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H5/6/23
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ALLOWED

Messrs Hughmans
59 Britton Street
London EC1M 5NA

Your reference
RW

Our reference
T/APP/X5210/A/91/197188/P8

Date 12 MAR 1992

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6

APPEAL BY HILMAR SCHONAUER

APPLICATION NO: PL/9100120

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the London Borough of Camden Council to refuse planning permission for the retention of a pavement crossover to link a forecourt parking area with the road at 103 Canfield Gardens, London NW6. I have considered the written representations made by you and by the Council and inspected the site on 2nd March 1992.

2. This appeal property is a late-Victorian house which has been converted into 3 flats. It is situated in an entirely residential area of mainly similar such properties, most of which have also been converted into flats. The front garden is in 2 sections to either side of the path to the front door. The right hand section was laid out some years ago with red-brick paviers and associated landscaping as a parking area. The left hand section remains as a garden area. The Council accept that, as the hardstanding was constructed over 4 years ago, it is now immune from enforcement action, but consider that this proposal for the retention of the cross-over is de facto also an application to retain the forecourt parking area.

3. This property is situated in the Swiss Cottage Conservation Area, and I am obliged, in accordance with the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. From the representations made, and from my examination of the site and its surroundings I consider that the main issue in this case is whether or not the retention of this crossover would be of harm to the character and appearance of this area.

4. The Council have referred to the urban design and conservation policies contained in the adopted Borough Plan, and also to the non-statutory guidance given in their Environmental Code. They have also in January 1989 approved a further non-statutory policy approach towards forecourt parking, which is recommended to be used as a revision to the relevant section of the Environmental Code, and which states that permission will normally be refused for such proposals in conservation areas. Following public consultation, this policy approach is maintained in the draft Unitary Development Plan.



RECYCLED PAPER

5. The Council consider that the provision of off-street parking in front gardens is only rarely an attractive form of development and that it normally results in detriment to the street scene due to the replacement of grass or vegetation with hard surfacing, the erosion of physical and visual separation of the main building from the street, and the loss of the front boundary wall, which is often an important original feature in the townscape. They also state that the depth of forecourt in this case falls short of the guidelines in the Environmental Code, resulting in cars parking too close to the buildings, with resulting problems of disturbance and loss of privacy, and that the cross-over reduces on-street parking capacity which, in this heavily parked area, should be available to all local residents.

6. You have pointed out that there are a good many other examples of forecourt parking along this road and in adjoining roads, and consider that many of them have not been so attractively treated as in this case. You have also referred me to the fact that many of the front gardens which are not used for forecourt parking are not particularly well kept or attractive. The Council state that most of these existing forecourt parking spaces date from a period prior to the adoption of the District Plan and the designation of the conservation area, although they acknowledge that 2 further examples have been allowed on appeal recently.

7. Although a good many front gardens in this road have now been used for forecourt parking, there still remains a majority which have not. In my view, these front walls and gardens are an attractive and important feature in the conservation area, and I consider that the cumulative effect of further forecourt parking provision would be of harm to the character of the area. I note that the Councils more recently approved informal policy guidance, which is incorporated in the emerging UDP, reflects their increasing concern at the effect of forecourt parking in conservation areas, and consider that it merits support. In this particular case, however, I am mindful that the physical works which have now been carried out in this front garden not only pre-date the designation of the conservation area and the more recent informal policy guidance, but are also beyond enforcement and that this part of the garden therefore cannot be required to re-instated to its former treatment. I also consider that, in the context of the general standard of forecourt areas, both those used for parking and those not, this garden is sensitively treated and well maintained, and not of any especial detriment to the character of the area. Overall, therefore, it is my conclusion that there are especial circumstances in this particular case, and that this appeal should be allowed, and that to do so would not prejudice or undermine the Councils established and emerging policies for the protection of conservation areas and the further control of front garden parking.

8. I have taken into account all other matters raised, but have found nothing which should either alter or add to the conclusions I have reached from my consideration of the main issues above.

9. For the above reasons and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for a pavement crossover to link a parking area with the road at 103 Canfield Gardens, London NW6 in accordance with the terms of the application No PL/9100120, which was undated but acknowledged by the Council as dated 7th February 1991, and the plans submitted therewith.

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

I am Gentlemen
Your obedient Servant

A handwritten signature in black ink, appearing to read 'R D Hiscox', written over a horizontal line.

R D Hiscox, MA (Oxon), Dip TP, ARICS, MRTPI
Inspector