
Contents

1. Scope of Evidence.....	1
2. Development Subject to Appeal.....	3
3. Chronology of Application & Decision Making Process.....	4
4. The Site, its Context & Evolution	7
5. Planning Policy Considerations	8
6. Analysis & Conclusions	19

1. Scope of Evidence

- 1.1 A detailed Grounds of Appeal Statement was submitted with this appeal and this Hearing Statement should be read in conjunction with this previous Statement.
- 1.2 This statement deals with the Council's two objections to the proposal to replace 4 existing double garages, in the rear gardens of Nos. 34 and 40-44 Hillroad Road, with 4 two storey houses with forecourt parking facing Mill Lane and replacing an existing double garage at the rear of Nos. 36 and 38 Mill Lane with two new double garages.
- 1.3 The Council's objections are namely that in their view:
1. **The proposed new houses with front parking areas would, by virtue of their bulk, scale and siting, cause harm to the visual character of the surrounding area in terms of building line and degree of openness, would detrimentally alter the balance of built and unbuilt space and would have a poor relationship with pattern of development in the locality.**
 2. **The removal of the existing garages would result in loss of off-street parking for existing residents in Hillfield Road and give rise to additional pressure to park in a road identified as a heavily parked street to the general detriment of highway safety and residential amenity.**
 3. **As a consequence of these objections the appeal proposed conflicts with Camden UDP policies EN1 (General environmental protection and improvement), EN13 (Design of new development), EN14 (Setting of new development), EN16 (Site layout) and EN23 (Reduction of garden amenity), RE2**
-

(Residential amenity and environment), TR4 (Cumulative impact of proposals) and TR11 (On-street parking controls).

- 1.4 This statement is divided into 6 sections. Section 2 confirms the development which is subject to appeal and Section 3 provides an outline of the chronology of events in respect of the decision making process that resulted in the refusal of permission. Section 4 provides a description of the site and its context. Section 5, and as required by S38(6) of the Planning and Compulsory Purchase Act 2004, identifies and assesses the considerations that derive from national, regional, strategic and local planning policies and specifically deals with those UDP policies where the Council considers that conflict occurs. Section 6 sets out the analysis and conclusions on the issues that are identified by this statement.

2. Development Subject to Appeal

- 2.1 The subject appeal relates to a planning application originally described as "Erection of new residential units and garages on the site of existing garages within the rear gardens of nos. 34-44 Hillfield Road, NW6." The four new dwellings will all provide self contained three-bedroom family accommodation. The two replacement double garages will provide one garaged parking space per new dwelling and the dwellings will also have front forecourt parking available to them. Access to the new dwellings and garages will be via Mill Lane.

3. Chronology of Application & Decision Making Process

- 3.1 The application now subject to appeal represents the appellants attempt to resolve the issues of concern to the Council which resulted in the refusal of two similar previous applications:

Application Refused 2nd October 2001

- 3.2 The application refused by the Council on 2nd October 2001 related to the erection of six new dwellings with integral garages and two new garages on the site of existing rear gardens of 32-44 Hillfield Road.

- 3.3 In refusing the application the Council gave three reasons the issues surrounding which were namely that:

- 1) The proposed two storey houses would constitute an overdevelopment of the site by reason of bulk, scale and siting and would be detrimental to the character and appearance of the townscape.
- 2) It would result in the loss of rear gardens, regarded as Other Green Open Land in the UDP.
- 3) The proposed development, if permitted, could act as a precedent and give rise to pressure for the development of the other gardens to the rear of 8-68 Hillfield Road in a similar manner to the application proposal which would further erode the character of this townscape.
- 4) The removal of the existing garages would result in the loss of off-street parking for residents in Hillfield Road and give rise to additional pressure to park in a road identified as a 'heavily parked street' in the UDP and would therefore be detrimental to the free and safe flow of traffic. The loss of such parking would result in existing housing having substandard parking provision.

-
- 5) The proposed development would be prejudicial to the long-term health of existing mature trees within, and adjoining, the site by virtue of inappropriate works within their root zone and crown spread. The applicant has accordingly failed to give adequate regard to the protection of existing trees, considered to contribute to local amenity.
 - 6) The proposal would therefore be contrary to UDP policies EN1, EN14, EN16, EN23, EN50, EN61 and TR17

Application Refused 10th December 2002

3.4 In an attempt to resolve the issues of concern raised by the Council in the refusal of October 2001 the applicant revised the proposal resulting in a reduction of the amount of development proposed on the site. An application was subsequently submitted on the same site for four new two storey dwellings and three new garages.

3.5 However, the Council still considered this revised application to be unacceptable and refused the application on 10th December 2002 on six grounds the issues surrounding which were namely the same as 2, 3, 4 and 5 above and also that:

- 1) The proposed development would be out of character with the surrounding area, in terms of building line and degree of openness, and would detrimentally alter the balance of built and unbuilt space.
- 2) The design relates poorly to the pattern of development in Mill Lane by virtue of elevational treatment and site layout.
- 3) The proposed off-street parking areas associated with the new houses would be substandard in length and therefore unusable. The development therefore fails to provide adequate off-street parking and would give rise to additional pressure to park in a road identified as a heavily parked street to the detriment of the safe and free flow of traffic.

-
- 4) The proposed new residential units would not include a range of unit sizes, in particular units suitable for occupation for larger households, which would not meet the housing needs of the Borough.
 - 5) The proposal would therefore be contrary to UDP policies EN1, EN13, EN14, EN16, EN23, EN50, EN61, TR17, DS8, HG15 and HG16.

3.6 In order to address the Councils remaining concerns the applicant again revised the proposal reducing the proposed amount of development even further and subsequently submitted the subject proposal. The appellant considered this third revised application to address of the Councils concerns however the application was subsequently refused on 22nd November 2004 for two reasons.

3.7 These reasons for refusal are repeated in full at paragraph 1.3 but in summary concern issues of harm to the visual character of the surrounding area, poor relationship with the existing pattern of development in the area and loss of off-street parking giving rise to additional pressure to park in a road identified as a heavily parked street.

3.8 The appellant's are of the opinion that the subject proposal is significantly scaled down from the original proposal for the site submitted in 2000. It is considered that the applicant has addressed all of the Councils concerns and that the subject application is a carefully designed sustainable development providing much need accommodation in the area. It is considered that to scale down the development even further would not represent a sustainable of efficient use of the site hence the submission of the subject appeal.

4. The Site, its Context & Evolution

- 4.1 The site consists of the partial rear gardens and garages of 6 residential properties on Hillfield Road (Nos 34 to 44). The existing garages are all accessed via Mill Lane.
- 4.2 The application site has changed somewhat since the first planning application was made in 2000, becoming slightly smaller with the omission of the majority of the rear garden area of No.36 Hillfield Road.

5. Planning Policy Considerations

- 5.1 In considering the application that is the subject of this appeal both relevant Unitary Development Plan (UDP) policies and Central Government, Regional and Strategic Planning Guidance have been taken into account. The main policy principles that derive from these Central Government, Regional and Strategic policy documents, that are relevant to this appeal, can be summarised as follows.

Planning Policy Statement 1: Delivering Sustainable Development

- 5.2 Planning Policy Statement 1: Delivering Sustainable Development (PPS1) contains a section concerning design. It confirms that good design ensures usable, durable and adaptable places and is a key element in achieving sustainable development.

- 5.3 Paragraph 36 lists a number of key objectives which planning authorities should use in preparing robust policies on design and access. It states:

‘Key objectives should include ensuring that developments:

- **are sustainable, durable and adaptable (including taking account of natural hazards such as flooding) and make efficient and prudent use of resources;**
- **optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as parts of developments) and support local facilities and transport networks;.....’**

- 5.4 **In conclusion**, it is considered that the subject proposal is an appropriately designed sustainable development which makes efficient use of an urban brownfield site whilst providing much needed family houses in an accessible location. The site is not located within a Conservation area or area of special

character and is not within the setting of any listed or sensitive buildings. Therefore, it is considered that the subject proposal is in accordance with recent Government guidance in the form of PPS1.

Planning Policy Guidance Note 3: Housing

5.5 Planning Policy Guidance Note 3: Housing (PPG3) provides guidance on a range of issues relating to the provision of housing. Paragraph 1 emphasises that the focus for additional housing should be existing towns and cities. In paragraph 2 LPAs are urged to provide sufficient housing but give priority to re-using previously developed land within urban areas and promote good design in new housing developments in order to create attractive, high-quality living environments in which people choose to live.

5.6 Paragraph 21 confirms the Government's commitment to promoting sustainable patterns of development by:

- concentrating most additional housing development within urban areas;
- making more efficient use of land by maximising the re-use of previously developed land and the conversion and re-use of existing buildings.

5.7 Paragraph 22 concerns the re-use of urban land and buildings and refers to the Government's commitment to maximising the re-use of previously-developed land and empty properties and the conversion of non-residential buildings for housing, in order both to promote regeneration and minimise the amount of greenfield land being taken for development.

5.8 Paragraph 47 of PPG3 relates to the linking of development with public transport and refers to the Government's particular emphasis on the importance of integrating decisions on planning and transport in order to reduce the need to travel by car.

5.9 Paragraph 57 relates to making the best use of land and refers to local planning authorities avoiding the inefficient use of land. Paragraph 58 expands on this topic and goes on to state:

'Local planning authorities should therefore:

- **Avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net – see definitions at Annex C);**
- **Encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and**
- **Seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.'**

Planning Policy Guidance Note 13: Transport

5.10 PPG13 sets out the Government's policy on Transport. Key objectives of this policy is the reduction in the need to travel, especially by car and promoting accessibility to jobs, shopping, leisure facilities and services by public transport (paragraph 4).

5.11 In order to achieve these objectives, LPAs are urged in considering planning applications to accommodate housing principally within existing urban areas, and to plan for increased intensity for both housing and other uses at locations which are highly accessible by public transport, walking and cycling (Paragraph 6).

5.12 Paragraph 13 reiterates that in order to promote more sustainable patterns of development and make better use of previously-developed land, the focus for

additional housing should be existing towns and cities. Paragraph 16 advises LPAs to avoid the inefficient use of land and encourage housing development of between 30 and 50 dwellings per hectare (net). In paragraph 17, LPAs are advised to not express parking standards as minimum standards and to revise their parking standards to allow for significantly lower levels of off-street parking particularly for developments in locations such as town centres, where services are readily accessible by walking, cycling and public transport.

- 5.13 **In conclusion**, in terms of PPG3 and PPG13 the appeal proposal has therefore much to commend it in terms of a location within an existing town or city, by utilising previously-developed land, through increasing the density of development of the site and thereby avoiding the inefficient use of land and located in an accessible location where the need to travel can be reduced accordingly.

Regional Planning Policy Guidance Note 9: Regional Planning Guidance for the South-East

- 5.14 RPG9 remains in force for the South-East region, notwithstanding that the London Plan has now replaced RPG3 (Regional Planning Policy Guidance for London). The themes articulated in RPG9 are consistent with national planning policy guidance:

- development within urban areas
- sufficient housing should be provided to meet the needs of the region;
- housing developments should be sustainable. (paragraph 3.5)

- 5.15 In addition a key feature of the regional strategy is the concentration of developments within urban areas (paragraph 3.6) and the better use of land in the South-East, particularly previously developed land within urban areas (paragraph 3.9). These overarching objectives are reflected in specific policies that make urban areas the prime focus for development (Policy Q1);
-

enhance the quality of life through the close interrelationship between jobs, homes, services and facilities (Policy Q2) and seek the better use of land through increased density (Policy Q3).

5.16 Specific policies for housing are found in H1 which makes provision for housing in London and Policy H5 which supports development opportunities that are located on previously developed land within urban areas.

5.17 The appeal proposal is therefore very much in line with regional planning policy by virtue of its location, existing use, density and provision of additional housing.

5.18 **In conclusion**, it is considered that the subject proposal is in accordance with the objectives of RPG9 being a proposal to provide additional housing within an urban area in a sustainable location via the use of previously developed land.

The London Plan

5.19 The London Plan was adopted in March 2004 and provides the spatial development strategy for Greater London. As such it replaces RPG3, which contained strategic advice to the London Boroughs.

5.20 A key objective of the London Plan is to accommodate London's growth within its boundaries (Objective 1) and to achieve targets for new housing (Objective 2). Policy 3A.1 establishes the additional housing that is required in London and in policy 3A.2 individual Boroughs are encouraged to exceed the allocations in their UDPs. Policy 4B.3 seeks to maximise the potential of sites by ensuring that development proposals achieve the highest possible intensity of use compatible with local context, the design principles and with public transport.

-
- 5.21 **In conclusion**, in terms of the London Plan, the appeal proposal therefore has many complying attributes – the use of the site is maximised within the local context and additional housing is provided in a sustainable location well served by public transport.

Camden Unitary Development Plan

- 5.22 The proposals map contained within the adopted UDP shows the appeal site to have no specific allocations or designations. However, the site is shown to lie immediately opposite a neighbourhood shopping and service centre and also to be located within housing density boundary 'B'. Nevertheless, concerns regarding the density of the proposed development were not included in the Council's reasons for refusal.

- 5.23 The following paragraphs consider the subject appeal in relation to the UDP policies for which the proposal was considered to be fair and was subsequently refused.

General environmental protection & improvement, Design of new development, Setting of new development, Site layout and Reduction of garden amenity

- 5.24 Policy EN1 seeks to ensure that new developments will not have an adverse impact on the amenity of the surrounding area and the quality of the wider environment in the short or long term. It requires that developments protect or improve the physical environment including living and working conditions and visual amenity.
- 5.25 Policy EN13 encourages high standards of design in all development.
- 5.26 Policy EN14 requires all development to be sensitive to and compatible with, the scale and character of their surroundings.

-
- 5.27 Policy EN16 lists a number of factors which developers are expected to take into account when laying out a site. These include: The presence of existing trees, shrubs and other vegetation, the existing pattern of public highways and the existing amount and distribution of any unbuilt space within the site which makes a positive contribution to the character of the area.
- 5.28 Policy EN23 seeks to ensure that extensions do not materially reduce the amenity value of existing open space. The Policy goes on to refer to areas of Open Space deficiency or where individual gardens are already very small that the Council will resist any extension that would lead to a further loss of open space. However, it is considered that this Policy relates to residential extensions only. The subject proposal does not constitute an extension. It is a proposal for new residential development and although it does involve the partial development of existing substantial rear gardens it cannot therefore fall to be considered under this Policy.
- 5.29 The subject proposal involves a well thought out development of four new family dwellings. The footprints of the proposed dwellings are similar to the footprints of the existing garaging on the site and the dwellings have been designed so as to have minimal impact upon the surrounding area.
- 5.30 The proposed development will increase the footprint of development on the subject site by only 7.8%. It is considered that this modest increase in the footprint of built development on the site will detrimentally alter the character of the site or indeed the surrounding area.
- 5.31 The proposed new dwellings have been set partially below ground level in order to be in keeping with the existing studio building to the rear of No.33 Hillfield Road fronting Mill Lane and to reduce the appearance of bulk and massing of the proposed new dwellings when viewed against the backdrop of the existing building on Hillfield Road.
-

-
- 5.32 The overall character of Mill Lane is one of a wide variety of architectural styles, scale, materials and external treatment. Due to the arrangement of the various planes and surfaces of the proposed development it is proposed to use a light red or brown reconstituted stone block which it is considered will relate positively to the context of Mill Lane and introduce a high quality of materials and detailing to the area.
- 5.33 In the previous refused planning application the Council had expressed that they considered the attempt to maintain the general garage character of development to be inappropriate. Therefore, the appeal proposals seek to provide a distinct residential expression in terms of scale, form and use of materials.
- 5.34 Mill Lane contains a number of major trees. The subject proposal retains any of these major trees. These trees contribute to the character of Mill Lane and provide the subject site with important screening from Mill Lane.
- 5.35 It is considered that the slight loss of rear garden space of Nos. 34-44 Hillfield Road is acceptable. The garden space provided for both existing and proposed dwellings is more than adequate and could be considered generous for properties within an urban area. Furthermore, the proposals will result in an upgrading and improvement of soft landscaping on the site therefore, improving the quality of open space on the site.
- 5.36 It is considered that the subject proposal is an appropriately designed scheme which adequately accounts for the maintenance of existing amenity standards in the area. The proposed new dwellings will all benefit from private amenity space to the rear of the properties whilst also maintaining adequate private amenity space for Nos. 34-44 Hillfield Road.
- 5.37 Planning Policy Statement 1: Delivering Sustainable Development (PPS1) contains a sections concerning design. It confirms that good design ensures
-

usable, durable and adaptable places and is a key element in achieving sustainable development.

5.38 Paragraph 36 lists a number of key objectives which planning authorities should use in preparing robust policies on design and access. It states:

'Key objectives should include ensuring that developments:

- **are sustainable, durable and adaptable (including taking account of natural hazards such as flooding) and make efficient and prudent use of resources;**
- **optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as parts of developments) and support local facilities and transport networks;.....'**

5.39 It is considered that the proposed development an appropriately designed sustainable development which makes efficient use of an urban brownfield site whilst providing much needed family houses in and accessible location. The site is not located within a Conservation area or area of special character and is not within the setting of any listed or sensitive buildings. Therefore, it is considered that the subject proposal is in accordance with the relevant UDP policies as well as in line with recent Government guidance in the form of PPS1.

Residential amenity & environment, Cumulative impact of proposals and On-Street parking controls

5.40 Policy RE2 seeks to ensure that developments do not have an adverse impact upon residential amenity, the environment, or the safety and efficiency of transport systems. Policy TR4 refers to considering the cumulative impact of development proposals on the transport system when assessing individual

applications. Policy TR11 refers to the Council taking into account the likely effect of development proposals upon on-street parking in the locality.

5.41 It is considered that the loss of the garages will not have a detrimental effect upon the safety and efficiency of the transport system or to on-street parking. All the residents of 34-44 Hillfield Road each possess at least one parking permit allowing them to park on Hillfield Road. Even with the benefit of a double garage residents prefer to purchase parking permits to allow them to park to the front of their properties in Hillfield Road. Therefore, it is considered that the proposal should not have a detrimental effect upon the safety or free flow of traffic in Hillfield Road or increase the pressure for on street parking in the area.

5.42 The proposed new dwellings will all benefit from hardstanding to their front and garages. The use of this hardstanding and garages is likely to be akin to the use of the existing garages on the site. Therefore, there should be no detrimental impact to the flow or safety of traffic on Mill Lane and no increased pressure for on-street parking in the area.

5.43 At Paragraph 47 PPG3 relates to the linking of development with public transport and refers to the Governments particular emphasis on the importance of integrating decisions on planning and transport in order to reduce the need for travel by car.

5.44 Paragraph 13 of Planning Policy Guidance Note No.13: Transport relates to housing and states:

'To promote more sustainable patterns of development and make better use of previously-developed land, the focus for additional housing should be existing towns and cities. PPG3 requires local planning authorities to build in ways which 'exploit and deliver accessibility by public transport to jobs, education and health

facilities, shopping, leisure and local services'. PPG3 also requires local authorities to 'place the needs of people before ease of traffic movement in designing the layout of residential developments' and to 'seek to reduce car dependence by facilitating more walking and cycling by improving linkages by public transport between housing, jobs, local services and local amenity, and by planning for mixed use.'

- 5.45 This paragraph highlights the Government's objective to reduce the need to travel by private car. It is considered that the subject proposal will provide much needed family housing in a sustainable location so reducing the need for new residents to rely on the private car to access amenities, shops, services, schools, healthcare and jobs.

6. Analysis & Conclusions

6.1 In assessing the appeal proposal against national, regional, strategic and local planning policy guidance it is clear that it meets the attributes that are central to these policies and generally to the achievement of sustainable developments, namely:

1. The site is located within an urban area which is the prime focus for new residential developments as confirmed in PPG1, PPG3, PPG13, RPG9, the London Plan and the Camden UDP.
2. The development will provide new housing to assist in meeting the targets set out in RPG9, the London Plan and the Camden UDP.
3. The site comprises previously developed land and its' development is firmly in line with the development objectives and policies set out in PPG1, PPG3, PPG13, RPG9, the London Plan and the Camden UDP.
4. The site is under-utilized at present and its development for residential purposes will result in the more efficient and effective use of land in line with the objectives set out in PPG1, PPG3, PPG13, RPG9, the London Plan and the Camden UDP.
5. The site has good access to public transport services and this meets the commitment in PPG1 to concentrating developments in areas well served by public transport and the objectives set out in PPG13 to reduce the need to travel and promote accessibility to jobs.
6. The site is located adjacent to a neighborhood shopping centre and this renders it a highly accessible location which will reduce the need to travel in line with the objectives of PPG1, PPG3 and PPG13.

10. The design of the proposed development has been sensitively devised with reference to the site constraints, neighboring developments and the overall character of the locality and confirmation of this is demonstrated in the drawings that are attached to this Hearing Statement.

11. A quality of design has been achieved that is entirely consistent with the detailed policies for design that are set in the Camden UDP and the design aspirations of PPG1.

12. The residential use is entirely consistent with the mix of uses within the area and commensurate with the continuing evolution of the area as it responds to the housing needs of the Borough and London generally.

13. The proposed development will not be detrimental to the amenities of neighbouring occupiers of properties.

14. The proposed development is not out of keeping with the design and character of the surrounding area. The area exhibits a wide variety of architecture in terms of style, age, density, scale and mass and the appeal proposal is entirely in keeping and not incongruous.

6.2 In conclusion the proposed development does not conflict with the Camden UDP, and therefore is in accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning permission should be anticipated.

6.3 Furthermore, no demonstrable harm to any interest of acknowledged importance will be caused by the proposed development and therefore in accordance with decision making framework set out in PPG1 the appeal should be upheld.

Malcolm Judd & Partners

May 2005

Planning Application for land to the rear of 34-44 Hillfield Road London NW6 1PZ

Information in support of the Application

APPEAL DECISION BY THE PLANNING INSPECTORATE 2 October 2006