
APPEAL STATEMENT

REMOVAL OF CONDITION 4 (PERSONAL PERMISSION AND REMEDIATION WORKS) OF PLANNING PERMISSION 2023/2555/P

182 REGENTS PARK ROAD, LONDON, NW1 8XP

LPA Ref: 2024/0106/P

DLA Ref: 23/456

Introduction

Planning permission 2023/2555/P allowed for the removal of an existing boundary wall and its replacement with a gated vehicular entry and new brick wall, the creation of a car parking space and new hard and soft landscaping. Condition 4 of the permission stated:

“This permission is personal to Charalambous Loizou and shall endure for the period of their occupation only. Within 12 months of Charalambous 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 with Proposed Remediation Ground Floor Plan & Front Elevation Plan, dwg. no. 5, 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.

Application 2024/0106/P sought to remove this condition so that the approved works could be retained on a permanent basis. The application was refused planning permission for the following 2 reasons set out in a decision notice dated 30 April 2024:

“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 car parking and a vehicular access, would result in a 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 Campden 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.”

Assessment

The Planning Statement and the Heritage Statement that were submitted with the removal of condition application set out the appellant’s case. This statement should therefore be read as an addendum to those documents.

Character and Appearance During the course of the application the applicant submitted historic photographs of Regents Park Road (Appendix 1). These show that No 186 previously had a driveway and that the boundary treatments have changed over time.

The Officer Report (OR) refers to the guidance in the Primrose Hill Conservation Area Statement. It is acknowledged that this seeks to prevent front gardens from being replaced by hard surfacing for car parking. However, the Conservation Area covers a wide area and includes rows of houses which are characterised by landscaped front gardens. The Heritage Statement (HS) explains that this is not the case in the vicinity of the appeal site. The area marks the beginning of the commercial district, and the HS notes that other forecourts in the area are typically more open. Furthermore, the size of the forecourt means that it will not be dominated by parking, it will also accommodate several planting beds and good quality new paving. It is also noted that there are no trees within the existing forecourt and the Council could not prevent the removal of other vegetation. The HS also finds that the existing planting within the forecourt is of no architectural or historic interest. It concludes that the reduction in planting, which has no specific association with the design or character of historic garden plots, will not detrimentally detract from the character of the streetscene.

The Heritage Statement (HS) confirms that the boundary treatment to No 182 comprises a rebuilt modern wall. Its stepped form, copping and lack of railings make it an inconsistent feature in the streetscene. At paragraph 3.27 it states:

“Accounting for the short length and inconspicuous height of the front wall, its differing character is unremarkable within the wider conservation area. Nonetheless, under close scrutiny, it conceivably makes a very minor negative contribution to the character and appearance of the conservation area in its current form.”

The HS concludes that the proposal would result in very minor harm through the presence of a parked vehicle and very minor benefits through the works to the boundary and the removal of a car from the highway. Therefore, the proposal would have a neutral impact on the character appearance of the Conservation Area.

Car Parking The Council's second reason for refusal refers to Local Plan Policies T1 and T2. Policy T1 seeks to encourage walking, cycling and the use of public transport. It is concerned with improving infrastructure to facilitate a greater use of these modes of transport. The proposal would not prevent these improvements so the policy is not considered to be relevant to this appeal.

Policy T2 does seek to restrict car use. It does this by preventing the issue of on-street parking permits to occupiers of new developments and by limiting on-site parking to i) spaces designated for disabled people where necessary or ii) essential operational or servicing needs.

The Council has, quite fairly, assessed that the appellant is in need of an off-street car parking space. It is considered that the space can be retained in perpetuity without conflicting with the purposes of Policy T2 in the following circumstances:

- The proposal replaces one on-street parking space with one off-street space. Policy T2 does not suggest that off-street parking is favourable to on-street parking and so the proposal would have a neutral impact in attempting to control car use.
- T2 recognises that people with disabilities will sometimes require their own parking space. The Council is correct in stating that the future occupancy of the property could not be guaranteed, but the proposal would nonetheless provide a dwelling that is more suitable for people with certain disabilities.
- Regardless of the above, the actual impact of the proposal on parking provision in the borough would be very limited. It would not prevent the Council from enhancing the use of other modes of transport and controlling car use.

Viability The appellant's daughter has sought quotes for the works involved in creating the new forecourt as set out on the approved plans. These are as follows:

Demolition, excavation and building work for new driveway and forecourt **£42,050 - £52,150**

Gates and railings **£4,540 - £5,980**

Automation **£3,000 - £6,000**

New Crossover **£6,000** (estimated fee to Council)

These works result in an estimated minimum fee of approximately £55,000 with VAT applying to most of this sum.

In addition, the appellant's daughter has been quoted a further £12,520 plus VAT to restore the works in compliance with the Remediation Plan. Again, it is estimated that approximately £6,000 would be payable to the Council to remove the dropped curb and restore the on-street space.

This would be a considerable amount of money to spend, especially as it unknown how long the approved works would actually be retained for. In light of the very limited harm identified previously, it is considered that requiring the works to be removed at a later stage is an unnecessary financial burden.

Mark Williams MA, MRTPI, BA(Hons)

APPENDIX 1



A3



A2



