



# The Planning Inspectorate

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0117 - 987 8927  
Switchboard 0117 - 987 8000  
Fax No 0117 - 987 8139  
GTN 1374 - 8927  
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

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APPEAL DISMISSED

The Denis Wilson Partnership  
88-90 Guildford Street  
Chertsey  
Surrey  
KT16 9AD

Your Ref:  
ADA/98140PC  
Our Ref:  
T/APP/X5210/A/98/1010805/P4

Date: 24 NOV 1998

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6  
APPEAL BY 19 FITZ LIMITED  
APPLICATION NO: PW9802252**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Council of the London Borough of Camden to refuse planning permission for the construction of a vehicle crossover and the formation of 4 car parking spaces ~~at 19 Fitzjohns, London NW3~~. I have considered all the written representations together with all other material submitted to me. I inspected the site on 20 November 1998.
2. From my inspection of the site and its surroundings and the representations made I consider that the main issue for me to determine in this case is the effect of the proposal on the Fitzjohns/Netherhall Conservation Area and whether it would serve to preserve or enhance its character or appearance.
3. The development plan for the area is the Borough Plan (1987) read in conjunction with the Greater London Development Plan. Policies UD3 and UD18 of the adopted local plan seek to ensure that development proposals are of a good standard of design and compatible with the existing surrounding development and advise that full consideration will be given to the aesthetic and environmental factors necessary to achieve the high level of design associated with conservation areas.
4. The Council's emerging Unitary Development Plan (UDP), as proposed for modification, is now at a very advanced stage in the process towards formal adoption and I have therefore given considerable weight to the policies which I consider to be relevant to this case. These include: Policy EN16 which states that the wider setting of the scheme will be taken into account when assessing the proposed development, particularly with regard to the character of the area and the prevailing architectural style; Policy EN33 which seeks to ensure that development in a conservation area preserves or enhances its special character and appearance; Policy EN40 which seeks to retain and protect trees which contribute to the character and appearance of a conservation area and, where appropriate, to promote

enhancement through additional planting, and; Policy EN60 which advises that front gardens are an important feature of an area and seeks to resist their loss to hardstanding and forecourt parking.

5. I have also had regard to the Council's Supplementary Planning Guidance (SPG) to the draft UDP. In particular, to the guidance on Garden Design and Forecourt Parking which, among other things, advises that traditional surfaces which constitute the floorscape should be retained and that there should be a balance between hard and soft landscaping elements so that no more than 50% of the garden area would become hardstanding.

6. The appeal property lies within the Fitzjohn/Netherhall Conservation Area, designated in 1984, and is a substantial detached house dating from the turn of the century which has been sub-divided into 5 separate dwellings. At the front of the building there is a grassed area which has a 17 metre frontage to Fitzjohns Avenue and a depth of 9.5 metres. There are 2 small trees close to the front boundary of the site. A 3.0 metre wide path surfaced with the original black and white tiles provides the main pedestrian access to the front entrance of the building. There is a narrower secondary access on the northern boundary of the site. Immediately in front of the property there are 2 residents' parking bays on the main road.

7. Your client's proposal would require the removal of the 2 residents' parking bays. The scheme would construct a 4.0 metre wide vehicle pavement crossover from Fitzjohns Avenue to provide access to 4 hard-surfaced parking bays and a 6.2 metre wide forecourt turning area within the front garden which would enable vehicles to turn and leave the site in forward gear. This would involve the removal of the existing tiled pedestrian access and one of the small trees within the garden area. Four new trees would be planted on the outer edge of the parking bays and the landscaped areas on either side of the main entrance steps to the main building would be enhanced.

8. In support of the scheme you point out that approximately three quarters of the properties on the western side of Fitzjohns Avenue in the vicinity of the appeal site have vehicular access to forecourt parking. On the eastern side of Fitzjohns Avenue almost half the properties have vehicular access to forecourt parking. As a result, you argue that the principle of forecourt parking is well established and the character of the area is predominantly residential with forecourt parking available to most of the residents. A large number of the properties do not meet the forecourt parking standard set out in the Council's SPG. Only 4% of the properties in the area still retain remnants of the original surfacing materials.

9. I accept that substantial changes have been made to many of the properties fronting Fitzjohns Avenue. However, much of the imposing character of the original detached and semi-detached residential properties remains. The houses were intended to be seen behind landscaped front gardens and I observed on my site inspection that examples of this arrangement were still comparatively commonplace, particularly on the eastside of the road. The existing planting serves to soften the edges of the busy main road and, in my opinion, the Council's emerging policies which seek to retain and enhance the front gardens deserve support.

10. The proposal would result in the replacement of the major part of the front garden with a hard-surfaced parking and turning area. I accept that the tiled pedestrian access could be retained or replaced as part of the scheme and that there would be new planting. I also accept that the provision of private off-street car parking would make life more convenient for the occupiers of the property and reduce journey times. However, it seems to me that these benefits would be outweighed by the general impact of the extensive hard-surfaced area

and parked cars so close to the building. You contend that the parked cars could be concealed by the erection of a boundary wall along the frontage together with additional planting. However, the forecourt and the parked vehicles would still be visible through the entrance to the parking area and, in my view, this would be detrimental to the Fitzjohns/Netherhall Conservation Area whose character and appearance would neither be enhanced or preserved. I therefore conclude that the proposal would fail to comply with the objectives of Policies UD3, UD18, EN16, EN33, EN40 and EN60.

11. I have considered all other issues raised but have found nothing which outweighs the planning considerations which have led to my conclusions.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

A handwritten signature in black ink, appearing to read 'RC Maxwell'.

R C MAXWELL MSc DA(Edin) RIBA MRTPI  
Inspector