

Delegated Report (Members' Briefing)		Analysis sheet		Expiry Date:		13/05/2010	
				Consultation Expiry Date:		27/04/2010	
Officer				Application Number(s)			
Jenny Fisher				2010/1545/P			
Application Address				Drawing Numbers			
Flat 1 99 Priory Road London NW6 3NL				Refer to decision letter			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Alterations to boundary to include increase in width of the driveway opening, erection of new gates and brick piers and introduction of hardstanding to existing parking area, for existing flat (Class C3).							
Recommendation(s):		Grant planning permission with conditions					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	68	No. of responses	02	No. of objections	01
				No. Electronic	00		
Summary of consultation responses:		<p>A letter of support has been submitted by the occupant of 1 Banister Mews: driveway would be more visible from the main road and be less dangerous.</p> <p>A letter of objection has been submitted by the occupant of 60 Compayne Gardens: widening driveway will lead to the loss of street parking for other residents and this would be very unfair.</p> <p><u>Officer comment</u> No on- street parking would be lost. Impact on parking discussed in assessment below</p>					
CAAC/Local groups* comments: <small>*Please Specify</small>							
Site Description							
<p>The site is located at the junction of Priory Road and Compayne Gardens. The building is a large detached 3-storey Victorian residential property with a modern three storey rear extension. It comprises 5 self-contained flats.</p> <p>The application relates to the vehicular access from Compayne Gardens. A controlled parking zone (CPZ) runs along Compayne Gardens.</p> <p>The site is located in the Swiss Cottage Conservation Area.</p>							

Relevant History

15/06/2009 (2008/3670/P) application refused for widening of the driveway by a total of 1.5m, the erection of new gates and brick piers and the laying down of additional hardstanding. Reasons:

1. The proposed alterations would result in the loss of one on-street car parking space within the Controlled Parking Zone, and as such would be contrary to policy T9B 'Impact of Off-street Parking' of the London Borough of Camden Replacement Unitary Development Plan 2006.
2. In the absence of sufficient information to establish the impact of the proposed works on roots of the yew tree located adjacent to the driveway, which is considered to have significant amenity value within the conservation area, the proposal would be likely to result in harm to the tree contrary to policy N8 'Ancient Woodlands and Trees' of the London Borough of Camden Replacement Unitary Development Plan 2006.

Appeal withdrawn 17/03/2010

Relevant policies

UDP: SD6 (amenity for occupiers and neighbours), B1 (general design principles), B3 (alterations and extensions), B7 (conservation areas), T7 (off-street parking, city car clubs and city bike schemes), T9b (impact of off-street parking), N8 (ancient woodland and trees)

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

CS15(protecting open spaces), DP29 (improve access), CS5 (manage impact of growth), DP26 (manage impact of development on neighbours), DP22 (sustainable design), CC13 (higher environmental standards), CS14 (conserve heritage), DP24 (secure high quality design), DP25(conserve Camden's heritage), DP13 (employment sites and premises)

Camden Planning Guidance 2006

Swiss Cottage Conservation Area Statement

Assessment

Proposed

Widen the existing driveway; replace the existing gate with a new 4m. wide gate with a new arch and keystone; replace and relocate 2 existing brick piers; extend the existing dropped kerb slightly to one side; increase width of hardstanding behind new gate to create additional parking space. Currently one car and the motor cycle are parked on the hardstanding; the second car is parked outside the driveway in the CPZ. The garage is used as a domestic work area. Works proposed would allow both cars and the motor cycle to park on the driveway. No alterations to the garage are proposed.

The principal considerations material to the determination of this application are parking, trees and amenity.

Parking

Policy T9b states that the Council will not grant consent for off-street parking that it considers causes harm to highway safety, requires detrimental amendment to existing or proposed Controlled Parking Zones, or harms the setting of a building or the surrounding area. The Council will consider (b) sightlines and (c) impact on demand on Controlled Parking Zones and on-street parking.

Access to a drive way and gates leading to a hard standing are existing. The increase in width and replacement gate and piers proposed would not constitute a hazard to highway users (pedestrians or vehicles), sightlines would if anything be improved by the increase in width of the entrance.

One of the reasons for refusal of the previous application (2008/3670) was the loss of one on-street parking space. Having had the opportunity for a closer inspection of the area the Council now considers that the same number of vehicles as existing would be able to park. Given that no parking bays would be lost it is considered that it would be difficult to argue detrimental impact on the CPZ.

Policy T7 declares that planning permission will only be granted for development that complies with the Council's Parking Standards which state that there should be a maximum of 1 off-street parking space per residential unit. In this case the maximum has already been exceeded. On balance, since there is already sufficient space (with the garage) to park 2 cars and a motor cycle, and widening the entrance would not alter this, it is therefore considered that in this case it would not be expedient to refuse the application on the grounds that it fails to comply with parking standards.

Trees

The applicant's Arboricultural and Planning Integration Report is more detailed than the report previously submitted. The survey includes a study of the Root Protection Area (RPA) of the yew, close to one of the piers. Some minor crown lifting to a height of 2.5m. over the new driveway area would be required. This would not affect the health of the tree, or detract from its visual amenity. The survey comments that, given the location of the tree over the driveway, this work would have been required regardless of works currently proposed. The existing wall will need to be carefully removed by hand and the new brick pier built reusing footings that support the existing wall. An alternative method is advised should the footings not be structurally sufficient. Sections of the new driveway would be in proximity of the RPA of the yew. A preliminary method statement is attached to the report (appendix B). It is essential that all existing ground levels are retained as existing whilst ensuring that roots continue to receive sufficient moisture and oxygen. Post development works are also clearly set out in the Report.

It is considered that the sufficient detail has been submitted with the current application to identify that works proposed could be carried out without harm to the yew tree. The arboriculture report submitted which explains how the yew tree will be protected is acceptable.

Amenity

There would be no loss of amenity to neighbours by virtue of loss of sunlight, daylight, privacy or other disturbance and therefore the proposal is considered to be consistent with UDP policy SD6. Dilapidated brick piers and gate would be removed and replaced with new. Brick piers would match the low brick wall on the corner of Banister Mews and Compayne Gardens. The proposal is considered acceptable in scale and detailed design. It would enhance the visual appearance of the immediate area and preserve the character and appearance of the Conservation Area.

Summary: It has become clear that alterations to the access can be accommodated without a material loss of parking provision as sufficient space would be retained to accommodate the same number of vehicles. In addition the arboriculture report now demonstrates that works can be carried out without harm to the long term health of the tree subject to recommended measures being undertaken as part of the process.

Recommendation: Grant planning permission with conditions

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