

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	16/01/2025
		N/A / attached	<b>Consultation Expiry Date:</b>	22/12/2024
<b>Officer</b>			<b>Application Number(s)</b>	
John Nicholls			2024/5022/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Basement Flat 226 Finchley Road London NW3 6DH			See draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Use of the existing area of hardstanding as a single off-street car parking space and the formation of a vehicle crossover on the highway.				
<b>Recommendation(s):</b>		Refuse planning permission		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	00	No. of responses	06	No. of objections	03
Summary of consultation responses:	<p>A site notice was displayed from 27/11/2024 and expired on 21/12/2024 and a press notice was advertised on 28/11/2024 that expired on 22/12/2024.</p> <p>The owner of flat 226a (and owner of the car parking space in question) has objected to the application, but only in that the application relates to his property's off-street parking space, and the application has been made by another party. He comments as follows:</p> <ul style="list-style-type: none"> <li>• The off-street car parking space has existed for 30 years and is indicated in the leasehold and freehold titles of the property.</li> <li>• The application is fraudulent has been submitted by a neighbouring flat in order to try and devalue my property.</li> <li>• TfL have already lowered the kerb to allow vehicle access into my car parking space as evident from the image of the front of the property in the Design and Access Statement.</li> <li>• The application is part of a neighbour dispute / harassment / scam between the owner of the basement flat and another flat within the building, the owners of which have been attempting to buy the basement and other flats within the building.</li> <li>• There is no evidence that vehicles will overhang the pedestrian pavement. If vehicles overhang the pedestrian pavement, these can be reported to parking enforcement.</li> <li>• There are many parking spaces in this road which are similar to my existing parking space. Therefore, unless all parking spaces in this road are evaluated, this appears to be a review of only my parking space based. If new rules are to be applied, these should be applied to all parking spaces in this road.</li> </ul> <p>Other neighbours have commented or objected as follows:</p> <ul style="list-style-type: none"> <li>• Finchley Road is a main arterial road, and vehicle access and exit would be extremely hazardous as there is no turning space with vans/cars having to reverse blindly into a bus lane, an accident is waiting to happen.</li> <li>• Pedestrians would face obstacles as the space isn't deep enough due to bin store cupboard and meters, so vehicles would be overhanging onto public pedestrian pavement.</li> <li>• Camden should reinstate the bollards they removed in 2018/19.</li> <li>• The road used to have bollards in front for many years and now the pavement is dangerous for cars crossing over.</li> <li>• It is illegal to cross over a raised kerb and this also blocks and also cracks the pavement.</li> <li>• Various photos have been provided showing vehicles parked on the forecourt overhanging the footway.</li> </ul> <p><i>Officer response:</i></p> <ul style="list-style-type: none"> <li>• <i>Design and heritage are material planning considerations in assessing this application and are discussed in Design and Heritage section of the report.</i></li> <li>• <i>Transport, including car parking, highway safety and sustainable transport, is a material planning consideration and is addressed in the Transport and Amenity sections of the report.</i></li> </ul>					

**Redington Frogna  
Neighbourhood Forum:**

The Neighbourhood Forum objects for the following reasons:

- The site has a PTAL rating of 6a which is extremely close to bus stops, Finchley Road and Frogna Overground, Finchley Road Underground and various coach routes with stops on Finchley Road.
- Highway safety
- The harm and cumulative harm to the conservation area caused by a proliferation of off-street parking on this eastern stretch of Finchley Road would be ameliorated by the restoration of some of the original boundary treatments.

*Officer response*

- *Design and heritage are material planning considerations in assessing this application and are discussed in Design and Heritage section of the report.*
- *Transport, including car parking, highway safety and sustainable transport, is a material planning consideration and is addressed in the Transport and Amenity sections of the report.*

## Site Description

The site is the basement flat of a four-storey detached Victorian property located on the eastern side of Finchley Road, close to the junction with Langland Gardens. The building contains five flats and is located within the Redington Froggnal Conservation Area, to which it makes a positive contribution. The site is also located within the Redington / Froggnal Neighbourhood Plan area.

At the front of the property there are two areas of hardstanding either side of a centrally located staircase which gives access to the ground and upper floors. A separate front door is located in the centre of the lower ground floor bay to the left of the stairs, which gives access to the basement flat. There is a low (3-4 brick courses) front boundary wall on this side of the steps.

On the righthand side of the steps there is an area of hardstanding which has a sloped access off the footway with no boundary wall, and which contains various gas and electricity boxes located close to the front elevation attached to the flank walls of the area of hardstanding. There is a window located at basement level at the back of this area of hardstanding. It is this area of existing hardstanding that is indicated on the plans as being proposed for the new area of off-street parking.

The site is located on the Transport for London Road Network (TLRN) and is on a red route (single line). There is a bus stop located north of the site between the forecourt in question and the Langland Gardens junction, and there are bus stop markings on the road which stop exactly in line with the northern edge of the area of forecourt adjacent to the road.

## Relevant History

**28053(R1)** - Change of use of the basement into a self-contained flat including works of conversion and the formation of a hardstanding for one car and means of access. **Granted 26/07/1979**

**8500282** - Change of use and works of conversion to form a self-contained flat in the basement as shown on drawings No.702/4 and 5a revised on 26th September 1985. **Granted 02/10/1985**

## Relevant policies

### National Planning Policy Framework 2024

### London Plan 2021

### Camden Local Plan (2017)

- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car free development

### Redington Froggnal Neighbourhood Plan 2021

SD2 - Redington Froggnal Conservation Area

SD5 – Dwellings: Extensions and Garden Development

### Supplementary Planning Policies

#### Camden Planning Guidance

Design CPG 2021 (Landscape and public realm)

Transport CPG 2021 (Car parking management and reduction)

### Redington/Froggnal Conservation Area Appraisal and Management Plan (2022)

## Assessment

### Proposal

The proposal seeks permission for the formation of a vehicle crossover on the highway to enable the use of an existing area of hardstanding into a single off-street car parking space.

The car parking space would be positioned to the right of the front steps, accessed from a new vehicle crossover on Finchley Road. The existing space in the front yard is formed in hardstanding and no alterations are proposed to the front yard to formalise the car parking space.

The proposed space measures 2.88m wide and 5.40m deep. However, adjacent to the front elevation of the property, the space narrows to only 2.1m wide in the area closest to the front elevation where it narrows as a result of gas meters and electricity boxes having been fitted to the flank walls within this space.

### Planning history / background

The planning history of the site in relation to the basement flat and the existing off-street car parking space needs to be considered in this application for a "new" off-street car parking space on land adjacent to the public highway. The applicant claims that the land is unused, and permission is sought to convert it to a single parking space. However, during the course of the consultation period various neighbours have sent photos of vehicles using the space with vehicles protruding across the footway and almost into the road. In addition, the basement flat owner (who is not the applicant) but owns and has access to the hardstanding area has provided evidence to state that the off-street car parking space has been in situ since he has owned the flat, and that the space is listed on the lease of the property and leasehold title, both dated 11/03/1994.

Having checked the planning history for the site, an application for planning permission to convert the basement into a residential unit and the formation of a hardstanding for one car and means of access, was approved by the Council in 1979 (refer to the planning history above).

A second application was submitted and approved by the Council for converting the basement area into a residential flat in 1985, and although missing from the description of development, the off-street car parking space is included in the plans. But this approved plan did not include the means of access from the highway on the drawings.

The 1985 scheme to convert the basement to a residential flat appears to have been implemented as it is included in the Council Tax records from 1993. As Council Tax records only started in 1993, it is assumed that the works to convert the basement to residential accommodation were lawfully completed before the permission expired, as no further applications for the use of the basement to residential use have been submitted since 1985. In the event that the works to implement the off-street forecourt parking weren't completed at that time, if the works to convert the basement to a flat had taken place soon after permission had been granted, then the permission has been implemented within the 5 year timeframe and the remainder of the works could have been carried out whenever the owners wished.

Finally, Google Streetview shows that three TfL bollards were located on the edge of the footway directly in front of this off-street parking space between June 2008 and November 2018, which would have prevented access directly off the highway onto the previously approved forecourt parking area. Therefore, there has been a period of time (approximately 10 years between 2008-2018) whereby the off-street car parking space could not have been used, due to these bollards.

Although the applicant is not the flat owner of the basement flat and with the car-parking space, the Council can still determine the application as it stands as the required ownership certificates have been served on the relevant persons, and details submitted to the Council as part of the application.

### Assessment

The principal planning considerations are considered to be the following:

- Design and Heritage
- Transport considerations

- Amenity

## **Design and heritage**

The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

Policy SD2 of the Redington Frogna! Neighbourhood Plan requires development to preserve or enhance the green garden suburb character and appearance of the conservation area.

The Redington / Frogna! Conservation Area Character Appraisal & Management Plan also notes that *'Traditional front boundary treatments (walls and hedging) have been removed from some properties and front gardens paved with unsympathetic materials to create parking forecourts. The removal of hedging and its replacement with metal gates or raisings creates hard urban frontages, causing considerable harm to the verdant character of the area'*.

Paragraph 6.5, sub-paragraph (y) of Development Principles in the Red Frog CA Statement states *'The Council will resist any further loss of front boundary walls and the conversion of front gardens to hardstanding parking area. Especially where parking covers the full width of the plot. Where they need consent, they will be resisted, including in new development'*.

Policy SD2 of the Redington Frogna! Neighbourhood Plan also sets out that new development seeks to preserve or enhance the green garden suburb character and appearance of the conservation area.

Special regard has been attached to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest which it possesses, and to preserving or enhancing the character or appearance of the conservation area, under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

### Assessment

The works comprise use of the existing hardstanding on the front forecourt area to the right of the front steps as a parking space and the lowering of the existing kerb in front of the existing vehicular entrance to form a crossover, and any associated works to the footway to enable safe access into the site by a motor vehicle. The proposal seeks to retain works to the forecourt as built and retain the large opening within the boundary wall, which are contrary to policy and therefore considered to cause harm to the character and appearance of the conservation area and contrary to policies D1 and D2 of the Camden Local Plan 2017 and policy SD2 of the Redington Frogna! Neighbourhood Plan 2021.

However, from the evidence presented above, these works have been in place since at least 2008, and therefore, they pre-date current policies and although contrary to current policies, they are immune from any sort of planning enforcement action due to their longevity. Therefore, as there are no physical works which actually show a material built change to the front forecourt that requires planning permission, the proposal would not cause additional harm to the streetscape and wider conservation area.

## **Transport Considerations**

The site is located on the Transport for London Road Network (TLRN) and is on a red route, meaning that that on-street, car parking is not permitted. The location of the property and the off-street parking forecourt is also located immediately to the south of the bus stop (Stop FV) located just south of Langland Gardens. The bus stop markings terminate almost immediately to the north of the proposed crossover location.

Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. Policy T2 seeks to limit the availability of car parking. Paragraph d) states that the Council will 'resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking'.

Paragraph 10.21 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 hard standing. 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'.

In addition, the proposed parking space would require vehicles reversing from the site onto Finchley Road. TfL, the highways authority for Finchley Road, do not allow vehicles to reverse onto, or reverse off the TLRN. There is insufficient space within the site for vehicles to turn around, meaning that vehicles would have no alternative but to reverse onto or off the TLRN, contrary to TfL's stated policy.

The visibility splays of 2.4m x 2.4m, the minimum required by Manual for Streets from the site boundary with Finchley Road, are not met. The visibility is compromised by the height of the walls forming part of the stair access for properties on both sides of the proposed vehicle access, and therefore this arrangement would be considered to impact pedestrian safety.

Considering the site's location, the area of hardstanding and the front boundary treatment, the proposed crossover would not meet the necessary technical requirements:

- the width of a crossover should be between 2.4 and 3.6 metres.
- the parking area should be at least 4.8 metres deep and 2.4 metres wide.
- the front boundary wall should not be higher than 600mm.
- pedestrian visibility splays of at least 2.4m x 2.4m need to be achievable.

Therefore, the proposed means of access to the highway fails to meet the Council's Highways and Transport for London's standards for means of access on the highway on safety grounds.

The application is therefore contrary to Policies T1 and T2 of the Camden Local Plan, in that it fails to promote walking, cycling and public transport, and provides off-street parking for one vehicle within the front garden area of the property. It also has the potential to compromise the safety of bus operations and bus passenger accessibility and to compromise highway safety for cyclists and pedestrians with vehicles potentially reversing out of the space. Furthermore, it does not reflect the policy direction and initiatives to reduce car trips or help create a modal shift towards more sustainable and active modes of transport.

## **Amenity**

Policy A1 seeks to ensure that standards of amenity are protected, and states that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Paragraph 6.9 of the supporting text states that "*Any 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*". Paragraph 6.10 goes on to state that "Highway safety, with a focus on vulnerable road users should also be considered, including provision of adequate sightlines for vehicles leaving the site".

Policy A1 also seeks to ensure that new connections to the highway network from developments do not cause harm to the existing network, to its users or the environment. Creation of new accesses on the highway must not negatively impact on highway safety, with a focus on vulnerable and disabled road users and their needs.

Policy SD5 of the Redington Froggnal Neighbourhood Plan seeks to protect amenity value in dwellings through the protection of green spaces and not losing soft surfaces or trees.

Paragraph 7.10 of the Transport CPG notes that "Vehicles joining the highway network need clear views of pedestrians, cyclists and other traffic, and users of the highway network need clear views of those joining it. Applications where sightlines are obstructed resulting in a detrimental impact on safety will be unacceptable".

The proposed crossover would also create an unnecessary hazard on the public highway, due to the high walls either side which would reduce visibility splays and therefore be hazardous for road users and pedestrians,

contrary to policy A1.

## **Conclusion**

In conclusion, the proposal seeks to formalise the use the forecourt as a parking space as built, which are considered to cause harm to the character and appearance of the conservation and are contrary to policies D1 and D2 of the Camden Local Plan 2017 and policy SD2 of the Redington Frognal Neighbourhood Plan 2021, but have been in place since at least 2008, and are therefore immune from enforcement action.

In addition, the formation of a vehicular crossover would create an unnecessary hazard on the public highway and would therefore be contrary to Policies T1, T2 and A1.

The proposal therefore does not accord with the development plan (for the reasons outlined above) and as such, it is recommended that planning permission is refused for the following reasons:

1. 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 and would fail to secure adequate provision for the safety of pedestrians, cyclists, buses and other vehicles 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.

**Recommendation:** Refuse planning permission