

Delegated Report		Analysis sheet		Expiry Date:		26/04/2022	
		N/A / attached		Consultation Expiry Date:		01/05/2022	
Officer				Application Number(s)			
Edward Hodgson				2022/0831/P			
Application Address				Drawing Numbers			
25 Maresfield Gardens London NW3 5SD				See decision notice.			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Installation of front gate with wall and awning to side of property (Retrospective)							
Recommendation(s):		Refuse and Warning of Enforcement Action to be taken					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:		Site notice displayed 01/04/2022 to 25/04/2022 Press adverts displayed 07/04/2022 to 01/05/2022 One objection was received and can be summarised as follows: <ul style="list-style-type: none"> Entrance exceeds the line of the façade by a considerable sum and should be removed and pushed back It is aesthetically questionable, and it is out of character with other entrances along the street. 					
Fitzjohns Netherall CAAC		No response received					

Site Description

The application site relates to a three-storey detached period property which has been subdivided into flats. The property is not listed but lies within the Fitzjohns Netherhall Conservation Area and is regarded as making a positive contribution.

Relevant History

2020/4370/P - Single storey rear extension, replacement of the existing side extension (south side), installation of a new window on a side elevation (north side), alterations to rear fenestration, and felling of 3 palm trees in rear garden. **Granted 25/01/2021**

2019/3659/P - Erection of a single storey rear extension (amended proposal, rear extension increased in depth, and lowering of the front door/entrance). **Granted 17/10/2019**

Relevant policies

National Planning Policy Framework (2018)

London Plan 2021

The Camden Local Plan 2017

D1 Design

D2 Heritage

A1 Managing the impact of development

Camden Planning Guidance

CPG – Design 2021

Fitzjohns Netherall Conservation Area Appraisal 2001

Assessment

1.0 Proposal

1.1 Retrospective planning permission is sought for the erection of a side entrance door with brick wall and canopy to provide access to Flat A which is the garden lower ground floor flat. Planning permission had been granted for a side door under ref. 2020/4370/P. However, the door has been constructed further forward than the location on the approved plans and is now in line with the front elevation of the property. An enforcement case was raised under ref. EN21/1200 due to this breach of planning control and the applicants were instructed that the structure be taken down. The wall is in brick, the door and canopy in timber.

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. Policy D2 seeks to preserve and enhance heritage assets and their settings, including conservation areas.

2.2 Guidance contained within CPG 'Design' states that design should respond positively to context and character and integrate well with the existing character of a place, building and its surroundings. In addition, development in conservation areas should only be permitted if it preserves or enhances

the character and appearance of the conservation area.

- 2.3 There are a number of side doors and gates along Maresfield Gardens; however, the majority of such entrances are set back from the front elevation of the buildings in order to reduce their visual impact on the streetscene. The door and wall structure is in line with the front elevation and therefore has a significant visual impact on the appearance of the host property. The structure is highly visible from the public realm and thus has a negative visual impact on the streetscene. In addition, the property is regarded as being a positive contributor to the character and appearance of the conservation area and it is considered the structure brings harm to the character and appearance of the conservation area. The development does not respond positively to the context of the building and surrounding area and it is not considered to preserve the character and appearance of the conservation area.
- 2.4. The overhanging canopy projects beyond the front elevation and is considered to be an incongruous and bulky feature that detracts from the appearance of the host property due to its high visibility. In addition, the untreated timber finish of both door and canopy is considered unsympathetic to the host property and to the appearance of the streetscene.
- 2.5. Planning permission has been granted for a side entrance door that was located 0.7m behind the front elevation. It is assumed the reason why the entrance was acceptable is due to its location being set back and would therefore be less visually harmful.
- 2.6 Overall, the entrance door structure is considered to be unacceptable due to its location on the front elevation. Its location makes the structure visually prominent and thus detracts from the appearance of the host property which is a non-designated heritage asset. In addition, the Council considers that the structure harms the character and appearance of the conservation area which is a designated heritage asset. The design of the structure, including the canopy and timber materials, are considered unsympathetic in the context of the host property and area. The development therefore is contrary to policies D1 and D2 of the London Borough of Camden Local Plan 2017.
- 2.7 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 2.8 The NPPF in Section 16 provides guidance on the weight that should be accorded to harm to a heritage asset and in what circumstances such harm might be justified. Para 202 states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The proposal is considered to lead to 'less than substantial' harm to the significance of the conservation area as a designated heritage asset and would not create any public benefit. In accordance with the NPPF balancing exercise outlined above, it is considered that this harm is not outweighed by any benefit and thus the scheme should be refused permission.

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 any impact on residential amenity.

4.0 Recommendations-

a) Refuse planning permission for the following reason-

4.1 The front gate with brick wall and awning to side of property, by reason of its design, materials and

location, is considered to be an unsympathetic and incongruous feature that is harmful to the character and appearance of the host building, streetscene and conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

b) Issue an Enforcement Notice-

4.2 That the Borough Solicitor be instructed to issue an **Enforcement Notice** under Section 172 of the Town and Country Planning Act 1990 as amended regarding the front gate with brick wall and awning to side of property and that 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.

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

Installation of front gate with wall and awning to side of property

4.4 What are you required to do:

1. Completely remove the front gate with brick wall and awning to side of property.
2. Remove from the site all constituent materials resulting from the above works.
3. Make good any resulting damage.

4.5 Period of Compliance:

3 Months

4.6 Reasons why the Council consider it expedient to issue the notice:

The front gate with brick wall and awning to side of property, by reason of its design, materials and location, is considered to be an unsympathetic and incongruous feature that is harmful to the character and appearance of the host building, streetscene and conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
