

## Appeal Statement

February 2018

### Introduction

1. This Statement sets out the grounds of appeal in relation to the refusal of planning permission at the above property, for alterations to the front area of hardstanding and creation of an off-street parking space with new dropped kerb and reinstated pavement to enable the parking of a car. The application to the Council was accompanied by the following items:
  - Drawings 1202-P-000, 001 & 002
  - Transport Note, by TTP Consulting (September 2017)
  - Design & Access, Heritage and Planning Statement, by Leigh & Glennie Ltd (October 2017)
2. These documents still form part of the appellant's case, and so the Inspector's attention is drawn to their content.
3. Also accompanying this appeal is a further Transport Note by TTP Consulting (February 2018), which specifically addresses the highways matters raised in the reasons for refusal.
4. The application was refused on the grounds of harm to the character and appearance of the Hampstead Conservation Area, and the effect on car parking in the vicinity. These issues are discussed in turn.

## Character and appearance

5. The application site lies within the Hampstead Conservation Area. It is one of a pair of houses that makes a positive contribution to the character and appearance of the area, due to the general form and architecture of the house. Photographs of the property and wider area are attached at Appendix 1.
6. The Council have published Hampstead Conservation Area Statement (2001). Relevant extracts are attached at Appendix 2. The introduction to this Statement says it is Supplementary Planning Guidance produced in support of a previous Unitary Development Plan, but there is no reference to the Statement having been the subject of public consultation or adoption through any formal process. The weight to be attached is decreased accordingly.
7. Nonetheless, the Statement does describe the character of the Area, which is a large area covering the northern part of the Borough, as follows:

*'Hampstead is a Conservation Area of considerable quality and variety. A range of factors and attributes come together to create its special character. These are principally; its topography; the Heath; the range, excellence and mix of buildings; the street pattern and Hampstead's historical association with clean water and fresh air. The Conservation Area stretches beyond the village itself to include South End Green, Frognaal and Rosslyn Hill and offers many fine and interesting examples of the architectural development of London.'*

8. Branch Hill lies within the 'sub area 6', which is seen as

*'principally woodland on the western slopes of Hampstead in which buildings play a subordinate role... Branch Hill is an old route skirting the edge of the Heath that links up with West Heath Road'*

9. The appeal property is referenced in the Statement:

*'As the road meets West Heath Road and slightly detached from the village is a group of late 19th century semidetached buildings, with Gothic elements, with three storeys, semi-basement and dormered roof'*

10. The Council have also produced a Hampstead Conservation Area Streetscape Audit (2001), which does not identify Branch Hill as having particular features of note (extract also attached at Appendix 2).
11. The appeal property, together with its neighbour of Holme Vale House, was formerly in use as a hotel, which had been in existence for around 20 years before planning permission was granted in August 2005 for change of use to 2 family dwellinghouses (ref. 2005/2454/P). When the properties were used as a hotel there was a gate to the front of the buildings, with the front 'garden' being a hardstanding. The change of use to dwellings saw this hardstanding retained and upgraded in appearance to that of a driveway, and the new gates as now seen at the site installed. This hardsurfaced area and gates provide access to a door at lower ground floor level.
12. Thus, the appearance of the appeal property and its neighbour has been the same for well over 30 years, ie a hardsurfaced driveway area behind double gates. As the Inspector will see at the site visit, this means that both houses already have the appearance of having parking areas at the front, albeit those hardsurfaced areas are not used that way as there is

not dropped kerb. The Inspector will also see at the site visit (and from the attached photographs) that there are examples of off-street parking along Branch Hill, at Nos. 6, 7 and 17.

13. The proposed development would see very little change to the appearance of the property, or to the existing area of hardstanding driveway. The existing forecourt would be extended to make it 5m long, in accordance with requirements for the length of a driveway, along with space for the gates to open without obstructing the highway or a parked car. Those works would be carried out to match the existing driveway, with the stairs to the basement lightwell adjusted to accommodate the extension by simply omitting the existing landing at the base. The existing front lightwell at this part of the building serves no amenity purpose for the dwelling, being an access to the lower ground floor, and measures 12.2m<sup>2</sup> in size. The reduced size is 9.8m<sup>2</sup>, which is a reduction of only 2.4m<sup>2</sup>.
14. Those alterations would have negligible impact on the appearance of the property and so a neutral effect on the Conservation Area. As now, there would be gates to the front of the property, and so again there would be a neutral effect on the Conservation Area. This was in fact recognised by the Council in the determination of the planning application; paragraph 4.5 of the Delegated Report states:

*'The proposed partial infill of the front lightwell and repositioning of the existing staircase in line with the front building line would retain the majority of the front lightwell and it is not considered that these works would have a detrimental impact on the character and appearance of the host building or the streetscape when viewed from Branch Hill.'*

15. The Council's objection to the proposal, however, seems to stem from an aspiration that at some time an occupier might decide to create a garden on the hardstanding area (paragraph 4.6):

*'Whilst there is an existing area of hardstanding at the front of the property bounded by existing black painted metal entrance gates, as is the case at the neighbouring property Holme Vale House of the semi-detached pair, the potential to redevelop the garden still exists.'*

16. This is an unrealistic belief that has no founding or logic: the hardstanding area has existed for many decades as providing an access to the property. There is no intention of the owner to take up this hardstanding to create a garden, just as no previous owner has ever wished to do that; nor has any owner of the adjoining property at Holme Vale House ever chosen to 'redevelop the garden'. The appellant has in fact been undertaking sensitive renovations and improvements to the house and rear garden as a long-term family property, and the hope is that this modified off-street parking area and improvement to the appearance of the front of the building will be a further enhancement to the building. The front area to the house and gates will thus remain *ad infinitum*, regardless of the outcome of this appeal.
17. The Council's Delegated Report refers at paragraphs 4.1-4.3 to the design policies of the Local Plan and the CA Statement. As noted in those paragraphs, Policies D1, D2 and CPG1 refer to the contribution that front gardens can play to the character of an area, and the effect that hardsurfaced parking areas may have. Reference is also made to similar guidance in the CA Statement relating to the contribution played by original front boundaries, and that the Statement seeks to resist the further loss of front boundary walls and conversion of gardens to parking areas.

18. That recital of development plan policy, and general guidance, is correct. But the fact is in this appeal that the property already has its hardsurfaced area and double gates: those have been in existence for many years, and they will remain. The proposals therefore do not conflict with these policies, as the scheme will not lead to the further loss of front boundary walls or conversion of a garden area to a hardstanding parking area. The only works within the front curtilage of the house is the extension of that hardstanding area, which the Council found acceptable.
19. The works therefore entirely comply with the objectives of D1, D2 and CPG1 of the Local Plan. There is also no conflict with the guidance in the CA Statement.
20. There is a further consideration in this matter, which was not addressed in the Delegated Report: the reinstatement of the kerb at the front of the property. As explained in the original Planning Statement, and shown in the attached photographs, the existing footway outside the property is in a poor condition, with a collapsed kerb and an awkward junction between the pavement and an area of former dropped kerb outside the adjoining house of Leavesden Cottage. This is unsightly to the Area and also causes an access problem for those using the footway.
21. The proposed works would see the appellant undertaking the upgrading of the footway in this location, ie by repairing the kerbs and reintroducing a continuous and level pavement surface outside the adjoining house. That would be a positive benefit to the Conservation Area. This is a public benefit that weighs in favour of the scheme and should have been taken into account by the Council in their balancing act, consistent with paragraph 134 of the NPPF.
22. It is the appellant's submission that the works to the property do not harm the character and appearance of the Conservation Area, and so there is no harm to the significance of the designated heritage asset. However, if any harm is identified by the Inspector it is clear that would be less than substantial, and then it is the appellant's further submission that the public benefits outweigh such harm. Thus, on balance, the proposed works would represent an enhancement to the Conservation Area and so to the heritage asset.

## Highways matters and parking

23. The application to the Council was accompanied by a detailed Transport Note to address the matter of traffic and parking in the vicinity of the site. This included the results of a parking survey, which was undertaken in accordance with the requirements of standard methodology.
24. The Technical Report concluded that there would not be any adverse impact on the pressure for parking in the area, that there would be a safe provision of parking on the site, there would be safe access on and off the parking space. The Report showed there was capacity to park in the area and this would not be reduced to a harmful level: the on-street parking capacity was found to be 77-83%, which is below the Council's 90% level of parking stress.
25. The Report further concluded that the reduction in on-street parking by one space would lead to benefits, due to reduced congestion. At present vehicles cannot pass in the section of Branch Hill opposite the appeal site and so the removal of one space would provide space to assist in the passing of vehicles. This was shown to be an additional public benefit arising from the works.

### On-street parking

26. The application was, though, refused on the grounds of loss of on-street parking spaces. The Delegated Report shows that the Council cast doubt on the survey that was undertaken (paragraphs 3.6-3.9) and so stated that the Council considered the expected levels of parking would still be over their 90% level of parking stress (paragraph 3.9).
27. To address this matter, TTP Consulting have produced the supplementary submission (February 2018), enclosed with this appeal. This explains:
  - That the methodology for the first survey in July 2017 met required standards (paragraphs 11-12).
  - Nevertheless, a further survey has been undertaken in January 2018, which is confirmed by TTP as being undertaken consistent with the required methodology (paragraph 13).
  - This January 2018 survey found on-street parking at 65%, ie below the levels of the July 2017 survey, and considerably below the Council's 90% stress level (paragraphs 13-14).
  - The levels of on-street parking remain well below the Council's stress level even if an area of parking disputed by the Council is removed from the survey area (paragraph 15).
  - Subsequent to the January 2018 survey, the Council installed a disabled parking space on Branch Hill (nb this is for the benefit of the resident of The Garden Flat, Leavesden, Branch Hill, who wrote in at the time of the application). This space will necessitate a slightly different alteration to on-street parking bays (now shown in Appendix F of the Report). But taking that into account, the on-street parking levels are still below the stress levels: 53% for the January survey findings, and 79-87% for the July 2017 survey (paragraphs 16-17).
  - The figure of 111% parking quoted in the Council's Delegated Report is an inaccurate impression. It was merely a theoretical figure arrived at by dividing the number of permit holders by the number of on-street parking spaces: it did not follow any actual surveys (paragraph 18).
  - The Council undertook a parking consultation in 2012 that in fact indicated there was below 90% parking levels in the area (paragraphs 19-21).

- The proposed alteration to the on-street parking bays as shown in Appendix F of the Report will still only lead to the reduction of one vehicle space. The proposed crossover will, of course, mean there is one vehicle parked off-street. The levels of parking stress in the area mean the proposed works would not have any material effect on on-street parking in the area (paragraphs 22-24).
28. The Delegated Report cites the relevant policies of the Local Plan on this matter. It is important to have regard to the objectives of these policies, ie the reasons why they are applied to proposed development. Policy T2 of the Local Plan says that the Council will
- ‘resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking’*
29. Paragraph 10.21 explains further on this matter, and sets out the reasons why this general resistance is sought, namely:
- Parking can cause damage to the environment. Trees, hedgerows, boundary walls and fences are often the traditional form of enclosure on Camden’s streets, particularly in conservation areas, contributing greatly to their character, as recognised in Camden’s Conservation Area Appraisals and Management Strategies. This form can be broken if garden features are replaced by areas of paving or hard standing. Development of boundary treatments and gardens to provide on-site private parking often requires the loss of much needed public on-street parking bays to create vehicle crossovers. Areas of paving can also increase the volume and speed of water run-off. This adds to the pressure upon the drainage system and increases the risk of flooding from surface water. Developments seeking to replace garden areas and/or boundary treatments for the purposes of providing on-site parking will therefore be resisted.*
30. The reason for the Policy is therefore, again, firstly due to townscape and character reasons: the effect arising from the changes to boundary walls, trees, soft garden areas, etc. It has been explained earlier how the proposed development would have no effect on such matters. Indeed, there would be an improvement to the appearance of the area and the streetscape due to the works to the kerb and pavement.
31. The second reason for the Policy is then due to the Council’s concern over *‘loss of much needed public on-street parking bays’*. It has been demonstrated through two surveys and using the Council’s own data that the levels of parking in the area are considerably below the Council’s defined level of parking stress.
32. The circumstances of this case therefore indicate that the proposed works would not conflict with the reasons for applying Policy T2: there would be no harmful change to the character of the area (indeed, an improvement due to the upgrading of the footway) and no harm to parking in the area.
33. This further means there would be no conflict with the Council’s Dropped Kerb highways consent policy or with paragraph 7.10 of CPG7, as referred to in paragraph 3.11 of the Delegated Report. Those policies resist approval under the Highway Act where an amendment to a CPZ is required *‘that are detrimental to that scheme in traffic/parking management terms’* and it is said that *‘the Council will not approve applications for planning permission that would cause unacceptable parking pressure or add to existing parking problems’*: the proposed works have been demonstrated to not be detrimental to traffic or parking in the CPZ.

### Traffic and congestion

34. A further matter to be considered with regards to parking and transport is the improvement that would arise from the creation of a passing area as a consequence of the removal of the parking bay. There can be considerable congestion along Branch Hill, and this is confirmed in the photographs in the TTP Technical Report, and indeed by the consultation responses during the course of the planning application.
35. The TTP Report explains that the provision of a break in the existing row of parking bays would enable a vehicle to pull into the area to allow other vehicles to pass (paragraph 37-29). The recent introduction of the disabled bay has further increased this gap. This would be a benefit to traffic flow in the area.

### Visibility and site access

36. A final matter considered by the February 2018 TTP Technical Report is access to and from the parking area. The Council's third reason for refusal relates to sightlines and manoeuvring. There are no specific details in the Delegated Report as to how this was assessed, or any specific shortcomings of the scheme. Paragraphs 27-36 of the Technical Report address this matter and confirm that safe access and exit would be provided.

## Summary

37. The appeal property is a family house with an existing hardsurfaced drive area, with gates to the footway. This has been the situation for many decades as it provides access to the building, and this will remain. The proposed works would not affect the appearance of the house, and as a consequence there would not be any effect on the character and appearance of the Conservation Area.
38. Two parking surveys and analysis of the Council's own survey results have demonstrated the proposed works would not have any material effect on levels of on-street parking in the area. On street parking will remain below the Council's defined level of stress. Safe access to the parking area is provided.
39. There are public benefits arising from the proposed works. This relates to the enhancement to the footway outside the property and along Branch Hill, which would be a visual improvement and an improvement to access through levelling of the current poor surface. There would be benefits arising from the traffic improvements. These weigh in favour of the works, and must be taken into account in the balance of a situation where there is no discernible harm arising from the scheme.
40. The Council's development plan resists the creation of new off-street parking areas where there would be harm to front garden areas, boundary enclosures, and to parking stress. There would be no such harm in this appeal. The particular considerations in this case therefore indicate that planning permission can be granted, and the Inspector is respectfully requested to allow the appeal.



## **THE CHESTNUTS, BRANCH HILL, LONDON, NW3 7NA**

**Appendix 1 – photographs of appeal site and surroundings**

**Appendix 2 – extracts from Hampstead Conservation Area Statement**

## **Appendix 1 – photographs of appeal site and surroundings**



The appeal property, showing the existing hardstanding driveway and gates





Closer detail of the property, showing the hardstanding provides access to the lower ground floor at present



The appeal property and its neighbours





Views along Branch Hill, showing poor quality footway and damaged kerbs in front of appeal property







Detail of pavement and road outside property, and view of existing gates and hardstanding



Properties to the south of the appeal site, showing short front garden areas





Property to the north of the appeal site, with access to off-street parking area



The common land opposite the appeal site





Branch Road to the south of the appeal site





Properties further to the south, along Branch Hill



Junction of Branch Hill and West Heath Road, to the north of the appeal site

## **Appendix 2 – extracts from Hampstead Conservation Area Statement**



# Conservation *area statement* ► **Hampstead**

# HAMPSTEAD

## *Conservation Area Statement*

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The aim of this Statement is to provide a clear indication of the Council's approach to the preservation and enhancement of the Hampstead Conservation Area.

The statement is for the use of local residents, community groups, businesses, property owners, architects and developers as an aid to the formulation and design of development proposals and change in the area. The statement will be used by the Council in the assessment of all development proposals.

Camden has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate as conservation areas any "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance." Designation provides the basis for policies designed to preserve or enhance the special interest of such an area. Designation also introduces a general control over the demolition of unlisted buildings. The Council's policies and guidance for Conservation Areas are contained in the Unitary Development Plan (UDP) and Supplementary Planning Guidance (SPG). This Statement is part of SPG and gives additional detailed guidance in support of UDP policies.

The Statement describes the character of the area, provides an outline of the key issues and identifies development pressures which are currently a cause of concern. The statement also sets out the key policy framework relevant to the Conservation Area and formulates specific guidance for it.



It is not the intention of the Statement to contain proposals for the enhancement of the public realm. The Council has produced a Streetscape Design manual for Camden and all public realm enhancement work will be undertaken in accordance with it. The manual identifies an overall image for the Borough in terms of appearance of the streetscape with respect to surfacing materials, furnishings and lighting and, where appropriate, identification of the special characteristics of smaller areas within it. There is a reference guide for the use of standard design details, surfacing materials, street furniture and street lighting to be used in engineering, traffic management and other environmental improvement schemes. This includes sample illustrations of best practice, e.g. for historical street settings, typical street settings within Conservation Areas.

A Streetscape Audit accompanies this Statement (produced as a separate document) that provides an indication of the many valuable streetscape elements that contribute to the character and appearance of the Conservation Area.



# Introduction

Hampstead is a Conservation Area of considerable quality and variety. A range of factors and attributes come together to create its special character. These are principally; its topography; the Heath; the range, excellence and mix of buildings; the street pattern and Hampstead's historical association with clean water and fresh air. The Conservation Area stretches beyond the village itself to include South End Green, Frognal and Rosslyn Hill and offers many fine and interesting examples of the architectural development of London.

## Location

Hampstead sits on the sand and pebble-capped hills that extend across this part of North London from Finchley Road to Highgate and are visible from parts of central London. The Conservation Area spans the heights of the hill and rises to Whitestone Pond at 135m above sea level. It also falls to 60m at South End Green. The topography is at the heart of the townscape.

The Urban Grain map highlights the diversity of the urban form of Hampstead, from the dense cluster of streets and alleys around the High Street to the grid of the Willoughby Road area to the expansive open spaces of Oakhill. All of these are set against the backdrop of Hampstead Heath and the outlying areas of the Conservation Area.



*Camden and location of Conservation Area*

## SUB AREA SIX: Branch Hill/Oak Hill

This area is composed of the Branch Hill and Oak Hill character zone. The area is principally woodland on the western slopes of Hampstead in which buildings play a subordinate role. It is designated a borough Site of Nature Conservation Importance by London Ecology Unit.

**Branch Hill** This is an old route skirting the edge of the Heath that links up with West Heath Road. A number of houses were built along it in the latter part of the 19th century. Nos. 1-5 is a Gothic terrace of stock brick and red dressings, with

stepped gables and decorative slate-hung arches over the top floor windows. As the road meets West Heath Road and slightly detached from the village is a group of late 19th century semi-detached buildings, with Gothic elements, with three storeys, semi-basement and dormered roof. Branch Hill Lodge and its

attractive Gothic gatehouse (listed) was built by SS Teulon (architect of St Stephens, Rosslyn Hill) on the site of a much older house. The Lodge was largely rebuilt in 1901 and in 1965 converted into an old peoples home and extended by Camden Council. The old kitchen gardens of Branch Hill Lodge have been turned into allotments. In 1978 the Council built a

celebrated group of houses in the grounds of the Lodge named

**Spedan Close.** Built against the steep incline of the grounds they are in concrete and white render with an ingenious series of roof gardens. Designed by Benson and

Forsyth in a compact cluster which leaves much of the well wooded site undisturbed. Heysham Lane curves around the estate and at its

western side is Oak Tree House (listed), designed by Basil Champneys in 1874. West Heath Lodge on Branch Hill, a five storey rectangular slab of flats, has replaced an older villa. Several undistinguished modern houses have been built among the trees along Oak Hill Way.

- Listed buildings
- Buildings which make a positive contribution

**Oak Hill Park** was developed around 1850 with an informal layout of plain but substantial Italianate villas. Only No. 1 and Oak Hill House remain; the rest were replaced in 1960 by a grouping of flats, of no great quality in themselves but pleasantly arranged among the grassy slopes and mature trees of the older gardens (Won Civic Trust Award in 1961). Two blocks are seven storey, with strong horizontal brick banding and balconies at the corners. Another group of four connected blocks are three storey with a greater use of brick and concrete string course between floors.

### Buildings or features which detract from the character of the area and would benefit from enhancement

Oak Hill Park: garage court beside No. 1  
 Oak Hill Way: 1, 3, 4 & 7  
 Spedan Close: additions to Branch Hill House.

### Neutral Buildings

Frogna: 115



## HAMPSTEAD C.A. STREETSCAPE AUDIT -

### **BACK LANE towards Heath Street**

Granite sett roadway (large pink rectangular blocks)  
York stone pavement both sides  
Narrow granite kerbstones  
Two original cast iron lighting columns.  
Granite setts used in crossovers

### **BIRD IN HAND YARD**

On the left side, a recessed drain pipe might have been damaged by the vehicles.  
On the right side, the corner from High Street to the Yard is curved at ground floor level, then right-angled from first floor level upwards – thus, a sharp edged corner avoided at ground level.  
Huge square granite setts as road surface, with long granite blocks laid up to the kerbs (which abut the walls of the facing buildings); the wheel tracks showing in many places clearly visible, the indents of cart-wheels over many years.  
At the entrance from the High Street, two stone bollards (½ section) leaning against corners to protect them.  
The kerbstones are black, grey and pink – a wonderful collection.  
At the far end of the Yard, where Spencer Walk abuts, 16 granite blocks laid with their ends to the kerbstones – and the cart tracks here are even more visibly ‘rutted’ – originally the horse-bus terminus from central London.  
On the north side originally a tiny gents’ urinal – outline of sloping roof just visible.

### **BOADES MEWS**

Two steps are granite and top step is concrete,  
High brick wall to school playground  
Tiled name plate (TNP) including hand pointing “to Flask Walk”  
York stone pavement outside Flask cottages  
Granite setts at crossover to house in Boades Mews  
One 19th century fluted lighting column

### **CANNON LANE towards Well Road**

Towering brick wall to Cannon Hall  
Fine small cannon bollards  
Narrow granite kerbs  
High wall to Cannon Hall  
One 19C lighting column near Parish lock  
granite setts as drainage channels  
Set in wall: Doorway to historic Parish lock-up, also black iron plaque recounting its history.  
1 cannon bollard  
TNP on right hand wall “to Squires Mount and Cannon Place” with pointing hand.  
Overhanging foliage on left hand wall opposite Cannon Hall wall  
TNP Cannon Lane in wall of 22 Well Road

### **CANNON LANE to East Heath Road**

Mature trees on left above garden walls  
granite sett crossover into garage 2nd house on right  
Lantern on top of wall at the back of Lyon House  
TNP “Canon Lane” as the road meets E.Heath Road  
Granite spurstone at base of wall at side of Lyon House

### **CANNON PLACE**

Granite kerbs stones.  
Drainage channels: North = 1 row granite setts; South = three rows granite setts.  
Footways: York stone (both sides).