
Appeal Decision

Site visit made on 21 March 2016

by Elizabeth Pleasant BSc(Hons)DipTP MRTPI

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

Decision date: 3 May 2016

Appeal Ref: APP/X5210/D/15/3141370
10 Rosslyn Hill, London, Camden NW3 1PH

- 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 Mert Alas against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/3516/P, dated 22 June 2015, was refused by notice dated 13 October 2015.
 - The development proposed is to widen existing opening on the front boundary wall to create a vehicular entrance with new timber sliding gate and associated dropped kerb.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council Officer's report stated that the site is located within Belsize Controlled Parking Zone and has a Public Transport Accessibility Level (PTAL) of Level 5 (Excellent). The appellant provided evidence in his grounds of appeal that this information was incorrect and the site is actually located in Hampstead Controlled Parking Zone (HCPZ) with a PTAL rating of Level 4 (Good). The Council has confirmed that they had made an error and clarified the position with regard to the HCPZ and its PTAL rating level of 4. I have considered the appeal on this basis.

Main Issues

3. The main issues in this case are:
 - The effect on sustainable transport objectives; and
 - Whether or not the proposal would maintain adequate space for on-street parking.

Reasons

The effect on sustainable transport objectives

4. Planning policy regarding sustainable transport objectives is found in a variety of sources. Policy CS11 of Camden's Local Development Framework, Core Strategy, 2010 (Core Strategy) provides a clear policy for promoting sustainable and efficient travel and as part of its approach to minimising congestion and addressing the environmental impacts of travel, it seeks to minimise provision for private parking in new development. This approach is
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further endorsed by Policy DP18 of Camden's Local Development Framework, Development Policies, 2010 (Development Policies) which seeks to ensure that development provides the minimum necessary car parking provision in, amongst other areas, areas within Controlled Parking Zones that are easily accessible to public transport. This approach is consistent with Policy 6.13 of the London Plan, 2015 which aims to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Furthermore, core planning principle of the National Planning Policy Framework (the Framework) is to promote the fullest possible use of public transport, walking and cycling.

5. The appeal site has a PTAL rating of Level 4. Camden's Planning Guidance on Transport (CPG 7) advises that areas with a PTAL rating of Level 4 or above are considered to be highly accessible areas, and my site visit confirmed that there are underground and overground stations within a ten minute walk from the site. I also noted that the site is located on a bus route and lies in close proximity local shops and services. Even though there is limited dedicated provision for cyclists in the area, I am satisfied that residents have a range of public transport alternatives to the private car.
6. The proposal development would create a single off-street parking space within the appeal site. Although the appellant believes that the overall net loss of one on-street parking space would help to encourage travel by sustainable means of transportation, on the contrary I consider that the provision of an off-street space for the sole use of the occupiers of 10 Rosslyn Hill would endorse and promote private car ownership. The proposal would therefore be in direct conflict with the Council's aim to promote sustainable transport uses and minimise the use of private motor vehicles.
7. I therefore conclude that the appeal proposal would have a harmful effect on sustainable transport objectives and would be in conflict with Policy CS11 of the Core Strategy, Policy DP18 of the Development Policies; Policy 6.13 of the London Plan and the Framework, the aims of which I have summarised above.

Whether or not the proposal would maintain adequate space for on-street parking

8. The appeal site is located within HCPZ. The HCPZ operates between the hours of 0900 and 2000 Mondays to Saturdays and there is no dispute that the creation of the vehicular crossover would result in the loss of at least one and possibly two on-street parking spaces that can be used by permit holders and by others outside the controlled hours. The appellant holds a single resident's parking permit.
9. The planning application was accompanied by the results of a parking survey which had been carried out to identify the existing level of residential parking demand, within resident permit holder bays, on Rosslyn Hill and within 200m of the site. The survey shows that during weekday evening periods, 03:00hrs and 02:50hrs there were between 84 and 88 spaces available within 200m of the site, with a corresponding parking stress of 74% and 75% respectively. I accept that these results only provide a snapshot of residential parking demand; however I have also noted that third parties indicate that there is plenty of parking available on Rosslyn Hill and on neighbouring Hampstead Gardens. At the time of my visit, midday on a Monday, there were on-street parking spaces available on Rosslyn Hill. Furthermore the Council do not appear to dispute either the methodology or the accuracy of these results.

10. I have taken into consideration the Council's evidence that more parking permits have been issued than on-street parking spaces available, however from the results of the parking survey, third party representations and my visit to the site there would appear to be some on-street car parking capacity. Moreover, the appellant has submitted a signed and dated Unilateral Undertaking which would prohibit the occupation of the appeal property by anyone holding a permit and the existing parking permit held for the property would be surrendered. This would prevent an increase in parking pressure in future. For these reasons I consider that the net loss of one parking space would not materially harm availability of on-street parking to the extent that undue parking pressure would arise.
11. I conclude that the proposal would maintain adequate space for on-street parking and I therefore find no conflict with Development Policies DP19 and DP21 which amongst other criteria seek to resist development that would add to on-street parking demand or harm on-street parking conditions.

Other Matters

12. I have regard to the appeal cases referred to by both the appellant and the local planning authority. However both of these cases were in different areas and are not therefore directly comparable. In any event each case must be considered on its own merits.
13. The appeal site is located within Hampstead Conservation Area and the neighbouring property No 12 Rosslyn Hill is a grade 11 listed building. I have had special regard to the desirability of preserving the setting of No 12 Rosslyn Hill which is a distinct detached property with a well defined curtilage, and I am satisfied that the appeal proposal would not affect its setting. I have also considered the third party representations and concerns raised in the Council Officer's report regarding the impact the proposal may have on the character and appearance of Hampstead Conservation Area. The proposed hardstanding would be limited in size and its proposed location would mean that the majority of the garden area directly in front of the property would be retained. Furthermore the gateway would not be significantly altered and its location at one end frontage of the semi-detached pairs, with the pedestrian gateway leading to the property's prominent entrance porch remaining intact, would minimise its overall visual impact on the character and appearance of the host property and the street scene as a whole. The effect of the proposal on the Conservation Area was not a reason for refusal and I also consider that proposal would preserve the character and appearance of Hampstead Conservation Area.

Conclusion

14. Although I have found that the proposed development would maintain adequate space for on-street parking, I have found that it would have a harmful effect on sustainable transport objectives. Therefore, for the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR