

Delegated Report		Analysis sheet		Expiry Date:	12/06/2012
		N/A / attached		Consultation Expiry Date:	11/5/2012.
Officer			Application Number(s)		
Hugh Miller			2012/1950/P		
Application Address			Drawing Numbers		
73 Parkhill Road London NW3 2XY			Refer to draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Retention of a new railings and gates to front garden boundary of dwelling house (Class C3).					
Recommendation(s):		1. Refuse planning permission 2. Issue Enforcement Notice.			
Application Type:		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	01	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	Application advertised in (local press) Ham & High 3/5/2012, expires 24/5/2012. Site Notice displayed 25/4/2012, expires 16/5/20102. No responses were received.					
CAAC/Local groups* comments: *Please Specify	<p><u>Parkhill CAAC:</u> object-</p> <ul style="list-style-type: none"> The proposal is incongruous with the group of identical buildings in that all the others have a low brick boundary wall with hedge. Number 73 used to have this feature until the applicant unlawfully destroyed it. The styling and height of the new gates are totally unsympathetic with the architecture and styling of the immediate streetscape. We had believed that policy requires that existing front gardens are to retain at least 50% of soft landscape in cases where they have new paving introduced. We also believe that current policy for increasing or replacing impermeable surfaces requires that a system of sustainable drainage is implemented; this does not appear to have been identified in the documents submitted. We also believed that this may have been a validation requirement. On a separate subject, the same house at number 73 Parkhill Road has replacement uPVC windows to the street facing elevation and these do not have planning permission. They are radically different from the original windows and we do not understand why enforcement action has been pursued. In conclusion the proposals do not conserve or enhance the appearance of the Conservation Area, they detract from it. We would request that you refuse the application and pursue enforcement action to have the replacement windows replaced with original designs. This development undermines the uniformity of this group of buildings. See LDP 24.13. In particular we object to: <ul style="list-style-type: none"> Loss of original boundary with wall and hedge above; The new railings & gates are unsympathetic to the style of the house, the streetscape and the Conservation Area; The paving over and the loss of front garden space to provide parking. See C/A Statement 7.7. Please enforce. 					

- PS. We note that the original “suntrap” windows have been replaced with uPVC windows which are unsympathetic to the design and style of these houses.

Belsize Residents Association – object-

- The new railings are not in keeping with the lower brick walls of the rest of the street.
- We also note that the parking space covers the entire front garden, which may breach CLG guidance 2008 on permeable surfacing for front gardens.

Site Description

The application site is located on the west side of Parkhill Road and forms the end of a terrace of 11 1930's style two storey properties. To the south are two linear blocks of 46 flats and maisonettes that are Grade II Listed Buildings.

The site forms part of the Parkhill Conservation Area, but is not designated as a positive, negative or neutral contributor to its character.

Relevant History

November 2007 – PP Granted - Installation of dormer windows in side and rear elevation and velux windows in the front and rear elevation of the existing dwelling; ref. 2007/4083/P.

Relevant policies

LDF Core Strategy

CS5 (Managing the impact of growth and development),

CS14 (Promoting high quality places and conserving heritage / conservation areas)

Development Policies

DP24 (Securing high quality design),

DP25 (Conserving Camden's heritage / conservation areas)

DP26 (Managing the impact of development on occupiers and neighbours).

Camden Planning Guidance 2011

CGP1 – Design

Parkhill & Upper Park Conservation Area Appraisal and Management Strategy (CAAMS) 2011.

NPPF 2012

Assessment

This semi-detached house originally had a front garden with a narrow tarmaced driveway and a lawn and flowerbed on either side plus a broken down low front wall, according to photos supplied by the applicant. The front garden has been recently substantially altered to improve its security according to the applicant's covering letter; new 1.8m high railings have been installed on the front boundary incorporating 2 vehicular access gates and a pedestrian access gate, and the front garden has been entirely repaved with block paviers. It is not clear whether this new surface is permeable or not as no foundation details have been provided.

The application has been submitted to regularise the retention of the front boundary treatment following an enforcement investigation, but does not refer to the paving.

Issues- design, landscaping, impact on streetscene and conservation area.

Policy context

LDF policy DP24 (Securing high quality design) states "The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider; amongst other things:

- a) character, setting, context and the form and scale of neighbouring buildings;
- d) the provision of visually interesting frontages at street level;

(Incorporating Landscaping)

Paragraph 24.22 states "As with buildings, consideration of context is essential in the design of new hard and soft landscaping. Hard landscape elements (surfaces, boundary treatments etc), and the materials from which they are made, play a significant role in defining the character and attractiveness of a site or area and reinforcing local distinctiveness. New planting can contribute to the attractiveness of a development, soften and balance the impact of buildings and contribute to the biodiversity value of a site. Effective maintenance is often essential to the success of soft landscaping (shrubs, grass etc) and, where appropriate, the Council will expect planting plans to be accompanied by a maintenance schedule. New hard and soft landscaping should be of high quality and should positively respond to its local character".

LDF policy DP25 (Conserving Camden's heritage) states "In order to maintain the character of Camden's conservation areas, the Council will:

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;

Paragraph 25.2 states "... The character of conservation areas derive from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing, and uses. These elements should be identified and responded to in the design of new development".

Camden Planning Guidance (CPG) 1, Paragraph 6.20 states- The principle components of landscape design are soft landscape details (planting) and hard landscape details (the constructed aspects of design) for example surfaces, lighting, seating, water features and boundary treatments.

CPG1, Paragraph 6.21 states "Urban spaces have particular character which results from a combination of factors including geology, ecology, topography and the history of their development and use. We will expect new landscape design to respond to, preserve and enhance local character, including through the:

- preservation of existing trees and hedges;
- planting of new trees and hedges; and
- detailed design of boundary treatments and spaces within the site particularly where they are visible to the public domain.

Gardens

CPG1, paragraph 6.24 states "Front, side and rear gardens make an important contribution to the townscape of the Borough and contribute to the distinctive character and appearance of individual buildings and their surroundings. Gardens are particularly prone to development pressure in the Borough with their loss resulting in the erosion of local character and amenity, biodiversity and their function in reducing local storm water run off".

Front Gardens

CPG1, paragraph 6.25 states "The design of front gardens and forecourt parking areas make a large impact on the character and attractiveness of an area and in particular the streetscene. The design of front gardens and other similar forecourt spaces should:

- consider a balance between hard and soft landscaping. Where changes take place no more than 50% of the frontage area should become hard landscape. Where parking areas form part of the forecourt enough of the front boundary enclosure should be retained to retain the spatial definition of the forecourt to the street and provide screening;
- retain trees and vegetation which contribute to the character of the site and surrounding area;
- retain or re-introduce original surface materials and boundary features, especially in Conservation Areas such as walls, railings and hedges where they have been removed. If new materials are to be introduced they should be complementary to the setting";

Paving of front gardens

The General Permitted Development Order no longer allows the creation of more than 5 sq metres of impermeable surfaces at the front of dwelling houses that would allow uncontrolled runoff of rainwater from front gardens onto roads without first obtaining planning permission.

CPG1, paragraph 6.26 states "Planning Permission will not be granted for hard standings greater than five square metres that do not incorporate sustainable urban drainage systems (SUDS) into the design. SUDS incorporate permeable surfaces to allow water to soak into the subsoil, rather than being diverted into the stormwater system".

Parkhill & Upper Park CAAMS

Review

The CAAMS states "Loss of some front gardens to car parking has occurred incrementally. It is difficult to assess the extent of alteration since 1996 as some boundaries were altered before then. However, it is clear that this trend is continuing, for example in Downside Crescent where cross-overs and hard areas have recently replaced gardens. This should be resisted and where possible reversed"...."There is potential to reinstate appropriate railings and walls. In many cases the original walls and gate piers remain but the railings have been removed. This has been mitigated in some areas by substantial hedge planting".

Car parking crossovers

The CAAMS states "Reinstatement of front gardens and typical local boundaries (for example hedges or walls) is encouraged where cross-over parking has been implemented in the past. This is an important way of enhancing the streetscape and incrementally improving the quality of the area. In addition to where Conservation Area Consent is required, approval for a cross-over is also required from the Council's Highways Department. Hardstandings to the front of buildings are only permitted development (development not requiring planning permission) where they are less than 5 square metres in area".

It also states "Hardstandings to the front of buildings that are over 5 square metres are only permitted development where they are constructed of porous materials or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house".

Gardens and front boundary treatment

The CAAMS states "Front and rear gardens within the residential streets make an important contribution to the streetscape and character of the residential area. The Council will resist the loss of soft landscaping and original boundary walls and railings, as well as the loss of gardens through basement developments".

Boundary railings and gates retention assessment

The boundary treatment to the residential properties on the eastern section of Parkhill Road is varied but essentially comprises low brick walls, some timber fences, and green hedges and shrubbery behind. The design and the height of the boundary treatment also vary with most of the front garden space being visible from the pavement.

This front garden has dimension of 7.4m depth x 5.6m width. The erected front railings, gates and paving replaced a low front brick wall plus with part shrubbery behind and the removal of the part soft landscaped area. The front garden of the host site was originally divided in two equal parts of hard & soft landscaping.

The front railings and gates measure 1.8m in height and have a black painted finish. As erected, the railings and gates appear incongruous within the terrace and the group of which it form part; the adjacent boundary treatment with mainly hedges above low brick walls creates uniformity and contributes to the landscaped and verdant character of the streetscene and conservation area. The retention of the railings and gates is considered unacceptable due to their visual dominance, arising from their prominent location, design and materials, and their height and length along the host buildings' frontage; their consequent impact on the streetscene and conservation area is considered harmful as railings and gates in isolation are not characteristic features. The railings and gates are incongruous in this context and dominate the streetscene by upsetting the balance, harmony and rhythm of the established front boundary treatment in this part of the road and eroding the strong identity of this part of the street and conservation area.

Hard paving to front garden surface assessment

The paved garden surface is greater than 5.0sqm (actually over 15 sqm in this case), and is assumed to be non-porous, in absence of any information on the incorporation of Sustainable Urban Drainage Systems (SUDS) in its design; accordingly it is thus not deemed to be 'permitted development' under Class F of the GPDO. The works are fundamentally inappropriate in visual terms. Previously the front garden had hard & soft landscaping that sought to balance the functional needs of parking and pedestrian access against the aesthetic qualities of the house frontage and overall streetscene. Now the entirely paved front garden is considered unsympathetic because it removes the soft landscaping which contributed to the streetscene alongside its neighbours and instead provides a hard surface material alien to the established pattern and character here with consequent loss of biodiversity and visual interest. It is therefore unacceptable in its impact on both the house, terrace of buildings and streetscene, and conservation area.

In conclusion, both aspects of the proposals are contrary to the Council's LDF policies, CPG guidelines and also the Conservation Area Appraisal and Management Strategy. The proposals neither preserve nor enhance the appearance of the Parkhill Conservation Area, and are unacceptable.

Recommendations:

A: Refuse planning permission; and

B: Issue Enforcement Notice to remove the unauthorised elements and reinstate the previous ones where appropriate, ie. the front lawn but not the front wall as the latter does not need permission being less than 1m high-

Enforcement Notice RECOMMENDATION-

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, requiring removal of the unauthorised railings and gates on front garden elevation, removal of unauthorised hard paving in front garden, and reinstatement of previous soft landscaping, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

1. Erection of a new railings and gates to front garden boundary of dwelling house.
2. The installation of additional hard paving covering the entire front garden surface area.

WHAT YOU ARE REQUIRED TO DO:

1. Remove the unauthorised railings and gates on front garden boundary.
2. Remove the unauthorised hard paving on the northern side of the front garden.
3. Reinstatement the lawn on the northern side of the front garden, as shown on existing plan 7326-03.
4. Make good any damage to the public highway as is necessary.

PERIOD OF COMPLIANCE

within 3 months of the date of the Notice.

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE

1. The metal gates and railings, by reason of their design, height, width and location, create an unduly visually prominent and discordant feature, which harms the character and appearance of the host building, streetscene and this part of the Parkhill & Upper Park Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

2. The additional hard paving of the front garden, by reason of its scale and location, creates an unduly visually prominent and discordant feature, which harms the character and appearance of the host building, streetscene and this part of the Parkhill & Upper Park Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

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