

LONDON BOROUGH OF CAMDEN  
TOWN AND COUNTRY PLANNING ACT 1971  
TOWN AND COUNTRY PLANNING GENERAL  
DEVELOPMENT ORDER 1973

DIRECTION UNDER ARTICLE 4

THE COTTAGE 67 FITZJOHNS AVENUE LONDON N.W.3.

LONDON BOROUGH OF CAMDEN

TOWN AND COUNTRY PLANNING ACT 1974

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS 1973 to 1976

DIRECTION UNDER ARTICLE 4

THE COTTAGE 67 FITZJOHNS AVENUE LONDON N.W.3

WHEREAS the Council of the London Borough of Camden being the local planning authority for the said London Borough of Camden are satisfied that it is expedient that development of the description set out in the schedule hereto should not be carried out on the land shown edged and coloured red on the plan annexed hereto unless permission therefore is granted on application made under the Town and Country Planning General Development Order 1973, *as amended*

The Council consider that a direction is necessary and expedient in this case because of the following circumstances.

No. 67 Fitzjohns Avenue is a semi-detached five storey building divided into flats at the rear of which is a two storey house known as The Cottage. The basement flat in the main building has a small rear garden twenty feet deep around which is an L-shaped fence separating it from the garden and entrance passage to The Cottage. This fence which has been erected by the owner of The Cottage has been the subject of a dispute with the occupiers of the basement flat who have objected to its excessive height. The fence varies in height from seven feet one inch to seven feet ten inches with supporting posts rising to eight feet ten inches as measured from ground level on the side of The Cottage. On 26th March 1975 an Enforcement Notice was served in respect of the unauthorised fence and a Public Inquiry was held into an appeal by the owner of The Cottage against the Notice. At the Inquiry the owner contended that

if the appeal were to be dismissed and he was obliged to reduce the fence to the permitted development height for fences of two metres he would take advantage of the right under Class 1(3) of the General Development Order to erect a rose trellis or some other building or enclosure to a height of three metres immediately adjoining the fence thereby producing an ever greater overshadowing of the adjoining basement flat. On 4th November 1976 the Secretary of State for the Environment dismissed the appeal. NOW THEREFORE the said Council in pursuance of the powers conferred upon them by Article 4(3)(b) of the Town and Country Planning General Development Order 1973<sup>as amended</sup> hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description set out in the schedule hereto.

#### SCHEDULE

The erection construction or placing and the maintenance improvement or other alteration within the curtilage of a dwelling house of any building or enclosure (other than a dwelling garage stable loose-box or coach-house) required for a purpose incidental to the enjoyment of the dwelling house as such including the keeping of poultry bees pet animals birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling house so long as

- (a) no part of such building or enclosure projects beyond the forwardmost part of any wall of the original dwelling house which fronts on a highway
- (b) the height does not exceed in the case of a building with a ridged roof 4 metres or in any other case 3 metres
- (c) the area of ground covered by buildings within the curtilage (other than the original dwelling house) does not thereby exceed one half of the total area of

the curtilage excluding the ground area of the original dwelling house being development comprised within Class 1(3) referred to in the First Schedule to the said Order and not being development comprised within any other Class  
This direction shall remain in force for six months from the date of which it was made and shall then expire unless it has before the termination of the said six months been approved by the Secretary of State for the Environment

THE COMMON SEAL OF THE )  
COUNCIL was hereunto )  
affixed this 18<sup>th</sup> day )  
of November One thousand )  
nine hundred and seventy- )  
six )

by Order of

*Wm. S. S. S.*  
Mayor

*R. M. Wilson*  
Town Clerk

DET 26902

The Secretary of State for the Environment hereby approves the foregoing direction subject to the modifications shown in red ink thereon.

*Philip L. Daniel*

*J* Signed by authority  
of the Secretary of  
State

An Assistant Secretary  
in the Department of  
the Environment.

7 February 1977



