

Delegated Report		Analysis sheet	Expiry Date:	07/03/2024
		N/A / attached	Consultation Expiry Date:	14/04/2024
Officer			Application Number(s)	
Brendan Versluys			2024/0106/P	
Application Address			Drawing Numbers	
182 Regent's Park Road London NW1 8XP			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Removal of condition 4 (Personal planning permission and remediation works) of planning permission 2023/2555/P (dated 26/10/2023) for: Removal of the existing front boundary wall and replacement with a metal vehicle entry, metal pedestrian gate, new metal railings, and intercom and letterbox integrated within new sections of brick wall at the front boundary; creation of new, permeable paved vehicular access for carparking; new electric vehicle charging point; removal of existing front courtyard staircase and replacement with a new staircase and new courtyard railings; erection of a new bin store; new soft and hard landscaping.				
Recommendation:	Refuse planning permission			
Application Type:	Variation of Condition(s)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	A site notice(s) was displayed near to the site on the 20/03/2024 (consultation end date 14/04/2024). A press notice was advertised 21/03/2024 (consultation end date 14/04/2024)			
Adjoining Occupiers:	No. of responses	13	No. of objections	2

**Summary of
consultation
responses:**

Objections:

2 objections have been received.

A summary of the responses are as follows:

- This part of Regent's Park road suffers from an acute lack of parking spaces and the removal of one space permanently caused by this permanent driveway will cause further strain.
- There are a lot of people living in this road and therefore a precedent would be created if this condition to be removed, decreasing the supply of resident parking bays and decreasing the level of front gardens on other properties in the area.

Support:

11 comments in support have been received.

A summary of the responses are as follows:

- More accessible homes are welcome in Primrose Hill area. Camden council should make it easier for disabled resident with genuine disabilities.
- If this house gets sold further down the line then it will appeal to the next person who has a disability and needs accessible access. The more homes that are available that can be used by the ageing population and with those with disabilities the better. Camden clearly state that there is a shortage of disability access housing and there is a need for such housing for its Residents. People with disabilities should not be excluded from living in this area.
- Perhaps those visiting Primrose Hill should use public transport then there are no issues of a permanent loss of parking space. Perhaps there should be more emphasis on our people and less about walls and parking spaces.
- Removing this condition will allow for an easier flow of traffic in Regents Park Road. This permanent freed up bay will allow for a passing place for a two way flow of traffic where cars normally get stuck therefore removing this condition will be advantageous for Regents Park Road.
- There is little heritage value in reinstating the existing boundary wall, given walls along the front boundaries are not historic and there are a mix of walls in the street.
- The permanent driveway will be a great addition to the street and a great benefit to all the community.
- The more cars there are off the road the better especially when there is going to be an electric charging point. This is in line with the reduction of CO2 omissions.

Officer's response:

Design and heritage effects is assessed in section 3

Transportation effects are assessed in section 5

**Primrose Hill
Conservation Area
Advisory Committee
(CAAC):**

An objection on behalf of the Primrose Hill CAAC was received on 1/04/2024.

We fully support condition 4 of planning permission 2023/2555/P. It was appropriately imposed and should be retained.

We argued in our advice dated 05 July 2023 on application ref 2023/2555/P: 'Strong objection. No 182 Regent's Park Road is the end house of a terrace which forms an important group in the conservation area, the houses recognized as making a positive contribution to the conservation area. This contribution consists not only of the built architecture of the terraces, but also their generous front gardens.

The front garden of the application property has well-established planting, including substantial shrubs, and contributes significantly to the ecology of the area, as well as to the character and appearance of the conservation area. These gardens are recognized in the Primrose Hill Conservation Area Statement (current SPD) at p. 19 as are the medium height brick boundary walls. The loss of these boundary walls, and the creation of car-parking spaces in the front gardens, were a key motivation for the securing of the Primrose Hill CA Article 4 Direction of 1983. The Article 4 Direction also demonstrates that the loss of these walls in other properties in the conservation area does not constitute a valid precedent for further loss: indeed, it witnesses to the need for full protection of the surviving front boundary walls.

The PHCA Statement also emphasizes, at PH36 p. 33, the importance of the original boundary style which should be respected: this style is medium height brick walls.

We also note that the gardens and boundary walls to the north-east side of Regent's Park Road contrast with the treatment of the historic institutional and commercial property opposite, as well as with the more commercial section of Regent's Park Road. This contrast is significant in the character and appearance of the conservation area.

The loss of both the front wall and the substantial planting to the existing front garden would neither preserve nor enhance the character and appearance of the conservation area, but would harm important elements in that character and appearance.'

We added in our 2023 advice that 'We do not question the medical needs outlined in the application, but request a solution that meets the individual needs as well as respecting the value of local community heritage.'

We withdrew our reasoned objection to application ref 2023/2555/P on compassionate grounds on the condition that when the applicant no longer lived at the house, the front boundary wall would be restored and the front garden restored to garden in place of a car parking space.

We add now on application 2024/0106/P that we note that Camden's Local Plan (2017) Transport policies at section 10.21 specifically states that the Council will resist the loss of front garden space to on-site private parking.

We strongly object to the permanent loss of the front boundary wall and front garden on the grounds set out above.

	<p><u>Officer's response:</u></p> <p><i>Design and heritage effects is assessed in section 3.</i></p>
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Site Description

The application site principally accommodates an end of terrace five-storey 'villa type' building, which is set back generously from the road frontage. The building is used as one dwelling house. The site has a large front garden generously planted with vegetation, with the road frontage comprising a low brick wall and gate piers.

Household bins are located in the front yard without any dedicated bin storage.

An accessible parking bay (bay number 177), exclusively for the applicant's use, is located in the public highway directly outside the application site.

Surrounding properties on the south-western side of Regent's Park Road are similar in character and generally have a large front garden fronted by gate piers, railings, low-level walls and generous vegetation. The exception to this is 178 Regent's Park Road, where the front yard accommodates a large paved area including a car parking space and a bin store, and the road frontage mainly comprises low railings with two small sections of low walls. The front boundary of 178 has had the parking access for many years, since the seventies.

The application site is located within the Primrose Hill Conservation Area. The building is not Listed, but is described as making a positive contribution to the special character and appearance of the area in the Priory Road Conservation Area Statement.

Relevant History

Site History:

2023/2555/P - Removal of the existing front boundary wall and replacement with a metal vehicle entry, metal pedestrian gate, new metal railings, and intercom and letterbox integrated within new sections of brick wall at the front boundary; creation of new, permeable paved vehicular access for carparking; new electric vehicle charging point; removal of existing front courtyard staircase and replacement with a new staircase and new courtyard railings; erection of a new bin store; new soft and hard landscaping. **Granted 26/10/2023**

This was a personal temporary permission. Whilst harm was identified in terms of heritage, design, and transport, the limited benefits to the individual (and the limited public benefits of a more inclusive environment) were considered sufficient to grant permission but only on a temporary and personal basis.

Surrounding sites history:

17441 - The erection of a new front wall and spearhead railings to 176 and 178 Regent's Park Road, N.W.1 and access to 178 Regent's Park Road, N.W.1. **Granted 16/11/1973**

Relevant policies

National Planning Policy Framework 2023

The London Plan 2021

Camden Local Plan 2017

- Policy A1 Managing the impact of development
- Policy D1 Design
- Policy D2 Heritage
- Policy C5 Safety and security

- Policy C6 Access for all
- Policy T1 Prioritising walking, cycling and public transport
- Policy T2 Parking and car free development

Camden Planning Guidance (CPG)

CPG Design (January 2021)

CPG Amenity (January 2021)

CPG Home Improvements (January 2021)

CPG Transport (January 2021)

Draft Camden Local Plan

The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1. The proposal

Permission is sought under section 73 of the Act to remove condition 4 of planning permission 2023/2555/P granted 26/10/2023.

Condition 4 specified the extant permission as being personal to Charalambos Loizou (the principal occupant of the property). Mr Loizou suffers from Alzheimer's and this was a material consideration of the assessment of the original application. Condition 4 also required, within 12 months of Mr Loizou vacating the premises, the approved parking space and vehicle entry gate to be removed and the front yard and front boundary treatment to be remediated in accordance with the approved Remediation Plan. The Remediation Plan would restore lawn and planting over the majority of the space demarked for the on-site car parking space, and a wall with railings in place along the remainder of the front boundary (occupied by the approved vehicle entry gate).

Condition 4 is outlined as follows:

This permission is personal to Charalambos Loizou and shall endure for the period of their occupation only. Within 12 months of Charalambos Loizou vacating the premises, the parking space and vehicle entry gate shall be removed and the front yard and front boundary treatment shall be remediated in accordance Proposed Remediation Ground Floor Plan & Front Elevation Plan, dwg. no. 05, rev A2, dated September 2023, and referenced in condition 2 of this consent.

Reason: In recognition of the special circumstances of the applicant and to protect the long term character of the conservation area, in accordance with policies D1, D2, C6 and T2 of the London Borough of Camden Local Plan 2017.

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Design and Heritage
- Amenity
- Transport

3. Design and Conservation

3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

3.2. The Primrose Hill Conservation Area Statement states the following in respect to boundary treatments:

Boundaries in the Conservation Area are predominantly formed by brick walls or railings set into a plinth. Alterations to the front and side boundaries between the pavement and the house can dramatically affect and harm the character of the Conservation Area. Proposals to erect new boundary structures or replace or alter existing boundary structures should respect the original boundary style. Where original boundary structures have been lost these should be reinstated to match the original.

Particular care should be taken to preserve the green character of the Conservation Area by retaining garden spaces. The conversion of front gardens into hardstanding parking areas will

not be acceptable where it involves the loss of boundary structures, causes harm to trees or reduces the area for soft landscaping in this urban residential area. Furthermore, the parking of vehicles at the front or side of a property adversely affects the setting of the building and the general street scene. The Council will resist any further loss of boundary walls and conversion of front gardens into hardstanding parking areas within the Primrose Hill Conservation Area.

- 2.1. The extant planning permission was granted, partly on the basis that the harm caused through the removal of the front garden and boundary wall, and replacement of hardstanding and vehicle entry gate, would be temporary and only be in place for the duration of Mr Loizou's occupation of the property. Following Mr Loizou vacating the property, the front yard was to be remediated, with a large area of the original front garden being reinstated and vehicle entry gate removed and brick wall reinstated. This impact was carefully considered in the context of the development as a whole, and the aims of the Public Sector Equality Duty.
- 2.2. It is understood the existing front boundary wall is not original but it is not known what the original treatment comprised of or when this was removed. Given the type of predominant boundary treatments found in the existing environment, it is likely the original front boundary comprised a low brick wall, possibly with railings. While the proposed railings and vehicle entry gate themselves would appear as a tidy boundary, these elements would be disproportionate to the amount of brick wall to be reinstated and would not respect the original style of road frontage treatments. In addition, the proposal would contrast with the predominant theme of front boundary treatments for other nearby residential properties on Regent's Park Road, which typically include low brick or stone walls along the entire length of the frontage, only interrupted by a small pedestrian gate/opening per property. While many of these properties include railings, these are generally attached at either end to brick piers, which interrupt and limit the railings from appearing as overly dominant and defensive in the street environment. This is an important positive part of the Conservation Area's character and significance. In contrast, except for the brick piers at the ends of the road frontage, the proposal would see the entire length of the frontage, permanently lined with metal railings. While the central section of low brick wall would provide some discontinuance of the extent of railings, given its very low level height and absence of brick piers, this would not provide appropriate visual relief and would be insufficient in ensuring the character of the streetscape was maintained in the long-term.
- 2.3. The character of this part of the road, and a notable contributor to the significance of this part of the conservation area, is these strong front boundaries, with interruptions only for pedestrian access. The proposal would harm this arrangement of front boundaries and the permanency of the proposed front boundary treatment would result in an unacceptable level of harm.
- 2.4. Similarly, the proposed front paved area would be contrary to the Primrose Hill Conservation Area statement as it involves the removal of the front boundary wall and reduces the amount of soft landscaping at the site. It is acknowledged care has been taken in the selection of paving treatments which may limit the extent of visual prominence of the hard standing areas, the extent of hard standing proposed, in particular the large car parking area, would appear as overly dominant and discordant with the streetscape setting. The mixture of paving types and the small planter beds would not be sufficient in mitigating the long-term and permanent harm caused to the appearance of the site and the wider conservation area.
- 2.5. There is one example at 178 Regent's Park Road of a car parking space within the front yard, however this was given permission (17441) in 1973, prior to there being any Council policy direction limiting the prevalence of front yard parking spaces. It also appears the front yard of this property was repaved and new extended paved area was constructed around 2020, which may have required planning permission and no permissions were received for these works. Notwithstanding the absence of any evidence these works were implemented lawfully, the front yard development at 178 Regent's Park Road serves as an example of development harmful to the streetscape and conservation area. This example is an anomaly within the street and the proposal would only permanently propagate this type of harm in the street environment, undermining the significance of the conservation area.

2.6. Paragraph 208 of the NPPF states that, where a development proposal will lead to 'less than substantial' harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. While the extant planning permission provided for benefits in the form of private benefits for the applicant, and the more limited public benefits of provided stemming from a more inclusive and accessible environment for an individual with protected characteristics, this proposal to remove condition of 2023/2555/P to create a permanent on-site parking space, would not achieve that limited public benefit. The removal of condition 4 would result in greater permanent harm, and allow any person (including persons without a disability or other protected characteristic benefits from the provision of an on-site car parking space) to occupy the property and enjoy the convenience of an on-site car parking space. It is also noted that the approved Remediation Plan would retain the other accessibility improvements made to the front yard, including the new wider and extended paved pedestrian entry.

2.7. Having regard to the extent of harm which would be created through the creation of a permanent on-site parking space, as detailed under paragraphs 2.2 – 2.5, the less than substantial harm to the Primrose Hill Conservation Area would not be outweighed through public benefits of the scheme.

3. Amenity

3.1. Policy A1 seeks to ensure that the amenity of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy. It also seeks to resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Proposals affecting the highway should avoid creating a shortfall to existing on-street parking conditions or amendments to Controlled Parking Zones.

3.2. While it is acknowledged that planning permission 2023/2555/P allows for the removal of the pre-existing designated accessible parking bay outside the site, the proposal to remove condition 4 of 2023/2555/P would result in a permanent removal of the parking bay and subsequent permanent shortfall of on-street parking by losing one car space for general use to create a crossover to new private forecourt parking. While the proposal does not impact neighbours in terms of privacy, outlook and daylight, the proposed dropped kerb is contrary to the above-mentioned aims of policy A1 of the Camden Local Plan 2017 when viewed in the context of the transport objectives of the plan (see below).

4. Transport

4.1. Policy T1 aims to promote sustainable transport by prioritising walking cycling and public transport. This is achieved by improving pedestrian friendly public realm, road safety and crossings, contributing to the cycle networks and facilities and finally improving links with public transport.

4.2. Policy T2 limits the availability of parking in the borough and requires all new developments in the borough to be car free. This will be done in part by resisting development of boundary treatments. Parking can cause damage to the environment. Trees, hedgerows, boundary walls and fences are often the traditional form of enclosure on Camden's streets, particularly in conservation areas, contributing greatly to their character, as recognised in Camden's Conservation Area Appraisals and Management Strategies. This form can be broken if garden features are replaced by areas of paving or hardstanding. Development of boundary treatments and gardens to provide on-site private parking often requires the loss of much needed public on-street parking bays to create vehicle crossovers. Areas of paving can also increase the

volume and speed of water run-off. This adds to the pressure upon the drainage system and increases the risk of flooding from surface water. Developments seeking to replace garden areas and/or boundary treatments for the purposes of providing on-site parking will therefore be resisted.

- 4.3. The proposals, to create a permanent on-site parking space and permanent loss of an on-street parking bay, are contrary to policies T1 and T2, by reducing the provision of on-street parking through creating permanent forecourt parking with dropped kerb. In relation to future/other occupiers of the site, the development would fail to be car-free and would not encourage the use of or provide for sustainable transport, which is important in the context of the long-term use of the site, when the site may no longer be occupied by the current resident. The policy is clear that there is no general exception to this approach for disabled occupiers. The very particular circumstances of this particular occupier, and the needs of them and their carers, justified the overall planning balance applied under the original permission, and this was carefully controlled through the attached condition now proposed to be removed.
- 4.4. Policy H8 'Housing for older people, homeless people and vulnerable people' supports the development of a variety of housing aimed at meeting the specific needs of older people and vulnerable people.' Many letters of support for the scheme, have cited the perceived benefits of providing a property which would be attractive/suitable to other disabled/infirm persons who could be future occupants of the property, through allowing a permanent on-site car parking space at the property, therefore aligning with Policy H8. However, there is no certainty that future occupants of the property would be a disabled/infirm person who would have similar needs as the current occupant (Charalambos Loizou). The property, with an on-site parking space allowed in perpetuity, would equally appeal to a car-owner with no disabilities or other protected characteristics. Furthermore, as stated above, there is no general exemption of the policy for disabled occupiers as this would have to generally be exercised in the private interest, rather than the public interest.
- 4.5. It is noted that the identified need for the on-site parking space is Mr Loizou's Alzheimer's medical condition. Prior to Mr Loizou incurring this condition and its symptoms being exacerbated overtime, it is understood the existing accessible parking bay adequately met his accessibility needs. Reinstatement of the accessible parking bay would also more likely than not adequately meet the needs of any other future occupant of the property who was disabled/infirm. Apart from the removal of the on-site car parking space, the Remediation Plans would retain the other accessibility improvements made to the front yard, including the new wider and extended paved pedestrian entry. The condition therefore does not remove accessibility benefits of the scheme.
- 4.6. Council's Transport Officer was consulted on for the original application and did not identify the street as having traffic issues or the removal of the on-street parking bay as improving traffic flow through the street. Notwithstanding, the site is part of a Low Traffic Neighbourhood where "through" motor vehicle traffic is discouraged or removed. No weight is given to improving the efficiency of vehicle movement through the permanent removal of the on-street parking bay.
- 4.7. The proposal has failed to consider these issues and therefore there is an in-principle objection to this kind of permanent development on this site to be allowed . In relation to transport considerations, the proposal fails to comply with policies A1, T1 and T2 of the Camden Local Plan 2017.

5. Recommendation

Similar decisions uphold the approach in this case, that disability on its own does not justify a departure from the development plan, and that it must be considered as a whole. For example, planning permission 2023/0345/P (47 Priory Road) was refused for private off-street parking for a disabled occupier, and an appeal against the refusal (APP/X5210/W/23/3326819) was dismissed on 26 February 2024. Whilst this particular case has been considered on its own merits, it has nonetheless been made consistent with other recent decisions.

a) Refuse Planning Permission

1. The proposed development, by virtue of the permanent loss of the front boundary wall and front garden soft landscaping, and its permanent replacement with a hardstanding for carparking and a vehicular access, would result in the permanent loss of a front garden landscape and boundary treatment harming the character and appearance of the host property, streetscene and Primrose Hill Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.
2. The development, by reason of the promotion of car use and permanent loss of on-street parking, 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 Camden Local Plan 2017.