

Delegated Report		Analysis sheet	Expiry Date:	05/06/2018
		N/A / attached	Consultation Expiry Date:	06/06/2018
Officer			Application Number(s)	
John Diver			2018/0500/P	
Application Address			Drawing Numbers	
20 Busby Place London NW5 2SR			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Demolition of boundary treatment to front of dwelling and use of front garden for two onsite car parking spaces.				
Recommendation:		Refuse planning permission		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	Multiple site notices were erected near to the site on the 16 May 2018 (consultation expiry 06 June 2018)			
Adjoining Occupiers:	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>A letter of objection was received from the owner/occupier of no.7 Busby Place. Their objection comments can be summarised as follows:</p> <ul style="list-style-type: none"> - No reason why previous approach to refuse similar works should be reconsidered - Works would be harmful to character and appearance for terrace - May result in further loss of on street parking - May increase likelihood of flooding 			
Ward Councillor Jenny Headlam-Wells	<p>A letter of objection was received from a Kentish Town Ward Councillor who objects to the proposals on the following grounds:</p> <ul style="list-style-type: none"> - Clearly contrary to adopted parking policy - Residents already benefit from parking spaces to the rear - Works would be harmful to local residents - Harmful to character of terrace/street - Would lead to hazards to pedestrian safety 			
Kentish Town Neighbourhood Forum	Following a request for comment, the KTNF responded to say that they did not wish to make comment on the application.			

Site Description

The 4-storey end of terraced property is situated on the south side of Busby Place, west of the junction with Oseney Crescent and east of Torriano Avenue. Number 20 Busby Place is in use as a single dwelling house. Due to a drop in ground level the properties along this terrace all have lower ground floor levels with front and rear gardens at lower ground floor level. The front boundary treatment for the whole terrace is a dwarf wall with railings and brick piers for the entrance gates.

The application property forms part of the recent redevelopment of the former Jews Free School site, which is bounded by Camden Road to the south, Torriano Avenue to the east, Canteloves Gardens and Park to the west and Busby Place to the north. The planning permission for the redevelopment, which was granted in January 2003, includes a condition that removes permitted development rights. The site is not in a conservation area and the building is not listed but all the properties are of very similar design and form an aesthetically homogeneous whole. The application site is within the East Kentish Town controlled parking zone (CA-M).

Relevant History

PEX0200214/R3: 15/1/2003 permission was granted for the demolition of Jews Free School buildings & redevelopment of the site for residential purposes (Camden Road, Torriano Avenue and Busby Place). Additional condition 5 of this planning permission removed permitted development rights within Part 1 (Classes A-H) and Part 2 (Classes A-C) of the Town & Country Planning (General Permitted Development Order) 1995 or any Order revoking and re-acting that order, from the residential properties.

2005/1901/P: pp granted July 2005 for the erection of a 2-storey side extension.

2005/3708/P: October 2005- pp was granted for erection of extension at the basement floor level, alterations to side and rear elevations, installation of dormers at the front and rear roof slope of the dwelling house (Class C3).

2006/4782/P: PP granted 22/12/2006 for the installation of front and rear dormers to single family dwelling house (Class C3).

2008/4868/P: Planning permission was refused and warning of enforcement action to be taken on the 11/06/2009 for the 'Retention of a 4 storey plus basement and sub-basement building to provide additional accommodation to an existing dwellinghouse and retention of dormer windows to 20 Busby Place (Class C3)'

Reasons for refusal:

- 1) The retention of the erected building, by reason of its height, bulk, scale, proportions and detailed design (in terms of front facade and front and rear dormers), is an unduly dominant and incongruous building which detracts from the appearance of the host building and the terrace of which it forms a group; it also has a harmful impact on the established streetscape pattern and grain by a further reduction in size of the visual gap between building
- 2) The retention of the erected building, by reason of its size and location, has resulted in loss of outlook to the neighbouring property at number 26 Busby Place to the detriment of the neighbours' residential amenities
- 3) The forecourt parking, by reason of its size and shape, is substandard and detrimental to highway and pedestrian safety, as well as encouraging more parking at this property than the maximum parking standards allow. The proposal would therefore be likely to contribute unacceptably to traffic and parking congestion in the surrounding area and be detrimental to highway and pedestrian safety,
- 4) The rear planter at ground floor level, by reason of its design and its position, is an incongruous addition to the facade which disrupts the uniformity of the terrace and if used as a platform would result in an increased level of overlooking and loss of privacy to neighbouring gardens

2010/4094/P: Planning permission was refused on the 11/10/2010 for the 'Erection of boundary wall with railings and electric gate to existing residential dwelling (Class C3), in association with retained forecourt parking'. Subsequent appeal was dismissed on the 25/05/2011.

Reasons for refusal:

- 1) The retained forecourt parking, associated with the vehicular entrance created by the proposed sliding gate, by reason of its size and shape, is substandard and detrimental to highway safety, as well as encouraging more parking at this property than the maximum parking standards allow. The proposal would therefore be likely to contribute unacceptably to traffic and parking congestion in the surrounding

area and be detrimental to highway and pedestrian safety

2011/4755/P: Planning permission was refused on the 30/11/2011 for the 'Erection of a single storey side extension to dwelling house (Class C3)'

Reasons for refusal:

- 1) *siting, scale and design would be detrimental to the character and appearance of the host building and wider street scene and would result in the inappropriate accumulation of side extensions. The proposed extension would effectively infill one of the visual breaks in the built environment which alleviates the visual impact of the dense urban environment and would further create a terracing effect that would have a negative impact upon the street-scene of Busby Place and Busby Mews*
- 2) *by reason of its height, depth and siting on the neighbouring boundary, would give rise to an unacceptable sense of enclosure which would result in an unacceptably oppressive impact upon the amenity of 26 Busby Place*

2012/2488/P: Planning permission was refused on the 05/07/2012 for the 'Erection of a single storey side conservatory extension to dwelling house (Class C3)'. Subsequent appeal was dismissed on the 29/10/2012.

Reasons for refusal:

- 1) *siting, scale and design, would be detrimental to the character and appearance of the host building and wider streetscene and would result in the inappropriate accumulation of side extensions. The proposed extension would effectively infill one of the visual breaks in the built environment which alleviates the visual impact of the dense urban environment and would harm the character of the streetscene of Busby Place and Busby Mews*

Enforcement History

On the 17th July 2008, following the refusal of planning application 2007/5002/P the Development Control Committee agreed a recommendation to serve an enforcement notice against the construction of the new four storeys plus attic building/extension, flank wall, removal of the front boundary treatment, and creation of a new access on site adjoining this property. An appeal against this enforcement notice was submitted (APP/X5210/C/08/2086730).

28th August 2008 the Development Control Committee agreed a recommendation to serve an enforcement notice against the erection of new roof extension and reinstatement of the roof or implementation of approved scheme for dormer windows, and removal of protruding steel beam at ground floor level. An appeal against this enforcement notice was also submitted. This appeal was combined with that above and following the refusal of application 2008/4769/P this too was added to the above appeal to be heard at public enquiry on the 26/06/2009.

July 2009: Planning & Enforcement Appeal Dismissed:

A) S.174 Enforcement Appeal Ref: APP/X5210/C/08/2086730

1. Summary of Decision: The appeal succeeds in part and the enforcement notice is upheld as corrected and varied in the terms set out in the Formal Decision.

B) S.174 Enforcement Appeal Ref: APP/X5210/C/08/2089293

2. Summary of Decision: The appeal is dismissed and the enforcement notice is upheld as corrected in the terms set out below in the Formal Decision.

C) S.78 Planning Appeal Ref: APP/X5210/A/09/2094255

3. Summary of Decision: The appeal is dismissed.

Relevant policies

National Planning Policy Framework (2012)

The London Plan March 2016

Camden Local Plan (2017)

The following policies are considered to be relevant:

Policy A1 Managing the impact of development
Policy A4 Noise and vibration
Policy D1 Design
Policy CC4 Air quality
Policy T1 Prioritising walking, cycling and public transport
Policy T2 Car-free development and limiting the availability of parking
Policy T3 Transport infrastructure

Camden Planning Guidance

CPG1: Design (2015) Chapters:
2 - Design excellence;
6 - Landscape design and trees

CPG6: Amenity (2011) Chapters:
4 - Noise and vibration;
5 - Artificial light;
6 - Daylight and sunlight; &
7 - Overlooking, privacy and outlook

CPG7: Transport (2011) Chapters:
6 - On-site car parking
7 - Vehicle access
8 - Streets and public spaces

Assessment

1. Introduction

- 1.1. Planning permission is sought for the creation of no.2 off street parking space/hardstanding within the side garden of the host property as well as the erection of a wooden fence to this side boundary. Following the submission of the application, works have commenced onsite and at the time of writing the proposed development had been substantially completed. As such retrospective permission is now sought for the changes outlined in submitted plans.
- 1.2. As outlined in the planning history of this report, the host property has been subject to extensive works over the past few years and a number of permissions have agreed to these alterations. Because several alterations have been made without prior express permission, the property is also subject to ongoing enforcement investigations. This application seeks to address a number of these outstanding issues including the replacement of lost mature trees.

2. Assessment

- 2.1. The principal considerations material to the determination of this application are as follows:
- Transport / Highways issues
 - Design and character
 - Residential Amenity

Transport / Highways

- 2.2. As outlined in the planning history section of this report, there is an extensive planning history associated with the application site. Of particular pertinence is application 2010/4094/P dated 11/10/2010, which refused permission for similar proposed works on the ground that the creation of further onsite parking would be contrary to the aims to improve traffic conditions and air quality. It was also noted that the area for parking would be insufficient and that this would result in harm to the adjacent public footway. This decision was appealed and subsequently dismissed by the planning inspectorate in May 2011 (ref. APP/X5210/D/11/2147850). Since then, the Council's policy framework has been replaced, however, the policy position in relation to off-street parking has not altered (it has in fact been strengthened). Since this decision there have been no material changes to the application site or adjacent sites.

- 2.3. T2 (Parking and car-free development) states that in order to reduce in air pollution and congestion and improve the attractiveness of an area for local walking and cycling, the Council will limit the availability of parking within the Borough. Specifically, this policy states that the Council will limit new on-site parking to spaces designated for disabled people where necessary, and/or essential operational or servicing needs. The policy also states that development of boundary treatments and gardens to provide vehicle crossovers and on-site parking will be resisted.
- 2.4. The application site is located in an area of high public transport accessibility (PTAL 5). Although a dropped curb already exists on the adjacent highway, the proposed works would result in a net increase of two parking space (off-street) for the sole use by the occupiers of no.20. Given that the spaces are not required for servicing requirements and no evidence has been provided that they would enable access for a disabled resident, the proposed works are contrary to policy T2 and would not be supported.
- 2.5. Further to the above, following a site visit to the application inaccuracies were discovered in the submitted drawings which would have a material impact upon the feasibility of the use of the front forecourt area for parking. Although not shown on existing/proposed sections or plans a raised platform with a height of approximately 0.5m projects beyond the front elevation of the dwelling into the forecourt/garden area to a depth of approximately 1m. As a result, the area of forecourt level with the pavement would have a depth of less than the 6m necessary to fully accommodate a standard sized vehicle in line with the Council's parking standards (see figure 2 of CGP 7 – Transport). This has the effect that any vehicles parked within the forecourt would project over the front boundary and would obstruct the adjacent footway. Not only would this reduce pedestrian comfort levels / ease of passage, it would also create pedestrian safety issues for passers by whilst vehicles manoeuvre into the space. Given that policies T2 and T3 seeks to protect ease of movement and public footways from obstruction/removal, the inadequate area for onsite parking would form an additional reason for refusal.
- 2.6. The development is therefore considered to remain contrary to policies T2 and T3. The submitted scheme has not addressed the previous reasons for refusal or reasons for dismissal given by the previous planning inspector.

Design and character

- 2.7. The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 (Design) states that in order to ensure this, development should consider and respect the local context and character, integrates well with the surrounding streets and open spaces, as well as maximising opportunities for greening for example through planting of trees and other soft landscaping.
- 2.8. CPG1 design guidance advises that gardens and front boundary treatments make an important contribution to the townscape of the Borough and contribute to the distinctive character and appearance of individual buildings and their surroundings. It also states that gardens are particularly prone to development pressure in the Borough with their loss resulting in the erosion of local character and amenity. Development within gardens can have a significant impact upon the amenity and character of an area. The CPG1 guidance therefore states that the design of front gardens / forecourt parking should ensure:
- a balance between hard and soft landscaping. Where changes take place no more than 50% of the frontage area should become hard landscape. Where parking areas form part of the forecourt enough of the front boundary enclosure should be retained to retain the spatial definition of the forecourt to the street and provide screening;
 - retain or re-introduce original surface materials and boundary features, especially in Conservation Areas such as walls, railings and hedges where they have been removed. If new materials are too be introduced they should be complementary to the setting;
- 2.9. As mentioned at the beginning of the report, the host dwelling is situated at the end of a row of terrace properties, which exhibit clear consistency in their design and character, and positively add to the streetscene. One element of this consistency, and a contributing factor to the group character, is the treatment to front boundaries that is uniform for the entire terrace. The regular pattern of painted dwarf brick walls, brick piers and painted metal railings with decorative finials definite the front boundary in a clear and uniform manner and add to the character of the terrace. The removal of a full section of this boundary treatment to the end of the terrace is considered to sever this uniformity and to breach the definitions of space to the front of the dwelling. This loss, combined with the visual clutter of parked cars to the front of the site is considered to be harmful to the character and appearance of the host dwelling and streetscene, but also to undermine the group character of the terrace. The proposed works are

consequently contrary to policy D1 of the Local Plan and policy D3 of the Kentish Town Neighbourhood Plan (2016).

Residential Amenity

- 2.10. Policy A1 seeks to protect the amenity of Camden's residents by ensuring that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 (Amenity) expands upon the requirements of this policy, stating that: "Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree" and that, as spaces that are overlooked lack privacy, "new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking".
- 2.11. The application property is an end of terrace property which features a brick party wall to the non-adjointing neighbour. The area of the front garden proposed for parking would be separated from the adjoining dwelling by virtue of its siting. The proposed development would not involve the erection of any structure. As a result the proposed works would not result in any loss of outlook, privacy or natural light to any neighbouring occupier. Although the manoeuvring of vehicles on site would create additional noise, given the proximity to the existing on street spaces the resulting impacts in terms of noise and pollution from parking vehicles would not be considered to substantiate a reason for refusal

3. Recommendation

3.1. Refuse planning permission