



# Appeal Decision

Hearing held on 19 July 2006 and 31 August 2006

Site visit made on 31 August 2006

by **Julia Gregory BSc (Hons) BTP MRTPI MCMI**

an Inspector appointed by the Secretary of State for  
Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

**02 OCT 2006**

**Appeal Ref: APP/X5210/A/05/1176826**

**Rear of 34 - 44 Hillfield Road, London NW6 1PZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Hodder-Williams, Mr T Finlayson, Mrs J Hills, Mr and Mrs D Oram, Mr and Mrs S Baine, Mr C Smith and Mr and Mrs P Ohanian against the decision of the Council of the London Borough of Camden.
- The application Ref 2004/0165/P, dated 8 January 2004, was refused by notice dated 22 November 2004.
- The development proposed is the erection of new residential units and garages on the site of existing garages within the rear gardens.

**Summary of Decision: The appeal is dismissed.**

## Procedural Matters

1. At the hearing an application for costs was made by the appellants against the council. This application is the subject of a separate Decision.

## Main Issues

2. I consider the main issues to be the effect of the proposal on on-street parking provision, and the effect of the proposal on the character and appearance of the area.

## Planning Policy

3. The development plan includes the London Plan (LP) and the London Borough of Camden Replacement Unitary Development Plan adopted June 2006 (UDP). LP policy 3A.2 encourages Boroughs to exceed housing allocations. LP policy 4B.3 seeks to maximise the potential of sites.
4. Of the many UDP policies brought to my attention I consider that policies B1, T7 and T9 are the most relevant. Policy B1 sets general design principles including that development should respect its site and setting, and seek to improve the attractiveness of an area and not harm its setting. Policy T7 specifies that planning permission will only be granted where development complies with off-street parking standards. Policy T9 states that planning permission will not be granted for development that would harm on-street parking conditions or add to on-street parking where existing on-street parking spaces cannot meet demand.
5. I have been referred to Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1), Planning Policy Guidance Note 3: *Housing* (PPG3) and Planning Policy Guidance

Note 13: *Transport* (PPG13) which I have taken into account in my determination of this appeal.

## **Reasons**

### ***On-Street Parking***

6. Four dwellings and two garages would be erected on land where there are currently six garages fronting onto Mill Lane. The off-street parking provision for the new dwellings on forecourts would meet the off-street parking requirements of UDP policy T7. The dwellings at Nos 34, 40, 42 and 44 Hillfield Road, would however as a result of the development be deprived of their off-street parking, albeit that one of these garages is currently rented out to a shop opposite. It is Government policy not to require more off-street parking than a developer would want to provide and to require maximum rather than minimum car parking standards.
7. Nevertheless, PPG13 also suggests that on-street parking controls be used to minimise the potential displacement of parking where on-site parking is limited. PPG13 is not incompatible with the more recently adopted UDP which states that in controlled parking zones (CPZ), such as here, where on-street parking demand exceeds supply and development with off-street parking would also add to on-street parking the council will seek car capped development.
8. I was told at the hearing that a maximum of two parking permits could be issued per dwelling by the council. This would result in a maximum of 12 permits for six units as No 34 and No 40 have both been converted into two units. Whilst the occupiers of the dwellings already have some permits and there would be nothing to prevent them from seeking further permits at present, the likelihood of their use is reduced by the existence of the garages serving these properties. With the removal of these garages, I consider it highly likely that the occupiers of the dwellings would seek and use additional parking permits. This would be in addition to any demand for permits from residents in the four new dwellings. No mechanism has been put forward that would car cap the existing or the proposed dwellings.
9. I was told by the council at the hearing that a survey in 2004 identified that out of 163 parking spaces in Hillfield Road, 154 were parked up, and that this was heavily parked. The parking cannot meet the demands of the locality and this is an area of parking stress. Although the survey information had not previously been provided, residents corroborated that they often have difficulty parking on-street. I conclude that the proposal would harm the on-street parking conditions and would add to on-street parking where existing on-street parking cannot meet demand, and that the proposal would be contrary to UDP policy T9.

### ***Character and Appearance***

10. Whilst not within a conservation area, the four dwellings and two garages would be located within a pleasant well established area of predominantly Victorian and Edwardian terraced properties. The dwellings and garages would be sited on land to the rear of dwellings which front onto Hillfield Road, and the plot widths would reflect those properties. The dwellings and garages would replace individual garage buildings fronting Mill Lane and would be located across the road from commercial premises.

11. The rear of most properties in Hillfield Road are gardens with some garages, although there is a studio erected at the rear of No 30. In terms of the definition in PPG3, the site constitutes previously developed land, the re-use of which is encouraged by the Government. The density would fall within Government guidelines and the site is in a sustainable location. Nevertheless both PPG3 and PPS1 encourage development which is of a high quality and respects its surroundings. I acknowledge that the openness of the rear gardens has existed for a long time and that it is valued by local residents. Nevertheless, and albeit that there has been a history of refused schemes for the site, this site is not specifically protected from development by policies in the development plan.
12. The site appears to me to be large enough to accommodate the dwellings without detriment to the occupiers of existing or proposed dwellings in respect of privacy or overbearing appearance. The modest dwellings would have staggered low flat roof lines and the height of the dwellings would still allow views towards the rear of Hillfield Road properties from Mill Lane. Some gaps would be closed up and the buildings would be higher and bulkier than those existing, but by reducing land levels the height of the dwellings would be limited so that they would reflect the scale of the nearest building. Because the scale would reflect that of the studio nearby, and the development would be set back, I consider that it would respect its setting even though the volume of buildings would be substantially increased.
13. The scheme would remove unsightly garages and forecourt areas and in my view would improve the attractiveness of the area. Staggering the building line would reflect the character of the existing garages, and the dwellings would be set back, limiting long range views of them. With the use of a wide pallet of materials which could be subject to later control, the scheme would add contemporary buildings to the street scene without compromising the character of the surroundings, and would provide visual interest at street level. The trees adjacent protected by a Tree Preservation Order would not be harmed in the scheme. Any proposals for other sites would be judged on their individual planning merits.
14. I conclude that whilst the proposal would change the appearance of the street scene, that this would not be harmful or contrary to UDP policy B1. I conclude that the proposal would not harm the character and appearance of the area, but this does not outweigh my concerns about the effect of the scheme in respect of on-street parking.

### **Conclusions**

15. For the reasons given above and having regard to all other matters raised, including other sites brought to my attention, and the stability of the land and drainage which could be controlled under separate legislation, I conclude that the appeal should be dismissed.

### **Formal Decision**

16. I dismiss the appeal.

***Julia Gregory***

**INSPECTOR**

**APPEARANCES**

**FOR THE APPELLANT:**

Mr T Finlayson	Appellant
Alan Gunne-Jones	Malcolm Judd and Partners, 70 High Street, Chislehurst, Kent BR7 5AQ
Tony Riddell RIBA	Architect, 1 Orestes Mews London NW6 1AP

**FOR THE LOCAL PLANNING AUTHORITY:**

Grant Leggett	Contract Planning Officer
Charles Thuairé	Senior Planner
Tim Cronin	DC Service Manager
Diane Fleming	Team Leader Appeals and Enforcement

**INTERESTED PERSONS:**

Hayley O'Byrne ✓	Planning Solicitor, Lester Aldridge, Alleyn House, Carlton Crescent, Southampton SO15 2EU, on behalf of residents of 28, 30, 32, 46 Hillfield Road and 12 Sumatra Road.
Virginia Berridge ✓	64 Hillfield Road, representing WHAT
Michael Aherne ✓	36c Hillfield Road
Natasha Benenson	30 Hillfield Road

**DOCUMENTS SUBMITTED AT THE HEARING**

Document 1	UDP policies submitted by Mr Leggett
Document 2	Statement explaining UDP policies dated 31 July 2006
Document 3	Letter dated 22 April 2004 from Jill Hood, c/o 12 Sumatra Road
Document 4	Email from Mark Stonebanks to Grant Leggett dated 18 July 2006
Document 5	Email from Debbie Picker to Rob Tulloch dated 18 July 2006
Document 6	Representations from Hayley O'Byrne
Document 7	Postcard of Mill Lane c 1925-1927
Document 8	Suggested conditions submitted by Mr Thuairé
Document 9	Undated Letter from Tim Cronin of the London Borough of Camden to the Planning Inspectorate

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

**LIST OF OWNER-OCCUPIERS WITHIN THE APPLICATION SITE**

<i>No 34</i>	<i>Mr Thomas Finlayson</i>
<i>No 36</i>	<i>Mrs J Hills</i> <i>32 Great North Way London NW4</i>
<i>No38</i>	<i>Mr &amp; Mrs Douglas Oram</i>
<i>No 40</i>	<i>Mr &amp; Mrs Sean Baine</i>
<i>No 42</i>	<i>Mr &amp; Mrs P Lane</i>
<i>No 44</i>	<i>Mrs C Ohanian</i>

*APPENDIX*

**RECEIVED**  
**17 APR 2007**

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*Checklist relating to Lifetime Homes standards*