

Delegated Report		Analysis sheet		Expiry Date:		16/08/2019	
		N/A / attached		Consultation Expiry Date:		27/04/2020	
Officer				Application Number(s)			
Obote Hope				2019/3468/P			
Application Address				Drawing Numbers			
41 Hillfield Road London NW6 1QD				See decision notice.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
The erection of a front garden boundary wall with bin enclosure (retrospective).							
Recommendation(s):		Refuse and 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	00	No. of objections	00
Summary of consultation responses:		Site notice displayed 30/08/2018 to 23/09/2018 No response from third parties were received.					
CAAC/Local groups* comments: *Please Specify		Fortune Green and West Hampstead Neighbourhood Forum- no response					

Site Description

The application site relates to a Victorian two-storey property with loft and basement levels. The building is located on the south side of Hillfield Road.

The site forms a uniformed terrace with No's 13 to 59 with similar architectural character and many of the buildings in this group have a similar front garden boundary treatment of very low walls less than 1m high.

Relevant History

none

Relevant policies

National Planning Policy Framework (2019)

London Plan (2016)

Policy 7.4 – Local Character

Policy 7.6 – Architecture

Draft New London Plan (2019)

The Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

Camden Planning Guidance

CPG - Altering and Extending Your Home (2019)

CPG - Amenity (2018)

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 2 Design and character

Assessment

1.0 Proposal

1.1 Retrospective planning permission is sought to demolish the existing low boundary wall and installation of a higher boundary wall incorporating a bin enclosure behind. The wall ranges from 1.73 to 1.88m high with 2 projecting piers and is rendered white; it has a lower binstore at approx. 1.2m high that extends back by about 1m. Surrounding walls are very low, less than 1m high.

1.2 The main issues to consider in this case are as follows:

- Design and conservation;
- Amenity

2.0 Design

2.1 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 area in context and character; preserve or enhances the historic environment and heritage assets; comprise details and materials that are of high quality and complement the local character; integrate well with the surrounding streets; respond to natural features and preserves gardens and other open space; incorporate high quality landscape design and maximise opportunities for soft landscaping, preserve strategic and local views.

2.2 Guidance contained within CPG 'Altering and extending your home' states that the design of front gardens make a large impact on the character and attractiveness of an area and is particularly important to the streetscene; front gardens should be designed to retain or reintroduce original surface materials and boundary features as well as integrate planting into front garden structures where possible, e.g. bin and bike stores. It states that 'Front boundary treatments are a prominent element in a streetscene. As such we will expect the design, detailing and materials used to provide a strong positive contribution to the character and distinctiveness of the area that will complement the property and integrate it into the streetscene'. It encourages the combination of low brick boundary walls and hedges as a boundary treatment. It later states that repairing boundary walls, fences and railings should be considered before they are replaced and that new ones make a positive contribution to the character of the property and streetscene.

- 2.3 Policy 2 (Design and character) of the Fortune Green and West Hampstead Neighbourhood Plan states that 'All development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead. This shall be achieved by, *inter alia*:
- i. Development which positively interfaces with the street and streetscape in which it is located;
 - iv. Development which has regard to the form, function, structure and heritage of its context, including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces;
 - viii. The provision of associated high quality public realm.'
- 2.4 There is some diversity in front boundary treatments along Hillfield Road. However, the boundary treatment contributes greatly to the local distinctiveness of the front elevation which consist of very low brick walls, mostly less than 1m high, that allows the front gardens to be relatively open. Front gardens and boundary treatments, which predominantly consist of low-boundary walls along Hillfield Road, contribute strongly to the local views and streetscape of the area. Thus, the boundary wall as implemented has resulted in the removal of the traditional boundary treatment which is contrary to the above guidance.
- 2.5 The new front wall up to 1.9m high, combined with the bin stores, creates a very high and bulky structure in this context. Its white render increases its prominence and further detracts from the area's appearance. Where bin stores exist, they are of a smaller scale and more discreetly located than what has been built here. The bin store measures 1m in depth and is visually intrusive due to being built along the front boundary wall, despite it being somewhat lower at 1.2m high, so that the combined effect is of a bulky structure. Overall, the design is unduly harmful to the street scene and surrounding character of the wider area.
- 2.6 The front boundary wall unbalances the symmetry and uniformity with no. 39 Hillfield Road and as built, the boundary wall is taller than the adjoining boundary walls and has diminished the uniformity and symmetry of the adjoining neighbouring boundary walls, given the varying height. CPG 'Altering and extending your home' states that "development in gardens should not detract from the open character of the wider area and where refuse bin stores are considered necessary, these should be located within rear garden spaces if at all possible". The CPG guidance further states that "if location within the front garden area is the only possible solution", great care should be taken to ensure that the store is located sensitively. This is not the case in this instance and the height and depth of the garden wall detracts from the main frontage of the building.
- 2.7 The proposed height and depth of the proposed stores is considered excessive and there are no other examples of bin stores of this size, scale and siting along the front elevations of properties along Hillfield Road. It is considered that the excessive height, depth and overall bulk of the front boundary wall would be out of keeping with the open character of front gardens in the area and is at odds with the prevailing character of the wider area. The proposal is also contrary to the Fortune Green and West Hampstead Neighbourhood Plan policy 2 which states in para A17 that space for waste and recycling bins and containers should not encroach onto pavements and should not have a negative impact on the public realm.
- 2.8 Overall, the garden wall is not considered to be sufficiently subordinate to the host dwelling and would fail to respect the prevailing pattern of development in the locality. It is considered that the structure appears as a visually dominant and incongruous addition to the front elevation of the host building and thereby detracts from the uniformity and symmetry with the neighbouring properties. Thus, the boundary treatment is harmful to the character and appearance of the streetscene and wider area, contrary to policy D1 of the Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

3.0 Amenity

- 3.1 Policy A1 of the Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight.
- 3.2 Given the nature of the proposal, there would not be impacts on residential amenity.

4.0 Refuse and Warning of Enforcement Notice to be Issued

- 4.1 That the Borough Solicitor be instructed to issue an **Enforcement Notice** under Section 172 of the Town and Country Planning Act 1990 as amended to demolish the front boundary wall and rebuild the front boundary wall to the pre-existing height and design prior to the breach taking place and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct

action under Section 178 in order to secure the cessation of the breach of planning control.

4.2 The notice shall allege the following breaches of planning control:

Erection of boundary wall with bin enclosure to the front elevation

4.3 What are you required to do

1. Reconstruction of the boundary wall to the front elevation to the pre-existing height, design and use of materials; and
2. Make good any resulting damage

4.4 Period of Compliance: 3 Months

4.5 REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

The front boundary wall with binstore, by reason of its height, bulk and location, is considered to be a dominant and incongruous feature that is harmful to the character and appearance of the host building and streetscene, contrary to policy D1 of the London Borough of Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.