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**APPEAL STATEMENT**

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**10 ROSSLYN HILL  
LONDON  
NW3 1PH**

ON BEHALF OF

**MR MERT ALAS**

**DECEMBER 2015**

**Author:**  
**Summer Wong**

**Approved by:**  
**Karen Jones**

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**FINAL**

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## 1.0 INTRODUCTION

1.1 This appeal statement has been prepared by CgMs Ltd, part of the RPS Group, on behalf of Mr Mert Alas, in relation to the householder application refused on 13 October 2015 by London Borough of Camden for 10 Rossllyn Hill, London, NW3 1PH.

1.2 The householder application was submitted to Camden on 22 June 2015 to 'widen existing opening on the front boundary wall to create a vehicular entrance with new timber sliding gate and associated dropped kerb' (application ref: 2015/3516/P).

1.3 This appeal statement seeks to address the only refusal reason given by Camden's decision notice:

*1) The proposed development, by reason of the creation of an off-street private parking space and vehicular crossover would encourage the use of unsustainable forms of transportation and would result in an unacceptable loss of on street parking spaces in a Controlled Parking Zone that is identified as being under pressure therefore resulting in further parking stress in the area. The proposal would therefore be contrary to Camden Local Development Framework Core Strategy and Development Policies CS11, DP18, DP19, and DP21, NPPF (2012), and policy 6.13 of the London Plan March 2015 consolidated with alterations since 2011.*

1.4 This statement should be read in conjunction with the Transport Appeal Statement prepared by TTP (see **Appendix A**).

## 2.0 THE SITE

- 2.1 The appeal site at 10 Rosslyn Hill is located on the north side of Rosslyn Hill. The property forms the northern edge of a row of matching semi-detached stuccoed buildings between 4 and 10 Rosslyn Hill. Rosslyn Hill is located in a residential area, consisting grand detached and semi-detached residential properties set back from the street.
- 2.2 The property comprises a five storey dwelling house with 5 bedrooms, and front and back gardens. The site has an historic low wall and gate post running the length of the front boundaries at 4-10 Rosslyn Hill. Currently there are two existing pedestrian accesses situated at either end of the property's front boundary wall.
- 2.3 The site is not a listed building but it is within the Hampstead Conservation Area. Immediately adjacent to the site to the north-west is 12 Rosslyn Hill, a Grade II listed building.
- 2.4 The site is in a relatively accessible location with a Public Transport Accessibility Level (PTAL) of 4 (Good), and is within walking distance to Hampstead Heath, Belsize Park and Hampstead stations (**Appendix B**). However, there is limited provision of cycling facilities as set out in the enclosed Transport Appeal Statement (**Appendix A**).
- 2.5 Rosslyn Hill is located in the Hampstead Controlled Parking Zone (CA-H) which operates between 0900 and 2000 on Monday to Saturday, where no parking is permitted within these hours except for permit holders (See **Appendix C**).
- 2.6 The appellant currently owns one resident parking permit and parks their vehicle on Rosslyn Hill.

### **Relevant Site History**

- 2.7 In July 2008, planning permission was refused for the formation of a new vehicular entrance with metal gates and associated hard standing for one car space (ref: 2007/6411/P). The Decision Notice and proposed plan are enclosed in **Appendix D**.
- 2.8 In summary, the 2008 scheme was refused on:
- The proposed new gated opening would destroy the continuity, pattern and visual integrity of the historic front garden wall; and
  - The proposed hard standing would result in an increase in hard surfaces of greater than 50% of the front garden area; and
  - The proposal would result in the loss of two on-street parking bays.
- 2.9 At the time of the 2008 application, the officer's delegated report stated that the property was split into two flats according to Council records. However, the then applicant stated that they used the property as a single dwelling house.
- 2.10 In October 2010, planning permission was granted for the change of use from two self-contained residential units into a single dwelling house (Class C3) and associated alterations to the rear elevation lower ground floor bay window (ref: 2010/4543/P).
- 2.11 The officer's report on the 2010 application noted that the proposals resulted in the net loss of one residential unit at the site hence there would be no increased pressure for on-street car parking in the local area.

## **2015 Proposal**

- 2.12 The 2015 householder application for the creation of one off-street parking space (ref: 2015/3516/P) was refused by the Council on 13 October 2015 and is the subject of this appeal.
- 2.13 The 2015 appeal scheme has been designed to fully address the issues raised in the 2008 refused scheme.
- 2.14 Instead of creating a new 2.4m opening in the middle of the front boundary wall, the 2015 proposals seek to widen an existing opening in the western end of the front boundary wall. The proposals therefore preserve the continuity, pattern and visual integrity of the boundary wall along Rosslyn Hill.
- 2.15 It is proposed to enlarge the existing opening from 1.17m to 2.1m to provide vehicular access. The proposed gate will be constructed of painted black timber to resemble those at No.8 Rosslyn Hill.
- 2.16 The proposals seek to provide a single off-street parking space that would result in the loss of up to two on-street parking spaces located in front of the site. The applicant currently owns a resident's permit and a Unilateral Undertaking has been submitted to restrict any on-street parking, in the event that the appeal is allowed. Therefore the net loss would be one on-street parking bay.

### **3.0 PLANNING POLICY FRAMEWORK**

3.1 The relevant planning policies to this appeal are set out below:

#### **National Planning Policy Framework (NPPF) (March 2012)**

- Paragraph 29, 30, 32

#### **The London Plan (March 2015)**

- Policy 6.13 (Parking)

#### **Camden Core Strategy (2010)**

- Policy CS5 (Managing the impact of growth and development)
- Policy CS11 (Promoting sustainable and efficient travel) and
- Paragraphs 11.17 and 11.21

#### **Camden Development Policies (2010)**

- Policy DP18 (Parking standards and limiting the availability of car parking)
- Policy DP19 (Managing the impact of parking)
- Policy DP21 (Development connecting to the highway network)
- Paragraphs 19.9, 21.9
- Appendix 2 (parking standards)

#### **Camden Planning Guidance (CPG)**

- Camden Planning Guidance 7: Transport (2015) Paragraph 7.10



#### **4.0 PLANNING CONSIDERATIONS**

- 4.1 The following section will address the reason of refusal given by the Council in relation to the proposed off-street parking space.
- 4.2 This statement should be read in conjunction with the Transport Appeal Statement prepared by TTP (enclosed in **Appendix A**).
- 4.3 As part of the application submission, a heritage statement has been prepared to set out the architectural and historic appraisal, a Trial Pit Root Inspection was carried out to examine the existing tree roots underneath the pavement, and a Transport Report including Parking Survey was prepared by TTP to support the application.
- 4.4 The officer's report for the appeal scheme stated that the main planning considerations are the impact of the proposal on the character and appearance of the property and the Conservation Area generally, and its impact on parking.
- 4.5 The Council recognised that the 2015 proposal is an improvement from the previous 2007 submission, as the 2015 scheme involves widening an existing opening on the historic front garden wall rather than creating a new one, and the amount of hard standing area has been significantly reduced.
- 4.6 As such, the proposal was considered acceptable in terms of design and conservation and highways safety. It was therefore considered to be compliant with Camden Core Strategy Policy CS14 (Promoting high quality places and conserving our heritage), Development Policies DP25 (Conserving Camden's heritage) Camden Planning Guidance 1 Design, Camden Planning Guidance 3 Sustainability and the Hampstead Conservation Area Statement.
- 4.7 This appeal statement will therefore address the sole reason for refusal of the application, namely the Council considered that there is an unacceptable loss of on-street parking space in a Controlled Parking Zone, and that the proposal would encourage the use of unsustainable forms of transportation.

### **Loss of on-street parking space**

- 4.8 The overarching principles of Camden Core Strategy Policy CS11 and Development Policy DP18 are to minimise provision for private parking, while Development Policy DP19 states that the creation of off-street parking will be resisted where it would cause unacceptable parking pressure, or negative impact on highway safety and the environment.
- 4.9 The application seeks to provide a single off-street parking space that would result in the loss of up to two on-street spaces located in front of the site. The appellant is willing to give up their existing resident's permit and a Unilateral Undertaking has been submitted to restrict on-street parking, in the event that the appeal is allowed. Therefore, the net loss of parking would be one on-street parking space.

### Existing Situation

- 4.10 The officer's report incorrectly stated that the site has a Public Transport Accessibility Level (PTAL) of level 5 (Excellent). It should note that PTAL level 5 is 'Very Good' rather than 'Excellent'. Moreover, the site in fact has PTAL level 4 (Good), not PTAL 5, as demonstrated in the TfL's PTAL Report enclosed in **Appendix B**.
- 4.11 Additionally, the officer's report stated that the site is within Belsize Controlled Parking Zone (CA-B) which operates between 0900 and 1830 hours on Monday to Friday and 0930 to 1330 on Saturday. However, according to Camden's Controlled Parking Zones Map (see **Appendix C**) and the Council's online record, the site in fact falls within Hampstead Controlled Parking Zone (CA-H) which operates between 0900 and 2000 Monday to Saturday.
- 4.12 The Council's assessment on the existing parking condition therefore has been based on an incorrect assumption of the site.
- 4.13 The existing situation of the appeal site has been expanded further in Section 3 of the Transport Appeal Statement (**Appendix A**). The appeal site has a PTAL

level 4, which is lower than a proportion of Camden which has Level 5 (Very good) to Level 6 'Excellent'. Moreover, the site has limited access to other means of transport modes and there is limited dedicated cycling provision within the vicinity of the site.

#### Parking Survey

- 4.14 A parking beat survey was carried out by transport consultant TTP on Wednesday 17<sup>th</sup> at 3am and Thursday 18<sup>th</sup> September 2014 at 2:50am in order to identify the existing level of residential parking demand on Rosslyn Hill and in the immediate vicinity of the site.
- 4.15 The survey was submitted as part of the application within the Transport Report and it was undertaken in accordance with the industry standard 'Lambeth Methodology'.
- 4.16 The survey demonstrated that during the weekday evening periods when residential parking will be the highest, there were between 84 and 88 available parking and circa 25% spare capacity within 200m of the site.
- 4.17 In addition to the above, there were a minimum of 10 available spaces on Rosslyn Hill recorded during the parking survey. Therefore the existing night time parking utilisation on Rosslyn Hill is significantly below the level (90% parking utilisation) at which would normally be considered to be at parking stress.

#### Effects on the Local Parking Conditions

- 4.18 The scheme will result in a net loss of one on-street parking space as the appellant will create one off-street space. Therefore, the appellant is prepared to surrender their existing resident's parking permit.
- 4.19 The net loss of one on-street parking space will not result in any adverse impact to the neighbours or local parking conditions given that the site is not within a parking stress area.

- 4.20 Section 4 of the Transport Appeal Statement (**Appendix A**) demonstrates that if the proposed off-street parking is taken into account, and adopting a worst case scenario of losing two on-street parking spaces, the level of on-street parking in the future will be circa 75% and 76%. This remains well below the 90% parking stress utilisation ratio, with 24% and 25% of on-street parking availability.
- 4.21 The proposal would therefore retain sufficient on-street parking to ensure that parking utilisation levels remain well below the 90% threshold which the Inspector of the Hamstal Road appeal decision (**Appendix E**) considered acceptable as the *'pressure on parking would not become significantly harmful to the extent that warrants refusal of planning permission until about 90% of more of spaces are occupied'*.
- 4.22 Therefore, the Parking Survey clearly demonstrated that the site and its immediately area are not within a parking stress area with circa 25% of parking availability at a weekday evening period when the level of on-street parking demand is at its highest.
- 4.23 It should also be noted that a number of houses on both sides of Rosslyn Hill already have off-street parking spaces for one or two cars. Therefore frontcourt parking is already an established feature on this road.
- 4.24 Thus the proposals will not result in material impact on the availability of on-street parking within the Controlled Parking Zone, and will comply with Camden Core Strategy Policy CS11, and Development Policies DP18 and 19.

### **Encouraging the Use of Unsustainable Forms of Transportation**

- 4.25 Core Strategy Policy CS11 seeks to minimise provision for private parking; Development Policies DP19 and Appendix 2 state that the maximum level of residential parking is one space per unit. Development Policies DP21 resists the creation of new accesses which would result in the overall loss of one or more on-street parking space, particularly in areas of parking stress.

- 4.26 As demonstrated above and in **Appendix B**, the site has a PTAL level 4 (good), not PTAL 5 (Very Good) as stated in the officer's report. The site is within a sustainable location although cycling infrastructure is limited.
- 4.27 The site is also not within an area of parking stress, as demonstrated in the Parking Survey and in the section above.
- 4.28 The appeal property is a 5 bedroom dwelling house and does not have any permit-free agreement. Although the appellant currently has one resident's parking permit, the occupiers can apply for more permits or indeed own and park more cars within the vicinity outside the Controlled Parking Zone operational hours.
- 4.29 However, as part of the proposal, the appellant is willing to give up their existing resident's parking permit and to resist additional car ownership linked to the property. A Unilateral Undertaking has been submitted and which the appellant is willing to enter into in the event that the appeal is allowed.
- 4.30 The proposal therefore will ensure that there will be only one private vehicle at the site, which in turn reduces the amount of private car ownership in this area. The proposal therefore complies with the Council's Policies CS11 and DP18 which seek to limit the supply of parking spaces to address congestion and encourage people to use more sustainable ways to travel.
- 4.31 Moreover, the proposed net loss of one on-street parking space will not promote private car ownership, but help to encourage travel by sustainable means of transportation and discourage car ownership in general.

#### 36 Hamstal Road and 3 Fellows Road

- 4.32 The officer's report also made references to two recently dismissed appeal schemes for creating off-street parking spaces at 36 Hamstal Road in July 2015 (Appeal Ref: APP/X5210/W/15/3003329) (**Appendix E**) and 3 Fellows Road in May 2014 (Appeal Ref: APP/X5210/A/14/2213004) (**Appendix F**). However,

the proposal and site context at 10 Rossllyn Hill is different from these two appeals referred by the Council.

- 4.33 36 Hamstal Road sought to create off-street parking for an electric car on the rooftop of an outbuilding. The Hamstal Road site has PTAL 5 (Very Good) and the Inspector concluded that the provision of off-street parking for a private car would be contrary to the policy context, could fail to promote sustainable transport modes in **an area of very good public transport** [our emphasis]. However, as clearly stated above, the Rossllyn Hill site is within PTAL 4 (good), which is less accessible when compared with the Hamstal Road site.
- 4.34 Meanwhile, 3 Fellows Road is occupied by four flats and the appeal scheme related to Flats C & D only. Although the occupiers were willing to give up their parking permit, there were no legal agreements on the site to restrict car ownership. The Inspector therefore considered that there were no guarantees to ensure that the occupants of Flats C&D could not obtain a second car, or that the occupants of Flats A&B apply a residents' permit for each flat. The Inspector therefore dismissed the scheme on the basis that although there may not be a material increase in parking pressure in the locality in the short term as a result of the proposal, this could not be guaranteed and may have had a negative impact on parking with the potential increase of car ownerships and resident parking permits.
- 4.35 The proposal at 10 Rossllyn Hill is clearly within a different context when compared with Fellows Road. 10 Rossllyn Hill is a single dwelling house and a Unilateral Undertaking has been submitted to remove the right of occupier(s) of the property to apply for a parking permit, which provides a long-term commitment to travel by sustainable modes.
- 4.36 Overall, it is considered that the proposal of creating one off-street parking space, resulting in the net loss of one on-street parking bay, will discourage car ownership in the area and, as such, promoting the use of sustainable travel modes of transport and is therefore compliant with the relevant policy policies.

## **5.0 CONCLUSIONS**

- 5.1 This appeal statement has addressed the planning policy context to demonstrate that contrary to the Council's reason for refusal, the proposed creation of one off-street parking space and the associated vehicle dropped kerb is in accordance with the relevant planning policies.
- 5.2 The appeal site is within PTAL 4 (good) and within the Hampstead Controlled Parking Zone. Rosslyn Hill is not with a parking stress area, as demonstrated by the parking survey which demonstrated that there are circa 25% of spare capacity within 200m of the appeal site.
- 5.3 The enclosed Transport Appeal Statement also concluded that the removal of one or two on-street parking bays would have no negative impact on the availability of parking in the area.
- 5.4 The appellant currently has one parking permit and parks their car on-street. They are willing to enter into a permit-free agreement, preventing the owner or future occupiers from parking on-street. The overall net loss of on-street parking bay would therefore be one space only.
- 5.5 The proposal therefore will ensure that there will only be one private vehicle parked at the site, which in turn reduce the amount of private car ownership in this area.
- 5.6 Moreover, the proposed net loss of one on-street parking space will not promote private car ownership, but help to encourage travel by sustainable means of transport and discourage car ownership in general.
- 5.7 In light of the above, it is finally concluded that the appeal proposal is acceptable and should be allowed.

## **APPENDICES**

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APPENDIX A            TRANSPORT APPEAL STATEMENT



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Transport Appeal Statement

December 2015

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## Appendices

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## 1 INTRODUCTION

- 1.1 TTP has been retained by Mr. Mert Alas ("the Appellant") to provide traffic and transportation advice in relation to the Appellant's proposal for 10 Rossllyn Hill, to *"widen existing opening on the front boundary wall to create a vehicular entrance with new timber sliding gate and associated dropped kerb."*
- 1.2 TTP prepared a Transport Statement for this application which was submitted as part of the formal submission to the Council.
- 1.3 This Appeal Statement addresses the Council's reason for refusal identified in its Decision Notice dated 13<sup>th</sup> October 2015. The Planning Application Number is: 2015/3516/P.
- 1.4 The remainder of this Appeal Statement is set out as follows:
- Section 2 - reviews the planning background of this site;
  - Section 3 - summarises the existing situation;
  - Section 4 - considers the reason for refusal as set out by the London Borough of Camden and the potential effects of the proposal; and,
  - Section 5 - summarises and concludes.

## 2 PLANNING BACKGROUND AND REASON FOR REFUSAL

### Recent Planning Background

#### July 2015 Planning Application

- 2.1 The planning application (ref: 2015/3516/P) was submitted on the 21<sup>st</sup> July 2015. The address of the proposal is 10 Rossllyn Hill (hereafter referred to as the 'site') which is located in the London Borough of Camden, NW3 1PH.
- 2.2 The development proposal to which this Appeal Statement relates is to:
- "Widen existing opening on the front boundary wall to create a vehicular entrance with new timber sliding gate and associated dropped kerb."*
- 2.3 One reason for refusal was provided in the Decision Notice, which was split into two themes and related to 1) the unacceptable loss of on-street parking spaces and 2) the off-street parking space would encourage unsustainable forms of transportation.

#### December 2015 Appeal

- 2.4 This Transport Appeal Statement has been prepared following the refusal of planning permission for the July 2015 application.

#### Planning Policy Context

- 2.5 Camden Core Strategy Policy CS11 (Promoting Sustainable and Efficient Travel) states that *"The Council will promote the delivery of transport infrastructure and the availability of sustainable transport choices in order to support Camden's growth, reduce the environmental impact of travel, and relieve pressure on the borough's transport network"*.
- 2.6 Camden Development Management Policy DP18 (Parking Standards and Limiting the Availability of Car Parking) states that *"the Council will seek to ensure that developments provide the minimum necessary car parking provision. The Council will expect development to be car free in the Central London area, the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within Controlled Parking Zones that are easily accessible by public transport"*.

- 2.7 Camden Development Management Policy DP19 (Managing the Impact of Parking) states that *"the Council will seek to ensure that the creation of additional car parking spaces will not have negative impacts on parking, highways or the environment, and will encourage the removal of surplus car parking spaces"*.

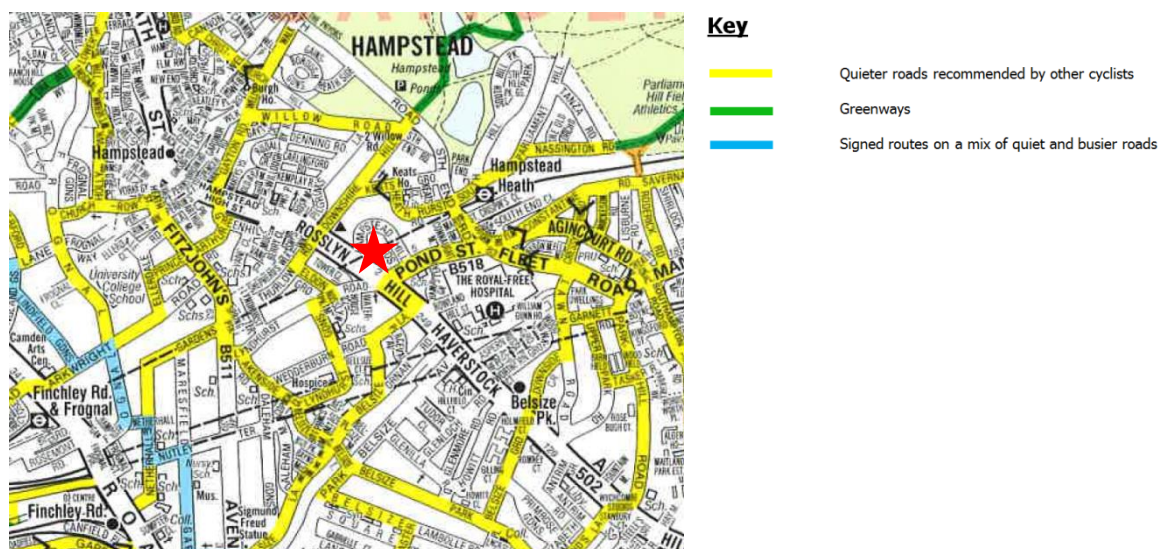
### 3 EXISTING SITUATION

- 3.1 The site is located on the east side of Rosslyn Hill (the A502) which connects with the A501 Marylebone Road to the south and the A406 North Circular Road to the north. Rosslyn Hill is two-way with on-street parking available on both sides of the carriageway and off-street parking available at a number of residential properties along the road.
- 3.2 Rosslyn Hill and the surrounding roads are situated within a Controlled Parking Zone (CPZ).
- 3.3 The owner of 10 Rosslyn Hill currently owns a resident permit parking and parks their vehicle on Rosslyn Hill.

## Accessibility and Public Transport

### Walking and Cycling

- 3.4 There are footways on both sides of the carriageway on all roads in the surrounding area. Crossing points are provided with dropped kerbs and tactile paving. Along Rosslyn Hill there are a number of crossing opportunities including signal controlled crossings on the junction with Pond Street / Lyndhurst Road.
- 3.5 There is limited dedicated provision for cyclists, as identified on the TfL Local Cycle Guide 14, an extract of which is included below:



TfL: Local Cycle Guide 14 (2013)

- 3.6 There are routes identified by TfL as “*quieter roads that have been recommended by other cyclists, may connect to other route sections*” and junctions contain advance stop-lines. Notwithstanding this, there are no dedicated cycle superhighways that pass in proximity to the site. Cycle superhighways “*give you safer, faster and more direct journeys into the city and could be your best and quickest way to get to work.*”
- 3.7 Further to this, the Cycle Guide shows that there is no Santander cycle hire docking station in the surrounding area, which further discourages travel by this mode.

### **Public Transport Accessibility Level (PTAL)**

- 3.8 The site has a PTAL of 4 and provides ‘good’ access to public transport facilities, unlike a proportion of Camden which is rated from ‘very good’ to ‘excellent’.
- 3.9 There are a total of five bus services within a 640m walk of the site, along with a single Underground (Belsize Park) and Overground station (Hampstead Heath) within a 960m walk. It is pertinent to note that both these stations are located between a 7 – 8 minutes’ walk to / from the site.
- 3.10 Underground services are provided on the Northern Line between Edgware and Kennington / Morden and Overground services are available between Stratford and Clapham Junction.
- 3.11 In total, there are 5 bus services, 3 Underground services and 2 Overground services. A detailed PTAL output for the site is included at **Appendix A**.

### **September 2014 Parking Beat Survey**

- 3.12 A parking survey was carried out on Wednesday 17<sup>th</sup> (at 03:00) / Thursday 18<sup>th</sup> September (at 02:50) 2014 in order to identify the existing level of parking demand on Rosslyn Hill and in the immediate vicinity of the site. The survey was undertaken in accordance with the “Lambeth Methodology”.
- 3.13 The table includes all observed parking including when cars were parked on dropped kerbs and double yellow lines.



<b>Table 3.1: Summary of Survey Results (Resident Parking)</b>		
<b>Time</b>	<b>Parking Survey Results</b>	
	<b>Wednesday 17<sup>th</sup> September</b>	<b>Thursday 18<sup>th</sup> September</b>
	<b>03:00</b>	<b>02:50</b>
Total Parked	254	255
Observed Spaces Available	88	84
Total Spaces	342	339
Parking Utilisation	74%	75%

- 3.14 As can be seen from **Table 3.1** there was spare capacity throughout the survey period, ranging from 88 vacant spaces at 03:00 on Wednesday 17<sup>th</sup> September to 84 vacant spaces at 02:50 on Thursday 18<sup>th</sup>, equating to 74% and 75% parking utilisation respectively.
- 3.15 It can therefore be seen that the existing night time levels of parking utilisation are significantly below the level that one would normally consider there to be parking stress (90%), and the point at which residents may start to experience some difficulty in finding a bay close to their property and is a robust estimate of typical parking demand.
- 3.16 Full parking survey data is included at **Appendix B**.

## 4 REASON FOR REFUSAL AND EFFECTS OF THE PROPOSAL

4.1 The Council's reason for refusal on transport grounds, detailed in the Decision Notice, is set out below:

*"The proposed development, by reason of the creation of an off-street private parking space and vehicular crossover would encourage the use of unsustainable forms of transportation and would result in an unacceptable loss of on street parking spaces in a Controlled Parking Zone that is identified as being under pressure therefore resulting in further parking stress in the area. The proposal would therefore be contrary to Camden Local Development Framework Core Strategy and Development Policies CS11, DP18, DP19 and DP21, NPPF (2012), and Policy of the London Plan March 2015 consolidated with alterations since 2011".*

4.2 The following addresses the reason for refusal in terms of on-street parking demand and sustainable transport.

### Effects of the Proposals on Local Parking Conditions

4.3 The proposal seeks to remove up to two on-street bays and would result in the net loss of one parking space, given that the applicant already parks a vehicle on the road.

4.4 Parking utilisation levels have been updated to take into account a worst case scenario of the loss of two on-street parking spaces and assuming the same level of on-street parking in the future in **Table 4.1** below.

<b>Table 4.1: Summary of Survey Results (Resident Parking)</b>		
<b>Time</b>	<b>Parking Survey Results</b>	
	<b>Wednesday 17<sup>th</sup> September</b>	<b>Thursday 18<sup>th</sup> September</b>
	<b>03:00</b>	<b>02:50</b>
Total Parked	254	255
Observed Spaces Available	86	82
Total Spaces	340	337
Parking Utilisation	75%	76%

4.5 The Table shows that the levels of parking utilisation following the removal of two on-street bays would remain below 90% during both evening periods.

- 4.6 In light of the above, it is reasonable to suggest that the removal of two on-street parking bays would have no material impact on the availability of parking and, therefore, residential amenity along Rosslyn Hill. It is also pertinent to note that a number of houses on both sides of the road along Rosslyn Hill already have their own off street parking space for one or two cars.
- 4.7 It is also pertinent to note that the appeal site comprises a large (5 bedroom) family home and is not subject to a permit-free agreement. This allows the owner and occupiers the ability to obtain a permit to park their vehicles on surrounding streets.
- 4.8 The owner is however willing to enter into a permit free agreement to restrict any future on-street parking and, to this end, a Unilateral Undertaking has been submitted and which the appellant is willing to enter into in the event that the appeal is allowed.
- 4.9 Given the size of the existing property, this is considered to provide a benefit in terms of on-street parking, given that the existing site could accommodate multiple occupants, which would lead to a far worse impact on on-street parking demand.

## **Sustainable Transport**

- 4.10 At paragraph 30, the NPPF states that *"encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion."*
- 4.11 It is reasonable to suggest, in our view, that the appeal proposal provides a long-term sustainable travel commitment for the site. As noted above, the appellant is willing to enter into a permit-free agreement to prevent any future on-street parking. The owner already parks a vehicle on-street and the net loss of one on-street parking is shown to be non-material.
- 4.12 If the appeal were to be refused, the appellant and occupiers of the site would continue to be able to apply for on-street parking permits, with no guaranteed commitment to future travel by sustainable modes.
- 4.13 As previously noted, the PTAL rating of the appeal site is 4 and access to modes of travel such as cycle hire is not available, thereby the existing infrastructure has a limiting factor in the uptake of sustainable travel.

### **36 Hemstal Road, London, NW6 2AL**

- 4.14 A recent appeal decision (July 2015) for a single-vehicle crossover (APP/A5210/W/15/3003329) at the above address concluded that, *"the proposal would not materially harm the availability of on-street parking to the extent that undue parking pressure would arise. However, it would not secure the promotion of sustainable travel modes in the terms set out in the planning policy context and guidance cited above. The promotion of walking, cycling and public transport is a major theme of policy, with which the proposal would be in conflict"*.
- 4.15 Further to this, and expanding on the notion of sustainable transport, the Inspector states that *"I consider that the failure of the proposal to promote sustainable transport modes in an area of very good public transport is an important matter of principle that weighs heavily against the proposal"*.
- 4.16 The nature of this appeal is different insofar as this site has a PTAL rating of 5 ('very good'), with a total of 4 bus services, 2 Overground services (West Hampstead), 3 Underground services (West Hampstead) and 29 rail services (West Hampstead).
- 4.17 The (36 Hemstal Road) appeal site provides significantly more public transport services, and therefore, significantly more access to sustainable transport opportunities than the site at 10 Rosslyn Hill.
- 4.18 Notwithstanding the above, it is also our view that the Inspector was incorrect to conclude that the proposal to provide a crossover at Hemstal Road would fail to promote sustainable travel or certainly that this represented a severe impact of the proposal. In both the Hemstal Road proposal and, also, the Rosslyn Hill proposal the net impact of the proposals will be to restrict the opportunity for car ownership (and, therefore, use) and, as such, would, in our view, help to promote the use of sustainable travel modes of transport.

### **3 Fellows Road, London, NW3 3LR**

- 4.19 An appeal decision (May 2014) for a vehicle crossover to allow two vehicles to park within the existing front garden (APP/X5210/A/14/2213004) at the above address, resulted in the Inspector concluding that *"Notwithstanding the fact that I have found the proposals would not give rise to any material increase in off-street parking stress, I have found that the proposals would not amount to sustainable development"*.

- 4.20 The entire site at 3 Fellows Road is occupied by four flats and would provide a dropped kerb with parking provision for up to two vehicles.
- 4.21 This appeal site refers to only two of the four units, without any legal obligations on the other two units. This means that no permit-free agreement can be entered into for the remaining two units, resulting in no long term commitment to travel by sustainable modes. In reference to this, the Inspector states that *"Therefore, whilst there may not be a material increase in parking pressures in the locality in the short term as a result of the proposal, this cannot be guaranteed. For example there is nothing to say that the occupants of Flats C and D could not obtain a second car, or the occupants of the other two flats (A&B) apply for a permit each. Occupation of any residential property is to some degree transitional and car ownership levels within 3 Fellows Road as a whole could easily change in the future"*.
- 4.22 It is our view that the Rosslyn Hill proposal differs from this appeal site in the sense that it is for a single family dwelling (not two units), is providing space for only one vehicle (not two), and offers a permit-free agreement, which provides a long-term commitment to travel by sustainable modes.

## 5 SUMMARY AND CONCLUSION

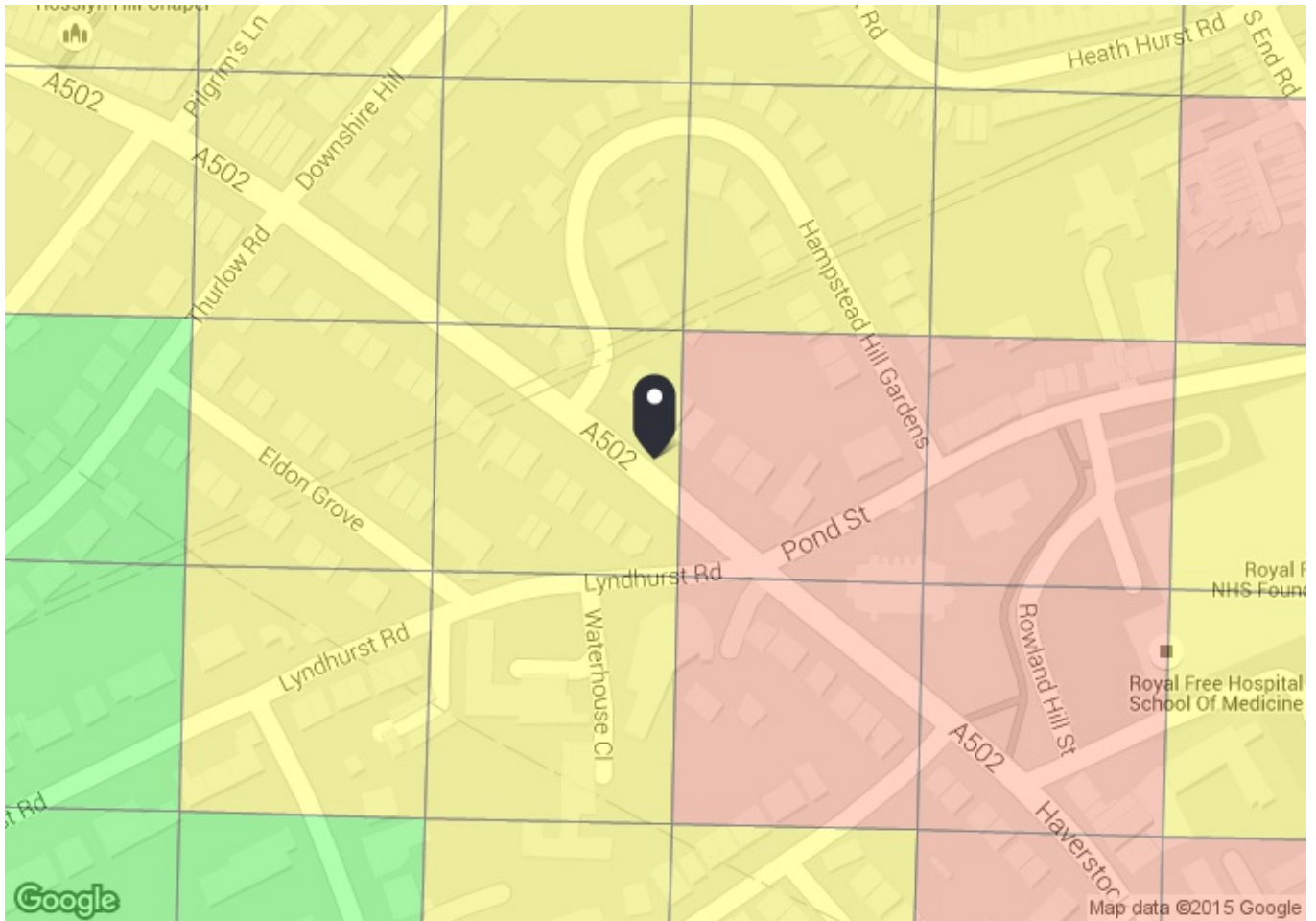
### Summary

- 5.1 The Appellant is seeking to obtain planning permission to "*widen existing opening on the front boundary wall to create a vehicular entrance with new timber sliding gate and associated dropped kerb*", at 10 Rosslyn Hill, in the London Borough of Camden.
- 5.2 This Appeal Statement seeks to address the transport matters stated in the Decision Notice where the key consideration was 1) the unacceptable loss of on-street parking spaces and 2) the off-street parking space would encourage unsustainable forms of transportation.
- 5.3 The site achieves a PTAL Rating of 4 which is classed as being provided with 'good' access to public transport facilities. The surrounding area is provided with good pedestrian infrastructure, but cycling facilities are limited, including no access to cycle hire schemes.
- 5.4 The owner of the dwelling currently parks their car on-street and there are no parking permit restrictions in place. Parking surveys have shown that the removal of one or two on-street parking bays would have no material impact on the availability of parking and, therefore, residential amenity along Rosslyn Hill. In addition to this, the appellant is willing to enter into a permit-free agreement, preventing the owner or occupiers from parking on-street.
- 5.5 Given that the site has a PTAL of 4, cycling infrastructure is limited and the appellant is willing to enter into a permit-free agreement, the appeal proposal provides a long-term sustainable travel guarantee for the site. It is pertinent to note that the house could be multi-let with no permit-free agreement in place, resulting in an increase in on-street parking demand and thereby further reducing travel by sustainable modes.
- 5.6 It has been demonstrated that the appeal proposal is in accordance with planning policy at national, regional and local level. The proposal does not result in parking 'stress' and provides a guaranteed sustainable travel commitment for the site.

### Conclusion

- 5.7 In light of the above, we conclude that the appeal proposal is acceptable and should be allowed. The appeal proposal accords with national, regional and local policy. The key message of the NPPF is a presumption in favour of sustainable development, with paragraph 32 stating that; "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*"

# Appendix A



PTAL output for 2011 (Base year)  
4










4-12 Rosslyn Hill, London NW3 1PH, UK

Easting: 526986, Northing: 185442


Grid Cell: 106425

Report generated: 19/11/2015

**Map key - PTAL**

	0 (Worst)		1a
	1b		2
	3		4
	5		6a
	6b (Best)		

**Map layers**

-  PTAL (cell size: 100m)

Calculation Parameters

Day of Week	M-F
Time Period	AM Peak
Walk Speed	4.8 kph
Bus Node Max. Walk Access Time (mins)	8
Bus Reliability Factor	2.0
LU Station Max. Walk Access Time (mins)	12
LU Reliability Factor	0.75
National Rail Station Max. Walk Access Time (mins)	12
National Rail Reliability Factor	0.75



Calculation data

Mode	Stop	Route	Distance (metres)	Frequency(vph)	Walk Time (mins)	SWT (mins)	TAT (mins)	EDF	Weight	AI
Bus	ROYAL FREE HOSPITAL	C11	227.56	7.5	2.84	6	8.84	3.39	0.5	1.7
Bus	ROYAL FREE HOSPITAL	168	227.56	9	2.84	5.33	8.18	3.67	1	3.67
Bus	SOUTH END GREEN	24	442.92	10	5.54	5	10.54	2.85	0.5	1.42
Bus	ROSSLYN HILL PILGRIMS LN	46	221.89	6	2.77	7	9.77	3.07	0.5	1.53
Bus	ROSSLYN HILL PILGRIMS LN	268	221.89	5	2.77	8	10.77	2.78	0.5	1.39
LUL	Belsize Park	'Edgware-Morden'	585.98	9	7.32	4.08	11.41	2.63	0.5	1.31
LUL	Belsize Park	'Morden-Edgware'	585.98	4.67	7.32	7.17	14.5	2.07	0.5	1.03
LUL	Belsize Park	'Kennington-Edgware'	585.98	14.67	7.32	2.79	10.12	2.96	1	2.96
Rail	Hampstead Heath	'CLPHMJ2-STFD 2L50'	570.11	3.67	7.13	8.92	16.05	1.87	1	1.87
Rail	Hampstead Heath	'STFD-CLPHMJ2 2Y11'	570.11	3.67	7.13	8.92	16.05	1.87	0.5	0.93
<b>Total Grid Cell AI:</b>										<b>17.82</b>

## **Appendix B**

**K&M TRAFFIC SURVEYS**

DATE : 17th & 18th SEPTEMBER 2014

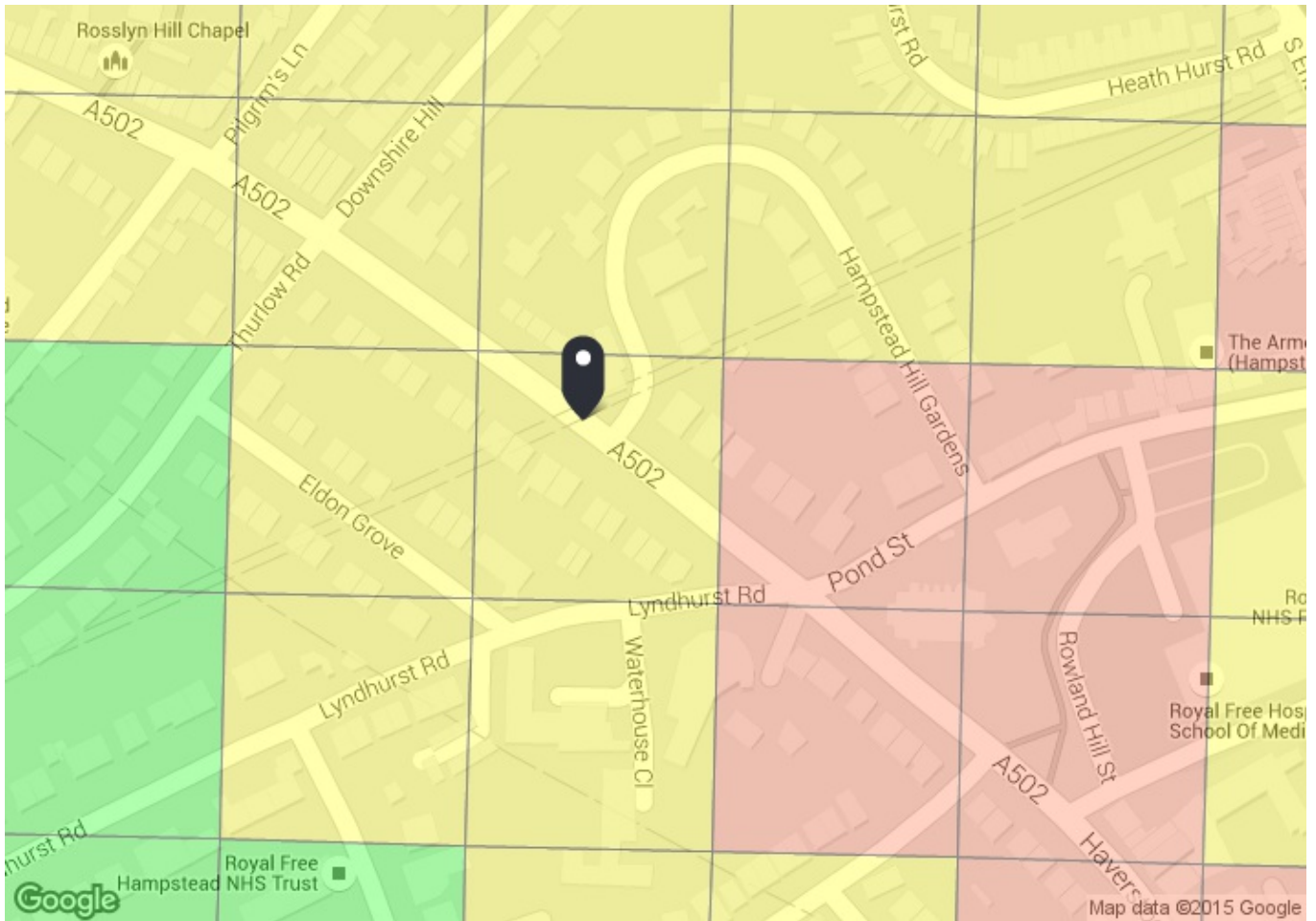
DAY : WEDNESDAY & THURSDAY

LOCATION : ROSSLYN HILL, HAMPSTEAD

ROAD NAME	ZONE	RESTRICTION	METRES	5 METRES = 1 SPACE	WEDNESDAY 17th SEPTEMBER 2014			
					PARKED	OBSERVED SPACE	% STREET STRESS	
								TIME : 0300
BELSIZE LANE	1	B - PERMIT HOLDERS ONLY - MON TO FRI 0900-1830 SAT 0930-1330	61.1	12	11	0	100.0%	
		SINGLE YELLOW LINES	13.1		1			
		DROPPED KERBS	6					
	2	B - PERMIT HOLDERS ONLY - MON TO FRI 0900-1830 SAT 0930-1330	20	4	3	0	100.0%	
		A - PARKING MON TO FRI 0900-1830 SAT 0930-1330 MAX 4 HRS	21.6	4	3	1	75.0%	
		DROPPED KERBS	22.9					
ROSSLYN HILL	3	SINGLE YELLOW LINES	38.2		4			
		SINGLE YELLOW LINES	39.5					
		DOUBLE YELLOW LINES	14.6					
	4	DROPPED KERBS	8.7					
		BUS STOP	33.3					
		5	G - BUS PARKING MON TO FRI 0800-0900 AND 1500-1700 30mins NRW30mins	10.3				
			DISABLED BAY	20.1	4	1	3	25.0%
	TAXI ONLY		52.1	10	0	10	0.0%	
	6	DOUBLE YELLOW LINES	44.1					
		D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	96.1	17	13	3	81.3%	
		E - PARKING MON TO SAT 0900-2000 MAX 4HRS	35.7	7	1	6	14.3%	
		DROPPED KERBS	69.5					
	7	DOUBLE YELLOW LINES	20.2					
		D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	38.1	7	3	3	50.0%	
		DOUBLE YELLOW LINES	52.8					
		8	D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	39.5	7	5	1	83.3%
			E - PARKING MON TO SAT 0900-2000 MAX 4HRS	35	7	1	5	16.7%
			DISABLED BAY	6.8	1	0	1	0.0%
9	DROPPED KERBS	44.1						
	DOUBLE YELLOW LINES	9.2						
	PED CROSSING MARKINGS	27.3						
	BUS STOP	18.9						
10	DOUBLE YELLOW LINES	5.7						
	E - PARKING MON TO SAT 0900-2000 MAX 4HRS	12.3	2	0	2	0.0%		
	PED CROSSING MARKINGS	28.3						
LYNDHURST RD	11	DOUBLE YELLOW LINES	4.1					
		D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	63.5	12	8	4	66.7%	
		C - PERMIT / BUSINESS HOLDERS ONLY - MON TO SAT 0900-2000	23.8	4	0	4	0.0%	
	12	DOUBLE YELLOW LINES	121.4					
		D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	36.2	7	1	7	12.5%	
		DROPPED KERBS	14.6					
	13	DOUBLE YELLOW LINES	52					
		D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	103	17	12	6	66.7%	
		DISABLED BAY	12.6	2	1	1	50.0%	
		DROPPED KERBS	39					
	14	DOUBLE YELLOW LINES	6.8					
		D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	204.9	38	23	11	67.6%	
DROPPED KERBS		25.8						
15	DOUBLE YELLOW LINES	14.4						
	D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	73.9	13	3	10	23.1%		
	DROPPED KERBS	10.9						
16	DOUBLE YELLOW LINES	29.7						
	D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	81.3	16	8	6	57.1%		
	DOUBLE YELLOW LINES	22.9						
THURLOW RD	17	D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	180.6	33	26	3	89.7%	
		E - PARKING MON TO SAT 0900-2000 MAX 4HRS	18.9	3	2	1	66.7%	
		DISABLED BAY	6.6	1	1	0	100.0%	
		PERMIT HOLDER 124 ONLY	6.7	1	1	0	100.0%	
		DROPPED KERBS	42.3					
	18	DOUBLE YELLOW LINES	7.3					
		D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	126	22	15	6	71.4%	
		DROPPED KERBS	47.6					
	19	DOUBLE YELLOW LINES	7.8					
		E - PARKING MON TO SAT 0900-2000 MAX 4HRS	34.4	6	3	2	60.0%	
D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000		18.9	3	3	0	100.0%		
DROPPED KERBS		14.4						
20	DOUBLE YELLOW LINES	8.3						
	D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	99.2	19	9	6	60.0%		
	DROPPED KERBS	43.6						
	DOUBLE YELLOW LINES	11.7						
	21	D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	103.2	19	11	5	68.8%	
DROPPED KERBS		22.6						
DOUBLE YELLOW LINES		21.3						
DOWNSHIRE HILL	22	E - PARKING MON TO SAT 0900-2000 MAX 4HRS	5.7	1	1	0	100.0%	
		D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	70.8	13	8	5	61.5%	
		DISABLED BAY	6.6	1	0	1	0.0%	
		DOCTORS ONLY	10.5	2	0	2	0.0%	
		DOUBLE YELLOW LINES	10.6					
		DROPPED KERBS	40.5					
	23	BUILDING WORKS	31					
		D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	112.6	22	18	2	90.0%	
		E - PARKING MON TO SAT 0900-2000 MAX 4HRS	25.8	5	1	4	20.0%	
		DROPPED KERBS	15.3					
HAMPSTEAD HILL GARDENS	24	DOUBLE YELLOW LINES	11.5					
		F - CAR CLUB ONLY	10.6	2	2	0	100.0%	
		DOCTORS ONLY	5.7	1	0	1	0.0%	
		PERMIT HOLDER 117 ONLY	6.3	1	1	0	100.0%	
		D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	246.6	47	38	7	84.4%	
		DISABLED BAY	17.4	3	1	2	33.3%	
	25	DROPPED KERBS	31.4					
		DOUBLE YELLOW LINES	13.2					
		D - PERMIT HOLDERS ONLY - MON TO SAT 0900-2000	236.7	43	36	3	92.3%	
		DROPPED KERBS	65.8					
POND ST	26	DOUBLE YELLOW LINES	12.7					
		LOADING BAY	14.1		0			
		PED CROSSING MARKINGS	14.6					
	27	DOUBLE YELLOW LINES	54.6					
		DOUBLE YELLOW LINES	72.5					
		DOUBLE YELLOW LINES	78.1					
28	BUS STOP	29.6						
	PED CROSSING MARKINGS	27						

THURSDAY 18th SEPTEMBER 2014		
TIME : 0250		
PARKED	OBSERVED SPACE	% STREET STRESS
12	0	100.0%
1		
3	0	100.0%
3	0	100.0%
1		
1	3	25.0%
1	9	10.0%
12	5	70.6%
2	4	33.3%
3	3	50.0%
5	1	83.3%
1	5	16.7%
0	1	0.0%
1		
1	1	50.0%
10	1	90.9%
1	3	25.0%
2	5	28.6%
11	6	64.7%
1	1	50.0%
20	15	57.1%
4	9	30.8%
8	5	61.5%
26	4	86.7%
2	1	66.7%
0	1	0.0%
1	0	100.0%
18	2	90.0%
1	5	16.7%
3	0	100.0%
11	4	73.3%
11	5	68.8%
0	1	0.0%
6	7	46.2%
0	1	0.0%
0	2	0.0%
20	0	100.0%
2	3	40.0%
1	0	100.0%
0	1	0.0%
1	0	100.0%
37	5	88.1%
1	2	33.3%
33	7	82.5%
0		

APPENDIX B      TfL PTAL REPORT



**PTAL output for 2011 (Base year)**  
4

10 Rosslyn Hill  
10 Rosslyn Hill, London NW3, UK

Easting: 526941, Northing: 185467

Grid Cell: 106425

Report generated: 22/12/2015

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**Calculation Parameters**

Day of Week	M-F
Time Period	AM Peak
Walk Speed	4.8 kph
Bus Node Max. Walk Access Time (mins)	8
Bus Reliability Factor	2.0
LU Station Max. Walk Access Time (mins)	12
LU Reliability Factor	0.75
National Rail Station Max. Walk Access Time (mins)	12
National Rail Reliability Factor	0.75

**Map key - PTAL**

0 (Worst)	1a
1b	2
3	4
5	6a
6b (Best)	

**Map layers**

- PTAL (cell size: 100m)

Calculation data

Mode	Stop	Route	Distance (metres)	Frequency(vph)	Walk Time (mins)	SWT (mins)	TAT (mins)	EDF	Weight	AI
Bus	ROYAL FREE HOSPITAL	C11	227.56	7.5	2.84	6	8.84	3.39	0.5	1.7
Bus	ROYAL FREE HOSPITAL	168	227.56	9	2.84	5.33	8.18	3.67	1	3.67
Bus	SOUTH END GREEN	24	442.92	10	5.54	5	10.54	2.85	0.5	1.42
Bus	ROSSLYN HILL PILGRIMS LN	46	221.89	6	2.77	7	9.77	3.07	0.5	1.53
Bus	ROSSLYN HILL PILGRIMS LN	268	221.89	5	2.77	8	10.77	2.78	0.5	1.39
LUL	Belsize Park	'Edgware-Morden'	585.98	9	7.32	4.08	11.41	2.63	0.5	1.31
LUL	Belsize Park	'Morden-Edgware'	585.98	4.67	7.32	7.17	14.5	2.07	0.5	1.03
LUL	Belsize Park	'Kennington-Edgware'	585.98	14.67	7.32	2.79	10.12	2.96	1	2.96
Rail	Hampstead Heath	'CLPHMJ2-STFD 2L50'	570.11	3.67	7.13	8.92	16.05	1.87	1	1.87
Rail	Hampstead Heath	'STFD-CLPHMJ2 2Y11'	570.11	3.67	7.13	8.92	16.05	1.87	0.5	0.93
<b>Total Grid Cell AI:</b>										<b>17.82</b>

APPENDIX C            CAMDEN'S CONTROLLED PARKING ZONE MAP



# Controlled Parking Zones in Camden

Times shown are correct at time of publication (April 2010). Please check controlled times on-street when you park. You can park in any sub-area or 'buffer zone' with the main letter of your permit. For example, with a Swiss Cottage permit, CA-R, you can park in either sub-areas, CA-R(a) and CA-R(b), or any of the buffer zones with this letter - e.g. CA-R/Q, CA-Q/R, CA-R/K/Q. The zone times of the buffer zones follow the first letter - e.g. CA-D/E follows CA-D zone times, rather than those of CA-E.



This drawing is based upon the 1:1250 Ordnance Survey Digital Mapping with permission of the controller of Her Majesty's Stationery Office. Crown Copyright 2010. Licence No. LA086339, and mapping information from the Geographers' A-Z Company Ltd licence No. 134 to the London Borough of Camden. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

**CA-B Belsize**  
 Mon-Fri 09:00-18:30  
 Sat 09:30-13:30

**CA-C Holborn & Covent Garden**  
 Residents Bays are controlled 24 hrs a day, 7 days a week. Parking controls on single yellow lines/Pay & Display bays are Mon-Sat 8:30-18:30

**CA-D Kings Cross Area**  
 Mon-Fri 08:30-18:30  
 Sat 08:30-13:30

**CA-E Bloomsbury & Fitzrovia**  
 Mon-Sat 08:30-18:30

**CA-F(n) Camden Town: North**  
 Mon-Fri 08:30-18:30  
 Sat & Sun 09:30-17:30

**CA-F(nw) Camden Town: North West**  
 Mon-Fri 08:30-23:00  
 Sat & Sun 09:30-23:00

**CA-F(s) Camden Town: South**  
 Mon-Fri 08:30-18:30  
 Sat 09:30-17:30  
 Sun (resident bays only) 9:30-17:30

**CA-G Somers Town**  
 Mon-Fri 08:30-18:30

**CA-G Crown Estate**  
 Every day 00:00-23:59  
 Private Parking Only

**CA-H(a) Hampstead: South Hill Park**  
 Mon-Sat 09:00-18:00

**CA-H(b) Hampstead: Town Centre & Vale of Heath**  
 Mon-Sat 09:00-20:00  
 No charge on Pay & Display after 18.00

**CA-H(c) Frognal**  
 Mon-Sat 09:00-19:00  
 No charge on Pay & Display after 18.00

**CA-H(d) Hampstead: Church Row**  
 Mon-Sat 09:00-22:00  
 No charge on Pay & Display after 18.00

**CA-H/B**  
 Mon-Sat 09:00-20:00

**CA-J Primrose Hill**  
 Mon-Fri 08:30-18:00

**CA-K Kilburn Priory**  
 Mon-Fri 08:30-18:30

**CA-L West Kentish Town: Inner**  
 Mon-Fri 09:00-11:00

**CA-L West Kentish Town: Outer**  
 Mon-Fri 08:30-18:30  
 St Leonards Square  
 Mon-Fri 08:30-18:30  
 Sat & Sun 09:30-17:30

**CA-M East Kentish Town**  
 Mon-Fri 08:30-18:30

**CA-N Camden Square**  
 Mon-Fri 08:30-18:30

**CA-P(a) Fortune Green: Central**  
 Mon-Fri 08:30-18:30

**CA-P(b) Fortune Green: East**  
 Mon-Sat 08:30-18:30

**CA-P(c) Fortune Green: West**  
 Mon-Fri 10:00-12:00

**CA-Q Kilburn**  
 Mon-Fri 08:30-18:30

**CA-R(a) Swiss Cottage: West End Lane**  
 Mon-Fri 08:30-18:30

**CA-R(b) Swiss Cottage: Finchley Road**  
 Mon-Sat 08:30-22:00

**CA-S(a) Redington & Frognal: North**  
 Mon-Fri 12:30-14:30

**CA-S(b) Redington & Frognal: South**  
 Mon-Sat 09:00-18:00

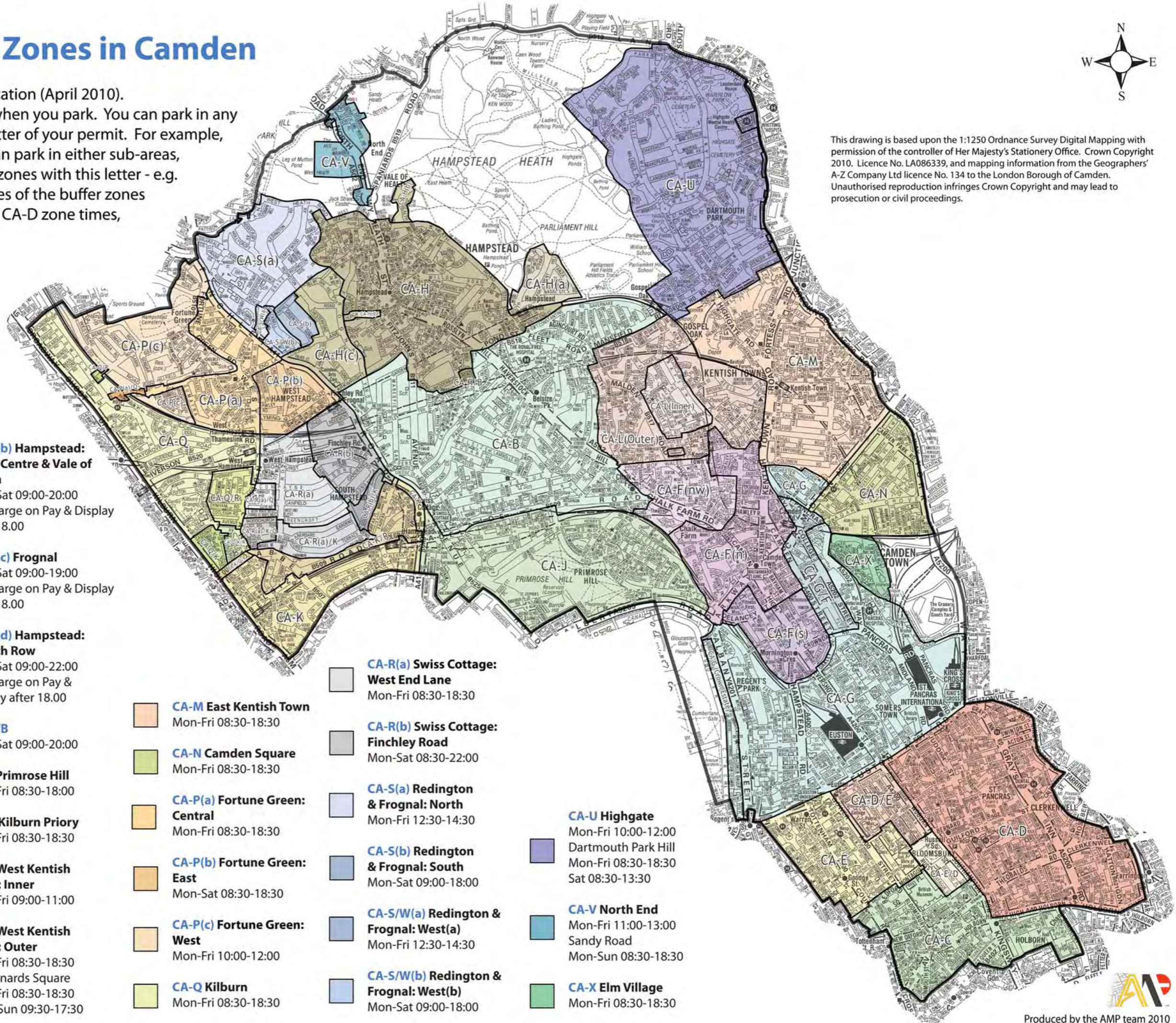
**CA-S/W(a) Redington & Frognal: West(a)**  
 Mon-Fri 12:30-14:30

**CA-S/W(b) Redington & Frognal: West(b)**  
 Mon-Sat 09:00-18:00

**CA-U Highgate**  
 Dartmouth Park Hill  
 Mon-Fri 10:00-12:00  
 Mon-Fri 08:30-18:30  
 Sat 08:30-13:30

**CA-V North End**  
 Sandy Road  
 Mon-Fri 11:00-13:00  
 Mon-Sun 08:30-18:30

**CA-X Elm Village**  
 Mon-Fri 08:30-18:30





APPENDIX D            APPLICATION REF: 2007/6411/P – DECISION NOTICE AND PLAN

P.E.Ottery  
112 Southbury Road  
ENFIELD  
EN1 1YE

Application Ref: **2007/6411/P**  
Please ask for: **Laura Swinton**  
Telephone: 020 7974 5117

03 July 2008

Dear Sir/Madam

## DECISION

Town and Country Planning Acts 1990 (as amended)  
Town and Country Planning (General Development Procedure) Order 1995  
Town and Country Planning (Applications) Regulations 1988

### Full Planning Permission Refused

Address:  
**10 Rosslyn Hill**  
**London**  
**NW3 1PH**

Proposal:  
Formation of a new vehicular entrance with metal gates and associated hard standing for one car space.

Drawing Nos: 01; 02B; site location plan.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

#### Reason(s) for Refusal

- 1 The proposed forecourt hardstanding and associated vehicular entrance, by reason of the introduction of a new gated opening and of the partial loss of landscaped garden space and of historical front wall (both characteristic of the streetscene), would erode the character of the streetscape and would harm the setting of the row of properties at nos. 4 - 10 and the character and appearance of the conservation area, contrary to policies S1, S2, B1, B3, B7 and T9 of the London Borough of



Camden Replacement Unitary Development Plan 2006 and advice contained in the Camden Planning Guidance 2006.

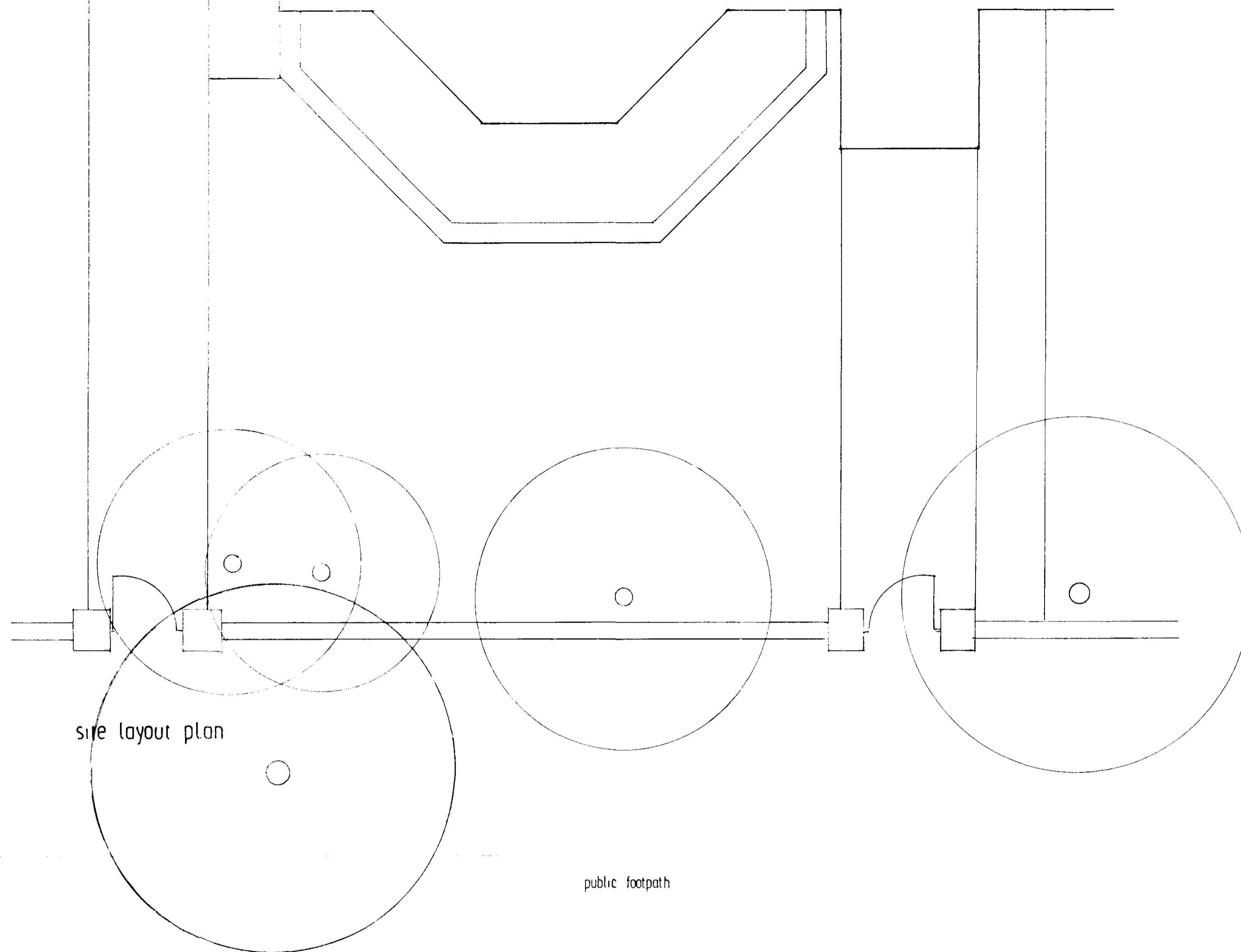
- 2 The proposed vehicular entrance would effectively remove two onstreet parking bays and therefore reduce the capacity of the Hampstead Controlled Parking Zone which would be detrimental to local parking conditions, contrary to policy T9 of the London Borough of Camden Replacement Unitary Development Plan 2006 and advice contained in the Camden Planning Guidance 2006.

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NOTES

All dimensions must be checked on site and not scaled from this drawing.



A	Date	Revisions

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Client  
mr. m. borkowski.

Job Title  
measured survey of ex.  
front garden & wall.

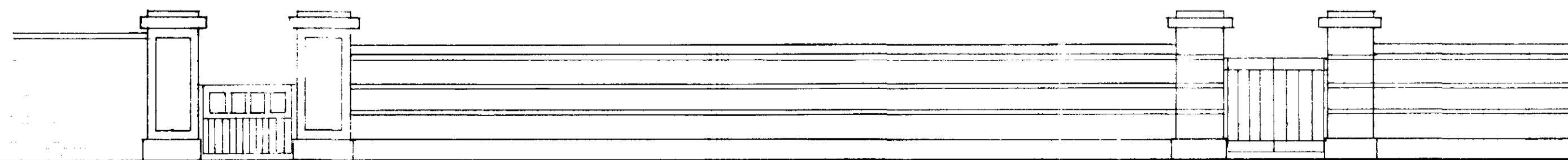
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LONDON, NW3 1PH

Scale 1:50

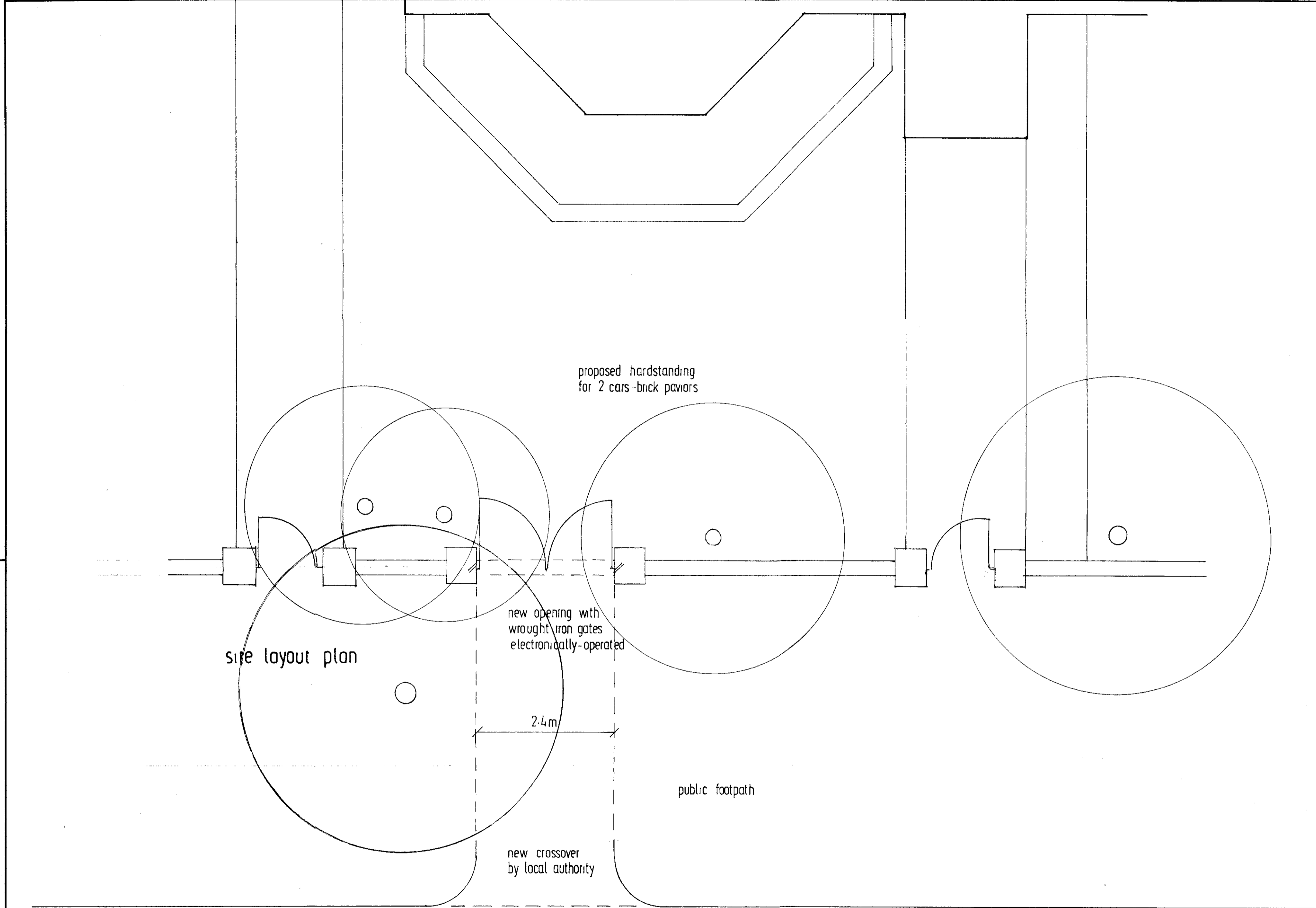
Date 19.10.07 Drawn by *Amj*

Drg No. 01 Rev.

ROSSLYN HILL



garden wall elevation



ROSSLYN HILL

NOTES  
All dimensions must be checked on site and not scaled from this drawing.

Date	Revisions
A 20.2.08	FILES ADDED.

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Client  
mr. m. borkowski.

Job Title  
proposed off-street car parking provision.

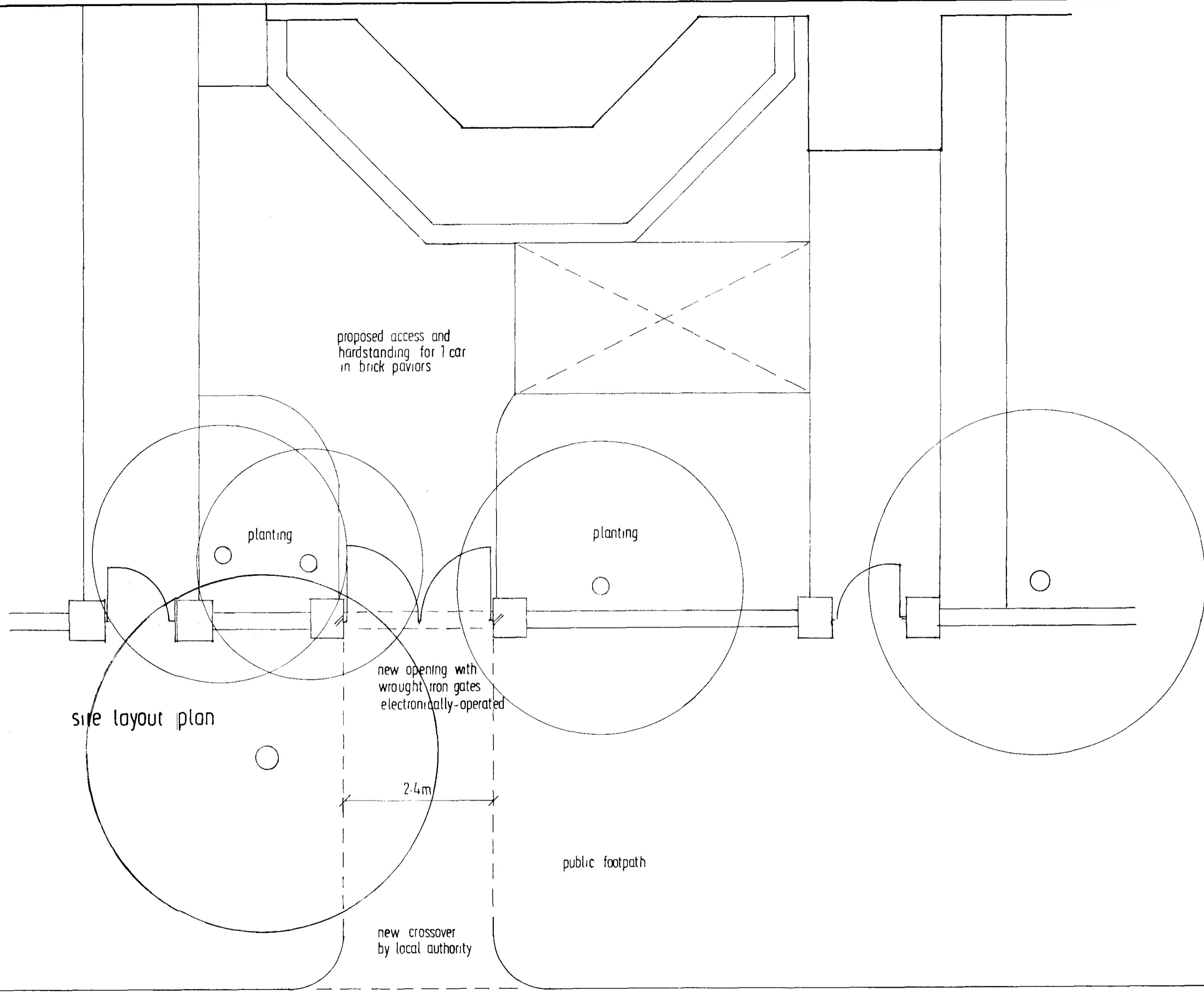
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LONDON, NW3 1PH

Scale 1:50

Date 19.10.07. Drawn by *AMJ*

Drg No. 01	Rev. A
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NOTES  
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	Date	Revisions
B	21.1.08	ADDED TO THE STAKE LISTS
A	20.2.08	PLANT ADDED

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Client  
mr. m. borkowski.

Job Title  
proposed off-street car parking provision.

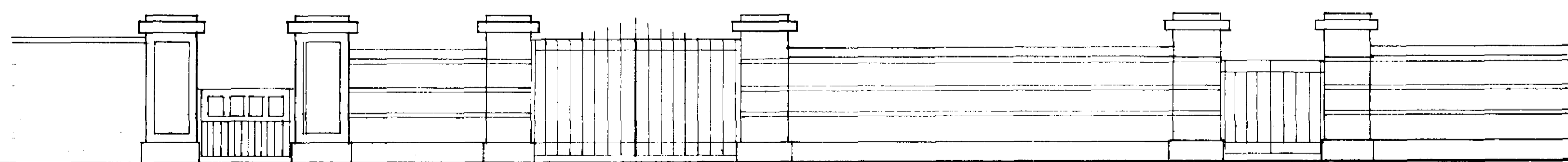
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LONDON, NW3 1PH

Scale 1:50

Date 19.10.07 Drawn by *AMJ*

Drg No. 02 Rev. B

ROSSLYN HILL



garden wall elevation

APPENDIX E

36 HAMSTAL ROAD APPEAL DECISION DATED 15 JULY 2015



## Appeal Decision

Site visit made on 10 June 2015

**by Graham M Garnham BA BPhil MRTPI**

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

**Decision date: 14 July 2015**

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**Appeal Ref: APP/X5210/W/15/3003329**  
**36 Hemstal Road, London, NW6 2AL**

- 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 Andreas Charalambous against the decision of London Borough of Camden Council.
  - The application Ref 2014/3644/P, dated 30 May 2014, was refused by notice dated 5 August 2014.
  - The development proposed is erection of single storey outbuilding in rear garden with off-street parking space on rooftop, single storey rear extension and single storey side extension and alteration to side (west) boundary wall in association with lower ground floor flat.
- 

### Decision

1. The appeal is dismissed insofar as it relates to the erection of single storey outbuilding in rear garden with off-street parking space on rooftop. The appeal is allowed insofar as it relates to the single storey rear extension and single storey side extension and alteration to side (west) boundary wall and planning permission is granted for erection of single storey rear extension and single storey side extension and alteration to side (west) boundary wall in association with lower ground floor flat at 36 Hemstal Road, London, NW6 2AL in accordance with the terms of the application Ref 2014/3644/P, dated 30 May 2014, and the plans submitted with it so far as relevant to that part of the development hereby permitted, and subject to the conditions in the Schedule at the end of this decision.

### Main Issues

2. I consider that these are the effects of the proposal on firstly, the availability of on-street parking and the promotion of sustainable transport modes; secondly, the living conditions of the occupants of nearby residential properties; and thirdly, the character and appearance of the property and the area.

### Reasons

3. The main components of this proposal are the single storey rear and side extensions. These are very similar to extensions already approved by the
-



Council, Ref 2013/7360/P, dated 11 February 2014. The Council does not object to the minor variations to these components in the current proposal. I have no reason to take a different view. The wall and railings adjoining the side extension would be as approved. I shall therefore focus my attention on the component in dispute. This is the enlargement of the outbuilding as previously approved in order to accommodate a parking space on its roof, accessed off the side road of Kylemore Road, and consequential changes and effects.

***First main issue – effect on on-street parking and sustainable transport***

4. The appeal site is in a Controlled Parking Zone [CPZ]. This allows no parking in the area between 8.30 am and 6.30 pm, Monday to Friday, except for permit holders. It is common ground between the parties that creating the cross-over to access the proposed parking space would result in the loss of one parking space on-street that can be used by permit holders, and by others outside the controlled hours.
5. The appellant has submitted the results of a survey of on-street parking within 200 metres of the appeal site. The Council seems to accept the methodology and the accuracy of the results. The survey shows that, on average, 82-84% of the available spaces were in use at the survey times. This accords with the Council's estimate that it has issued 81 permits for every 100 parking spaces in the CPZ. The Council considers that the loss of an on-street space would result in undue pressure on the spaces that remain. In my view, pressure on parking would not become significantly harmful to the extent that warrants refusal of planning permission until about 90% or more of spaces are occupied. This level of parking stress would not occur as a result of the proposal. Moreover, the appellant has submitted a draft Section 106 Agreement to remove the right of occupiers of the property to apply for parking permits. This would prevent an increase in parking pressure in future if occupiers were to exercise their right to apply for such permits.
6. The purpose of the parking space is to enable the charging of an electric vehicle while it is parked securely and conveniently. The appellant's wish in this respect is understandable as the nearest public charging point is said to be about 400 metres away. I consider that it would be possible to condition a planning permission to ensure the provision and retention of a charging point next to the on-site parking space.
7. Planning policy regarding sustainable transport modes is found in a variety of sources. The National Planning Policy Framework says that the transport system needs to be balanced in favour of sustainable transport modes, although how such solutions are maximised will vary in different communities. Policy 6.13 in The London Plan (2015) seeks to prevent excessive car parking that can undermine cycling, walking and public transport. Policy CS11 in the Camden Core Strategy 2012-2025 (2010) promotes sustainable and efficient travel, including by promoting walking, cycling and public transport. The policy also promotes the use of low emission vehicles, including through the provision of electric charging points. In the Camden Development Policies document [CDP] (2010), Policies DP17 & DP18 respectively address measures to promote walking, cycling and public transport; and to limit the availability

of car parking. Policy DP18 also seeks the provision of electric charging points as part of any car parking provision.

8. The proposal would satisfy certain aspects of the policy context, by providing a charging point and promoting the use of a low emission vehicle. However I do not find in this policy context a unified or coherent approach to supporting the use of electric private cars. The general thrust of policy is away from the use of private motor vehicles. The Framework recognises that this may not be possible in more rural areas. Thus an electric car might be regarded as a more sustainable mode of transport in an area of poor public transport. This is not the case here, within a major built up area. The appeal site is in an area with a PTAL score of 5, which indicates that public transport is "very good". Consequently I consider that the primary direction of policy in this area is towards walking, cycling and public transport, rather than the provision of off-street parking for a private car.
9. Some advice is found in paragraph 6.24 of Camden Planning Guidance 7 *Transport*. This says that "parking for low emission vehicles ... should be provided from within the general car parking allowed by Camden's parking standards. If they are provided in addition to general car parking spaces, they are unlikely to be effective in encouraging more sustainable means of transport, and to the Council's overall aim of reducing congestion in the Borough." This clearly suggests that, notwithstanding the benefits of low emission vehicles, they do not necessarily encourage "more sustainable means of transport" in Camden, and can contribute towards congestion. Also in this case, the private parking space would not be provided in addition to general public provision so much as at the expense of the on-street parking space that would be lost.
10. I have had regard to appeal cases referred to by both the appellant and the local planning authority. I find that the particulars of those cases differ in some significant respects from this appeal, and they do not materially affect my consideration of the planning merits of this appeal.
11. A final consideration is whether giving planning permission would achieve the intended outcome. I have not been presented with any enforceable mechanism to ensure that the proposed parking space would be used only for an electric vehicle, and not by a conventional vehicle. Thus the benefit that is claimed could not be ensured by granting planning permission.
12. Overall and on balance I conclude that the proposal would not materially harm the availability of on-street parking to the extent that undue parking pressure would arise. However, it would not secure the promotion of sustainable transport modes in the terms set out in the planning policy context and guidance cited above. The promotion of walking, cycling and public transport is a major theme of policy, with which the proposal would be in conflict.

***Second main issue – effect on neighbours' living conditions***

13. The proposed outbuilding would be at the far end of the garden from the flats at no.36, abutting the side gable wall of no.29 Kylemore Road. The roof would be roughly at road level as the garden is sunk below surrounding land. The greater size of the raised area, compared to the approved scheme, would potentially allow more use of it, in line of sight from rear windows at no.36

and no.34 next door. However, the drawings show no direct connection down into the garden, suggesting that people would probably only be on the roof intermittently, mainly when the car is being moved. Moreover I consider that the parking space would not be materially closer to habitable room windows than the approved scheme.

14. Unlike the approved scheme, the proposed upper ground floor plan shows the roof would extend to the boundary fence with no.34. This part of the roof would have a green sedum finish, which may be more attractive to informal use. This part would also be directly in line with the nearest bedroom window in the flat above the appeal property, and would also enable views into the garden next door. I consider that overlooking and loss of privacy would need to be prevented from this part of the roof. This could be done by means of a planning condition requiring a screening fence to be erected, as offered by the appellant.
15. The Council's reason for refusal mentioned only overlooking, but its statement widened the objection to noise and disturbance. I consider that this is likely to be no more of an issue with the appeal proposal than with the approved scheme, given the lack of a direct connection to the garden and the likely intermittent presence of people on the rooftop.
16. I conclude that the proposal would not significantly harm the living conditions of the occupants of nearby residential properties by reason of overlooking and loss of privacy. There would be no material conflict with Core Strategy Policy CS5 or CDM Policy DP26 in this respect. Among other things these policies require regard to be had to impacts on neighbours, including privacy and overlooking. I find no conflict with guidance referred to me on balconies and terraces in the Camden Planning Guidance 1, *Design* (2014). This concerns the provision of amenity space for flats that would otherwise have little or no private exterior space.

### ***Third main issue – effect on character and appearance***

17. The overhanging roof and balustrade on the top of the outbuilding would materially change the appearance of the roof of the approved scheme. However I do not find them to be intrinsically unsightly features in terms of design, while they would be some distance from the host house and only seen from some rear windows of nearby properties. The presence of a parked vehicle at the end of a rear garden would possibly be unique locally, but again I would not regard it as an inherently harmful to the character and appearance of the property or its surroundings. The appeal site is not in a conservation area where the preservation of local character and appearance would be given significantly more weight.
18. The Council's case adds impact on the street scene to its third reason for refusal. This would arise from the new double gates, set back to provide a pedestrian visibility splay. This would diverge from the local pattern of corner properties. However, change does not equate to harm, and I consider that with due care to the finishes (controlled by a planning condition) the proposal would add variety to the street scene without significantly detracting from the underlying character and appearance of the substantial terraces that are typical of the locality.

19. I conclude that the proposal would not materially detract from the character and appearance of the property and the area, and would comply with the purposes of Policies CS5 and DP24, which concern local context and design quality.

***Other considerations***

20. A neighbour to the north (in Kylemore Road) has objected to the impact of excavations for the outbuilding on the adjoining end of terrace gable wall. In reality, the sunken nature of the garden means that relatively little excavation would be needed. In any event, I consider that the Building Regulations process would act as a safeguard to adjoining properties in this respect.

***Overall conclusion***

21. I consider that the failure of the proposal to promote sustainable transport modes in an area of very good public transport is an important matter of principle that weighs heavily against the proposal. The significance of this matter as a component of sustainable development thus outweighs lack of harm with respect to parking pressure, neighbours' living conditions or character and appearance.
22. However, this shortcoming relates solely to the outbuilding, while the other works are acceptable. The outbuilding is physically separate from the dwelling, and planning permission already exists for a smaller version of it. I consider that no new material considerations would arise if I was to give a split decision, allowing the acceptable components of the proposal while dismissing the outbuilding and associated means of access.
23. Planning conditions would be needed to require details of materials to be approved, including for the sedum roof above the side extension, in the interests of a satisfactory character and appearance. In addition, the flat roof of the rear extension should not be used for leisure purposes, in the interests of the privacy of the occupiers of the flat above and the next door property. Finally, otherwise than as set out in this decision and conditions, and for the avoidance of doubt and in the interests of proper planning, it is necessary that the development shall be carried out in accordance with the approved plans.
24. Overall therefore I conclude that the appeal should be allowed in part so far as it concerns the single storey rear extension and single storey side extension and alteration to side (west) boundary wall, but dismissed with respect to the erection of single storey outbuilding in rear garden with off-street parking space on rooftop.

*G Garnham*

INSPECTOR

**Schedule of Planning Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, in so far as relevant to that part of the development hereby permitted: numbers 13/A/12, 13/A/14, 13/A/15, 14/A/11 & 14/A/16 and site location plan.
- 3) For the avoidance of doubt, the section of side (west) boundary wall to which alteration is hereby approved adjoins the single storey side extension and is not the section of wall adjoining the rear part of the back garden.
- 4) Details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Before development of the single storey side extension hereby approved begins, details of the green sedum roof including species, planting density, substrate and a section at 1:20 scale showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance, shall be submitted to and approved in writing by the local planning authority. The green sedum roof shall be provided in accordance with the approved details and shall thereafter be retained and maintained in accordance with the approved scheme of maintenance.
- 6) The flat roof hereby approved for the single storey rear extension shall not be used as a terrace or a sitting out area.

APPENDIX F

3 FELLOWS ROAD APPEAL DECISION DATED 14 MAY 2014

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# Appeal Decision

Site visit made on 23 April 2014

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

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

**Decision date: 14 May 2014**

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**Appeal Ref: APP/X5210/A/14/2213004**

**3 Fellows Road, London NW3 3LR**

- 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 Ms Maeve Liffey against the decision of the London Borough of Camden Council.
  - The application Ref 2013/5906/P, dated 18 September 2013, was refused by notice dated 18 December 2013.
  - The development proposed is for the installation of a dropped kerb to allow parking for two vehicles within existing front garden.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are whether the proposal amounts to sustainable development; and whether it would maintain adequate space for on-street parking.

## Reasons

### *Sustainable Development*

3. The National Planning Policy Framework (the 'Framework') states that at its heart is a presumption in favour of sustainable development, for decision taking this means approving development proposals that accord with the Development Plan without delay.
  4. Policy CS11 of the Camden Core Strategy (2010 – 2025) (CCS) amongst other things, seeks to make private transport more sustainable, which includes minimising provision for private parking in new developments. This is reinforced by CCS paragraph 11.17 of the supporting text, which states that the Council will continue to limit the amount of parking available for private cars, which represents a key part of its approach to addressing congestion and promoting sustainable transport choices. CCS Paragraph 11.21 states that demand for movement, deliveries and car parking on Camden's roads already exceeds the space available, meaning that effective management of Camden's road network is essential.
-

5. Furthermore, in support of CCS Policy CS11, Policy DP18 of the Camden Development Policies (2010 – 2025) (CDP) also states that the Council will seek to ensure that developments provide the minimum necessary car parking provision and will expect development to be car-free in, amongst other things, areas within Controlled Parking Zones that are easily accessible by public transport. Again, this sentiment is reinforced by the supporting text of the CDP and specifically by paragraphs 18.2 to 18.4.
6. It is agreed between both parties that the Public Transport Accessibility Level (PTAL) is good and provides residents with a range of public transport alternatives to the private car. From this basis, I conclude, pursuant to Policies CS11 and DP18, that to provide private, off-street parking facilities at the appeal site would run counter to the Council's aspirations to limit the availability of car parking. Therefore, the proposals do not amount to sustainable development, as the proposed vehicular crossover would further encourage the use of unsustainable forms of transport, contrary to the planning policy set out above.

#### *On-Street Parking*

7. It is agreed between the parties that the formation of the crossover would lead to the loss of two parking spaces on-street. I acknowledge that currently this could be compensated for by the provision of 2no. parking spaces on the appeal site, as the occupants of Flats C and D, 3 Fellows Road currently having 1no. parking permit each. I also note that the occupants of these two flats would be willing to have their permits revoked that currently allow parking within the Controlled Parking Zone. However, taking into account recent case law in the form of Westminster City Council v SSCLG and Acons [2013], and para. 204 of the Framework, Planning Obligations should only be sought where they meet all of the following tests: Necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. I have not been provided with a planning obligation that deals with this matter, nor am I convinced that even if I were, that it would comply with s106(1) of the Town and Country Planning Act 1990.
8. Therefore, whilst there may not be a material increase in parking pressures in the locality in the short term as a result of the proposal, this cannot be guaranteed. For example there is nothing to say that the occupants of Flats C and D could not obtain a second car, or the occupants of the other two flats (A&B) apply for a permit each. Occupation of any residential property is to some degree transitional and car ownership levels within 3 Fellows Road as a whole could easily change in the future.
9. In support of this stance CDP Policy DP19 states that the Council will seek to ensure that the creation of additional car parking spaces will not have negative impacts on parking. It will seek to resist development that would, amongst other things, add to on-street parking demand where on-street parking spaces cannot meet existing demand, or otherwise harm existing on-street parking conditions; and/or require a detrimental amendment to existing or proposed Controlled Parking Zones. In support of this, CDP paragraph 19.4 states that development that will reduce the amount of on-street parking or add to on-



- street parking demand will be resisted where it would cause unacceptable parking pressure, particularly in areas of identified parking stress.
10. Furthermore, CDP paragraph 19.6 acknowledges that whilst on-street spaces can be used by many different people with different trip purposes throughout the day, private off-street parking spaces will generally only be used for one purpose, often by a specific vehicle/s, and will remain unused at other times.
  11. However, I note that the appellants have submitted road parking survey data for the hours of 03:30 and 04:00 on 18 July and 19 July 2013 respectively. Whilst these can only be taken as a snapshot in time, the Council does not dispute the legitimacy of this data, which identifies seven vacant on-street spaces for each early morning time slot. Furthermore, whilst the Council states that the CPZ within which the site is located currently has a parking ratio of 1.10, meaning that 110 parking permits are issued for every 100 on-street parking spaces, the parking stress of just over 80% highlighted in the appellants survey data leads me to the conclusion that there is some on-street parking capacity over night. In addition, the extract from the Annual Parking Report provided by the Council is from September 2012 ie. 18 months old, which may signify that changes have occurred to the local parking situation. Whilst I acknowledge that both the Council and third parties refer to on-street parking pressures during a typical working day, at the time of my site visit (circa midday on a Wednesday) on-street parking spaces were available within Fellows Road.
  12. Therefore, whilst more parking permits appear to have been issued than on-street parking spaces that are available, from the snapshots in time that are the appellant's own parking survey, and from my daytime visit, I consider that the proposals would not result in an unacceptable loss of on-street parking; either during the daytime hours of the Controlled Parking Zone or overnight. I find no direct conflict between the proposals and CPD Policies DP19 and DP21 as summarised above.
  13. I note the planning applications and decisions cited by the appellant as relevant to the appeal, however, I have not been given the full details of these cases, and each case must be determined on its own merits. Notwithstanding the fact that I have found that the proposals would not give rise to a material increase in on-street parking stress, I have found that the proposals would not amount to sustainable development.

### **Conclusion**

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*C J Tivey*

INSPECTOR