

Delegated Report		Analysis sheet	Expiry Date:	13/07/2018
		N/A / attached	Consultation Expiry Date:	28/06/2018
Officer			Application Number	
Sofie Fieldsend			2018/2315/P	
Application Address			Drawing Numbers	
25A Willow Road London NW3 1TL			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Variation of condition 3 (approved drawings) of planning reference 2017/3484/P dated 06/12/2017 (for erection of roof extension involving raising the ridge height and replacement of existing front/rear dormers; conversion of car port into habitable room and new front entrance; installation of new rear Juliette balconies and replacement front and rear windows; alterations to front garden including installation of new bin store and new railings to front boundary wall.); namely, the retention of parking space and dropped curb.				
Recommendation:	Refuse Planning Permission			
Application Type:	Variation of condition (section 73)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>A site notice was displayed near the site from the 01/06/2018 (consultation expiry 22/06/2018).</p> <p>The development was also advertised in the local press from the 07/06/2018 (consultation expiry 28/06/2018).</p> <p>No responses were received.</p>			
Hampstead CAAC/ Hampstead Neighbourhood forum:	<p>Hampstead CAAC and Hampstead Neighborhood forum were notified.</p> <p>Hampstead CAAC objected to the proposal on the following grounds:</p> <ol style="list-style-type: none"> 1. Applicant's mind changed to retain a pre-existing car space with previous car port converted to 'accommodation' ? questionable, with promised new front planting small though it is dropped for car use ??? Either one or the other, not both to be consented, we think. 2. In this location, forecourt-only parking is a bad precedent if consented and as proposed is effectively a new car space contrary to policy on intended car-free development, regardless of the existing dropped kerb. 			

Site Description

The application site is 25A Willow Road, which is a two storey terraced former house with an attic roof and a semi-basement situated on the south side of Willow Road near its intersection with Christchurch Hill.

The building is divided into two maisonettes; the lower maisonette, no. 25, occupies the basement and two thirds of the ground floor, as well as the front curtilage and the entire rear garden. The upper maisonette no. 25A occupies the remaining ground floor and upper two storeys.

The application site is within the Hampstead Conservation Area. The property is not listed, but has been identified as making a positive contribution to the conservation area.

Relevant History

2018/1087/P - Removal of front boundary gate pier and replacement with black painted steel railing and front fenestration alterations at ground floor level as non-material amendments to permission reference 2017/3484/P dated 06/12/2017 (Erection of roof extension involving raising the ridge height and replacement of existing front/rear dormers; conversion of car port into habitable room and new front entrance; installation of new rear Juliette balconies and replacement front and rear windows; alterations to front garden including installation of new bin store and new railings to front boundary wall). –**Granted 25/04/2018**

2017/6886/P - Details pursuant to conditions 4 (Windows and bin store) and 5 (landscaping and boundary treatment) of planning permission 2017/3484/P dated 06/12/2017 for: Erection of roof extension involving raising the ridge height and replacement of existing front/rear dormers; conversion of car port into habitable room and new front entrance; installation of new rear Juliette balconies and replacement front and rear windows; alterations to front garden including installation of new bin store and new railings to front boundary wall. – **Condition granted 30/01/2018**

2017/3484/P - Erection of roof extension involving raising the ridge height and replacement of existing front/rear dormers; conversion of car port into habitable room and new front entrance; installation of new rear Juliette balconies and replacement front and rear windows; alterations to front garden including installation of new bin store and new railings to front boundary wall – **Granted conditional permission subject to legal agreement 06/12/2017**

1951- Conversion of 25, Willow Road into two maisonettes with ground floor integral car port and refuse storage compound. **Granted 10/03/1965**

Relevant policies

National Planning Policy Framework 2012

London Plan 2016

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Policy T1 Prioritising walking, cycling and public transport

Policy T2 Parking and car-free development

Policy T3 Transport infrastructure

Supplementary Planning Policies

CPG1: Design (2015 updated March 2018)

CPG Amenity (2018)

CPG7: Transport (2011) Chapters:

- 1 – Introduction
- 6 – On-site Car Parking

Hampstead Conservation Area Statement (2001)

Hampstead Conservation Area Design Guide (2010)

Hampstead Neighbourhood Plan (2018)

- Policy DH1: Design
- Policy DH2: Conservation Areas and Listed Buildings
- Policy TT2: Pedestrian environments

Assessment

1. Proposal

Permission is sought to vary condition 3 (approved plans) of the parent application, namely to retain the drop curb to the street and area of hard standing within the front garden and provide a metal gate to facilitate space for on-site vehicular parking.

The original application granted works including to infill the existing carport and convert it to a habitable room. A S106 legal agreement was signed by the applicant agreeing to provide a highways contribution to reinstate the dropped curb to the street as onsite parking was no longer required. Approved plans showed the front garden and boundary reinstated. A S106 legal agreement was signed by the applicant agreeing to pay a highways contribution for any damage to the highway and for reinstating the pedestrian footway directly adjacent to the site in place of the redundant crossover.

2. Assessment

2.1. The main consideration for the purposes of this application are:

- the impact of the proposed alterations to the character and appearance of the host building, group of buildings, street scene and wider conservation area; and
- Impacts upon the residential amenity of neighbouring residents
- Impact on highway safety

Impact on design and heritage

2.2. The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 seeks to secure high quality design in development that considers the character, setting, context and the form and scale of neighbouring buildings; the quality of materials to be used; and the character and proportions of the existing building. Policy D2 additionally states that the Council will only permit development within conservation areas that preserves or enhances the character and appearance of the area.

2.3. It is noted that the existing driveway is hard landscaped and the external alterations are minor and not considered to have a detrimental impact on the character and appearance of the host property or the wider Hampstead Conservation Area.

2.4. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Impact on amenity

2.5. Local Plan Policy A1 and Camden CPG1 Design seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

2.6. The proposal, given its siting, is not considered to harm the amenity of adjoining occupiers.

Transport

2.7. Camden Local Plan policy T1 that seeks development to “improve the pedestrian environment by supporting high quality public realm improvement works” whereas this would cause harm to the public highway. We also seek to provide public routes that are “easy and safe to walk through (‘permeable’)”. Policy T3 also requires the Council to “protect existing and proposed transport infrastructure, particularly routes and facilities for walking, cycling and public transport, from removal or severance”.

2.8. Paragraph 6.9 of CPG 7 states the minimum standards for the dimensions for off-street car parking spaces is 2.4m wide by 4.8m deep.

2.9. While the creation of new off-street car parking spaces is usually unacceptable in principle, this proposal is for the relocation of the existing car parking space from the carport which has been granted to be infilled and converted into a habitable room to the front garden. The provision of the onsite parking space would therefore not be contrary to policy T2 in principle, as it would not involve the creation of any new off-street parking space. The creation of the space and its associated promotion of unsustainable forms of transport is consequently not a reason for refusal in this instance.

2.10. Notwithstanding the above, officers consider that the proposed vehicular parking space would be too small to practically accommodate vehicles within the site, leading to impacts to the adjacent footway. The proposed parking space would measure only 3m in depth from the front of the property to the public highway with the gate access measuring 2m wide. This proposed depth significantly fails the minimum depth of 4.8m required for an off-street car parking space by 1.8m. Highways Officers have stated that a vehicle is parked in this area it is likely to project out on to the footway which is illegal and would also restrict the footway to other users, causing issues to people walking down the street and causing particular issues to disabled users or people with push chairs. This reduction to pedestrian comfort and ease of movement would remain contrary to policy. In addition, as the existing front garden is very narrow, if a car was parked it would heavily restrict access to the refuse storage which could in turn result in litter having to be placed elsewhere within the garden and undermining the refuse storage provision approved.

2.11. In the original report it was stated that ‘the principle of removing the carport is acceptable as the driveway is too narrow for modern cars and has not been utilised recently, as the occupiers have on street parking permits, therefore there is no effective loss of onsite parking and no further impact on parking on the street’. The applicant confirmed that they don’t use the front of the property to park a car. This is backed up in their planning statement for the original application, where the applicant stated that ‘The car port is no longer used because a car cannot exit safely due to the high walls on both sides reducing the visibility’ and the proposal ‘includes the removal of the current off street parking space as it is no longer adequate to cater for modern cars for parking due to the narrow entrance and width of the car port and when used it restricts access to the maisonette by pedestrians’. Their Design and Access statement of this application also states that ‘The space provided for off-street parking is no longer adequate to cater for modern cars for parking due to the narrow entrance and width of the car port, and is unsafe for access off the street’. Their original planning statement and D&A clearly indicates that the applicant acknowledges that highways safety is a concern from the use of the front garden for car parking.

2.12. While it is noted that proposed plans indicate that the space could accommodate a specific form of electric vehicle (G-Whiz/REVAi), the Council could not reasonably attach a condition that the space could only be used for this model of car and so would not have the ability to control the

use of the space. As such the application of conditions could not address the above identified harm.

2.13. The siting of a car in this restricted front garden is unacceptable in principle as it does not comply with the minimum space parking standards and it would restrict the footway's ease of use and possibly make the route unsafe. Therefore the proposal is contrary to policies T1 and T3 of the Local Plan and CPG7.

2.14. In the cover letter submitted the applicant makes no reference to the S106 legal agreement attached to the original permission. Obligation 2.6 of the original application (2017/3484/P) is for a highways contribution which would remove the crossover and remove vehicle access from the site. It should be noted that it is an offense to drive across the footway and cause damage to it once the dropped curb is removed. This obligation is not being contested as part of this application. A Section 106A application would be required for this and it cannot be dealt with under the current application. As the proposed changes would be directly contradict the previous obligation, officers did not seek to process a deed of variation to the legal agreement in this instance as an updated agreement would serve no purpose under the varied scheme. As the dropped curb remains in situ, the lack of a deed of variation to re-secure this obligation does not form a reason for refusal.

Recommendation: Refuse proposed variation to condition

