



Appeal Decision

Site visit made on 7 November 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2025

Appeal Ref: APP/X5210/W/24/3346574

182 Regent's Park Road, London, NW1 8XP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Charalambos Loizou against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/0106/P.
 - The application sought planning permission 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" without complying with a condition attached to planning permission Ref 2023/2555/P, dated 26 October 2023.
 - The condition in dispute is No 4 which states that: "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".
 - The reason given for the condition is: "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".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. In respect of matters of pertinence to this appeal scheme, there have been no fundamental changes to national policy. As such, whilst I have considered the revised Framework in my decision, comments have not been sought from the main parties on the implications of the revised Framework.

Background and Main Issues

3. Planning permission Reference 2023/2555/P, amongst other things, enabled the provision of a vehicle parking space to the front garden area of the property, as well as landscaping and a new front boundary enclosure. This was subject to a Condition (no.4), which effectively results in the permission being a temporary permission and personal to the applicant through requiring remediation works to take place following the applicant vacating the premises.

4. The Planning Practice Guidance (PPG) states that planning permission usually runs with the land and that it is rarely appropriate to provide otherwise. It further highlights that there may be exceptional circumstances where development that would not otherwise be permitted may be justified on planning grounds because of who would benefit from the permission. In this instance, the Council deemed that the specific needs of the applicant justified a temporary permission for as long as the applicant resided at the property.
5. Through this appeal, the appellant is seeking to remove the relevant condition, which in effect would no longer make it a personal permission for the appellant and would enable the permanent retention of the proposed works.
6. Thus, the main issues are whether the condition is reasonable and necessary having regard to:
 - The effect of the proposal on the character and appearance of the Primrose Hill Conservation Area;
 - The effect of the proposal on highway safety; and
 - Whether the proposal would encourage unsustainable forms of transport

Reasons

Primrose Hill Conservation Area

7. The appeal site lies within the Primrose Hill Conservation Area (PHCA), which covers a considerable area. From the evidence before me, including the Conservation Area Statement (the Statement), the appellant's heritage impact assessment (HIA), and my observations on site, I find that the significance of the PHCA is largely derived from its historic interest as a planned 19th Century suburb, as well as its fine, distinctively Victorian architecture and high-quality of the public realm. Together these combine to provide a pleasing townscape.
8. The appeal site is located near a key gateway into the conservation area. This section of the PHCA has a mixed character, with the opposite side of the road to the appeal site being defined by commercial uses, whereas, the appeal site is situated amongst a collection of fine residential terraced properties.
9. 182 Regent Park Road (no. 182) is a mid-19th Century, end of terrace-villa style property that displays a polite architectural frontage, elegant proportions including large sash windows and classical architectural detailing. Although the adjacent terrace properties vary in their precise appearance and detailing, they are of a similar scale and each display classically styled facades. Additionally, the residential properties in this part of the street share some unity through each being set back from the highway behind generous front gardens, predominantly enclosed by front boundary walls.
10. The traditional architectural quality of no. 182, including its enclosed front garden area, results in the property making a positive contribution to the character and appearance of the PHCA.
11. The Statement highlights the importance of both boundary treatments and front gardens to the character and appearance of the PHCA. Notably it seeks to resist the conversion of front gardens into hardstanding parking areas where it involves

the loss of boundary structures or reduces the area for soft landscaping in this urban residential area. The statement has not been updated for a considerable period and from the information before me is not an adopted supplementary planning document. Nonetheless, I find that it still provides an accurate outline of the key characteristic of the Conservation Area, whilst the aim of resisting the conversion of front gardens into on-site parking is consistent with the aims of policy and related supporting text in the adopted development plan.

12. The Statement relates to an extensive area and does not specifically highlight the front boundary walls within this specific section of Regents Park Road as an important feature. I also witnessed, that the scale and nature of front gardens and their enclosures varied across different parts of the PHCA. Nonetheless, I find that the front boundary enclosures provide a sense of continuity to the streetscene along this section of Regents Park Road, positively adding to the character and appearance of the area. Even though the boundary enclosures are not uniform in appearance.
13. Indeed, whilst the front boundary treatment to the appeal site may not be the original enclosure its use of a brick wall across the length of frontage, interrupted only for pedestrian access ensures that it corresponds well with neighbouring garden enclosures. This is despite the appeal site's front wall displaying a stepped form, copping, and a lack of railings on the lower portion of wall, meaning that it is not completely in unity with adjacent boundary enclosures.
14. In contrast the frontage of the proposed development would be largely dominated by railings. This would be at odds with the more consistent pattern of boundary enclosures within the streetscene, which involve the use of walls across the majority of garden frontages with limited openings and occasional small sections of railings between wall piers. As such, I find that the proposed alterations to the front boundary would be an unsympathetic addition that would neither preserve or enhance the character and appearance of the PHCA.
15. Through the requirements of Condition 4, the approved development would be temporary in nature, while the subsequent required remediation scheme would also provide the benefit of introducing a more sympathetic front boundary enclosure providing greater unity with neighbouring properties. In contrast, the proposed removal of condition 4 would allow the proposed development to be retained with resultant permanent harm to the character and appearance of the PHCA.
16. In reaching the above views, I note that a neighbouring property has previously installed a parking space within the front garden area along with an associated opening to the front boundary. The Council has indicated that these works were granted permission in the 1970s and would have been considered under a different context of guidance, while it is unclear whether more recent related works at the neighbouring property were lawfully undertaken. In any case though, it remains an unsympathetic form of development that does not positively contribute to the character or appearance of the PHCA. The appeal scheme would therefore result in additional harm to the character and appearance of the PHCA.
17. Similarly, I am aware that other boundary treatments within the street are not original, including due to front garden space having previously been used for parking of vehicles before being reinstated as enclosed garden. Nonetheless, this

does not persuade me that the current proposal would conserve or enhance the character and appearance of the PHCA.

18. Given the scale and nature of the proposal, the harm would be localised, and in the context of the Framework would amount to less than substantial harm to the significance of the heritage asset. Nevertheless, the Framework advises that great weight should be given to the conservation of designated heritage assets. In accordance with paragraph 215 of the Framework, I must weigh this harm against the public benefits of the proposal.
19. In terms of public benefits, the appellant puts forward that the proposal would increase the supply of housing that would be suitable for occupiers with a disability, in an area with an under provision of suitable accommodation. However, this would be at the cost of a publicly available on-street parking space that could potentially meet the needs of a disabled person¹. Moreover, while there may be a shortage of accommodation suitable for disabled or infirm residents within the Borough, there are no guarantees that the appeal dwelling would be occupied in future by a person with disabilities.
20. In addition to personal benefits, which I will return to later in my decision, the appeal scheme, through the provision of an electric vehicle charging point, would promote the use of electric vehicles providing some environmental benefit, albeit such benefit would be highly limited.
21. Third parties have also suggested that the proposal would aid the flow of traffic in the area, providing a highway safety benefit. There is, however, no robust evidence to support these claims.
22. Together, I do not find the public benefits of the proposal to outweigh the less than substantial harm that the proposal would cause to the designated heritage asset, to which I attach great weight.
23. Accordingly, I find that the condition is reasonable and necessary having regard to the effect of the proposed development on the character and appearance of the PHCA. The appeal scheme would therefore be contrary to Policies D1 and D2 of the London Borough of Camden Local Plan (adopted 2017) (the Local Plan), insofar as they seek to require development to respect local context and preserve or enhance the historic environment and heritage assets.

Highway Safety and Sustainable Transport

24. The proposal would involve the provision of one on-site parking space at the loss of an existing on-street, blue badge, parking space directly to the front of the appeal property that is related to the appellant's use.
25. The appeal site lies within a controlled parking zone. No detailed information as to the current parking stress within the area has been provided, for example through parking surveys. During my site visit, at late morning mid-week, available parking along the street was highly limited. Furthermore, third party representations have made clear that the street suffers from parking strain.

¹ I understand that the parking space to be lost is a blue badge space that is currently for the exclusive use of the appellant. However, this would not be the case in perpetuity.

26. Although the proposal would involve no net loss in overall parking provision, it would lead to the permanent loss of an on-street parking space that in future could be used by other members of the public, including nearby residents with disabilities in need of an on-street bay. The removal of condition 4 is therefore capable of increasing parking stress through the permanent loss of an on-street parking space.
27. Although limited changes to the provision of on-street parking would arise, it remains that the onus is on the appellant to demonstrate that the proposal would not cause harm to highway safety. In the absence of any detailed information as to current parking levels, there is a risk that the proposal would result in increased parking stress. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking space, or park illegally, which would be detrimental to highway safety.
28. Meanwhile, Local Plan Policy T2 requires all new development to be car-free while it sets out that the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking will be resisted. This is with the aim of promoting the use of sustainable transport. Accordingly, the proposal would not adhere to the provisions of this policy.
29. Policy T2 does provide an exception to allow on-site parking spaces to be provided where necessary for disabled people. However, the current proposal would mean that the permission would not be linked to the specific needs of the appellant. Whilst the appeal proposal may increase the supply of housing that is more suitable for people with certain disabilities, as previously noted, there is no certainty that the dwelling would be occupied by a disabled person once the appellant vacates the property.
30. I am also unconvinced that the proposal would offer a significantly greater benefit than the reinstatement of an on-street car parking bay and the accessibility improvements to the front garden, which would be provided through the remedial works required under Condition 4 of the existing permission. As these works could also suitably meet the needs a wide range of disabled persons and others with restricted mobility.
31. Through the permanent retention of an on-site parking space, the use of private vehicles is also likely to be a more convenient and attractive option, thereby encouraging car use for any future occupiers of the appeal site.
32. For the above reasons, I find the condition to be reasonable and necessary having regard to local parking and highway safety as well as to encourage the use of sustainable forms of transport. The proposal would therefore conflict with Local Plan Policies A1 and T2. Together, amongst other matters, these policies seek to manage the transport impacts of development and promote sustainable transport use by limiting on-site parking.
33. The Council's second reason for refusal also cites Local Plan Policy T1. This seeks to prioritise the use of sustainable forms of transport through setting several specific design criteria, as well as seeking developer contributions, in order to encourage walking, cycling and public transport use. Whilst promoting sustainable forms of transport, the policy does not impose criteria or restrictions on parking provision or car use. Therefore, whilst I have found the proposal to be contrary to Local Plan Policy T2, I do not consider there to be a specific conflict with Policy T1.

Planning Balance and Conclusion

34. The evidence before me sets out that the appellant has a disability and that the appeal scheme would allow him more suitable access to his property, including outdoor space. Accordingly, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance quality of opportunity and foster good relations between people who share a protected characteristic and people who do not.
35. Although the proposal would meet the needs of the appellant, such benefits would also be capable of being derived through the existing permission. However, the inclusion of Condition 4 would require the scheme's harm to the PHCA to be addressed when the personal circumstances of the appellant cease to apply. Or indeed, prevent another party, without such needs, from implementing the scheme.
36. The appellant puts forward that the cost of undertaking the approved development, along with the subsequent remedial works required under Condition 4 makes the approved scheme unviable. The financial burden of complying with the condition may be significant to the appellant. Still, and notwithstanding the very limited details of work costings provided, there is no robust evidence before me to demonstrate that the approved scheme is not viable. Furthermore, the financial implications of the development to the appellant are a private interest that must be weighed against the public interests of the proposed development.
37. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that long-term harm to the PHCA is avoided. Accordingly, whilst I recognise the personal circumstances of the appellant, I find that these are not matters which outweigh the harm that would be caused by the proposal in respect of my conclusions on the main issues.
38. For the reasons outlined, the appeal proposal conflicts with the development plan when read as a whole, and no material considerations including the provisions of the Framework have been demonstrated to indicate a decision other than in accordance with it. As such, the appeal is dismissed.

Lewis Condé

INSPECTOR