



Appeal Decision

Site visit made on 5 November 2019

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/X5210/W/19/3226047

1 Prince Albert Road, London NW1 7SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Hamad Alghanim against the Council of the London Borough of Camden.
 - The application Ref: 2018/5685/P, is dated 16 November 2018.
 - The development proposed is installation of black painted metal railings atop existing boundary wall on Prince Albert Road including raising level of brick piers. Replacement of 2 number existing timber gates with black painted metal gates. Section of existing boundary wall on Gloucester Gate to be raised by 715mm to give privacy to South East garden area of the property.
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Decision

1. The appeal is dismissed and planning permission for the: installation of black painted metal railings atop existing boundary wall on Prince Albert Road including raising level of brick piers; replacement of 2 number existing timber gates with black painted metal gates; and section of existing boundary wall on Gloucester Gate to be raised by 715mm to give privacy to South East garden area of the property is refused.

Procedural Matters

2. This appeal is against the failure of the Council of the London Borough of Camden to give notice within the prescribed period of time of a decision on an application for planning permission for the development proposed in the banner heading above. The Council has subsequently indicated that had it been in a position to make a decision it would have refused the application for the following reason:

"The proposed development, by virtue of the increase in height of the brick piers, the installation of metal railings, the replacement metal gates and the raising of a section of the existing boundary wall would result in a fortress-like and visually overbearing form of development, that would detract from the character and appearance of the host building and surrounding conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017"

3. No 1 Prince Albert Road is a Grade II listed building. An application for listed building consent for these works accompanied the planning application and the Council similarly failed to make a decision on it within the prescribed period.

However, the appeal in this case relates solely to the planning application and I have determined the appeal on that basis.

Main Issues

4. The main issues in this case are the effect of the development on the character or appearance of Primrose Hill Conservation Area (CA) and whether the development would preserve the significance of the heritage asset known as 1 Prince Albert Road.

Reasons

5. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. The appeal property is one of 15 related detached and semi-detached Italianate villas constructed in the mid-nineteenth century and which are grade II listed. Based on the evidence before me, including the list description and Primrose Hill Conservation Area Statement (CAS), I consider the significance of the appeal property as a heritage asset is largely derived its scale, siting and fine architectural details, including highly decorative stucco work, in particular to its front elevation. In addition, its prominent siting overlooking Regent's Park gives further status to the building. Its deep verdant front garden and high boundary wall contribute to its setting and significance. For these reasons, the building also makes a positive contribution to the street scene and CA.
7. The significance of the CA is mainly drawn from its planned estate layout, containing high quality historic buildings, their fine architectural features and materials, and the relationship to open spaces, including Primrose Hill and Regent's Park which reinforce the green character of the CA.
8. The appeal property occupies a prominent position on the corner of Prince Albert Road and Parkway. It is one of a number of the Crown Estate villas which are set back from the road, with deep and verdant front gardens enclosed by brick walls. The brick wall which fronts Prince Albert Road has a generally uniform appearance, dissected by predominantly timber gates flanked by brick piers. Whilst there is some slight variation in the height of the wall and design of the gates within it. Overall this boundary treatment has a harmonious appearance which contributes significantly to the character and appearance of Prince Albert Road and the CA.
9. The introduction of railings onto the top of the wall and an increase in the height of the gate piers and wall would appear incongruous in this location. Its resultant appearance would not be characteristic of the form and height of other front boundary treatments along this part of Prince Albert Road and in particular the introduction of railings to the wall would contrast sharply with the otherwise unadorned brick walling which aligns this part of the street.
10. The CAS recognises that alterations to the front and side boundaries between the pavement and the house can dramatically affect and harm the character

of conservation areas. It advises that proposals to erect new boundary structures or replace or alter existing boundary structures should respect the original boundary style. That would not be the case with this proposal. The overall height and design the proposed development would interrupt the rhythm and pattern of the existing traditional boundary treatments that are prevalent within Prince Albert Road. In addition, I agree with the Council that the introduction of metal gates and railings would give the site frontage a fortress appearance which would detract from its existing more open and verdant frontage. Furthermore, there would be a loss of historic joinery. For these reasons the development as a whole would have a harmful effect on the setting of No 1 Prince Albert Road and diminish the positive contribution that the appeal site makes to the street and CA.

11. The proposal would fail to preserve the special architectural and historic interest of the Grade II listed building, No 1 Prince Albert Road, its setting and the character and appearance of Primrose Hill Conservation Area. It would cause less than substantial harm to the designated heritage assets, however this harm would not be outweighed by any public benefits.
12. I conclude that the proposal would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and would conflict with the development plan and in particular with Policy D2 (Heritage) of the London Borough of Camden Local Plan 2017 (LP) which seeks to preserve and, where appropriate enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. I also find conflict with Policy D1 of the LP which requires high quality design in new development and for it to, amongst other criteria, respect local context and character. The development would also conflict with PH36 of the CAS which requires alterations to existing boundary structures to respect the original boundary style.

Other Matters

13. The appellant has drawn my attention to several examples of metal gates along the street, some of which have railings within them. I was able to observe some of those on my site visit. I do not know the precise circumstances or planning considerations surrounding those other examples and in most cases the metal has been affixed to the back of wrought iron gates. However, the existence of those other metal gates detracts from the character and appearance of the CA and therefore do not set a precedent that should be repeated. In any event I have determined the appeal on its own merits.
14. I have taken into consideration the appellant's desire to increase security and privacy to this property. However, the harm that I have identified would be permanent and I am not persuaded that there would not be other solutions available that would help to deal with these concerns.

Conclusion

15. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Elizabeth Pleasant

INSPECTOR