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## Appeal Decision

Site visit made on 6 January 2025

**by David Wyborn BSc(Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 January 2025**

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**Appeal Ref: APP/X5210/D/24/3352043**

**25 Grafton Road, Camden, London NW5 3DX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr D Rowley against the decision of the Council of the London Borough of Camden.
  - The application Ref is 2023/3358/P.
  - The development proposed is the 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).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have used the description of the development, in the banner heading above, from the decision notice. It has also been used by the appellant on the appeal form and this appears to describe the proposal accurately and comprehensively. It is explained that the works are part retrospective and I assume that this includes the demolition of the front boundary wall.

### Main Issues

3. The main issues are:
  - the effect of the development on the character and appearance of the area, having regard to whether or not the scheme would preserve or enhance the character or appearance of the Inkerman Conservation Area, and
  - whether or not the provision of an on-site car parking space would accord with the development plan approach for the promotion of sustainable transport options.

### Reasons

#### *Character and appearance*

4. The Inkerman Conservation Area (the Conservation Area) is described in the Inkerman Conservation Area Statement (the CA Statement) as a dense and homogeneous environment in the heart of Kentish Town. The majority of the buildings were built in the 1850s and 1860s.
5. The CA Statement comments that the Conservation Area has retained much of its original character and appearance, although there is a constant

- development pressure associated with alterations and extensions to residential character. It is explained these alterations include the loss of distinctive original boundary walls and their subsequent replacement with inappropriate boundary treatments, which have failed to use particular materials and details to echo the architecture behind.
6. The CA Statement details a series of guidelines for development within this Conservation Area and this includes Ink8 concerning front gardens and boundaries. This commentary, in summary, explains the importance of front boundary treatments and the harm that can result from insensitive alterations. Ink8 concludes by explaining that the Council will resist any further loss of front boundary walls or railings, and the conversion of front gardens into hardstanding parking areas.
  7. Grafton Road, within the Conservation Area, features individual terraces with three storey buildings. These terraces were constructed during the mid-Victorian period. Their pleasant appearance, with often largely intact details and regular pattern of doors and windows, provides a rhythm to the terraces. This contributes to the heritage significance of the Conservation Area. Also, of significance, and a feature of the street scenes, are the generally enclosed frontage areas adjoining the footways.
  8. As part of my considerations of the appeal proposal, I am mindful of the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a conservation area<sup>1</sup>.
  9. 25 Grafton Road is located within the Conservation Area and the property forms one of the characteristic, three storey terrace buildings that contribute to the heritage significance of the area. The properties in this terrace generally have a clear and defining front boundary treatment enclosing the front garden, and this is a positive feature of this street scene. Within this section of the road, there is a mix of front boundary treatments and this is sometimes a modest height brick wall, and with some other properties there is a lower wall with railings above. In places there is planting behind, at times a hedge, and this helps to provide even more definition to the front boundary and combines with the built element to provide an attractive feature adjoining the footway.
  10. Nevertheless, there is a run of three properties on this side of Grafton Road, within the same terrace as the appeal property, where the front boundary has been substantially removed. In these cases, the front garden has been converted to a parking space. One of these is 17 Grafton Road which has metal gates. These gates were open at my visit giving the impression of an open space along the frontage. At these properties, the removal of the front boundary treatments, and the related provision and visual appearance of the parking, has eroded a feature along this section of the terrace which helped to define its character. This has, in turn, diminished the appearance of the street scene. It is this type of change that the CA Statement has identified as an alteration that erodes the character and appearance of the Conservation Area.
  11. Each of these three properties has a dropped kerb indicating some form of official approval. However, the Council, in its Planning Report, comment that these crossovers relate to historic crossovers which predate the adoption of the

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<sup>1</sup> Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

Council's policies on crossovers and the surrounding Controlled Parking Zone in the early 2000s.

12. My attention has also been drawn to 31a and 31b Grafton Road and I saw at my visit that these properties also have off road parking and/or an accessway. No 31a is a more modern property at the end of the terrace and there is still a section of wall helping to define the frontage with the footway. The space at No 31b is an access to a vehicular gate leading to the rear. In these circumstances, the situation with these properties, at this bend in the road, is not the same as with the original terrace properties, including the appeal property, on the western side of Grafton Road.
13. With No 25, it appears from the information that a front boundary wall has been removed. I do not have details of the wall but its removal forms part of the description of the development for consideration. The loss of the wall, depending on how it linked and appeared with others nearby, may well have resulted in the removal of a feature that contributed positively to the street scene. The replacement metal railings have not been constructed on top of a base wall, which is often a traditional approach. In combination with the lack of planting behind the railings, the front boundary treatment gives the impression of being somewhat open and weak in appearance. It results in this feature sitting less comfortably within this part of the street scene and it does not provide a characteristic treatment and frontage definition in its present form.
14. The appeal scheme would, when the metal gates were closed, visually replicate the existing fixed railings. However, as I have explained, I have concerns with the present visual appearance of the frontage treatment at No 25 and that the alterations have already diminished an aspect of character to the area. The provision of the proposed gates and access, and the accompanying use of the garden area for the parking of a vehicle, with at times open gates, would undermine the potential to provide any meaningful front boundary planting behind the gates or centrally within the garden. Overall, the scheme would further alter another frontage and garden space in this terrace in a way that would diminish a feature that contributes to the heritage significance of this part of the Conservation Area. Indeed, it is the type of harmful change that is specifically highlighted in Ink8 of the CA Statement that the Council will seek to resist.
15. I attribute limited weight to the changes to the front boundary treatments of the three properties within this terrace that I have highlighted in paragraph 10, and those at 31a and 31b, in terms of justifying the appeal proposal. This is because they are either not considered to be examples to be replicated or the circumstances are not similar.
16. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area, and would not preserve or enhance the character or appearance of the Inkerman Conservation Area. Accordingly, the scheme would conflict with Policies D1 and D2 of the London Borough of Camden Local Plan 2017 (the Local Plan) and Policy D3 of the Kentish Town Neighbourhood Plan 2016 which sets out, amongst other things, that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.

### *Parking*

17. Policy T2 of the Local Plan provides the key criteria concerning parking and car-free development. The supporting text explains that limiting the opportunities for parking within the Borough can reduce car ownership and use, and therefore lead to reductions in air pollution and congestion, and improve the attractiveness of an area for local walking and cycling. It is also explained that Camden is well connected and, in the case of the appeal site, it is located within Public Transport Accessibility Level 5.
18. In particular, Policy T2 of the Local Plan explains that the Council will limit the availability of parking and require all new developments in the Borough to be car-free. No 25 is an existing dwelling and, therefore, the car-free requirement by way of preventing an application for a car parking permit is not applicable. However, the over-arching approach to limit the availability of parking is relevant to the considerations in this appeal. Indeed, one of the four criteria set out in the policy, indicating how this over-arching policy approach will be delivered, is to resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking.
19. This approach to limit car parking is complemented by Policy T1 of the Local Plan which prioritises walking, cycling and public transport.
20. In this case, the scheme would provide a vehicle crossover, the removal of front boundary treatments and the provision of on-site parking within the garden. This is contrary to criterion 4 of Policy T2 of the Local Plan which specifically seeks to resist this type of proposal. In turn the provision of on-site car parking would conversely not prioritise walking, cycling and public transport. In these respects, the proposal would also be contrary to Policy T1 of the Local Plan.
21. I appreciate that the intention is to provide an on-site parking space for the easy and cheaper charging of an electric vehicle. This would clearly be convenient for the occupant family, would help to meet their vehicle and travel requirements and it is explained that on-road car charging spaces are limited. However, the space is sought on a permanent basis and while the use of an electric vehicle may not lead to air pollution, the dedicated provision of a car space would facilitate an increased likelihood of car ownership and related use, and this would not help reduce congestion. Providing on-site car parking may reduce parking stress in the locality, although I have little documented evidence to clearly demonstrate that this is a significant issue locally. In any case, the provision of the car parking space is less likely to move occupants, now and in the future, towards a modal shift to walking, cycling and public transport.
22. It appears that the occupants of this property have the ability to apply for a parking permit within the controlled parking zones in the area. Also, the Local Plan (2017) comments that, at that time, Camden had the largest car club network in London, and the Planning Report explains that the Council is in the process of rolling out on-street electric vehicle charging points across the Borough, with the number of charging points increasing all the time. Additionally, the site is well located for public transport. Consequently, there are options for the occupants of the appeal property to meet their transport needs, including with the use of an individual vehicle. I therefore attribute the

case made for this property to have an on-site car parking space limited weight.

23. Furthermore, if the case was to be accepted, the argument could be repeated at adjoining properties, thereby, leading to more on-site car parking. This would increase the likelihood of car ownership and related use in the area, further undermining the policy objective of a move towards more sustainable transport modes.
24. I do not consider that a planning condition, as part of any approval, that would restrict the car space to solely an electric vehicle, would address the fundamental policy objections, including reducing congestion and seeking the promotion of walking, cycling and public transport.
25. Accordingly, I conclude that the proposed on-site car parking space would not accord with the approach of the development plan which seeks the promotion of sustainable transport options. In particular, there would be conflict with Policies T1, T2 and A1 of the Local Plan which, notably, set out the approach to considering applications for parking.

### **Conclusion**

26. Under the first main issue, I have found harm to the character and appearance of the Conservation Area and that the proposal would detract from the significance of this designated heritage asset. I consider that this harm would be tangible and clearly evident. Nevertheless, the harm to the significance of the Conservation Area as a whole would be less than substantial within the meaning of paragraph 215 of the National Planning Policy Framework (December 2024) (the Framework). In accordance with the Framework, this harm should be weighed against the public benefits of the proposal; the heritage balance.
27. The benefits of the scheme, which I have outlined above, would be to provide an on-site car parking space for the occupants of the appeal property. This is largely a private benefit and I am not satisfied that the parking and charging exclusively of an electric vehicle would provide a material planning consideration that weighs any more than to a limited extent in favour of the proposal. Given the good accessibility of other transport modes, and the other options available, I consider that any public benefits of the scheme should afford limited weight.
28. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the level of potential harm. I have found that the public benefits of the proposal afford limited weight and, therefore, would not outweigh the level of harm to the Conservation Area and its significance that I have identified, which in accordance with the Framework, is required to be attributed great weight.
29. It follows that the heritage balance falls against the proposal. In addition, I have found harm because the scheme would not accord with the development plan approach to encourage sustainable transport options, of which part of the strategy is to limit the provision of parking spaces.
30. Cumulatively, the harm and related policy conflicts would be substantial and the proposal would not accord with the development plan when considered as a

whole. The benefits of the scheme would not outweigh this harm and the related policy conflicts. Accordingly, the scheme should be determined in accordance with the development plan and I conclude that the appeal should be dismissed.

*David Wyborn*

INSPECTOR