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Our ref: 2023/0345/P
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The Planning Inspectorate
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Dear Sean Ernsting,

Appeal by Mr Cem Kohen
Site: 47b Priory Road, London, NW6 4NS

Appeal against refusal of planning permission dated 14th May 2023 for:

Proposal: Removal of front boundary wall and creation of new vehicular access and hardstanding in front garden for carparking

Permission was refused on the following grounds:

1. Impact on the character and appearance of the host building and conservation area.
2. The loss of on-street parking, promotion of car use, increased parking stress and impact on public highway safety

1.0 Summary

Site and designations

1.1 The application site is a semi-detached three storey plus lower ground floor period property which has been subdivided into flats. It was constructed with stock brick with stucco at ground and lower ground floor level. The property is set back from the road with a front garden area containing a central lawn surrounded by pebble strips and a low front boundary wall and piers finished in render. There are three existing trees located in the front garden.

1.2 The building is not listed but is located within the Priory Road Conservation Area.

1.3 Planning Permission was refused on 17th May 2023 for the reasons below:

1) 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 carparking, 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.

2) The development, by reason of the promotion of car use, loss of onstreet 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

1.5 The Council's case is set out in detail in the attached Officer's Delegated Report, and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire. In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also take into account the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

2.1 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reason for refusal are:

D1 – Design

D2 – Heritage

A1 – Managing the Impact of Development

A3 – Biodiversity

T1 – Prioritising Walking, cycling and public transport

T2 – Parking and Car-free development

2.2 The Council also refers to supporting guidance documents. The Camden Planning Guidance (CPG) was adopted in 2021 following the adoption of the Camden Local Plan in 2017. There have been no changes to the relevant policies since the application was refused. It should however be noted that a new version of the National Planning Policy Framework was published in September 2023. It is however considered that these changes to the NPPF do not impact on the assessment of this application.

3. Comments on grounds of appeal

3.1 The appellant's statement is set out in 2 main points in response to the two reasons for refusals and these are addressed below:

1. Character and Appearance: The Appellant states that there is no clear boundary treatment that is typical to the surroundings, due to a variety of brick walls, railings

and hedge treatment found in the vicinity. In addition, a number of original features on front boundaries have been lost to a point that it would be unclear to establish which features are original. The appellant states that hardstanding and car-parking spaces are a consistent feature. Although a number of these don't have permission, they were not subject to enforcement action. The context of the street has therefore changed by virtue of these on-site car parking spaces, and thus another one at the appeal site would not have a detrimental impact on the street. The appellant refers to the neighbour no. 45 which has a large on-site car parking space which is larger than the proposed. The section of wall and gate that would remain would retain separation between street and property. The appellant states that the CAAMS only makes reference to harmful loss of front boundary and on-site car parking at nos. 21, 43 and 45, and therefore the ones at nos. 35, 19 and 14, the appellant concludes, are acceptable as they are not mentioned in the CAAMS thus making the space at the appeal site acceptable and in accordance with the CAAMS. The appellant states that 11sqm of amenity space is not significant, and 3 existing trees and some soft landscaping would be retained. The appellant also states that while the site makes a positive contribution, the front wall doesn't make such a significant positive contribution that it must be retained. The appellant states that it is unfair for the front boundary at the appeal site to be retained when they have been lost at neighbouring properties. The appellant states that the parking of cars in this space would not dominate the setting of the house. The design would be high quality and would use materials complementing local context.

Response to point 1: It is noted that a number of front boundaries along Priory Road have been lost over the years and off-street parking spaces created in former front gardens. The Priory Road Conservation Area Statement (PRCAS) is however very clear when it comes to the loss of front boundaries and the creation of off-street space. Indeed, it is cited as a main issue affecting the Conservation Area and clearly states that forecourt parking at nos. 21, 43 & 45 'demonstrate how harmful they can be to the appearance of the conservation area'. These off-street car parking spaces never received planning permission, and are only immune through passage of time. The fact that no enforcement action has been taken does not make them acceptable, merely lawful. Notwithstanding the loss of and variety of front boundary treatments, low front boundary walls are an important feature of the conservation area, as stated in the statement, and are historical architectural features to buildings of this era and should be retained. The loss of these walls elsewhere is even more of a reason for them to be retained at the appeal site to enable the Council to carry out its statutory duty to preserve the character and appearance of conservation areas. Off-street forecourt car parking spaces are confirmed to be harmful in the PRCAS, and therefore any further spaces would therefore be considered harmful. The appellant believes the proposal accords with the PRCAS, however this is quite evidently not the case and the proposal completely contradicts the PRCAS.

The appellant states that because the forecourt spaces at nos. 35, 19 and 14 are not mentioned specifically in the statement, that they are acceptable. This is evidently not the case, and completely ignores the sections of the statement that state that forecourt parking is harmful to the conservation area. It is logical to conclude that this assessment of harm applies to nos. 35, 19 and 14, not the other way around. In addition, the statement was adopted in 2000, and perhaps these alterations were made post adoption and hence they are not mentioned.

11sqm of amenity space is considered to be significant in any built up area, and this space could easily be given way to planting or other measures to promote biodiversity.

Front boundary walls are identified as positive features within the conservation area, and their loss is therefore harmful to the conservation area. If the Council is to avoid allowing harm to the conservation area, then the low front walls should be retained.

The application has been assessed against relevant planning policy and guidance. Examples of harmful and unconsented development at neighbouring properties does not justify harmful development in this location.

The materials, including the paving, are considered to be inappropriate for a garden setting which should offer visual and nature amenity.

2. The Appellant submits that highway safety would not be an issue because the road speed limit is 20mph. In addition, there is a large depth in the footpath with a level of visibility. The appellant cites the excellent PTAL rating of the site and claims that consequently there would be less demand for car ownership in this location. The appellant cites the other on-site car parking at neighbouring properties and thus the proposed scheme would not introduce any further risks. The appellant recognises the loss of on-street car parking, and states that the Council has no evidence to support the claim that this loss would unacceptably impact on parking demand in the area. The removal of car parking on the street would improve the visibility for the off-street car parking space. The appellant also requests evidence of danger to highway safety from the other neighbouring off-street car parking spaces and because of the residential use, there would be limited traffic movement. The appellant states that the car in question is an electric vehicle and an EV charger would be installed, which therefore means that sustainable forms of transport would be provided.

Response to point 2: The Council considers that the visibility of cars reversing out from the space would be a potential risk due to the retained trees and pillars that would impair views. A lack of evidence for incidents resulting from neighbouring forecourt parking does not by default make this proposed off-street parking space safe. All proposals are assessed on a case by case basis taking into account the constraints of the site.

The parking bays outside the site fall under 2 controlled parking zones: CA-K and CA-R. Both permits are acceptable for use on this street. Parking on-street is controlled between the hours of 8.30am and 6.30pm Monday to Friday. The parking stress ratios for the zones are 89% for CA-K and 94% for CA-R, which indicates that both zones are highly stressed. This is based on data relating to the number of permits issued compared to the number of spaces available in each zone. For Priory Road (CA-K), the permit stress ratio is 89%, with 67 permits issued for 75 spaces available on-street. The provision of the off-street parking space and crossover would result in the loss of a publicly available space, to the detriment of the controlled parking zone and parking in the street. The loss of the one on-street bay would increase parking stress to 91% which is very highly stressed and cannot be supported.

The type of vehicle owned by the applicant is not a material planning consideration and is a private matter. Any future occupier of the building could own a non-electric vehicle. Therefore, it cannot be supported that the proposal would provide sustainable means of transport. To the contrary, off-street parking encourages the use of cars which are recognised as unsustainable forms of transport under Camden planning policy.

4. Conclusion

4.1 Based on the information set out above and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable for reasons set out within the original decision notice. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns.

4.2 The loss of the front boundary wall and creation of a car parking space would have a detrimental impact on the character and appearance of the conservation area and impact on the pavement and impact on the safety of highway users.

5. Suggested conditions should the appeal be allowed.

5.1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan Lo/Si-P-D-001, P/E-00/F-D-002, X-AA-D-003, P/E-00/F-D-012, X-AA-D-013, Design and Access Statement

Reason: For the avoidance of doubt and in the interest of proper planning.

If any further clarification of the appeal submissions is required please do not hesitate to contact Edward Hodgson on the above direct dial number or email address.

Yours sincerely,

Edward Hodgson
Senior Planning Officer