



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

GTN 1374

DISMISSED
E5/9/1
ANNOWAY
8905057 [2454]
8905058 [2464]

Recd
23.1.90

SR

Devonshire Securities Ltd
15 Boscastle Road
Highgate
London
NW5 1EE

Our reference
T/APP/X5210/A/89/130847
and 131942/P7

Your reference
DGJ/JW

Date 19 JAN 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NOS PL/8905057 and PL/8905058

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your appeals firstly, against the decision of the London Borough of Camden Council to refuse planning permission for the rebuilding of existing Annexe to provide improved accommodation; and secondly, against the failure of the same Council to give notice of their decision, within the prescribed period, on an application for planning permission for the improvement of a derelict house and its conversion to form 4 flats; both on land at 12 Redington Road, London NW3. I have considered the written representations made by you and the council, together with those made by interested persons, including those made directly to the Council. I inspected the site on 9 January 1990.

2. From my consideration of the written representations made and my inspection of the site and its surroundings I have come to the conclusion that the main issue in the both appeals is whether the proposals would be likely to exacerbate local problems of on-street parking.

3. The appeal premises comprise a substantial 4-storeyed red brick detached house on the northerly side of Redington Road. Attached to its easterly flank is a flat-roofed single storeyed building with garage doors. There are several trees and shrubs in the front garden of the house and adjacent to its side boundaries, and trees are visible in the back garden. At the time of my inspection, renovation works were in progress in the whole of the premises. To its east, at a slightly higher ground level as the land rises to the east, is a modern detached 2-storeyed house; following the curve in the road, the house is set at an angle to the appeal site boundary, and its flank wall contains a first floor window facing the appeal site.

4. The general area is characterised by large detached houses, mostly with large plots and well planted front gardens. Some of the houses have, at their side, former garages or coach houses that have been converted to living accommodation. Redington Road is a residential road, it is free from waiting restrictions, and at the time of my inspection there were many cars parked on both sides of the road for much of its length.

5. The background to these appeals is that the garage at the side of the appeal house was granted planning permission in 1946, subject to a condition that it be used only for garaging private vehicles used by occupiers of the house. Subsequently, and from the evidence it is clear that the change took place before 1964, the garage was used residentially - according to the



Council it was used in conjunction with the main house that was used, without planning permission, as a house in multiple occupation. In 1972, application was made to erect an additional storey over the garage to convert it to a self-contained dwelling, but permission was refused.

6. When the Council considered the appeal applications, they refused permission for the first proposal; and in respect of the second proposal they resolved that conditional planning permission should be granted subject to the prior execution of a Section 52 Agreement, the terms of which were intended to ensure that the garage revert to its lawful use for the parking of motor vehicles.

7. With regard to the first appeal proposal, I consider that the proposed building has been sensitively designed so as to reflect the architectural features of the main house. On the other hand, it would erode at first floor level part of the gap that at present exists between the main house and the house next door, a gap that is characteristic in the area generally. It would, moreover, be very close and would diminish natural lighting to the first floor window in the flank wall of the adjoining house. In view of the fact that the premises lie in the Redington/Froggnal Conservation Area, and there is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, I regard these factors as planning objections to which I should attach no little weight.

8. On the other hand, I inspected some of the other dwellings that have been formed at the sides of other large houses in the same Conservation Area, and I have examined carefully the photographs of the others that you have submitted. Having regard to the many similar proposals that have been permitted, and to the arguments you have advanced in favour of the appeal proposal, I do not consider it to be unacceptable because of its effect on the character or appearance of the Conservation Area or upon neighbouring residents' amenities.

9. Nevertheless, I consider the Council to be fully justified in their concern to ensure that the garage should revert to its lawful use for the parking of vehicles. With the growing incidence of car ownership, and the extent of on-street parking that occurs in the road, I consider it to be important that the Council's car parking standards of 1 space per dwelling should, where possible, be met without sacrificing front garden land that contributes much to the pleasant character of the Conservation Area.

10. Even though it is not disputed that residential use of the garage became established, it is now vacant, its lawful use remains as a garage, and it is within your control. The main house is now embarking on a new chapter in its planning history, in that it is now sought to be converted to 4 dwellings, the garage and its forecourt can physically be used for parking, and I consider it to be both reasonable and necessary to require that it should be used for these purposes. If the first appeal proposal were to be allowed, not only would there be the loss of potential car parking space within the garage, but there would be an additional dwelling that would add to the potential demand for car parking space. In these circumstances I have come to the conclusion that the first appeal proposal would be likely to exacerbate local problems of on-street parking.

11. As to the second appeal proposal, the Council do not dispute the alterations and conversion in principle, provided that the garage and its forecourt revert to use for car parking. In view of the history of the use of the garage in conflict with the provisions of the planning condition originally imposed, it is understandable that the Council should seek to assure these ends by requiring the execution of a Section 52 Agreement. However, national policy advice is that conditions would be preferable to requiring the execution of a Section 52 Agreement, and in my opinion the ends

sought can be achieved by the imposition of appropriate conditions. Subject to the imposition of such conditions, I consider that the effect of the second appeal proposal on local conditions of on-street parking would be mitigated to a degree that would make it acceptable.

12. I have considered all the other matters raised in the written representations but do not find them to be of such weight as to alter the balance of my conclusions. You do not dispute the imposition of the other conditions suggested by the Council in relation to the second appeal, and in the interests of preserving the appearance of the area I propose to impose them in addition to the conditions mentioned above.

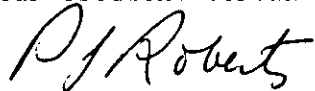
13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss the **first** appeal (Application No PL/8905057); and allow the **second** appeal and grant planning permission for the improvement of a derelict house and its conversion to form 4 flats, on land at 12 Redington Road, London NW3 in accordance with the terms of Application No PL/8905058 dated 20 January 1989, and the plans submitted therewith (as amended by a letter dated 25 May 1989), subject to the following conditions:-

1. the development hereby permitted shall be begun within 5 years of the date of this letter;
2. no development shall be commenced until there has been submitted to and approved by the local planning authority a scheme for the parking of motor vehicles within and upon the forecourt of the building attached to the easterly side of the house;
3. none of the flats hereby permitted shall be occupied until space for the parking of vehicles has been provided in accordance with the approved scheme, and the space so provided shall not thereafter be used other than for the parking of motor vehicles;
4. all new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture, those of the existing building unless otherwise specified in the approved application;
5. no development shall take place until there have been submitted to and approved by the local planning authority full details of hard and soft landscaping and means of enclosure of all unbuilt, open areas.

14. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

15. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



P J Roberts FRICS
Inspector