been highlighted as an important feature within the Conservation Area. This is indicated by the planting of yew hedging behind the railings of the Site. The hedging further adds to the verdant elements found within a number of property frontages. This is in-keeping with the planting and hedge screening found on Oakhill Avenue and the adjoining roads, at 2A, 3, 5, 12 and 15 Oakhill Avenue, 20 and 39 Redington Road, Bracknell House on Bracknell Gardens and 4 and 19 Greenaway Gardens.
- 3.10 The boundary treatment is no more prominent than any other in the surrounding area and is not so different from any others for it to be reasonable to conclude that it is discordant. Rather, it is appropriate for the setting and complements the varied design of the surrounding boundary treatments. This shows compliance with the Local Plan 2017, as well as taking into account the material considerations, that are the context and character of the Site and surrounding Conservation Area.



4 CONCLUSION

- 4.1 On the basis of the case set out above, this proposal shows compliance with the Local Plan 2017, as well as taking into account the material considerations, that are the context and character of the site and surrounding Conservation Area, in particular the varied boundary treatments to neighbouring properties.
- 4.2 The design, height and siting of the brick piers, metal gates and railings and inclusion of soft landscaping is considered acceptable within the varied setting of the Conservation Area. This is continually informed by the acceptance from the LPA of varied front boundary alterations next to and surrounding the Site.
- 4.3 Therefore, this proposal results in a policy compliant development, which does not harm the host dwelling, street scene or the Redington and Frognal Conservation Area, in accordance with Policies D1 and D2 of the London Borough of Camden's Local Plan 2017.
- 4.4 The Council's reason for refusal is unjustified and is based on a subjective judgement which is unsupported by any rational arguments.
- 4.5 On this basis the appeal should be allowed in line with the set timescales.
- 4.6 Please be advised, a separate Appendix has been submitted setting out the planning permission documents (Decision Notices and Front Elevational Drawings) referenced in paragraph 2.7 "Approved Planning Applications for front boundary alterations similar to the Site".