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Appeal Statement of Case

Permission Refused for:

"Removal of front boundary wall and creation of new vehicular access and hardstanding in front garden for car parking"

Address:

47 Priory Road, London, NW6 4NS

LPA Reference:

2023/0345/P

Appeal Dated:

July 2023

Contents

1. Introduction	Page 3
2. Site and surroundings	Page 4
3. Relevant planning history	Page 6
4. Planning policy context	Page 7
5. The Appellant's Case	Page 9
6. Conclusions	Page 13

1. Introduction

1.1. This appeal statement has been prepared in support of a planning appeal against the refusal by the Local Planning Authority of Camden for the removal of the front boundary wall and creation of new vehicular access and hardstanding in front garden for car parking. (2023/0345/P) on 17 May 2023.

1.2. The application was refused permission for the following reasons:

The proposed development, by virtue of the loss of the front boundary wall and front garden soft landscaping and its replacement with a hardstanding for car parking, would result in the loss of a traditional front garden landscape and boundary treatment thus harming the character and appearance of the host property, streetscene and Priory Road Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Local Borough of Camden Local Plan 2017.

The development, by reason of the promotion of car use, loss of on street parking and impact on public highway safety, would encourage the use of unsustainable modes of transport, increase parking stress and harm local amenity, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car free development) and A1 (Managing the impact of development) of the Local Borough of Camden Local Plan 2017.

2. Site and Surroundings

- 2.1.** The application site is located within the Local Authority of the Camden Administrative area.
- 2.2.** The site is located on the west side of Priory Road.
- 2.3.** The property at the site is a three storey, with basement, semi-detached dwellinghouse and features a hipped roof, stucco fronted exterior and sliding sash windows. The site is sub-divided into 3 flats and contains many of its's original Victorian style features.
- 2.4.** The surrounding vicinity is predominantly residential in character.
- 2.5.** The site is located within the Priory Road Conservation Area but is not a listed building or heritage asset.

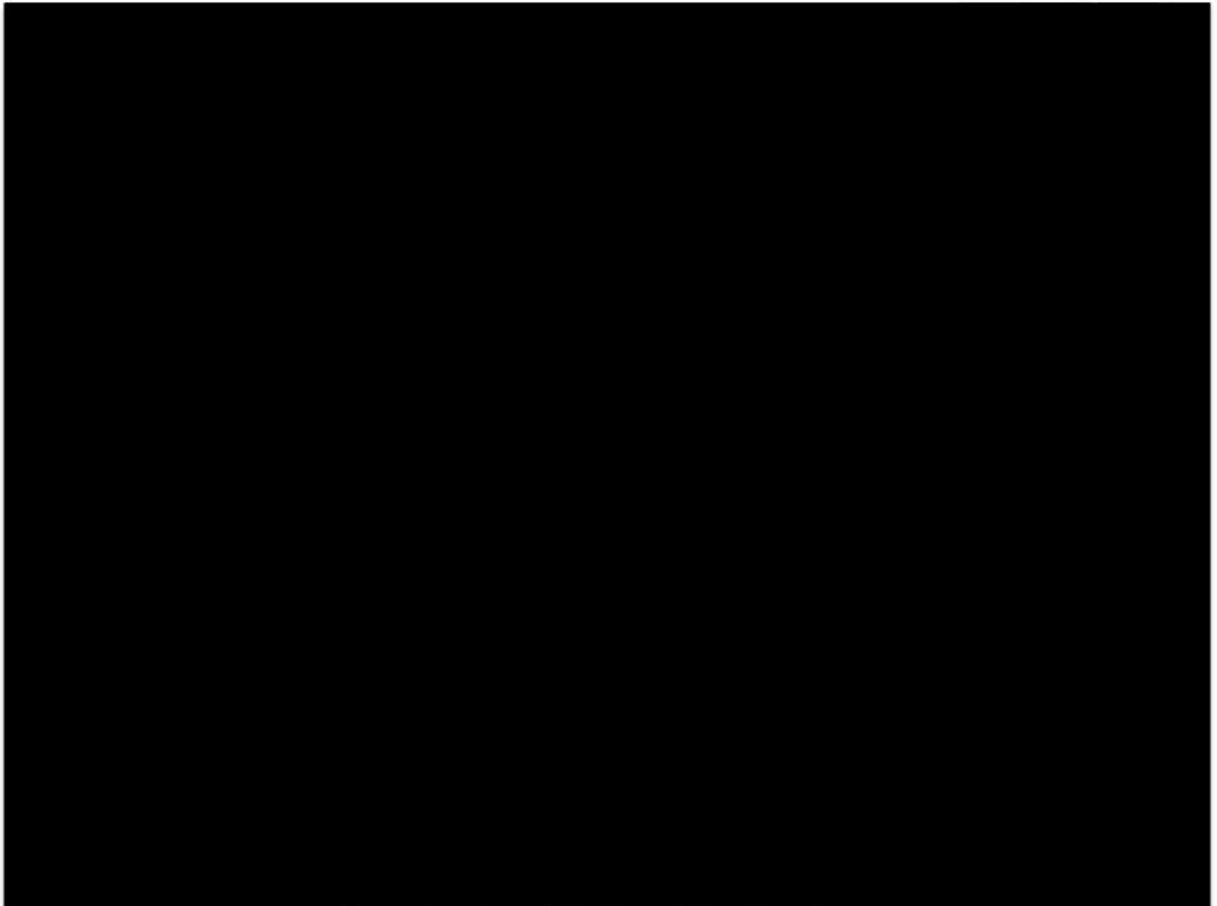


Figure 1 – Appeal site from Priory Road.

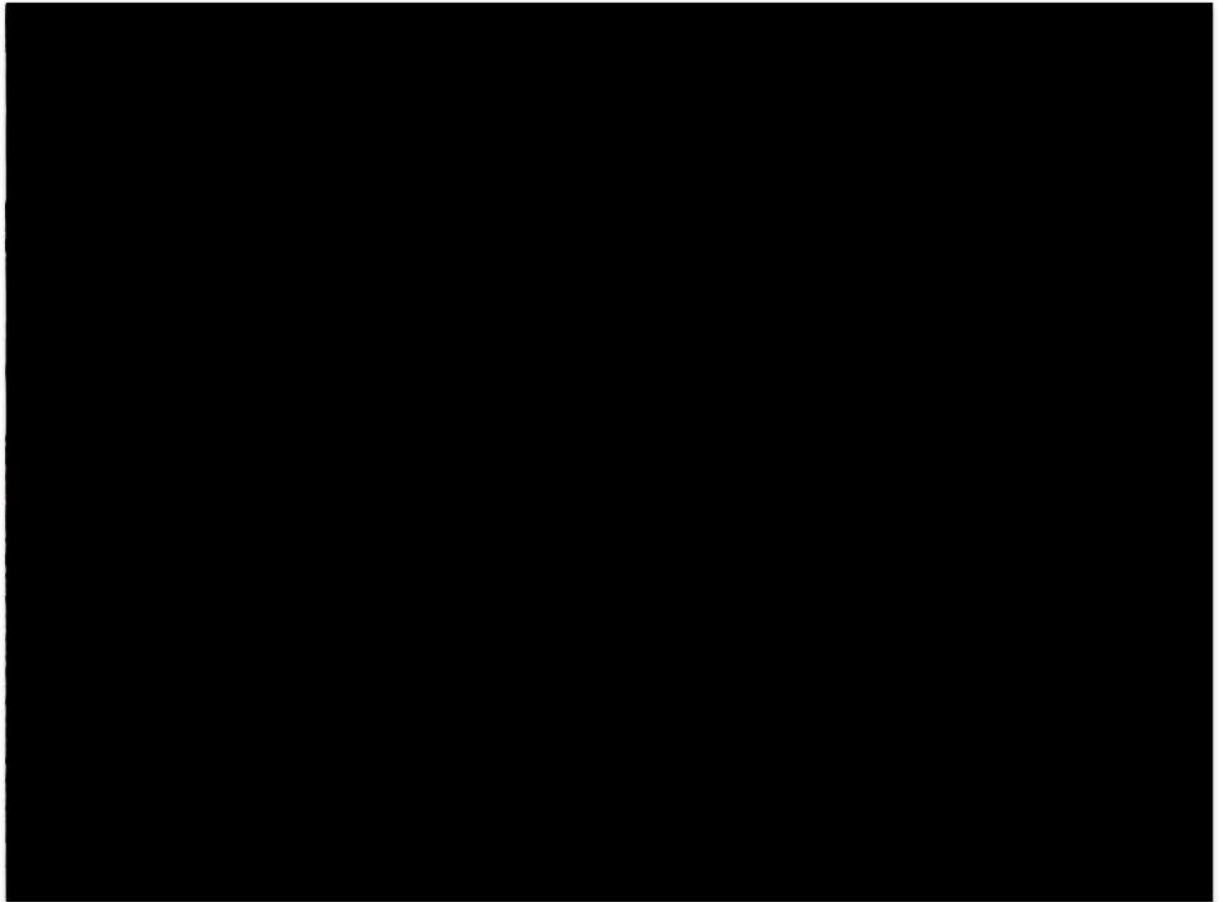


Figure 2 – Front amenity space seen from no.47's steps.

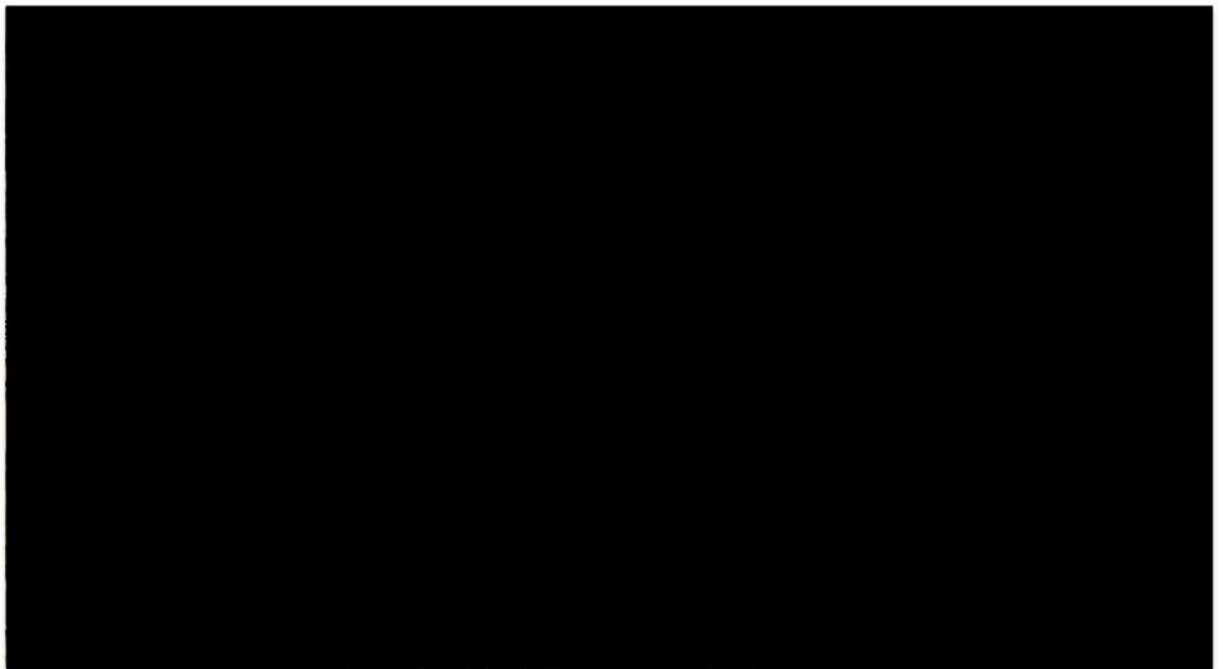


Figure 3 – Site in the wider context.

3. Planning History

- 3.1.** A full search of planning history for the application site has been carried out in preparation of the appeal statement. As detailed below;

2005/3187/P - Enlargement of side dormer and alterations to rooflights to front and rear, as a revision to planning permission granted on 08/06/05 (2005/1138/P) for conversion of existing loft area to provide additional habitable accommodation, including the erection of a side dormer and four roof lights, two on the front and two on the rear roof slope.
Granted - 28/10/2005

2022/0591/P - Creation of new balcony at ground floor with balustrade and replacement of existing window with doors.
Granted - 2022/0591/P

4. Planning Policy Context

- 4.1.** This section of the Statement provides an analysis of the planning policy context in which the proposed development should be considered in accordance with the relevant planning legislation and national policy guidance.
- 4.2.** Planning decisions in England and Wales should be taken in accordance with the development plan unless material considerations indicate otherwise. This statutory requirement is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 4.3.** The statutory development plan for Camden consists of:
- London Plan (2021)
 - Camden Local Plan (2017)
 - Priory Road Conservation Area Statement (2000)
- 4.4.** While not forming part of the statutory development plan, the following documents remain important material considerations for the determination of planning applications in Camden:
- National Planning Policy Framework [NPPF] (2021)
 - Supplementary Planning Guidance and Documents; and
 - Local Plan Evidence Base
- 4.5.** The most relevant extracts of these documents are analysed in more detail below.

NATIONAL PLANNING POLICY

National Planning Policy Framework (2021)

- 4.6.** On 27th March 2012, the government adopted the National Planning Policy Framework (NPPF). The document provides a consolidated framework of planning policy which replaces most of the previous national Planning Policy Statements and Planning Policy Guidance Notes. This has most recently been superseded by three revisions, the first on 24th July 2018, the second on 19th February 2019 and most recently 20th July 2021.
- 4.7.** The NPPF outlines the presumption in favour of sustainable development. It further states that permission should be granted for development where a plan is absent, silent, indeterminate or where relevant policies are out of date.
- 4.8.** The framework indicates that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes a material consideration in determining applications.
- 4.9.** Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals, whilst Paragraph 130 recognises that permission should be refused for development of poor design which fails to improve the character and quality of an area and the way it functions.

LOCAL PLANNING POLICY

Camden Local Plan (2017)

4.10. The Council adopted the Development Management Policies Document in July 2017 and it forms part of the development plan for the area. The Plan sets out the spatial vision which supports the overarching vision and goals for Camden. The following Policy is considered relevant to the determination of the application.

4.11. Policy D1 'Design' states that The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- character, setting, context and the form and scale of neighbouring buildings;
- the character and proportions of the existing building, where alterations and extensions are proposed;
- the prevailing pattern, density and scale of surrounding development;
- the impact on existing rhythms, symmetries and uniformities in the townscape;
- the composition of elevations;
- the suitability of the proposed design to its intended use;
- inclusive design and accessibility;
- its contribution to public realm and its impact on views and vistas; and
- the wider historic environment and buildings, spaces and features of local historic value.

4.12. Policy D2 'Heritage' sets out that in order to preserve or enhance important elements of local character, we need to recognise and understand the factors that create that character. The Council has prepared a series of conservation area statements, appraisals and management plans that assess and analyse the character and appearance of each of our conservation areas and set out how we consider they can be preserved or enhanced. We will take these into account when assessing planning applications for development in conservation areas. We will seek to manage change in a way that retains the distinctive characters of our conservation areas and will expect new development to contribute positively to this. The Council will therefore only grant planning permission for development in Camden's conservation areas that preserves or enhances the special character or appearance of the area.

4.13. Policy T1 'Prioritising walking, cycling and public transport' states that Limiting the opportunities for parking within the borough can reduce car ownership and use and therefore lead to reductions in air pollution and congestion and improve the attractiveness of an area for local walking and cycling. Car-free development will also mean that the borough's limited land can be used more efficiently, which will help to free up space to allow additional housing, employment uses, community facilities, play areas, amenity spaces and cycle parking. The Council does however also recognise that some people, businesses and organisations, rely on private car use as their only transport option. Parking provision for disabled people and essential uses will therefore be considered where necessary.

4.14. Policy T2 'Parking and car-free development' States All new residential developments in the borough should be car-free. Parking will only be considered for new non-residential developments where it can be Camden Local Plan | Transport 305 demonstrated that the parking provided is essential to the use or operation of the development. Staff parking is not considered essential and will not be permitted. Parking for disabled people for both residential and non-residential developments should be provided where it can be demonstrated as necessary, taking into account existing availability of on-street parking for Blue Badge holders. Further information can be found within Camden Planning Guidance on transport.

5. The Appellant's Case

Context

- 5.1** This appeal is against the decision by the London Borough of Camden to refuse planning permission for the removal of the front boundary wall and creation of a vehicle crossover.
- 5.2** The material consideration that arises from the reasons for refusal are as follows:

Reason 1 – Character and Appearance

Reason 2 - Highway Safety

Character and Appearance

- 5.3** The proposal includes the removal of a section of the existing front boundary wall and alterations to the surface to create a car park space within the front amenity area. The east section of the site would remain the same in terms of the paving around the front door steps with low rise wall but to the west the existing grass area and wall would be removed. The three trees that are currently on the site would remain. Presently the amenity area only has a small degree of soft landscaping that would be lost as a result of the proposal.
- 5.4** When viewing the street, it is visible to see that there is no clear boundary treatment that is typical to the surroundings. There are a number of different brick walls, railings and hedge treatment boundaries ranging in height and design on the street. A number of original features on front boundaries have been lost to a point it would be unclear to establish which features are original and which aren't. In terms of hardstanding and car-parking spaces on the street, these are a consistent feature. The officer's report has discussed how these examples mostly do not have permission or are immune from action. However, it appears that a number of these were not the subject of any enforcement action. Although this is the case it is still considered that the context of the street has changed through the introduction of a number of these on-site car park spaces and the creation of another one at the appeal site would not have a detrimental impact on the streetscene. It is also important to note that the adjoining property at No.45 has a car parking space on the property, but with a much more openness than is prospered in this appeal. The appeal scheme is the perfect example of how to provide practicality for the resident but also maintain the historical appearance of the property.
- 5.5** The section of the wall and gate that would remain creates the separation between the street and the property. The works that are proposed are similar to that of No.35 in terms of the remaining brick wall with the site only open where the car space would be. It is important to note that in the Priory Road Conservation Area Appraisal (2020) reference was made to properties which removed their front boundary, namely No's 21, 43 & 45. By omitting No's 35, 19 & 14 from this statement it would suggest that they did not believe these alterations to the front boundary harmed the area. As the appearance is very similar to that of No.35 it is considered No.47 would also be acceptable and in accordance with the Priory Road Conservation Area Appraisal.
- 5.6** The property only has 11.sq.m of grass area at the front that is proposed to be lost. This is not a significant amount of soft landscaping and it is not considered that the loss is at that level that would significantly change the appearance of the property or have a detrimental impact on the streetscene. The property would still retain the 3 large trees, two of which on the front boundary. These trees would play a vital role in providing a softer appearance.

- 5.7** In both the wider Priory Road area, and the immediate environs of the site, boundary treatments have been variously removed, reduced, altered or replaced, and there are a substantial number of parking areas in former front gardens. Despite that however, the clear separation between public and private remains. As such, whilst the appeal site as a whole makes a positive contribution to the significance of the appearance of the area it is not consider that the front boundary wall makes such a significant positive contribution that it must be retained.
- 5.8** As a result, the overall impression, of a dwelling set back from the road and separated from the public domain by a front boundary wall and trees, would remain. It is considered that the completed form of the development would not be dissimilar to many of the alterations along Priory Road, namely No's 35, 19 & 14 in close proximity.
- 5.9** Whilst a part of the front boundary would be removed, soft landscaping would still exist. The neighbouring properties provide an idea on how the proposal would appear from the streetscene. The appellant understands the importance of consistency in front boundaries and maintaining this but it is a fair statement to say that this has been lost over the years. To insist that the boundary must be maintained when in general it has either been lost or has a completely different appearance on the street seems unfair.
- 5.10** It is not agreed that the parking of a car in the space that would be created would dominate the setting of the house. The houses are of a clearly different scale to cars and have a presence and character which would not be overpowered by the presence of a car parked in the former front garden. This is clear from those houses within the street which already have hard-standings.
- 5.11** The proposal is of high quality design and will be built with materials complementing the local architectural character and detailed in accordance with the existing appearance and the neighbouring context. The proposals are therefore in accordance with the relevant policies relating to design and appearance.
- 5.12** The most important emphasis of these policies is on 'making a positive contribution to the environment,' 'cityscape' or 'the local character.' The proposal makes a positive contribution to the area by maintaining the brick wall and trees, while also maintaining much of the original stoned area, which contributes well to the host property. The use of permeable paving is in accordance with Environment Agency advice and the Council's core strategy requirements to mitigate against surface water flooding.

Highway Safety

- 5.13** Priory Road is a moderately busy road within a predominately residential urban area, characterised by semi-detached properties. The appeal site is located on the north side of Priory Road and a significant number of dwellings along the street and in the vicinity of the site have off-street parking and benefit from a vehicle crossover with a hardstanding area. The road in question is a 20mph road where cars would be moving at a considerable slow speed. There is a large depth in the footpath, with a high level of visibility that a moving car can anticipate a car safely entering the road in a reverse gear. It is worth mentioning that 47 Priory Road has a PTAL rating of 6a, which is considered excellent, with several train stations and bus stops walking distance away. With the level of nearby public transport there would not be a strong demand for every household to own a car that would cause parking stress on the street.

- 5.14** A number of properties on this street have a driveway and associated vehicular crossover and there is no evidence that suggest that the presence of those accesses have resulted in harm to the highway safety on Priory Road. At No.47, the car would be starting from a standing position and would emerge from the access slowly. The speed limit on the road is 20mph and thus road traffic is also likely to be travelling relatively slowly. There is a low wall on each side of the boundary of the site so there would be limited visibility restrictions of the car manoeuvring out. Given the slow speed in which the owner would be doing it is deemed passing traffic, pedestrians and cyclists would have a substantial view of the vehicle moving out from the site. The site is also located more than 25m from a junction. It is, therefore, considered that the risk of pedestrian or vehicular collision would be no further impacted by this scheme. Neither can there be any impact identified from this alteration to the CPZ that would be harmful to the residential amenity of the area.
- 5.15** It is recognised that the insertion of a new crossover at the kerbside would necessitate the removal of some on-street parking along the bays at the roadside that are provided as part of the area's CPZ. However, there is no evidence from the Council to support an assertion that any loss would unacceptably impact on parking demand in the area. The Council's claim is unsubstantiated. By removing parking spaces, and thereby parked cars in the vicinity of the proposed crossover, space would be created at the kerbside to provide visibility of vehicles emerging from the new parking space.
- 5.16** In this case it's important to take into account the neighbouring properties and the wider context of the street. The refusal reason is very clear that a car needs to safely enter and exit the site to minimise highway safety but the appellant considers this unjust due to the large proportion of the properties on the street not meeting this requirement. If the access and egress arrangements to these other examples present any danger to highway safety, it is reasonable to have expected evidence which has not been forthcoming from the Council.
- 5.17** In this case the crossover is intended for the purpose of a residential property, therefore the number and intensity of vehicle movements would be low when compared to other land uses, such as offices, car sales etc. This application is proposing a 2.8m wide vehicular access to provide navigation onto hardstanding for the owner's car. Due to the configuration of access, parking space and depth, the movement of vehicles would be taken at a slow speed.
- 5.18** When traffic is moving along Priory Road towards No. 47 it would be quite clear to see the car manoeuvring out of the driveway due to the low boundary treatment and significant width of the car park area. It is unlikely that the movement of the car from this property would be unforeseen by both pedestrians and motor vehicles. It is deemed that visibility on both directions meets requirements. It is also considered that the appeal site is located far enough away from a bend in the road and given the speed limit it is not envisaged that great harm would come from a combination of both elements. The trees on both corners of site would be located with enough gap from the car that clear visibility would be given to both the driver and any passers-by in their given mode of transport.
- 5.19** When taking into consideration the number of properties which do not meet this requirement combined with the low speed limit it is considered that the council has taken an unjust stance on this matter. It appears unfair to insist that properties need to have an excessive amount of front amenity space for the enjoyment of having their own car. Given the appellant's need for one available car park space on site, the current situation does not cater for this.

- 5.20** It is also worth noting that the appellant proposes to install an electric charging point should the scheme be successful. The Council has refused this application based on National and Local Policy which insists on reducing car parking space at properties to encourage more sustainable modes of transport such as walking, cycling and public transport. The main reason for the policy is to reduce the carbon emissions within the city which is contributed a lot by fuelled cars.
- 5.21** The owner of 47 Priory Road has an electric car, which is strongly encouraged by National and Local Policy. The new London Plan policy is designed to ensure that every vehicle parked at a residential development built today can be zero emission by 2050. Council's must be realistic in their approach to tackling climate change. Although they are encouraging more sustainable modes of transport such as cycling and public transport, it is not realistic to expect them to be suitable for every person and their needs. In this case the Council should be more flexible in meeting this target while also meeting the needs of the residents and their family through the use of their car. The need for the car park space is also because they would like have a personal EV charger and be able to charge their car within the amenity area. This would clearly be a lot more accommodating to the owners, as they could safely and conveniently charge the car overnight within their own space.
- 5.22** The refusal reason is very clear that the Council does not support off-street parking in a bid to encourage more sustainable modes of transport but the appellant considers this unjust due to the large proportion of the properties on the street that have off-street parking. In Policy T1 of the Local Plan it states in relation to sustainable transport that it "Camden has failed the Government's air quality objectives since 2000, and has been declared an Air Quality Management Area (AQMA). Improving the borough's air quality is therefore an urgent issue and reducing the use of motor vehicles will significantly help in achieving this goal." As earlier stated the air quality would not be greatly impacted by the electric car which the appellant owns. In relation to highway safety, it is not envisaged that any harm would be created to pedestrians or drivers through the creation of this crossover.

6. Conclusion

- 6.1.** In this instance off street parking on Priory Road is not a luxury but rather a necessity for a reasonable quality of life. The proposed development should therefore be deemed acceptable as it would improve the character and quality of the host property and cause no impact on the surrounding area. The addition of the crossover would provide the dwelling with a car parking space for the owner's use, particularly with their health issues. The development would be an appropriate addition that has been specifically designed to meet the constraints of this particular site and to complement the host property whilst taking account of its sensitive setting.
- 6.2.** It is clear that the council have taken an unjustified stance in subjectively considering that the proposed scheme would impact on road safety given the large number of similar developments that are already present on the street.
- 6.3.** It is evident that the appeal proposal would not adversely affect the streetscene or impact on the character of the area. Emphasis in National, Regional and Local Planning Policy is clearly placed on high quality appropriate design which would be successfully achieved through the appeal scheme.
- 6.4.** Given the above points, it is confidently asserted that the appeal development would result in a well-proportioned vehicle crossover that would appear appropriate to the original property because of the proposed scale and the context of the street. Due to its minor scale would have less than harmful impact on the highway safety and streetscene and, as such, no significant detrimental impact would result by allowing the development to take place.