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#### **7 Oakhill Avenue – Householder Application, Cover Letter**

This covering letter is written in response to your recent email dated 25<sup>th</sup> March 2020, in which you highlight concerns for the side fencing specifically the right-hand fence (southern boundary). I set out below, the reasons for the acceptability of the application and the history of the amendments made to the scheme.

A certificate of lawfulness application was submitted in October 2019 seeking confirmation that the side fencing that lines the driveway, constitutes permitted development under Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or as amended).

Although the fencing initially submitted was Permitted Development (PD), the Council did not interpret the regulations in this way. We worked proactively with the Council to amend the scheme multiple times in accordance with the amendments suggested, although the initial submission was and still is considered to be lawful. We provided case law to indicate why the fence was PD and its compliance with the government regulations.

The guidance given by officers on 9<sup>th</sup> March advised that although the proposals were not considered to constitute PD, they would be acceptable if resubmitted as a householder application. Based upon this feedback and despite the proposals constituting PD, the certificate of lawfulness was withdrawn on 23<sup>rd</sup> March and a householder application was submitted on 23<sup>rd</sup> March 2020.

It is important to note the changes made from the existing fencing on site. The fencing has been amended further to ensure that the fence is no higher than the front piers or railings as approved at appeal (ref: APP/X5210/D/19/3243704, planning ref: 2019/2592/P). To ensure this acceptable height, the north fence has been reduced to 1.56m and south fence to 1.55m tall. The northern fence matches the height of the existing front boundary pier and the southern fence sits below the height of the southern pier, matching the height of the lower front railing.



Please note the reference to the front boundary which was granted at appeal. The inspector accepted the height of the front boundary;

*"The brick piers, railings and gates step down with the slope and are not overly tall or visually prominent."*

*It does not harm the ability to appreciate the building or diminish the positive contribution it makes to the character or appearance of the Redington and Froggnal Conservation Area (RFCA)." (Appeal APP/X5210/D/19/3243704)*

The council should give significant weight to the material consideration that is the appeal. The recent Appeal decision allowed the front boundary which is higher than the proposed side fencing and acknowledged that the front boundary does not harm the site or RFCA, nor does it harm the ability to appreciate the value of the building or Conservation Area. Therefore, fencing that is lower than the approved front boundary should be considered acceptable.

The evergreen front boundary hedge, at approximately 1.7m tall, also softens the front boundary, partially screening the southern fence, further softening the naturally finished timber fence, enhancing the character of the site and the Conservation Area. What is proposed under this application is not significantly different to what would be considered appropriate under PD.

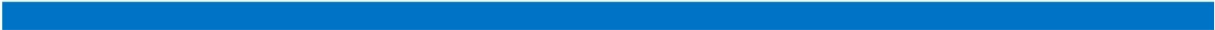
Furthermore, the edge of the front window of number 9 Oakhill Avenue sits approximately 6m from the southern fence, creating no visual impact on the amenity of the occupiers of 9 Oakhill Avenue due to the sensitive height, natural timber finish and significant distance. This is illustrated in annotated photo (Figure 1), showing the reduction in height of the existing fence to match the height of the lowest front railing.

Therefore, the proposed natural timber fencing would be of a sensitive height, matching that of the existing approved front boundary treatment. The proposals preserve the character and appearance of the Conservation Area, whilst retaining the residential amenity of the adjacent neighbours.

The purpose of the proposed fencing is to provide both screening to the applicant's house as well as security. The fencing removes access onto the driveway from the pedestrian path between the south side of the driveway and 9 Oakhill Avenue. Without the fencing people could access the driveway and walk up to the front entrance door from the southern side boundary.

We would again underline that the recent Inspectors decision on the site, took an alternative position on the 'perceived' impact of those proposals upon the Conservation Area, then that of officers. Although each case should be considered upon its own merits, there are clear comparisons with the current proposals in terms of their appropriateness. The appeal decision should therefore be given material weight.

If you have any questions regarding the above, please don't hesitate to contact me on the contact details below.





Kind regards,

**BELL CORNWELL LLP**



**SAFFRON FROST**  
Planner



*Existing front boundary approved at appeal (increase in pier height and installation of railings and vehicle and pedestrian gate)*

Figure 1 (Photograph dated October 2019)

*Blue line indicates proposed reduction in southern fence to 1.55m tall to match front railing height*

*Existing front evergreen hedging (now approximately 1.7m tall)*

