



# The Planning Inspectorate

*An Executive Agency in the Department of the Environment and the Welsh Office*

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P C Oppenheimer  
66A Primrose Gardens  
LONDON  
NW3 4TP

Your Ref:

Our Ref:

T/APP/X5210/A/95/260633/P7

Date:

10 JUL 1996

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPLICATION NO: PL/9401631/R1

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Council of the London Borough of Camden to refuse planning permission in respect of an application for the formation of a vehicular means of access to the highway together with the provision of a hardstanding for two cars at 66A Primrose Gardens, London NW3. I have considered the written representations made by you and by the Council. I have also considered those representations made directly to the Council at the application stage which have been forwarded to me. I inspected the site on 7 May 1996.

2. Although the application was made for outline planning permission, an outline application can only be made for the erection of a building. I am, therefore, treating this as an application for full planning permission. Before considering the case I would confirm that the application was amended by the submission of a revised drawing, Diagram A. This altered the proposal to provide a hardstanding for one car only. In addition, with your letter dated 22 March 1996, you have provided further drawings with suggestions for hard and soft landscaping. Since these later submissions do not materially alter the nature of the development before me, I shall take them into account.

3. From my inspection of the site and its surroundings and from the written representations made I consider the main issue in this appeal to be the effect of the proposal on the character and appearance of the Belsize Conservation Area.

4. The Development Plan for the area comprises the Greater London Development Plan 1976 and the Camden Borough Plan 1987. Policy UD3 of the Borough Plan seeks to ensure that all development is of a good standard of design, sensitive to and compatible with the scale and character of the environment. Policy UD4 refers to the standards and guidelines set out in the Environmental Code which gives general design advice. In conservation areas, policy UD18 states that consideration will be given to the aesthetic and environmental factors necessary to achieve a high level of design.

5. The Council have also referred to the deposit draft of the Unitary Development Plan (UDP) and the accompanying non-statutory Supplementary Planning Guidance which offers more specific design advice. Although the plan has not yet been adopted, it is material to the consideration of this appeal and carries the weight indicated in paragraph 32 of Planning Policy Guidance 1. Policy EN16 repeats the advice given in policy UD3 of the Borough Plan whilst policy EN17 seeks to resist development on unbuilt space where it forms a significant element of character of the townscape.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, when considering proposals for new development in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. This is reflected in the requirements of policy EN33 of the UDP. Where front gardens are an important feature, policy EN60 resists their loss to hardstanding for forecourt parking. DS13 gives standards for forecourt parking where it is acceptable in principle.

7. The Belsize Conservation Area is characterised by large, closely spaced, predominantly white painted, residential buildings set in generous plots. The mature trees in the front gardens provide an attractive foreground for the buildings. At my visit I saw that all the roads in the conservation area were heavily parked. Primrose Gardens is not typical of the area. Two long, curved, terraces of tall, narrow properties line each side of the road with minimal front gardens. The carriageway divides to either side of a lozenge shaped, landscaped, amenity area which adds to the character of the street.

8. No.66 Primrose Gardens comprises one of a pair of semi-detached, inter-war houses at the end of a row of 6 similar properties (Nos.56-66 even), close to the junction with Belsize Grove. I saw that these houses have large front gardens. The planting within them provides a pleasant setting for the buildings and makes a positive contribution to the appearance of the street. Of these 6 properties, only Nos.58 and 66 do not currently have front garden parking. In the case of Nos. 56 and 62, the majority of the frontages are hardsurfaced. Nevertheless, in my view, the parking areas to each property do not harm the appearance of the houses or the street, since they are screened by planting, fences and hedges.

9. Although the front garden of No.66 is divided between your flat and No.66B, it still retains a unified setting for the building. The provision of an access and hardstanding for a single car as proposed would occupy the majority of the width of your part of the garden. Taking the frontage of No.66 as a whole, however, a large part the garden would remain. In my view, the existing yew hedge which divides the two gardens, or similar replacement planting on the boundary, would soften the appearance of the forecourt when viewed from the north west. In addition, there is a sufficient depth of garden to enable planting between the hardstanding and the building to be retained and supplemented.

10. The parking space would be located close to the forecourt on the frontage of the adjoining property, No.64. In my opinion, much of the existing planting on your side of this boundary would be lost by the proposed hardstanding. I saw, however, that there was some planting between the forecourt at No.64 and the boundary which would separate the two. In addition, I consider that, with careful landscaping or by the provision of screen fencing, it would be possible to soften the appearance of the forecourt when viewed from the south east.

11. I have noted the Council's preference for a forecourt at the opposite end of the frontage of No.66, but this is not an option since the land is not in your ownership. Nonetheless, I consider that a parking space in this position would not be acceptable. It would add to the unrelieved appearance of the parking space at No 68 which adjoins the hardsurfaced pedestrian access to the other flats at No.66.

12. Drawing together my findings, I conclude that, with appropriate landscaping, the proposed development would not harm the setting of the building or the street scene. The character and appearance of the conservation area would be preserved and the proposal would thus meet the relevant policies of the Development Plan and national planning guidance. I, therefore, intend to allow your appeal.

13. I have considered the Council's suggested planning condition requiring details of hard and soft landscaping and means of enclosure to be submitted for approval. In my view these are important. Neither the application drawing, Diagram A, nor the sketches submitted with your letter dated 22 March are sufficiently detailed to enable proper assessment of these matters. In addition to the standard time limit condition, therefore, I intend to impose a landscape condition reworded for clarity and certainty in accordance with the model conditions set out in Circular 11/95.

14. I have taken into account all other matters raised in the written representations, including other forecourts in the vicinity which you have drawn to my attention, and concerns regarding the loss of an on-street parking space and the effect of the access on road safety. Nothing I have seen or read, however, is sufficient to outweigh the considerations which have led to my conclusion.

15. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the formation of a vehicular means of access to the highway together with the provision of a hardstanding for one car at 66A Primrose Gardens, London NW3 in accordance with the terms of the application (No PL/9401631/R1) dated 2 November 1994, as amended and Diagram A, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

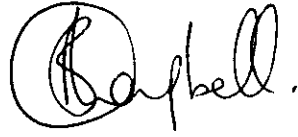
2. no development shall take place until full details of both hard and soft landscape works and means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

16. 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 consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

17. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

18. Your attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

Yours faithfully

A handwritten signature in black ink, appearing to read 'B M Campbell', enclosed within a circular outline.

B M Campbell BA(Hons) MRTPI  
Inspector