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Dear Darren Cryer,

Appeal by Box Plans LTD

Site: Flat A, 259 Goldhurst Terrace, London, NW6 3EP

Appeal against refusal of planning permission dated 11th June 2024 for:

Proposal: Creation of two off-street parking spaces and associated modifications to the front garden including installation of an entrance gate to the vehicular access

Permission was refused on the following grounds:

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

1.0 Summary

Site and designations

1.1 The application site is a detached three storey period property which has been subdivided into flats. It was constructed with stock brick. The property is set back from the road with a front garden area and low front boundary wall and piers finished in brick. The front garden is currently laid to grass with a privet hedge inside of the boundary wall and a small tree and other shrubs.

1.2 The building is not listed but is located within the South Hampstead Conservation Area.

1.3 Planning Permission was refused on 11th June 2024 for the reasons below:

1) The proposed development, by virtue of the loss of the front boundary wall and soft landscaping and its replacement with a large area of incongruous hard landscaping, results in the loss of a traditional front garden landscape and boundary treatment thus harming the character and appearance of the host property, street scene and South Hampstead 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 and the creation of an unnecessary hazard on the public highway, would encourage the use of unsustainable modes of transport 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.

3) The proposed development, by reason of the loss of one on-street parking space would result in a shortfall of on-street parking, negatively impacting on the amenity of residents and is contrary to policy A1 of the 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

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 following the adoption of the Camden Local Plan in 2017. There have been no changes to the relevant policies since the application was refused. A new local plan is emerging and it is not envisaged that there would be material differences in relation to his appeal.

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. There are also no conflicts with the London Plan.

3. Comments on grounds of appeal

3.1 The appellant's statement is set out in 4 main points in response to the three

reasons for refusals and these are addressed below:

1. Design, Character and Appearance: The Appellant states that the appeal scheme would not result in a large section of the boundary wall, railings, and hedge to be lost, contrary to the claims of the Council. The boundary treatment would be continuous throughout the property's frontage, with only a small section of the low rising wall and hedging to be altered (measuring 2.7 metres out of the 13.3 metre frontage) and replaced with metal railings synonymous with the surrounding area and in line with the intent of the SHCAAMS. The existing pedestrian gate would also be reduced in width by 0.8 metres, meaning that only 3.5 metres of the entire 13.3 metre frontage would be altered to facilitate the vehicular access. As such, whilst a small section of the boundary wall and hedge would be replaced with metal railings to facilitate the vehicular access, a clearly defined separation between the private and public realm would remain, and the retention of most of the frontage's hedging would reinforce this green relationship and form of enclosure on the street. The appellant states that in comparison to the existing approximately 61 square metres of green space in the front garden, 34 square metres would remain, resulting in a total loss of 27 square metres. In addition, the appeal scheme includes the planting of an additional tree and a variety of soft landscape features on the retained grassed area. The introduction of a vast amount of urban greening, despite the introduction of hardstanding, would significantly enhance the appearance of the appeal site and the green character of the conservation area. The appellant also states the proposal would enhance the appearance of the front garden and the alterations to the boundary treatment would preserve the site's contribution to the street scene. Therefore, whilst the appeal scheme would not be directly in accordance with its requirements, it would comply with the intent of the SHCAAMS and would enhance the appearance of the appeal site and wider area.

Response to point 1: The South Hampstead Conservation Area Appraisal and Management Strategy states that the loss of front garden spaces can significantly detract from the appearance of the area and further harm is caused by the paving over of green spaces, loss of boundary walls and hedges, the erection of inappropriate walls, railings and gates and the visual intrusion of the cars themselves parked within the former garden. Unfortunately, a significant number of gardens and boundary walls have been removed in the area, making the retention of those surviving, and the reinstatement of those lost, a high priority. Although the Appellant states that only 3.5 metres of the entire 13.3 metre frontage would be altered this is still an unacceptable alteration to the boundary wall that would have a detrimental appearance to the conservation area. The loss of 27 sqm of green space in the front garden would also have a detrimental impact to the character and appearance of the conservation area. 27sqm 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. It is considered that the aim of the SHCAAMS is to resist the loss of front garden spaces and therefore this scheme would not comply with this aim.

2. Impact on the living conditions of neighbouring properties: The Appellant states that whilst the proposal would result in the loss of an on-street parking space, it would result in the creation of two off-street parking spaces, which would result in two vehicles no longer being dependant on the on-street capacity; particularly as both flats at the appeal site are eligible for parking permits. Despite there still being a high level of on-street parking stress in the local area, the net gain of one additional parking space should be considered a public benefit of the proposal and would reduce the demand for on-street parking in the local area.

Response to point 2: Proposals affecting the highway should avoid creating a shortfall to existing on-street parking conditions or amendments to Controlled Parking Zones.

Goldhurst Terrace currently suffers from high levels of parking stress, with 261 permits issued for the 238 spaces available on-street. The street is thus over capacity in parking terms and the further loss of any on-street spaces will affect the existing capacity and negatively impact on the amenity of local residents. The loss of the one public parking space within the street would affect the existing capacity and negatively impact on the amenity of local residents. In creating two off-road parking spaces this would not benefit any of the other current residents of the street and would therefore negatively impact on the existing parking situation due to the loss of the one on-street parking space resulting in a shortfall in spaces.

3. Transport: The Appellant states that the appeal scheme is considered to avoid material and unacceptable harm to the local highway network. Whilst it is accepted that the appeal scheme would not be car-free, it would promote sustainable modes of transport through the installation of two EV charging points, would prevent an increase in the speed and volume of water run-off through the soakaway and channel drainage, and would provide satisfactory visibility for vehicles exiting the site.

Response to point 3: 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. All these measures are in place to ensure the Council meets their zero carbon targets, 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. The proposals are clearly contrary to policies T1 and T2, by reducing the provision of on-street parking through creating a dropped kerb, introducing areas of hardstanding in place of front gardens which can increase the speed and volume of water run-off, and harming the conservation area. The development would fail to be car-free and would not encourage the use of or provide for sustainable transport. Regarding the EV chargers provided; 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. Precedent: The Appellant states various examples of off-road parking in the local area.

Response to point 4: There are examples of on street parking at neighbouring properties including at both 257 and 261 Goldhurst Terrace, however there is no planning history granting formal consent for this development at 257. The parking at 261 was approved prior to the Conservation Area Management Strategy being adopted. There are further historic examples of off-street parking spaces along the Terrace. These examples demonstrate the harm that is caused through the loss of original front boundary treatments as identified in the Conservation Area Management Strategy.

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 a section of the front boundary wall and creation of a two off-road parking spaces would have a detrimental impact on the character and appearance of the conservation area, and the amenity of local residents, impact on the safety of highway users and would encourage the use of unsustainable modes of transport.

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: Design and Access Statement, A3100, A3101, A3102, A3103, A3104, A3105, A3106.

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 Matthew Kitchener on the above direct dial number or email address.

Yours sincerely,

Matthew Kitchener
Planning Officer