

C/JUL/86JJ/P

DISMISSED
BOLW to 31/7/86 OCSC

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8501753

**Department of the Environment and
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CHIEF EXECUTIVE'S
DEPARTMENT
26 JUN 1986
CAMDEN



Cedar City Limited
The Basement
16 Palace Gardens Terrace
LONDON W8

CAMDEN
LEGAL DIVISION
27 JUN 1986

Your reference

Our reference

T/APP/X5210/A/85/42002/P4
Date 24 JUN 86

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- PL/8501753

1. I have been appointed by the Secretary of State for the Environment to determine your appeal, which is against the failure of the Council of the London Borough of Camden to give notice of their decision within the appropriate period on your application for planning permission for conversion and extension of 95 and 97 Hampstead Road (first, second, third and fourth floors only) to provide 6 one-bedroom flats and one 2-bedrooomed flat. I have considered the written representations made by you and by the council. I inspected the site on 24 April 1986.

2. Before the council had received notice of your appeal they had issued a letter of refusal dated 3 January 1986. Their grounds were (briefly): excessive plot ratio; excessive density; obstruction of light to adjoining premises; lack of family accommodation; and inadequate car parking. Although this appeal is against failure, I regard those grounds (within the context of the council's written statement) to be a material consideration in my determination of your appeal.

3. Of those grounds, any objection (if found to be serious) on account of plot ratio, density, and obstruction of light, could presumably be met by making some amendment to the submitted plan in a way that would limit the bulk of the building, while the point about family accommodation would probably not be a compelling objection in the light of government advice on the regulation of housing mix, and could also if necessary be met by some internal re-arrangement. The point about car parking is, on the other hand, incapable of being met by any feasible amendment of the plan, as the only access is by way of a long and narrow passageway from the main road. I propose therefore to deal mainly with that car parking objection.

4. In my view the first and main issue is whether the lack of any off-street car parking space within the site would give rise to traffic danger or inconvenience to road users, and if so whether there are special circumstances sufficient to outweigh any such objection.

5. Paragraph 41 of the council's Environmental Code (a non-statutory document giving planning guidance supplementary to that contained in the District Plan) gives a minimum standard for new private development outside the central area as one space per dwelling. I consider that to be a reasonable requirement, subject to the need for each proposal to be considered on its merits. In the present case I consider that the provision of 7 flats without any car parking spaces would be likely to generate an excessive need for cars belonging to the occupants of those flats, and to their visitors, to park on the highway. Hampstead Road is the main

road between Camden Town and Tottenham Court Road. It carries a large volume of traffic, and car parking is controlled by yellow lines. The side roads are quieter, but are also largely regulated by yellow lines. In my view the level of car parking likely to arise from this development would cause traffic danger in Hampstead Road, and serious inconvenience to road users in the side roads. A proportion of the occupants of the small flats may not in practice be car owners, so that there could well be a case for some reduction below the council's full standard for new development; but to justify re-development without any provision for cars at all would require strongly favourable special circumstances. To decide otherwise would tend to undermine the council's policy, and would make it hard for them to resist other proposals for residential re-development also lacking in parking provision, the cumulative effect of which (if allowed) would be to bring about serious traffic congestion in this busy part of London.

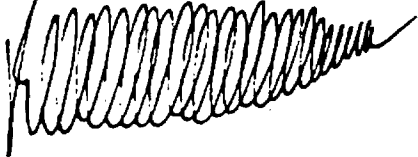
6. I therefore turn to the special circumstances that might tend to justify a total relaxation of the car parking standards. First, you refer to this development as "conversion and extension", implying that the basic building is already present on the site. That is true of No. 97, but is not true of No. 95, which as a result of bomb damage during World War II now comprises virtually a cleared site, and certainly has no existing structure at or above the first floor. I can appreciate that the refurbishment of No. 97 would be in line with national policy of finding economic uses for existing disused buildings, but I do not see a similar argument applying to No. 95, to the extent of justifying this complete lack of parking space.

7. Secondly, you point out that in 1984 the council approved similar plans for the adjoining site, 91 and 93 Hampstead Road, and you submit that you should be granted the same permission. I find, however, that Nos. 91 and 93 are both existing buildings, albeit in poor repair following bomb damage. The council regarded that project as being a conversion of existing buildings. You have not suggested that they were wrong in so regarding it. Your project, as I have said, is certainly not a conversion as to No. 95, even if No. 97 is an existing structure on a par with the condition of Nos. 91 and 93.

8. A further reason for my not regarding the council's decision on Nos 91 and 93 as a determining factor is this. There is now, I understand, some prospect of a private comprehensive scheme being put into effect to deal with all of the bomb-damaged or destroyed sites, 89 to 101 (odd) Hampstead Road, including car parking at the rear with access from Netley Street. I am not convinced that the council would so readily have approved the piecemeal scheme for 91 and 93 if there had, in 1984, been such a prospect of a comprehensive scheme. For me now to approve a further piecemeal scheme for 95 and 97 that is subject to a serious car parking objection would prejudice that chance of the bomb-damaged terrace being dealt with comprehensively by private developers in a manner that would to some extent overcome the car parking problem.

9. I would not reject your firm proposal (if otherwise acceptable) merely on account of some more comprehensive outline proposal by other developers. I have carefully considered all other factors favourable to your project, including government policy to encourage the creation of small dwellings, but I find the car parking objection to be so serious as amount to a sound and clear-cut reason for rejecting it. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

I am, Gentlemen
Your obedient Servant



R M MAXTONE GRAHAM MA (Cantab) Advocate, Legal Assoc, Royal Town Planning Inst
Inspector