



## Appeal Decision

Site visit made on 7th July 2022

**by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20th July 2022**

---

**Appeal Ref: APP/X5210/D/21/3289001**

**10 Ferncroft Avenue, London, NW3 7PH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Peters against the decision of the London Borough of Camden Council.
  - The application Ref 2021/0188/P dated 15 January 2021, was refused by notice dated 23 November 2021.
  - The development proposed is erection of a new brick wall and installation of automated sliding gates to front boundary, replacement of front entrance door and steps, replacement of side gate, installation of timber decking area, shed and pergola to the rear garden, and various hard and soft landscaping works to front and rear gardens.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the impact of the proposed front boundary treatment upon the character and appearance of the host property, Conservation Area and sense of safety in the public realm.

### Reasons

3. The appeal site is a two-storey detached dwelling, located on Ferncroft Avenue, which stands within the Redington/Froggnal Conservation Area (CA) which is a designated heritage asset. The Council notes that the appeal area is noted within the CA statement as making a positive contribution to the character and appearance of the CA and I note that the appraisal also notes boundaries as works that can have a significant impact on the character and appearance of the CA. There are several elements to the appeal proposal which are outlined within both the development description as well as section one of the Council's delegated report.
4. The Council's assessment confirms that the front door, steps and side gate, installation of pergola and landscaping are acceptable within both the context of the host building as well as the CA. The amended landscaping proposals included, for the avoidance of doubt, new steps at the end of the patio, three panels and planters and stepping stone flags across the rear lawn. Based on the evidence before me I have no reason to conclude differently on these elements. The refusal reason is solely based upon the front boundary treatment and, for the avoidance of doubt, it is this element which the appeal will focus upon with regard to the main issues that have been outlined above.

5. The existing front boundary treatment consists of a low level brick wall which steps down in height over the frontage with hedgerow trees behind. Whilst it is stated that the existing front boundary includes a solid timber fence above a wall (and as shown in the image contained in drawing no. 126FA-005 rev 2) I noted at the time of my site visit that the existing timber fence appears to have been removed and the boundary wall appears to have already been re-built with bricks which match the property along with the installation of a sliding gate. I would not, therefore, consider the timber fence which the appellant considers an untraditional/unsympathetic feature to be a fallback position given that it has already been removed. It does not now form part of the existing boundary treatment as a fallback for the appeal proposal.
6. When walking along Ferncroft Avenue I note that there are some limited variations in finishes to boundary treatments including those opposite the appeal site. Despite this I found a good number of properties to have similar boundary treatments (low walls and hedgerows) with open entranceways to the front of the properties. This was, I find, the prevailing character with most properties not having defensive boundaries as per the appeal proposal before me. This is consistent with the commentary within the CA statement as well as being reiterated within the Redington Froggnal Neighbourhood Plan 2021 (NP).
7. The gates opposite the appeal site I found to still allow open views into the property which reduces the sense of enclosure and, in addition and by comparison, they are not combined with railings on top of a brick wall as is the case within the appeal proposal. They still maintain walls and hedges as is characteristic for the area which is noted by the appellant. This is similar to 28 Ferncroft Avenue as, despite the solid gates, a hedge and brick boundary is maintained which I find overall more consistent with the prevailing character of the area.
8. The boundary which I saw at the time of my site visit (with the exception of the sliding gate) would be, I find, consistent with the predominant form of low walls and hedges which are characteristic of the area. The proposed combination of sliding railing gates, associated brick piers and railings on top of a brick wall I find would cumulatively undermine the open character of the streetscene as well as appearing solid and dominant to the forefront of the host property regardless of the appellant's amendments to the scheme during the application process. The boundary treatment would seem hostile which would impact upon the sense of safety in the public realm as a result of size, materials and design. Photographic examples of boundary treatments have been submitted, however, there is no further evidence as to when such features were granted permission which limits the weight I can apply to them within the consideration of this appeal. Regardless of this I find such examples to still be limited with the prevailing character being that as outlined in paragraph 6 above.
9. The permeable materials and greening enhancements stated are noted, however, they do not overcome the concerns I have found with the proposed boundary treatment. The provision of boundary treatments up to a height of 1m above ground level is noted to be allowed for within Class A of the General Permitted Development Order, however, the proposal before me does not fall under permitted development and is to be considered as a householder application. In this case impact upon the character and appearance of the

- proposal before me upon the CA, and the host dwelling, is a material consideration.
10. The combination of proposals, particularly the railings on the wall, I find would be out of character within the immediate street scene and appear incongruous as a result of their defensive and solid appearance across the entire frontage which would result in harmful visual impact. This would be contrary to guidance contained within the Camden Planning Guidance 2021 (CPG) which requires works for boundary treatments to preserve and enhance the existing qualities and context of the site and surrounding area.
  11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, with respect to any buildings or land within a CA, when considering whether planning permission should be granted, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. I find that the proposal would result in less than substantial harm to the character and appearance of the CA as a designated heritage asset as a result of visual impact. 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 in accordance with paragraph 202 of the National Planning Policy Framework 2021 (the Framework).
  12. I acknowledge the appellants submissions as to safety, however, London Borough of Camden Local Plan 2017 (LP) Policy D1 is clear that gating as a solution to crime and anti-social behaviour problems will be resisted unless there are exceptional circumstances. I have no evidence of exceptional circumstances within the submissions before me and there are no public benefits as a result of the proposal to outweigh the less than substantial harm which I have identified. Great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
  13. The proposal would be contrary to LP Policy D1 which requires proposals to respect local context and character and preserve and enhance the historic environment and heritage assets in accordance with LP policy D2. LP Policy D2 requires that development within conservation areas preserves, or where possible, enhances the character or appearance of the area As well as requiring decisions to take account of CA statements and appraisals when assessing applications. The proposal would be contrary to LP Policy C5 which seeks to maintain active frontages and avoid external security features which can make places seem hostile and unsafe.
  14. The proposal would also be contrary to NP Policy SD1 and NP Policy SD5 which both require that front garden boundary walls and hedges, which contribute to the character and appearance of the area, should be preserved/retained or reinstated.
  15. I do not find that the proposal would be directly contrary to NP Policy SD6 as this policy requires front boundary walls to be retained. From the submissions before me it is evident that a brick boundary wall would be retained, however, the refusal reason is based upon the cumulative impact which I find would be caused as a result of the sliding metal gates and railings on top of the proposed brick wall across appeal site frontage.

## **Other Matters**

16. The appellant references varying sections of the Framework, however, this does not change the starting point for determination which is, as acknowledged, the Local Plan in accordance with S38 of the Planning and Compulsory Purchase Act 2004. I find that the Local Plan policies before me are consistent with the Framework with regard to achieving well designed places as well as impact upon heritage assets.
17. I note reference has been made to a decision for 28 Ferncroft Avenue which was determined in April 2017. A copy of a decision has been included; however, the Council's report and no further information has been provided. This has been discussed previously in paragraph 7 above. Despite this Camden Local Plan 2017 was adopted in July 2017, the NP was adopted in September 2021 and the CPG adopted in 2021 which means that the assessment was based upon the previous Core Strategy and Development Policies not the current LP and NP documents before me.
18. Redington Froggnal Neighbourhood Forum object to the proposal. Some of the comments forwarded to me appear to relate to a different application reference (2021/0190/P) at the same address. I have dealt with matters relating to the CA character, and character and appearance of the host property, within the main issues above and speculative concern regarding an increase in parking spaces does not in this case warrant refusal. References to other applications are noted, however, no further details of these have been submitted other than the reference numbers and summary. In any case each case must be considered upon its own merits.
19. As stated earlier in this decision letter this appeal falls to consider the proposed front boundary treatment as specifically outlined within the reason for refusal. I acknowledge comments with regard to the proposal to install a timber decking area, shared and various hard and soft landscaping works, however, the Council's delegated report has considered these matters in detail and has not found an issue with those elements. Based upon the evidence before me I have no reason to conclude differently on this occasion.

## **Conclusion**

20. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

*Eleni Randle*

INSPECTOR