
Appeal Decision

Site visit made on 11 February 2020

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/X5210/D/19/3243704

7 Oakhill Avenue, London NW3 7RD

- 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 Ms R Bard against the decision of the Council of the London Borough of Camden.
 - The application Ref 2019/2592/P, dated 17 May 2019, was refused by notice dated 11 December 2019.
 - The development proposed is described as '*installation of railings, gates and associated alterations to the front boundary wall (retrospective)*'.
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Decision

1. The appeal is allowed and planning permission is granted for installation of railings, gates and associated alterations to front boundary wall at 7 Oakhill Avenue, London NW3 7RD in accordance with the terms of the application, Ref 2019/2592/P, dated 17 May 2019.

Procedural Matters

2. The development applied for has been carried out. It is also clear from the accompanying plans and the Council's delegated report that only the alterations to the front boundary wall, pillars, metal gates and railings were considered and not the timber fencing, or any other alteration within the front curtilage. The fencing is the subject of a separate application¹ and I have not therefore considered it any further.
3. The description on the appeal is different from that given on the application form. Although I have been provided with some correspondence between the parties it does not specifically confirm the change was agreed by the appellant. I have therefore used the description given on the application form in the formal decision above although I have deleted the term 'retrospective' as this is not an act of development.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the Redington Froggnal Conservation Area ('RFCA').

Reasons

5. There is a statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to pay

¹ LPA ref 2019/5269/P.

special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 193 of the National Planning Policy Framework ('the Framework') makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.

6. The significance of the RFCA principally lies in the relationship of the streets and houses to the steep contours of the local topography and I saw it is a fine example of heritage housing stock in a verdant residential suburb. The appeal site is part of the Heath Drive and environs sub area in the Council's relevant appraisal² and Oakhill Drive contains a mix of Neo-Georgian and Arts and Crafts Free Style properties along with some later infill. The host property, along with 'most of the buildings' are referred to in the appraisal as making a positive contribution and it also states that the RFCA has been subject to the loss of some interesting buildings and increased pressure for unsympathetic change, including inappropriate front boundaries.
7. Mature trees, vegetation and hedges are undoubtedly a key characteristic of its street scenes but, on the ground, there is an absence of uniformity in the treatment of front boundaries. I saw significant variety in the height and extent of brick walling and piers and in the design of black metalwork railings, alongside both single pedestrian and double width vehicle gates. Notable examples in the street included Nos. 3, 5, 12, 14 and 15 and although I have not been provided with the full details, a number of these appear to have been granted planning permission by the Council. There are also examples in surrounding streets and black architectural ironmongery in the form of balcony railings exists on the upper storeys of neighbouring dwellings.
8. The brick piers, railings and gates step down with the slope and are not overly tall or visually prominent. The brickwork matches that of the host property and the railings and gates allow for views through to Yew hedging which has been planted behind the railings to approximately the same height. Over time, this will provide a greener backdrop which will soften their appearance further and prevent any undue sense of this property appearing fortified or its front boundary not being sufficiently verdant.
9. The metalwork may well be more ornate than some examples but it is not overly or inappropriately so, and to a degree this reflects and reinforces the variety in the formal and free architectural styles that contribute to the significance of the RFCA. There is a level of subjectivity involved in such aesthetic judgments but in the context of this street and the area, the proposal is not incongruous or discordant and is of an appropriate standard of design. It does not harm the ability to appreciate the building or diminish the positive contribution it makes to the character or appearance of the RFCA and I also note there have been no objections from local amenity groups³.
10. For these reasons, the proposal preserves the character and appearance of the RFCA. It therefore complies with Policies D1 and D2 of the Camden Local Plan 2017, insofar as they require a high quality of design development within conservation areas that preserves or, where possible, enhances the character or appearance of the area.

² Camden Conservation Area Statement: Redington/Frognaal 20.

³ Redington and Frognaal Conservation Area Advisory Committee and Redington and Frognaal Neighbourhood Forum.

Other Matters

11. In reaching this view I have had regard to the representations made by third parties concerning the timber side fencing, agreed deferral of the works and other matters relating to boundary ownership. However, the side fencing does not form part of this appeal and the other matters raised have no bearing on its planning merits and are not for me to address. Thus, none of these other considerations, on their own or in combination, alter my view to allow the appeal.

Conclusion

12. For the reasons set out above, the proposal accords with the development plan, when taken as a whole. Material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the development plan.
13. Having regard to all other matters raised, I therefore conclude that the appeal should be allowed. No conditions are necessary as the development applied for has been carried out.

Richard Aston

INSPECTOR