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## **Appellant's Appeal Statement**

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**Appeal against the Non-Determination  
of Planning Application 2020/0924/P  
To Form New Metal Gates and Fencing  
to the Existing Front Boundary Low  
Wall.**

**12 Oakhill Avenue, London NW3 7RE**

ALP 20/004

**Prepared by: -**

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MRTPI

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## **1.0 Introduction**

- 1.1 I have worked in the public sector, consultancy and private industry. In private industry I was employed by two of the largest UK national house builders and was responsible for securing planning permissions and advising The Board on planning and related land matters.
- 1.2 I formed Aragon Land & Planning 18 years ago and I am the Managing Director. The practice has a varied client base including major house builders, private landowners, pension trusts, architectural practices and Local Authorities. The clients are throughout Great Britain, although the majority of work is in the South East.
- 1.3 I have over twenty-eight years' experience and I am a Corporate Member of the Royal Town Planning Institute (RTPI) and The Town & Country Planning Association (TCPA).
- 1.4 I am familiar with the appeal site and the policies of the Local Authority.
- 1.5 The appeal concerns non determination of planning application with regards to alterations to form new metal gates and fencing and removal of the boundary low wall.

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## **2.0 Proposal & Site**

2.1 The proposal is to:

- build the existing brickwork low front boundary wall in matching materials, to resemble the similar wall at the adjoining property 14 Oakhill Avenue.
- form decorative metal fencing panels sitting on top of the low boundary wall and between the new piers;
- form decorative metal access gates for the existing pedestrian and vehicular access to the property;

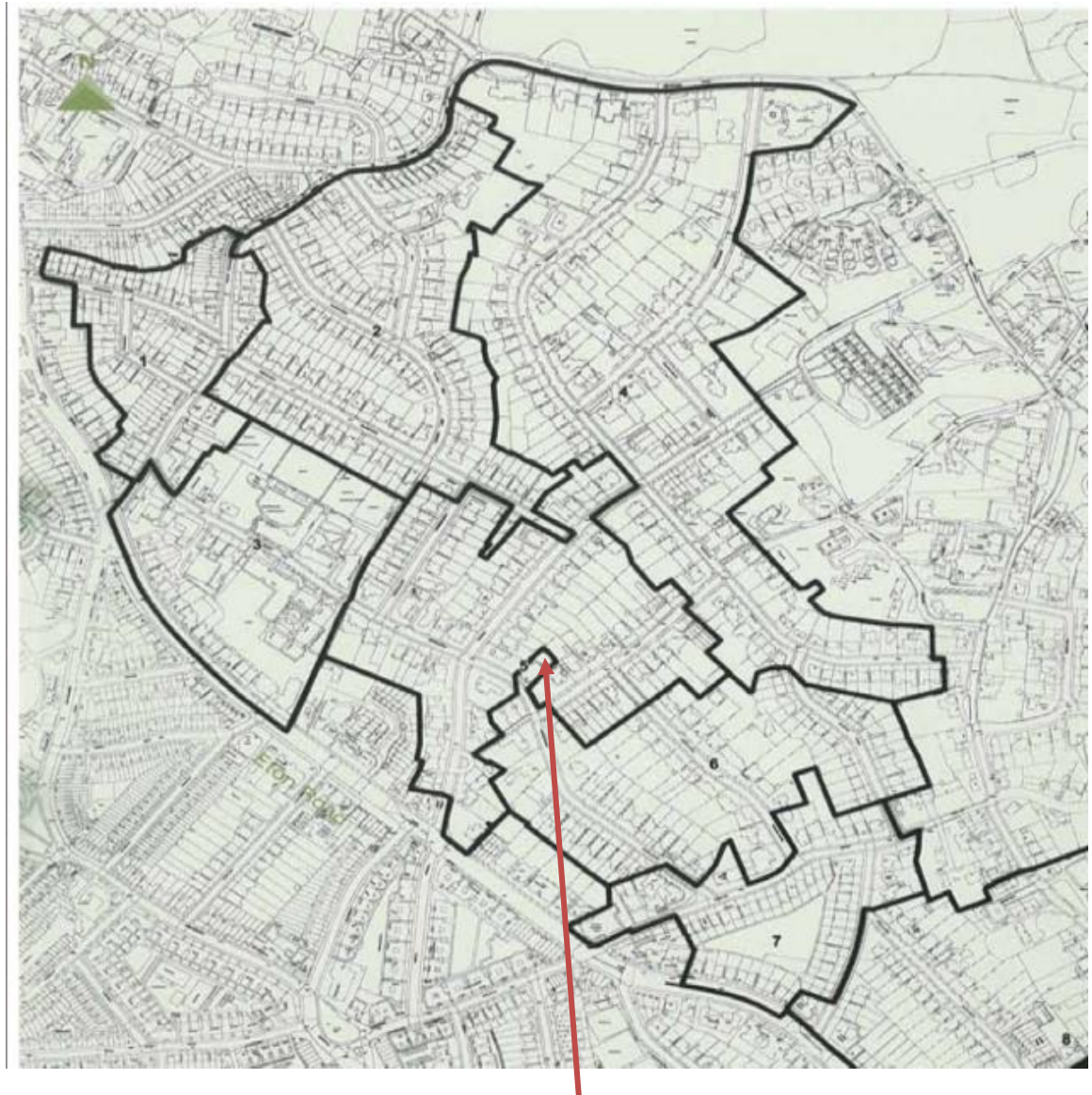
2.2 The purpose of the planning application was to improve security to the property, which is severely lacking at the moment due to the unrestricted access to the private front garden and the front parts of the house. In addition, the stability of the existing old brickwork front boundary wall, which is acting as a retaining wall, is suspect. Rebuilding the wall as a proper retaining wall structure, designed and overseen by a Structural Engineer, was therefore necessary.

2.3 The proposal is to build the existing brickwork low front boundary wall in matching materials to resemble the similar wall at the adjoining property 14 Oakhill Avenue. Then to form decorative metal fencing panels sitting on top of the low boundary wall and between the new piers and form decorative metal access gates for the existing pedestrian and vehicular access to the property.

2.4 The site is in Camden Borough, Redington and Frogna Conservation Area. The Conservation Area Statement was adopted in 2000.



1 Front of appeal site 12 Oakhill Avenue London NW3

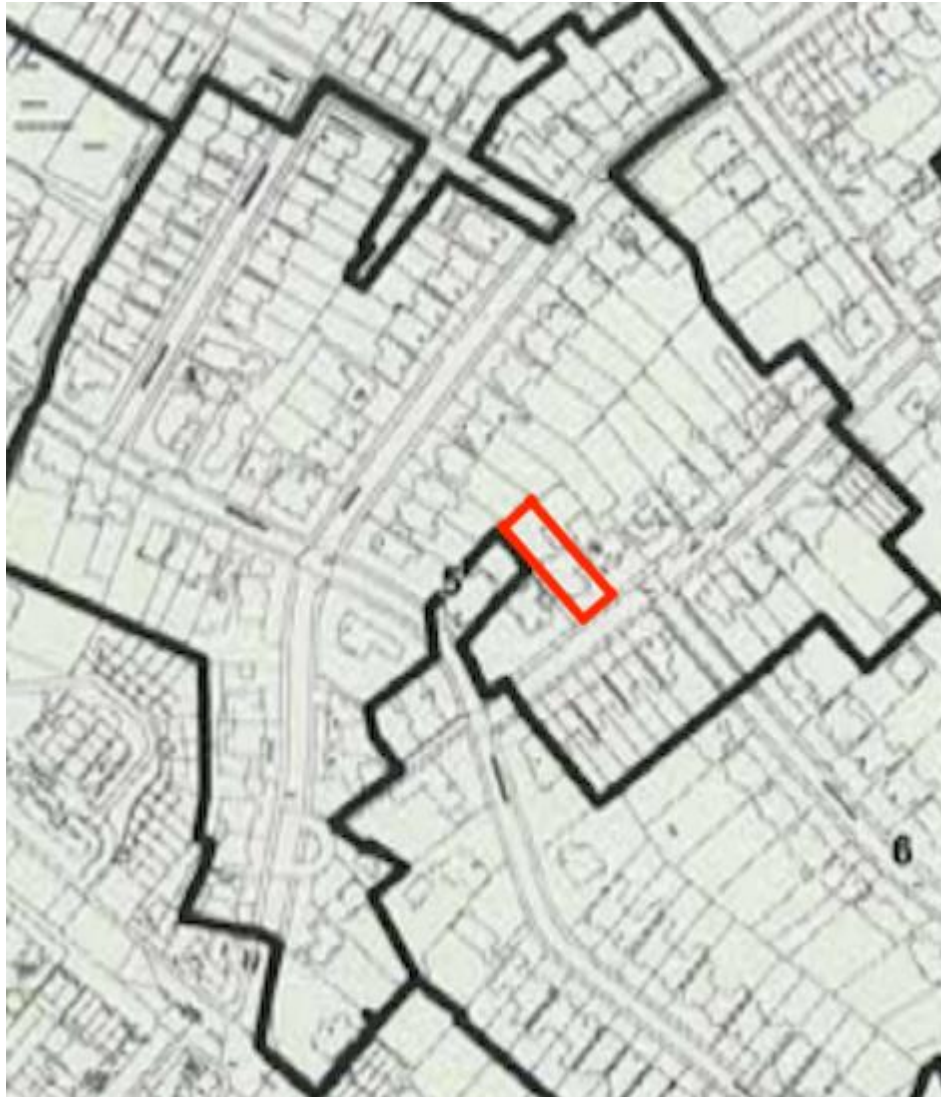


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2 Conservation Area Designation and appeal site marked.

- 2.5 More precisely, the site is in Sub-Area Five: Heath Drive and Environs. The site is marked in red, below, on the plan of the Sub-Area Five.





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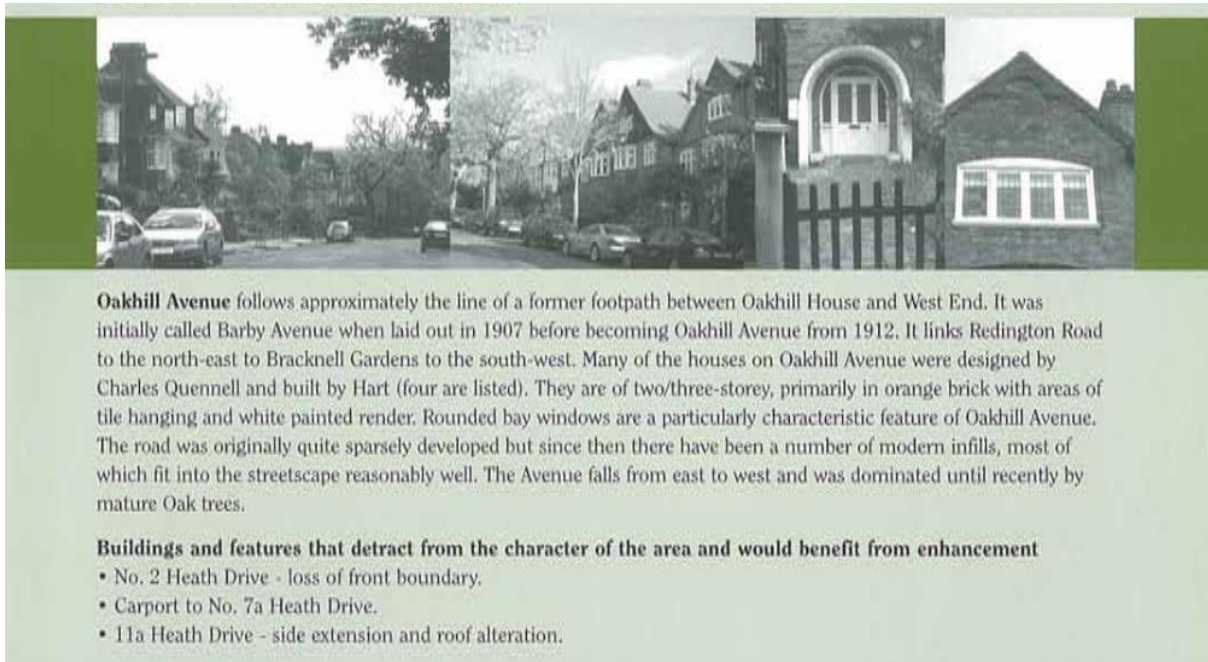
3 Conservation Area Designation and appeal site marked.

- 2.6 The Conservation Area Statement notes that elements of streetscape makes positive contribution to the Conservation Area:

**The character and appearance of Conservation Area are not solely functions of its buildings. Elements within the public realm, such as original pavement materials, boundary walls and signage and particularly in the case of the Redington/ Froggnal CA, vegetation, contribute greatly to the area's quality, character and appearance.**

- 2.7 The CA Sub-Area Five appraisal relating to the Oakhill Avenue does not note any specific characteristics relating to the front boundaries

treatments, “low brick walls” are mentioned in relation to Kidderpore Avenue only. The Sub area comments;



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#### 4 Descriptive text from Conservation Area Statement



### **3.0 Heritage Considerations**

- 3.1 The proposed development needs to be assessed against the criteria in paragraph 189 of the National Planning Policy Framework, this states:

**In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.**

- 3.2 In relation to protecting the building and setting of a heritage asset the NPPF, para 193 and 194 comment:

**When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.**

**Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:**

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;**
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.**

- 3.3 The relevant asset is the Conservation Area. The proposal will cause less than substantial harm. In this case the NPPF advises:

**195. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:**

- a) the nature of the heritage asset prevents all reasonable uses of the site; and**
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and**
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.**

- 3.4 The boundary treatment provides a security function, but the details and proposal are consistent with the form and variety of boundary treatment which already exist.

## **4.0 Assessment**

- 4.1 The starting point for the application is the Development Plan and a number of policies are relevant. The National Planning Policy Framework is also a material consideration.
- 4.2 Local Guidance is contained in the Camden Local Plan. This is part of the development plan and The Core Strategy is also part of the development plan.
- 4.3 Policies of particular relevance to the development plan include Policy D1 which is a material consideration, it advises;

**The Council will seek to secure high quality design in development. The Council will require that development:**

- a. respects local context and character;**
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;**
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;**
- d. is of sustainable and durable construction and adaptable to different activities and land uses;**
- e. comprises details and materials that are of high quality and complement the local character;**
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;**
- g. is inclusive and accessible for all;**
- h. promotes health;**
- i. is secure and designed to minimise crime and antisocial behaviour;**
- j. responds to natural features and preserves gardens and other open space;**
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,**

- l. incorporates outdoor amenity space;**
- m. preserves strategic and local views;**
- n. for housing, provides a high standard of accommodation;**  
**and**
- o. carefully integrates building services equipment.**

**The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.**

#### **Tall buildings**

**All of Camden is considered sensitive to the development of tall buildings. Tall buildings in Camden will be assessed against the design criteria set out above and we will also give particular attention to:**

- p. how the building relates to its surroundings, both in terms of how the base of the building fits in with the streetscape and how the top of a tall building affects the skyline;**
- q. the historic context of the building's surroundings;**
- r. the relationship between the building and hills and views;**
- s. the degree to which the building overshadows public spaces, especially open spaces and watercourses; and**
- t. the contribution a building makes to pedestrian permeability and improved public accessibility.**

**In addition to these design considerations tall buildings will be assessed against a range of other relevant policies concerning amenity, mixed use and sustainability.**

#### **Public art**

**The Council will only permit development for artworks, statues or memorials where they protect and enhance the local character and historic environment and contribute to a harmonious and balanced landscape design.**

**Excellence in design The Council expects excellence in architecture and design. We will seek to ensure that the significant growth planned for under Policy G1 Delivery and location of growth will be provided through high quality contextual design.**

- 4.4 The proposed alterations would not cause material loss of light, outlook or privacy to neighbouring dwellings.
- 4.5 The proposed alterations have been designed to use materials which match that of the existing building so as not to disrupt the setting of the surrounding area. The proposed development, although enclosing will still allow the house and front garden space to be visible in the CA. The house and its special contribution to the CA remains. The railings and walls would not be out of the character for the area, or this part of the CA.
- 4.6 The property and curtilage lie within the Redington and Frognal Conservation Area. Also relevant is Policy D2 Heritage;

**The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.**

**Designated heritage assets**

**Designed heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:**

- a. the nature of the heritage asset prevents all reasonable uses of the site;**
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;**
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and**
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.**

**The Council will not permit development that results in harm that is less than substantial to the significance of a designated**

**heritage asset unless the public benefits of the proposal convincingly outweigh that harm.**

#### **Conservation areas**

**Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.**

**The Council will:**

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;**
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;**
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and**
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.**

#### **Listed Buildings**

**Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. To preserve or enhance the borough's listed buildings, the Council will:**

- i. resist the total or substantial demolition of a listed building;**
- j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and**



**k. resist development that would cause harm to significance of a listed building through an effect on its setting.**

#### **Archaeology**

**The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.**

#### **Other heritage assets and non-designated heritage assets**

**The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.**

**The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.**

4.7 Camden has a rich abundance of list architectural heritage. Policy D2 demonstrates that the council will aim to preserve and enhance heritage assets. The application site lies within the Redington and Frognal Conservation Area. Camden's Conservation Area for Redington and Frognal adopted 2000 defines and analyses the importance of the area.

4.8 Policy C5 safety and Security comments:

**The Council will aim to make Camden a safer place.**

**We will:**

- a. work with our partners including the Camden Community Safety Partnership to tackle crime, fear of crime and antisocial behaviour;**
- b. require developments to demonstrate that they have incorporated design principles which contribute to community safety and security, particularly in wards with**

**relatively high levels of crime, such as Holborn and Covent Garden, Camden Town with Primrose Hill and Bloomsbury;**

- c. require appropriate security and community safety measures in buildings, spaces and the transport system;**
- d. promote safer streets and public areas;**
- e. address the cumulative impact of food, drink and entertainment uses, particularly in Camden Town, Central London and other centres and ensure Camden's businesses and organisations providing food, drink and entertainment uses take responsibility for reducing the opportunities for crime through effective management and design; and**
- f. promote the development of pedestrian friendly spaces. Where a development has been identified as being potentially vulnerable to terrorism, the Council will expect counter-terrorism measures to be incorporated into the design of buildings and associated public areas to increase security.**

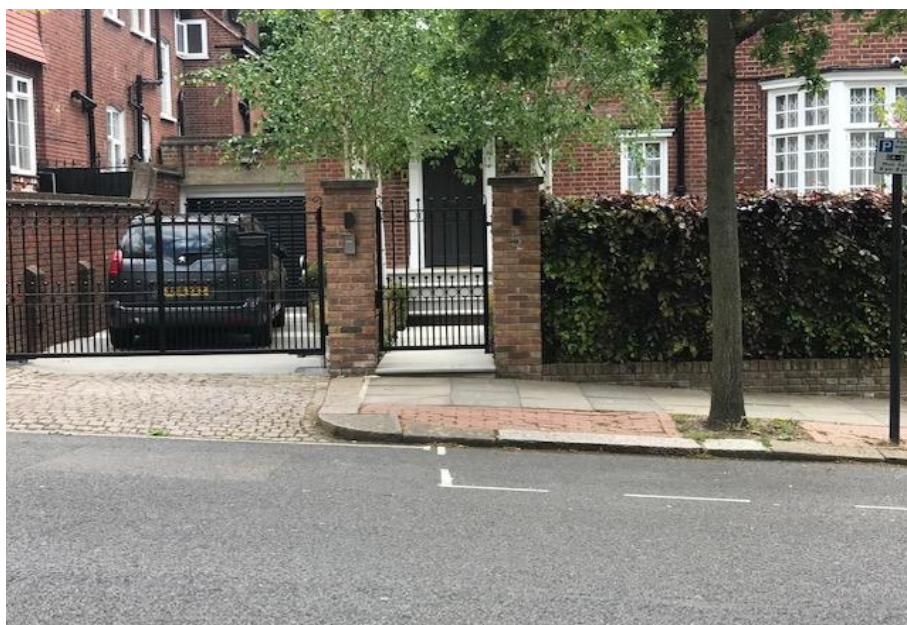
4.9 In 2018 recorded crime in Camden was about 40% higher than the London Average at 140 persons per 1000 and therefore the need for fencing.





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7 3 Oakhill Avenue



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8 5 Oakhill Avenue





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9 9 Oakhill Avenue



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10 15 Oakhill Avenue



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11 21 Oakhill Avenue

- 4.10 The avenue has a variety of fencing and boundary treatments. The purpose of showing so many boundary treatments is to show the variety which have over the years re defined and added to the character of this part of the conservation area. 9 Oakhill Avenue is a modern and ornate and metal fence with brick pillars. Where the boundary treatments are older then landscaping has matured and more greenery is prevalent.
- 4.11 In **Appendix A** to this statement is the permission 2015/3747/P and the approval for the fencing details shown for 3 Oakhill Avenue.
- 4.12 In **Appendix B** is the permission 2014/2630/P which is permission for 14 Oakhill Avenue. The Conservation section of the report confirms the gates and style of materials were considered acceptable.
- 4.13 The existing wall has a number of structural problems and this can seen as cracking within the wall. The house is elevated and its impact on character and the CA will remain unaltered.
- 4.14 The decision maker has a decision to make in terms of the deliverability of enhancing or sustaining the Heritage Asset.

## **5.0 Conclusions**

- 5.1 There is a significant amount of variation in boundary treatments along the Avenue, both in terms of height, walls, materials and style. These include similar forms of enclosure to the appeal proposal. Walls, railings and hedging are the prevailing boundary treatment.
- 5.2 The proposed development will therefore preserve the character of the CA. It therefore complies with D1 and D2 of the Camden Local Plan 2017.
- 5.3 This is an appeal against non determination and no design or conservation comments are listed on the file. The applicant reserves the right to make further comments on receipt of any new information. The applicant reserves the right to make a cost claim.