

Date: **29/07/2024**
Your ref: **APP/X5210/W/24/3346574**
Our ref: 2024/0106/P
Contact: Brendan Versluys
Direct line: 020 7974 3202
Email: Brendan.Versluys@camden.gov.uk

Planning Solutions Team
Regeneration and planning
Culture & environment directorate

London Borough of Camden

Town Hall

Argyle Street

London

WC1H 8EQ

The Planning Inspectorate
3/B Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Rebecca Gray

Appeal by Mr Charalambos Loizou

Site: 182 Regent's Park Road, London, NW1 8XP.

This presents the council's statement regarding the above appeals against the refusal of planning permission (s73 Variation of Condition(s)) dated 30th April 2024 (Ref: 2024/0106/P) for; 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.

The following is to be read in conjunction with the officer delegated report. This sets out the history of relevant appeal decisions taken on board in deciding to refuse permissions.

1.0 Summary

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.

Site and designations

- 1.1 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.
- 1.2 Household bins are located in the front yard without any dedicated bin storage.
- 1.3 An accessible parking bay (bay number 177), exclusively for the applicant's use, is located in the public highway directly outside the application site.
- 1.4 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 parking access for many years, since the 1970s.
- 1.5 The application site is located within the Primrose Hill Conservation Area. The building is not Listed, but makes a positive contribution to the special character and appearance of the Conservation Area. An [Article 4 Direction for Primrose Hill made in 1983](#) specifically removed permitted development rights for hardstandings and boundary enclosures.

History

- 1.6 Planning Permission, ref. 2023/2555/P was granted on 26th October 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.

- 1.7 Condition 4 of that permission stated:

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.

- 1.8 The application subject to the appeal ("the appeal application") sought to remove condition 4 from that permission. The appeal application (s73 Variation of Condition(s)), ref. 2024/0106/P was refused on 30th April 2024 for the reasons below:

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-streetparking, 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.*

1.9 The Council's case for this current appeal is set out in detail in the attached Officer's Report, and it will be relied on as the principal Statement of Case. The Officer's 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.

2.0 Status of Policies and Guidance

2.1 In determining the above mentioned applications, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The full text of the relevant policies was sent with the questionnaire documents.

There is no conflict between the council's policies and the NPPF in relation to these appeals.

The council's policies seek to ensure that new development is acceptable in terms of design and visual amenity both within and outside conservation areas, street clutter, pedestrian flow and highway safety and crime prevention.

2.2 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 and along with the London Plan 2021, is the basis for planning decisions and future development in this part of the borough.

2.3 The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The consultation closed on 13 March 2024. The DCLP is a material consideration 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). There are no material changes in the draft plan relevant to this appeal.

2.4 The most relevant Local Plan policies as they relate to the reasons for refusal are:

- D1 – Design
- D2 – Heritage
- C5 – Safety and Security
- C6 – Access

- A1 – Managing the Impact of Development
- A3 – Biodiversity
- T1 – Prioritising Walking, cycling and public transport
- T2 – Parking and Car-free development

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. There have been no relevant changes to the National Planning Policy Framework since the decision was made.

3. Comments on grounds of appeal

3.1 The appellant's statement is set out in 3 main points in response to the three reasons for refusals and these are addressed below:

1. Character and Appearance:

The appellant notes that historic photographs of Regents Park Road show that no. 186 previously had a driveway and that the boundary treatments have changed over time.

The appellant also notes that the Officer's Report refers to the Primrose Hill Conservation Area Statement (PHCAS). The PHCAS notes that the conservation area includes rows of houses which are characterised by landscaped front gardens and seeks to prevent front gardens from being replaced by hard surfacing for car parking. However, the appellant considers that the context of the application site and surrounding front yards are not in fact characterised by landscaped front gardens, despite this being commented on in the Officer's Report. The appellant's Heritage Statement considers this part of the conservation area as marking the beginning of the commercial district, and the Heritage Statement notes that other forecourts in the area are typically more open. The Heritage Report considers 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. The Report also notes that there are no trees within the existing forecourt and the Council could not prevent the removal of other vegetation. The Heritage 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 appellant also highlights the Heritage Statement confirms that the boundary treatment to no. 182 as comprising a rebuilt modern wall, and asserts that its stepped form, copping and lack of railings make it an inconsistent feature in the streetscene.

The Heritage Statement 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. The Report therefore concludes that the proposal would have a neutral impact on the character appearance of the Conservation Area.

Response to point 1:

It is noted that a crossover and parking space previously existed at the front of the site, which was provided for under planning permission ref. 17441, granted 16th November 1973. It is unknown when the parking space and crossover removed and kerb, boundary wall and landscaping reinstated, but the existing boundary wall and front garden has been in place since at least 2008, and as such had been in place for a long period of time. Notwithstanding, the previous crossover and parking space are understood to not be original to the site and their removal would have been welcome in terms of representing a return to a more something sympathetic the site's likely original front garden and front boundary treatment. The previous crossover and parking space were established at a time where giving greater priority to car-use was a more predominant consideration and retaining the character/features of the original suburb was less of a consideration in determining planning applications. No weight should be given to the fact that a crossover and parking space previously existed at the site at some point in the past.

The front gardens of this part of the conservation area are relatively open and the opposite side of Regent's Park Road is characterised by commercial use. Notwithstanding this, landscaped front gardens and front boundary walls still form part of the character of this part of the conservation area. The only site where there is an evident change in the character and has a similar layout to the consented arrangement at the application, is 178 Regent's Park Road, which features a crossover and front garden with a parking space and very little proportion of soft landscaping, and long stretch of the front boundary dominated by railings/gates. This is in contrast to other nearby sites on the eastern side of Regent's Park Road which generally retain a front boundary wall and have a higher proportion of soft landscaping and no on-site car parking spaces.

The existing boundary wall, while not original, is generally sympathetic to the conservation area and streetscene. Although the design may not be wholly consistent with the other front boundary walls on surrounding properties, the general character is clearly consistent and in important part of the significance and character of the conservation area. Notwithstanding this, the approved front boundary treatment within the Remediation Plan drawing, does not have a stepped form and has railings, and is entirely complementary to the existing front boundary treatments of nearby properties fronting onto the eastern side of Regent's Park.

Harm to the conservation area was identified, and the condition is crucial in justifying the planning balance that allowed the council to support this application, taking account of personal circumstances. Without this condition in place, the permanent harm to the conservation would not be outweighed by the positive impact on the occupier, their carers, and the public.

2. Car parking:

The appellant notes that the proposal replaces one on-street parking space with one off-street space. The appellant asserts Policy T2 does not suggest that off-street parking is favourable to on-street parking and comes to the conclusion the proposal would have a neutral impact in attempting to control car use.

The appellant also refers to T2 as recognising that people with disabilities will sometimes require their own parking space. The appellant agrees 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 appellant asserts that the actual impact of the proposal on parking provision in the borough would be very limited. The appellant considers the removal of condition 4 would not prevent the Council from enhancing the use of other modes of transport and controlling car use.

Response to point 2:

The supporting text of Policy T2 (specifically 10.21) states the following:

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.

This supporting text suggests that on-street parking bays are preferential to on-site car parking. The permanent removal of the on-street parking bay would reduce the long-term supply of on-street parking bays available for other local residents with disabilities in need of an on-street parking bay.

As noted in the Officer's Report, 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 development plan and this policy in particular is clear that there is no general exception to this approach for disabled occupiers. The very particular circumstances of this 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.

While the proposal could increase the supply of housing that is more suitable for people with certain disabilities, who could occupy the dwelling after the applicant vacated the property, the reinstatement of the on-street car parking bay, together with the general front garden accessibility improvements provided for in the 'Remediation Plan' could equally provide an adequately accessible dwelling suitable in meeting the needs of a wide range of disabled persons and others with restricted mobility.

3. Viability:

The appellant notes that the applicant's daughter has obtained some quotes for implementing the consented works. The appellant notes that implementing the works would cost a considerable amount of money. The appellant considers that in light of the very limited harm they have identified, it is considered that requiring the works to be removed at a later stage is an unnecessary financial burden.

Response to point 3:

The monetary cost of implementing the consented works and the extent to which whether these works are permanent or not, affects the financial position of the applicant, is a private interest / impact that Council needs to weigh against the public interest. The Local Plan does not outline that the personal financial position of

applicants overrides the need to comply with transport, conservation, heritage, and design policies. As such, very limited weight is given to this matter and it is not considered nullify the harm to conservation, design, and transport brought about by the removal of condition 4.

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 permanency of the vehicle entry gates and extent of hardstanding in the front garden, and creation of a car parking space would have a detrimental impact on the character and appearance of the conservation area and impact on supply of on-street car parking bays.

If any further clarification of the appeal submissions are required, please do not hesitate to contact Brendan Versluys on the above direct dial number or email address.

Brendan Versluys

Senior Planner - Planning Solutions Team

Supporting Communities Directorate

London Borough of Camden