

Delegated Report		Analysis sheet		Expiry Date:		10/10/2023	
		N/A / attached		Consultation Expiry Date:		02/01/2024	
Officer				Application Number(s)			
Obote Hope				2023/3358/P			
Application Address				Drawing Numbers			
25 Grafton Road London NW5 3DX				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Demolition of front boundary wall and gate pier, and replacement with metal railing/gate; erection of a bin store; installation of a dropped kerb and use of the front yard as car parking; new electric vehicle charging point; (Part retrospective).							
Recommendation(s):		Refuse and warning of Enforcement Action to be Taken					
Application Type:		Householder Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		The application was advertised in the local press between 07/12/2023 to 31/12/2023 and a site notice was displayed between 06/12/2023– 30/12/2023. No objection/comment was received at the time of writing up this application					
CAAC/Local groups* comments: *Please Specify		<u>Kentish Town Neighbourhood Forum</u> offered no comment					

Site Description

The host building is a dwellinghouse forming part of a three storey terraced row on the west side to the north of Prince of Wales Road. The property is not listed. However, the host building is located within the Inkerman Conservation Area. The front garden is laid with pea shingle.

The site has a PTAL score of 5 'Excellent'.

The Conservation Area Statement describes Grafton Road as “a street gently curves at the junction with Inkerman Road and its southern end was one of the earliest streets in the Conservation Area to be laid out (before 1849). Moreover, virtually all of the properties in Grafton Road form part of a series of three storey terraced developments, although the date and style in which they were constructed varies.”

Relevant History

2020/4265/P – Planning permission for the demolition of existing boundary wall, installation of block paviors in front garden and creation of new vehicular access to allow use of the front garden for an off-street parking space. **Refused** on 11/11/2020.

Reasons for refusal:

1. *The proposal would result in the loss of a front garden landscaped space and a front boundary wall, which contribute to the character and appearance of the area, and as such would be harmful to the character and appearance of the streetscene and Inkerman Conservation Area. This is contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies D3 (Design Principles) and GO3 (Biodiverse Habitats) of the Kentish Town Neighbourhood Plan 2016.*

2. *The creation of an on-site parking space would promote the use of private motor vehicles and fail to encourage the use of sustainable modes of transport. This is 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 London Borough of Camden Local Plan 2017.*

3. *In the absence of detailed measures to mitigate the loss of permeable green space, the development fails to demonstrate that it would be resilient to climate change and would not contribute to the risk of flooding. This is contrary to policies CC2 (Adapting to climate change) and CC3 (Water and flooding) of the Local Borough of Camden Local Plan 2017.*

2019/6213/P – Planning permission for replacement of the existing window with door and installation of metal balustrade with glazed screen on the second floor to enable use of the roof as a roof terrace. **Granted** on 19/05/2020.

2019/5947/P – Planning permission for the erection of a single storey infill extension to the rear elevation at ground floor level. **Granted** on 10/04/2020.

Relevant policies

National Planning Policy Framework 2023

The London Plan 2021

Camden Local Plan (2017)

A1 Managing the impact of development

A3 Biodiversity

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

D1 Design

D2 Heritage

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

Kentish Town Neighbourhood Plan (2016)

D3: Design Principles

GO3: Biodiverse Habitats

Camden Planning Guidance

CPG Amenity (2018)

CPG Home Improvement (2021)

CPG Transport (2019)

Inkerman Conservation Area Statement (2001)

Ink6 Demolition

Ink8 Front gardens

Ink41 Trees and Landscaping

Assessment

1. Proposal

- 1.1 Planning permission is sought for the creation of an off-street parking space within the front garden of the application site, the proposal also includes retrospective planning permission for the demolition of the front boundary wall and replacement with metal gates to allow vehicle access into the front yard, erection of a bin store and the installation of a new electric vehicle charging point. The front boundary wall has already been demolished and replaced with metal gates and the bin store has also been constructed and is positioned perpendicular to the site frontage.
- 1.2 As listed above, planning permission was refused (2020/4265/P, dated 11/11/2020) for the entire front boundary wall to be demolished including the low boundary wall and brick pier and it was proposed to create a new entrance with dropped kerb and crossover to allow access to the new off-street parking space. The 2020/4265/P proposal included the replacement of the front garden which would be laid out as a hardstanding with permeable brick paviours which would have been bordered by 2 shrub planting beds on each side. The front boundary wall at this address has been replaced with railings and the front garden area replaced with shingle (potentially during 2021). It is unclear whether these works were undertaken under permitted development rights or whether they should have applied for planning permission.

2. Assessment

- 2.1 The principal considerations in the determination of this application are:
 - Transport/Highways issues;
 - Design – the impact of the proposals on the character and appearance of the host building, streetscene, and this part of the Inkerman Conservation Area;
 - Amenity – the impact of the proposals on the amenity of neighbouring residents.

3. Transport

- 3.1 Policy T1 states that in order to promote sustainable transport choices, development should prioritise the needs of pedestrians and cyclists and ensure that sustainable transport will be the primary means of travel to and from the site. In order to encourage walking, the Council will seek to ensure that developments improve the pedestrian environment.
- 3.2 Policy T2 states that in order to reduce air pollution and congestion and improve the attractiveness of an area for local walking and cycling, the Council will limit the availability of parking within the Borough. Specifically, this policy states that in order to achieve this, the Council will limit on-site parking to spaces designated for disabled people where necessary, and/or essential operational or servicing needs. The policy also states that development of boundary treatments and gardens to provide vehicle crossovers and on-site parking will be resisted.
- 3.3 The site is located in the West Kentish Town Outer (CA-L) controlled parking zone (CPZ). The CPZ operates on Monday to Friday between 0830 and 1830 hours. Parking bays are located on the opposite side of the road of the property on Grafton Road. The site does not benefit from any on-site car parking spaces. The proposed crossover with dropped kerb would not result in the loss of on-street parking, as there are single yellow lines along this side of the street.

- 3.4 The creation of new off-street parking would be contrary to Policy T1 which seeks to prioritise sustainable forms of transport such as walking and cycling. The creation of an off-street parking space would promote travel by private motor vehicle for current and future occupants at the site and create a greater reliance on the use of the car, contrary to Policy T1.
- 3.5 Paragraph 10.21 of Local Plan Policy T2 states: '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.'
- 3.6 Paragraph 6.9 of Local Plan Policy A1 includes the following statement: development or works affecting the highway will also be expected to avoid disruption to the highway network, particularly emergency vehicle routes and avoid creating a shortfall to existing on-street parking conditions or amendments to Controlled Parking Zones. Whilst, paragraph 6.10 stipulates that *highway safety, with a focus on vulnerable road users should also be considered, including provision of adequate sightlines for vehicles leaving the site. Development should also address the needs of vulnerable or disabled road users.*
- 3.7 It is clear that Policies T1 and T2 seek to resist development that promotes reliance on the private motor vehicle, seek to promote unsustainable forms of travel and limit the availability of parking in the borough by resisting vehicle crossovers and on-site parking. The applicant has submitted photos showing the off-street parking of the neighbouring properties, listing the neighbouring sites at 17, 19 and 21 Grafton Road. However, there is no planning record that confirms that planning permission was granted for the front garden being converted into off street car parking space, which is material consideration.
- 3.8 The NPPF 2023 chapter 9 stipulates that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations, which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It is imperative the LPA works proactively to reduce congestion and emissions and improve air quality and public health and opportunity to assess and where possible to reduce local car ownership levels to which can aid to reduce congestion. Policy T1 aims to promote sustainable transport by prioritising walking, cycling and public transport in the borough. To promote sustainable transport choices, development should prioritise the needs of pedestrians and cyclists and ensure that sustainable transport will be the primary means of travel to and from the site.
- 3.9 Thus, the rationale for using the front garden for off street parking, at a site that is well served by public transport would be contrary to chapter 9 (promoting sustainable transport) of the NPPF 2023. Moreover, the proposal would introduce additional parking capacity to the site in an area well served by public transport and is would be contrary to the aims and aspirations of policies T1 and T2 of the Local Plan which requires schemes to include measures to restrict unsustainable modes of transport and encourage more walking and cycling.
- 3.10 In conclusion, the creation of an on-site parking space and the creation of a new crossover would be contrary to Policies T1 and T2. It is not considered that there are other planning considerations which would allow an exception being made in this instance, and as such, it is recommended the application is refused on this basis.

4. Design

- 4.1 Policy D1 aims to ensure the highest design standards for developments. Policy D1 paragraph 7.2 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, and the character and proportions of the existing building.

- 4.2 Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves or, where possible, enhances' its established character and appearance, and will preserve garden spaces which contribute to the character and appearance of a conservation area. Policy D2 also advises that in order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing application within conservation areas.
- 4.3 Policy Ink8 of the Inkerman Conservation Area Statement (CAS) expects development proposals to respond and contribute positively to the distinctiveness and history of the area, and states that the walls and railings alongside the road and within properties add to the attractive appearance of the front gardens and architectural settings of the 18th century buildings. Notwithstanding this, the CAS says in policy Ink8 'The loss of front boundary railings where it has occurred detracts from the appearance of the front garden by reducing the area for vegetation in this urban residential area, and the removal of railings and the use of front gardens to provide parking space for vehicle would adversely affect the setting of the building and the general streetscene.' The policy reaffirms that the Council will resist conversion of front gardens into hardstanding parking areas.
- 4.4 Paragraph 4.38 of the Council's Design CPG recognises the contribution that front gardens make to the townscape of the Borough and to the character and appearance of individual buildings and their surroundings. The design of front gardens should consider the relative amounts of hard and soft landscaping, retain trees and vegetation which contribute to the character of the site and surrounding area, and retain or re-introduce original surface materials and boundary features, such as walls, railings and hedges, where they have been removed, especially in Conservation Areas.
- 4.5 Moreover, CPG Home Improvement front gardens requires hard surfaces not cover no more than 30% of the garden and the garden frontage should be properly designed to provide access to and from the premises, with considerations for elderly, wheelchair users, and pushchairs. The proposals would involve the replacement of the existing fixed gate with an inward opening gate that would measure approximately 962mm in height that would be painted black.
- 4.6 The west side of Grafton Road Nos.5-31 is characterised by elegant three storey terrace of London yellow stock brick, set back from the highway and enclosed by small brick walls surmounted by timber picket fencing. All of the properties are set back from the main road and, with the exception of nos. 17 to 21 Grafton Road, front gardens are paved over which all add detracts from the appearance and amenity value of the Conservation Area. It is noted that throughout the Conservation Area the contribution made by the streetscape is significant; the trees (public and private), the vegetation, the boundaries between private gardens and the street, and the front gardens are described as being distinctive, using materials and details to echo the architecture behind; the loss of traditional boundaries and front gardens, excessive hard paving and car parking are described as negative features in the conservation area.
- 4.7 The loss of the entire boundary treatment is unacceptable, especially given its design to provide access to the front garden for off street parking. It should also be noted that although three properties within the terrace consist of vehicular access to the front garden, the predominant boundary treatment consist of continuous walls with many consisting of high of hedges, forming the character of the streetscape. The loss of the brick boundary wall would further erode this character. The CAS states that "the principle of any further loss of front boundary walls and railings would further erode the character and appearance of the conservation area and any further loss will be resisted". The CAS specifies that all new development should have a high standard of external space (landscape) design, which should respect the character and appearance of the Conservation Area. The proposal as submitted would dramatically affect and harm the character of the Conservation Area as a further loss of boundary treatment consisting of brick walls, piers and planting would have a detrimental impact on the area's character and streetscene.
- 4.8 The other crossovers to which the applicant refers relate to historic crossovers which predate the adoption of the Council's policies on crossovers and the surrounding Controlled Parking Zone in the early 2000s. Notwithstanding this, whilst three properties within the terrace consist of vehicular access to the front garden, the predominant boundary treatment consist of continuous walls, many with hedges, forming the character of the streetscape. The CAS specifies that all new development should have a high standard of external space (landscape) design, which should respect the character and appearance of the Conservation Area.

4.9 The applicant also refers to the need to charge an electric vehicle, although no evidence has been provided to support this. It is merely stated that it is their intention was to purchase one at some unknown point in the future. The Council is in the process of rolling out on-street electric vehicle charging points (EVCPs) across the Borough and the number of such charging points is increasing all the time. It is thus likely that an EVCP will be installed in the surrounding area in the next year or two, in addition to the existing number of EVCPs.

4.9.1 There are examples of bin and cycle store in the front gardens of the neighbouring properties such as number's 31 and 35 Grafton Road and whilst there is no planning history that planning permission was sought for the bin/cycle stores constructions the wear and tear on the external materials indicate that these are pre-historic. As such, the bin store in this location is not considered an incongruous addition. Moreover, the bin and bike store is appropriately located and scaled meaning that, while it is at the front of the property the impact to the character of the site or conservation is minimal.

4.9.2 The Council places great importance on preserving the historic environment. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. It is considered that 'less than substantial harm' will be caused by the new hardstanding and loss of boundary wall and there are no public benefits that would outweigh that harm here.

5. Amenity

5.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered.

5.2 Due to the location and nature of the proposed development, it is not considered to cause harm to neighbouring amenity by way of loss of outlook, daylight, or privacy.

5.3 Policy A1 paragraph 6.9 also states that any development or works affecting the highway will be expected to avoid disruption to the highway network, particularly emergency vehicle routes and avoid creating a shortfall to existing on-street parking conditions or amendments to Controlled Parking Zones.

5.4 Paragraph 6.10 states that highway safety, with a focus on vulnerable road users, should also be considered, including provision of adequate sightlines for vehicles leaving the site. As highlighted in section 3 (Transport) above, the proposal would lead to unnecessary hazard on the public highway, contrary to Policy A1. However it would not result in any loss of on street parking spaces.

6. Conclusion

6.1 The creation of an on-site parking space would promote the use of private motor vehicles and fail to encourage the use of sustainable modes of transport, 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 London Borough of Camden Local Plan 2017.

6.2 The proposal would result in the loss of a front garden landscaped space and a front boundary wall, which contribute to the character of the area, and as such, would be harmful to the character and appearance of the streetscene and Inkerman Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies D3 (Design Principles) and GO3 (Biodiverse Habitats) of the Kentish Town Neighbourhood Plan 2016.

7.0 Recommendation:

7.1 The creation of an on-site parking space would promote the use of private motor vehicles and fail to encourage the use of sustainable modes of transport. This is 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 London Borough of Camden Local Plan 2017.

7.2 The proposal has resulted in the loss of a front garden boundary wall to be replaced with fully openable gate which would detract from the character and appearance of the area, and as such would be harmful to the streetscene and Inkerman Conservation Area. This is contrary to policies D1 (Design) and D2

(Heritage) of the London Borough of Camden Local Plan 2017 and policies D3 (Design Principles) of the Kentish Town Neighbourhood Plan 2016.

8.0 Refused and Warning of Enforcement Notice to be issued:

8.1 That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended to remove the metal gates and re-install the lower level brick wall on the front elevation and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

8.2 The notice shall allege the following breaches of planning control:

1. Demolition of the front boundary wall and replacement with metal vehicular gates. .

WHAT ARE YOU REQUIRED TO DO:

1. Completely remove the metal gates to the front of the property;
2. Rebuild a wall to replicate the height and details of the former brick wall;
3. Removal any resultant debris from the land and make good any resulting damage.

PERIOD OF COMPLIANCE:

8.3 3 months:

8.4 REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

The metal gates, following the removal of the brick wall by reason of its materials and detailed design harms the character and appearance of the host property, streetscene and the wider conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017