

The Heritage Practice

10 Bloomsbury Way, London WC1A 2SL
+44 (0)20 3871 2951
www.theheritagepractice.com
info@theheritagepractice.com

Ramesh Depala
Senior Planning Officer
Enforcement team
Development Management
London Borough of Camden

By Email

17th September 2021

Dear Ramesh

Boundary wall 4 Fitzroy Close Highgate N6

We have been instructed by the owner of no.4 Fitzroy Close to investigate potential heritage and planning issues relating to the demolition and replacement of the boundary between no.4 Fitzroy Close and no. 10 Fitzroy Park.

Background

We understand that a triangular section of land to the north-west side of No. 4 Fitzroy Close, London, N6 6JT was recently purchased by our client (fig-1). A brick built garden boundary wall (shown in yellow) was the previously formed the north-west boundary between no. 4 Fitzroy Close and no. 10 Fitzroy Park. The brick wall measured approximately 26m in length. An approved scaled plan of the rear boundary wall (shown in application 2012/2618/P) indicates the height of the boundary wall was approximately 1665mm in height (fig4). The owner of no. 4 Fitzroy Close has stated that they believed the former brick boundary wall was 24 bricks in height. This would suggest an overall height of the wall to be 1992mm for imperial brick wall, assuming a 10mm mortar joint, or 1800mm in height for a metric brick, assuming a 10mm mortar joint. This wall has subsequently been removed and replaced with a new timber fence shown in figure 2 and blue in figure 1. The fence is approximately 25m in length and we understand the fence is 2m in height.

Heritage Assets

No. 4 Fitzroy Close is a un-listed building within the Highgate Conservation Area. The house was built between 1979 and 1996. No. 10 Fitzroy Park is a grade II listed building (listed 20th March 1996) built by E Vincent Harris for himself and dating from 1932 also within the Highgate Conservation Area.

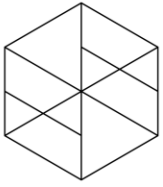
Enforcement Complaint

We understand the Council is concerned that the former boundary wall was listed and that no consent has been sought for its removal.

Discussion

The main issues to consider are:

1. Understanding the need for listed building consent or planning permission to remove the former boundary wall.
2. Understanding the need for any consent or permissions to erect the new fence.



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The need for listed building consent or planning permission to removal the wall.

As shown in figures 6 & 7, the brick boundary wall formed part of the curtilage of the listed building (no. 10 Fitzroy Park) only after 1952. The law (section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990) provides that buildings and other structures that pre-date July 1948 and are within the curtilage of a listed building are to be treated as part of the listed building (unless the list entry explicitly says otherwise, which it does not in this case).

As such the demolition of a post 1948 curtilage structure of a listed building, as in this instance, does not require listed building consent to be removed.

The former wall was located in the Highgate Conservation area. In a conservation area you do not need permission to demolish a building which does not exceed 115 cubic metres or to take down any wall, gate or fence which is less than 1 metre high where abutting a highway, or less than 2 metres high elsewhere. There is no evidence to suggest that the brick boundary wall was 2m in height and therefore planning permission is not required for its removal .

The need for any consent or permissions to erect the new fence.

We understand the new timber fence is 2metres in height. The GPDO Class A legislation permits the erection of a gate, fence, wall or other means of enclosure that would not exceed 2m in height (except adjacent to a highway used by vehicular traffic), unless it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building (*GPDO Part 2 Class A A1 (d)*).

The evidence we have found to date does suggest the land upon which the fence was erected did form part of the curtilage of no. 10 Fitzroy Park at the time of listing in 1996. The erection of the new timber fence is not therefore permitted under the GPDO Class A legislation and requires permission.

We have made our clients aware of the potential need for a retrospective planning application for the erection of the new fence and we will await guidance from yourself as to the expediency of submitting the application.

We hope this clarifies the matter. Please do not hesitate contact us if you require any further information or clarification.

Your Sincerely

Charles Rose

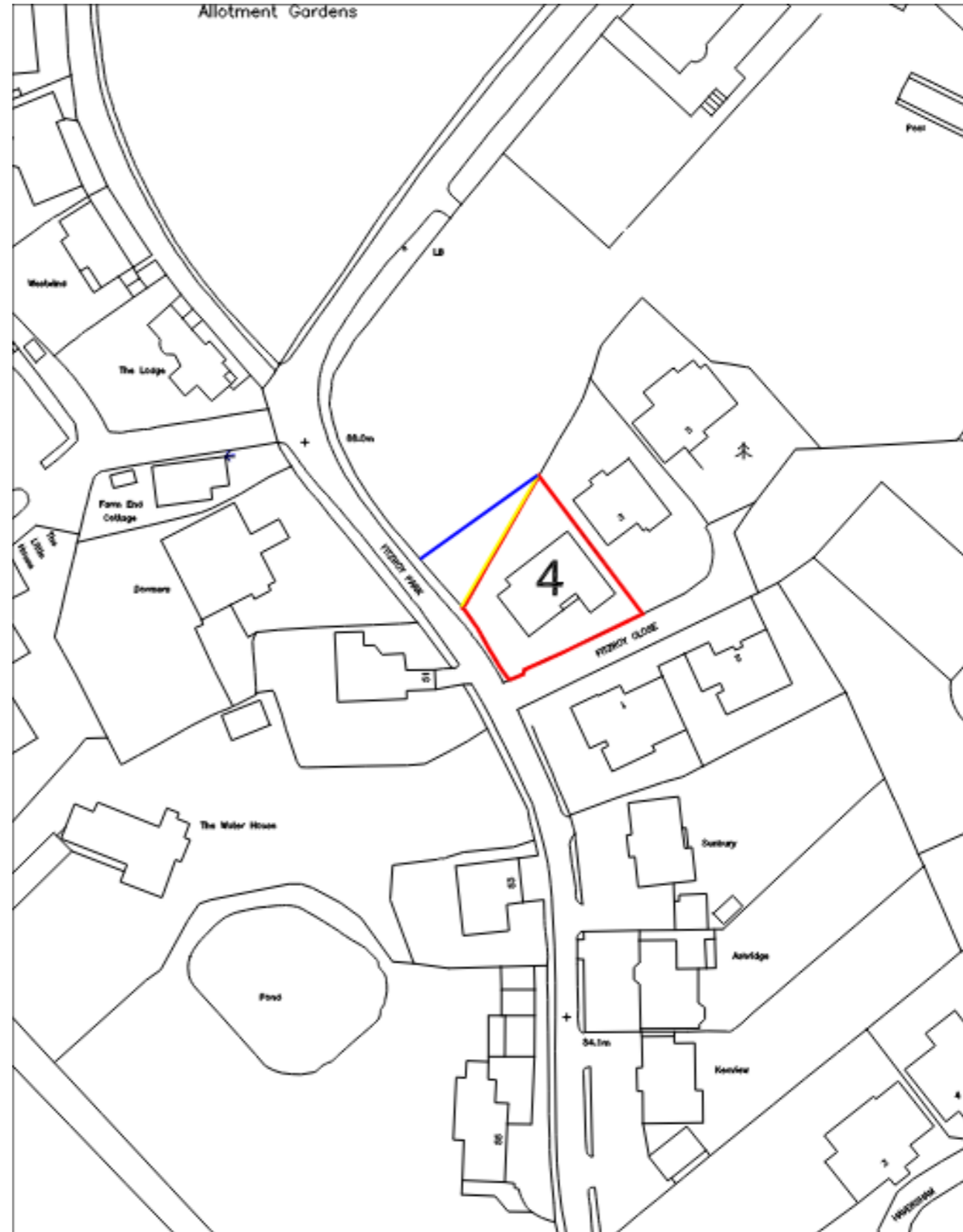
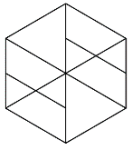


Figure 1.
Location plan showing the
approximate location of the
brick boundary wall (shown
yellow) and new timber
fence (shown blue).

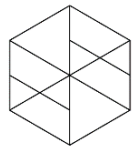


Figure 2
Photograph of the former brick boundary wall and partial completion of the new timber boundary fence

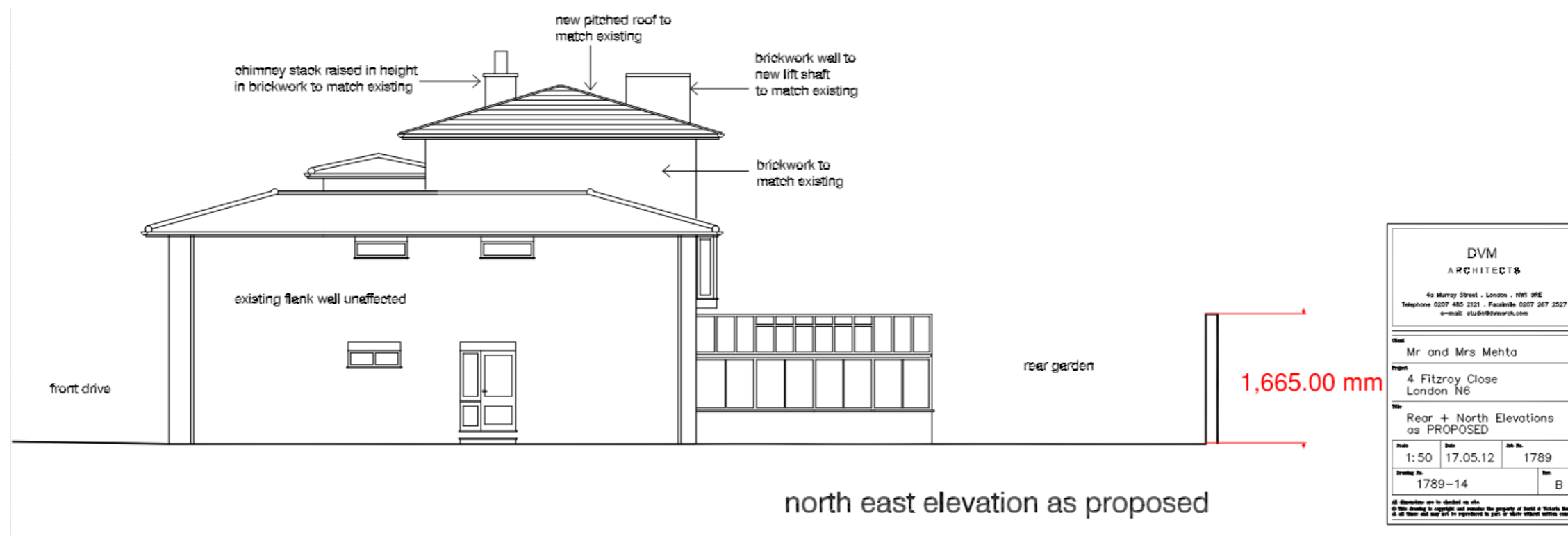


Figure 3.
Extract of a scaled plan from planning application ref: [2012/2618/P](#) approved in 2012 showing the height of the rear boundary wall as approximately 1665mm in height (our measurement in red).

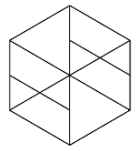


Figure 4.
1915 OS Map
Neither no. 10 Fitzroy Park
or no. 4 Fitzroy Close
existed at this point. The
site of No. 10 Fitzroy Park
is a nursery and the site of no.
4 Fitzroy Close is within the
grounds of Southampton
Lodge.

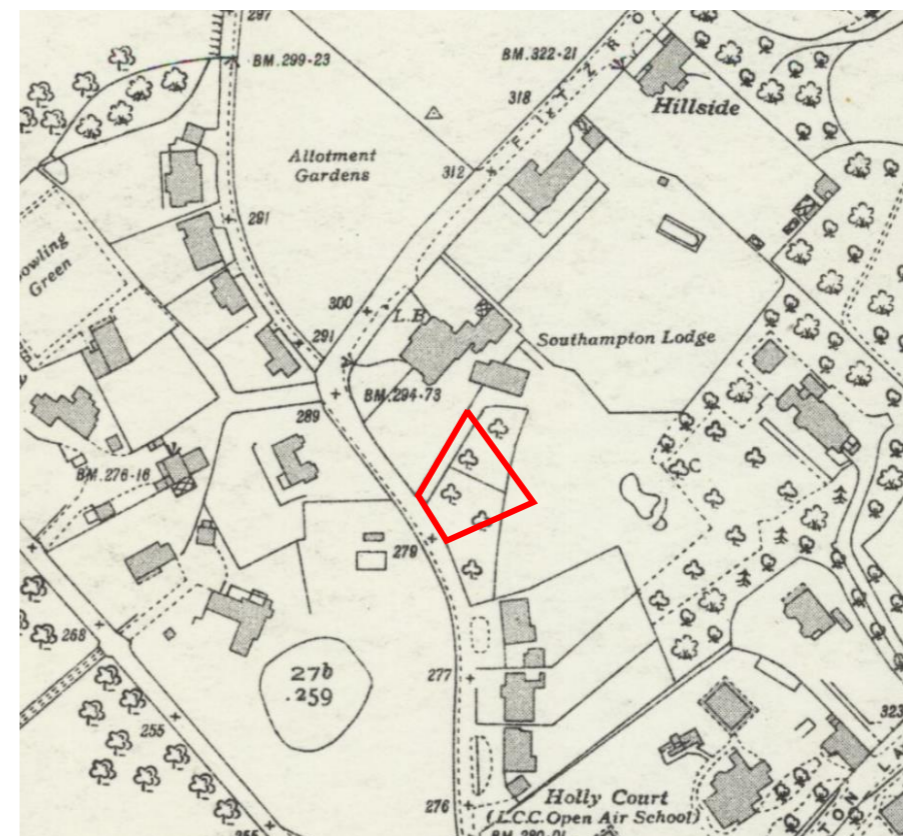


Figure 5.
1938 OS Map
No. 10 Fitzroy Park has
replaced the nursery by this
point.

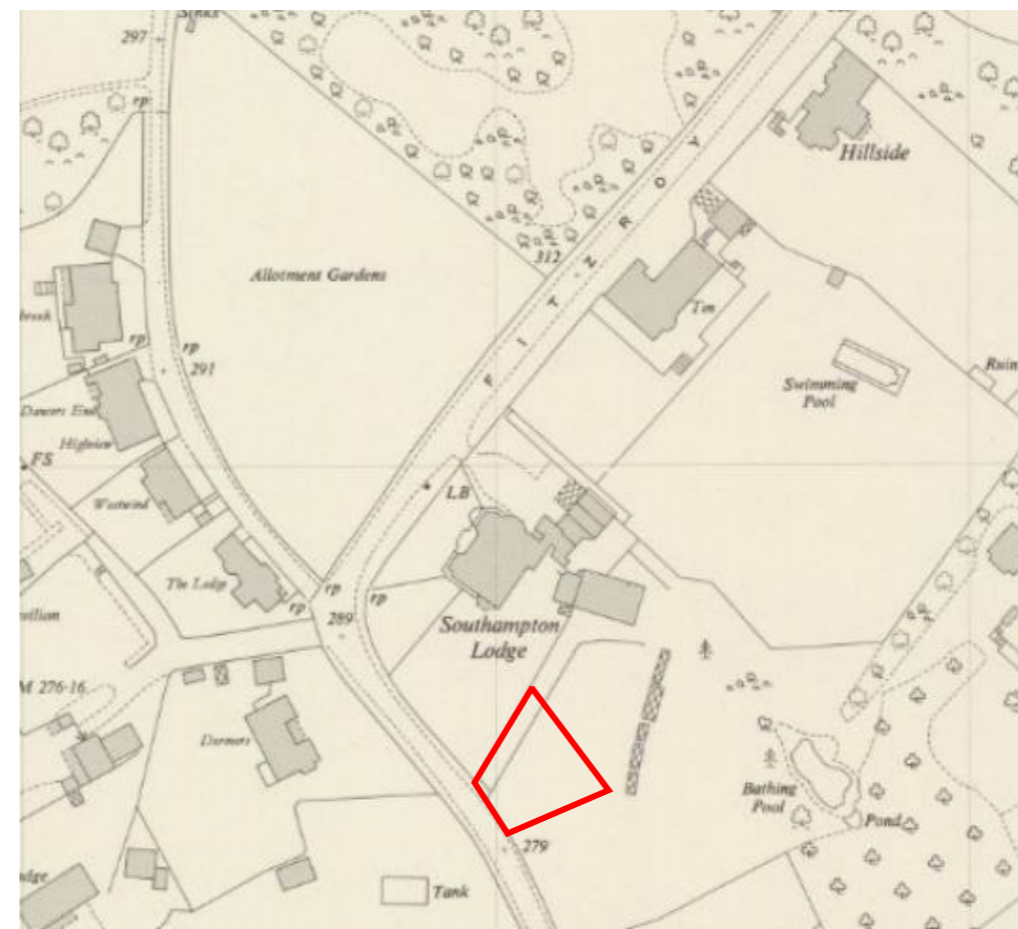
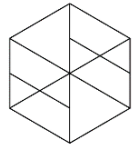


Figure 6.
 1952 OS Map with approximate position of no. 4 Fitzroy Close outlined in red. At this point in time the land which now forms part of no. 4 Fitzroy Close remains in the ownership of Southampton Lodge.



Figure 7.
 1962-79 OS Map with approximate position of no. 4 Fitzroy Close outlined in red. By this time Southampton Lodge has been demolished and the land forms part of No. 10 Fitzroy Park. The northern boundary of no.4 Fitzroy Close appears to be formed from the boundary created from the access track to a former out building of Southampton Lodge.



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Figure 8.
1996 OS Map with
approximate position of no.
4 Fitzroy Close outlined in
red. A Poor quality
reproduction of a 1:10000
OS Map but this shows no.
4 Fitzroy Close in existence.