

Enforcement Delegated Report

Receipt date:

10/05/2018

Officer

Josh Lawlor

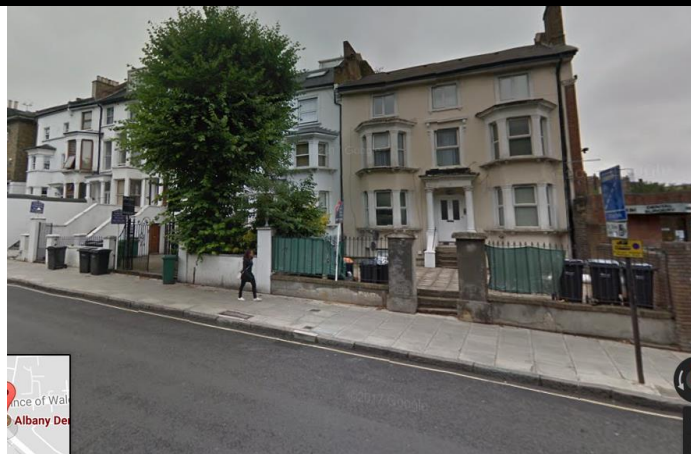
Enforcement Case

EN18/0049


Breach Address

50 A Haverstock Hill, London, NW3 2BH

Photos & Other material





PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
			 21 st May 2018

Alleged Breach

Engineering operation comprising demolition of front boundary wall, lowering level of forecourt and creation of new hardstanding to create off street car parking

Recommendation(s):	<p>That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, requiring the removal of the hardstanding from the front forecourt area and the reinstatement of the original paving and front boundary treatment to the property, and to pursue any legal action necessary to secure compliance. Additionally, officers to be authorised that in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.</p>
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Priority:	P3
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Site Description

The site is a three storey plus basement end of terrace property. The property is not listed or located in a conservation area however it has character and is a good example of a mid to late Victorian house. The property is in use as flats.

Investigation History

The enforcement case was opened on the 25/01/2018 when a neighbour raised concern about works taking place without the required planning consent.

A letter was sent out on the 09/04/2018 to the freeholder and the site address to request that contact is made to the planning enforcement team. The letter requested that the original hardstanding and boundary wall were reinstated.

No communication has been received to date.

Relevant policies

The National Planning Policy Framework 2012

London Plan 2016, consolidated with alterations since 2011

Camden local Plan 2017

Policy D1 Design

Policy T2 Parking and car-free development

Camden Planning Guidance

CPG1 Design

CPG7 Transport

Assessment

Planning history:

2015/2803/P - Use of lower ground floor and ground floor as 4 flats (C3) – granted - 01/02/2016

Enforcement History:

There is an ongoing enforcement investigation at 50A Haverstock Hill. This case is being investigated separately by another enforcement officer.

EN17/1165 - At least the 1st floor has been converted into multiple self-contained units without permission. Flat 5 on the 1st floor is arranged as one bed but looks smaller than studio.

Issues:

Development from an engineering operation

The Town and Country Planning Act 1990, Part III, Meaning of development, Section 55 , (1), states that “development,” means the ‘carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.’

Town and Country Planning Act 1990, Part XV, Miscellaneous and general provisions, Section 336, Interpretation, states that “engineering operations” includes the formation or laying out of means of access to highways.

The engineering operation includes the formation of a means of access to a highway by the lowering of the existing ground level and the removal of the entire front boundary wall, these works constitute development that marks a material change in the appearance of the property and alters the use of the forecourt.

Design

Policy D1 Design of the Camden Local Plan 2017 states that the Council will seek to secure high quality design in development. The Council will require that development respects local context and character. Development should integrate well with the surrounding streets and contributes positively to

the street frontage.

The design of forecourt parking areas makes a large impact on the character and attractiveness of an area and in particular the street scene. The GDPG 1 Design states that the design of forecourt spaces that integrate parking areas should ensure that enough of the front boundary enclosure is retained in order to maintain the spatial definition of the forecourt to the street. This delineation between public and private space therefore provides screening which the council seeks to preserve.

The CPG1 Design sets the objective of retaining or re-introducing original surface materials and boundary features such as walls where they have been removed. In cases where new materials are introduced the guidance requires such materials to be complementary to the setting.

The lowering of the ground level, demolition of the front boundary wall and the parking of cars on the forecourt harms the local context and character of the property. The original low rendered brick wall featured coping stone, and the ground surface was comprised of concrete slabs. These materials and features did not detract from the Victorian property and wider setting unlike the modern materials used in this development.

The newly installed brick hardstanding is of a poor quality material which harms the appearance of the building. The loss of the boundary wall is regrettable as it had historic merit and complimented the building and wider street.

The adjacent properties to the east have boundary treatments comprised of low rendered stone and brick walls. The demolition of the boundary wall therefore creates an openness which is not found along this terrace. Indeed as the entire boundary wall has been demolished there is now no spatial definition between the forecourt and the street. What's more the introduction of parked motor vehicles on the hardstanding is a feature not found at properties along this terrace, therefore serving to disrupt the pattern of the existing street scene.

Drainage

The CPG 1 goes on to state that 'planning permission will not be granted for hard standing greater than five square metres that do not incorporate sustainable urban drainage systems (SUDS) into the design. SUDS incorporate permeable surfaces to allow water to soak into the subsoil, rather than being diverted into the storm water system.

There is no evidence that the newly created hard standing incorporates a SUDS. This is in terms of the permeability of the surface and the drainage gutter that has been installed which would divert runoff into the storm water system.

Transport

Planning permission is required for forecourt parking at the front of buildings divided into flats. Planning permission is also required for works to create or alter an access onto a classified road. Access includes creating a crossover over a pavement to provide access onto private land. Haverstock Hill is classified as an A road, which is a first class road in the national road system. Haverstock Hill is also part of the primary route network (PRN) and classified as a London Distributor road (Camden Network Management Plan, Traffic Management Act 2004).

In addition to planning permission, consent is required from Camden Highway Authority for a new or altered access from the highway onto private land, and must be obtained before embarking on any work.

A principal transport officer has provided the following comment:

A hardstanding area for off-street parking has been constructed without planning consent. The site does not benefit from dropped kerbs directly adjacent to this area. This means that vehicles are not permitted to cross the footway and any such activity is contrary to section 184 of the Highways Act. The footway adjacent to the site has not been constructed to take vehicle loadings and is therefore

likely to sustain significant damage as a result of vehicles crossing it. In addition, the off-street parking would encourage trips by car rather than by sustainable modes of transport. This goes against our transport policies.

Camden Council Local Plan 2017 notes that limiting the opportunities for parking within the borough can reduce car ownership and use and therefore lead to reductions in air pollution and congestion and improve the attractiveness of an area for local walking and cycling. Camden Council Local Plan 2017 Policy T2 Parking and car-free development states that the council will resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking.

According to CPG7 Transport the council will generally not view car parking as necessary in areas with high public transport accessibility. Highly accessible areas are considered to be areas with a public transport accessibility level (PTAL) of 4 or above. The Transport for London's Planning information database establishes specific site specific PTAL ratings. The site has a PTAL rating of 4 which means it has very good access to public transport. The creation of off-street parking spaces at this site is therefore regarded as an addition that is not necessary or desired.

CPG7 Transport states the council will resist development that would harm highway safety. The development will also cause damage to the adjacent footway as it has not been constructed to allow vehicle loadings.

Recommendation:

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the removal of the hardstanding from the front forecourt area and the reinstatement of the original paving and the front boundary treatment and to pursue any legal action necessary to secure compliance. Additionally, officers to be authorised that in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breaches of planning control:

Engineering operation comprising demolition of front boundary wall, lowering level of forecourt and creation of new hardstanding to create off street car parking within the last four years.

WHAT ARE YOU REQUIRED TO DO:

Completely remove the brick hardstanding and reinstate the forecourt paving with materials to match the original. Reinstall the rendered brick boundary wall with coping stone and railings to match the original.

PERIOD OF COMPLIANCE: 3 months from the receipt of this notice

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

The creation of vehicle access and off-street car parking spaces damages the public pathway and increases car use contrary to Camden Council Local Plan 2017 Policy T2 Parking and car-free development and guidance contained in CPG7 Transport; The demolition of the front boundary wall, cars parking on the forecourt and the materials used in the new hardstanding detract from the visual amenity of the property and the streetscene contrary to Camden Council Local Plan 2017 Policy D1 Design and guidance contained in CPG 1 design.