
Appeal Decisions

Site visit made on 8 August 2019

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal A: APP/X5210/W/19/3230332

4 St Mark's Square, London NW1 7TN

- 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 & Mrs Carter against the decision of the Council of the London Borough of Camden.
 - The application Ref.2018/4555/P, dated 21 September 2018, was refused by notice dated 7 May 2019.
 - The development proposed is the erection of a fence on top of an existing wall to the front boundary.
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Appeal B: APP/X5210/Y/19/3230331

4 St Mark's Square, London NW1 7TN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Carter against the decision of the Council of the London Borough of Camden.
 - The application Ref.2018/5122/L, dated 21 September 2018, was refused by notice dated 7 May 2019.
 - The works proposed are the erection of a fence on top of an existing wall to the front boundary.
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Decisions

1. I dismiss the appeals.

Main Issue

2. No.4 St Mark's Square, along with No.36 Regents Park Road, the other half of the semi-detached pair of villas, is a Grade II listed building which lies within the Primrose Hill Conservation Area.
3. In that context, the main issue is the effect of the development/works, which have already been completed, on the special architectural and historic interest of the listed building, and whether they preserve the character or appearance of the conservation area.

Reasons

4. No.4 is a rather grand classical villa that occupies the corner of St Mark's Square and Princess Road. The fence, which is constructed in timber, appears rather flimsy sat above the solidity of the brick boundary wall and the resulting contrast is visually jarring. The impact of that incongruity is heightened by the prominence of the wall on what, in townscape terms, is an important corner.

5. The result damages the special architectural and historic interest of the listed building and detracts from both the character and the appearance of the conservation area. In terms of the National Planning Policy Framework (the Framework), I assess the harm caused as less than substantial, given that the significance of both the listed building and the conservation area remain largely intact, but it is considerable nonetheless. Paragraph 196 of the National Planning Policy Framework sets out that any such harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
6. I appreciate that the appellants are concerned about safety and security and have experienced issues with intruders, and litter and other items being thrown into their garden. As Policy C5 of the Camden Local Plan (2017) reflects, improvements to safety and security can be public benefits. However, given the workings of the Planning (Listed Buildings and Conservation Areas) Act 1990, I must attach great weight to any harm caused to the special interest of a listed building, or the character or appearance of a conservation area. With that in mind, the public benefits of the fence are not sufficient to outweigh the considerable degree of harm it causes to the significance of the designated heritage assets affected.
7. There is thereby a failure to accord with the Framework, and Policies D1 and D2 of the Camden Local Plan that require high standards of design, and set out to protect heritage assets, including listed buildings and conservation areas, respectively.
8. I observed at my site visit that boundary treatments in the area are not uniform and I took note of the examples highlighted on behalf of the appellants. However, several suffer from the same drawbacks as the fence at issue, and it is not entirely clear whether these benefit from permission and/or consent. Even if they do, harmful interventions permitted in the past, under what might have been a different policy regime, provide little or no justification for more of the same.
9. I have also considered whether a condition, or conditions, could be used to bring the fence into the realms of acceptability but to my mind, there is no remedial treatment that could address sufficiently the contrast between timber and brickwork that I find so jarring.
10. For all those reasons, I consider that the appeals should be dismissed.

Paul Griffiths

INSPECTOR