



Appeal Decision

Site visit made on 15 January 2019

by Eileen Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 29 March 2019

Appeal Ref: APP/X5210/D/18/3210128
5 St John's Wood Park, London, NW8 6QS

- 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 Mrs Z Yap against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/6229/P dated 6 November 2017 was refused by notice dated 4 July 2018.
 - The development proposed is revised railing design for front boundary, installation of new gates and related paving. New balustrade railing to enclose planting on ledge above garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. From my site visit, I observed that the appeal dwelling does have an enclosed boundary treatment with walls, gates and piers although both parties refer to it as having an open front.
3. There is a previous approval for the appeal site reference 2017/3364/P for replacement of front boundary wall, railings, gates and hardstanding that was granted in October of 2017.
4. It would appear whilst part of the approved appeal scheme has been implemented, there are differences between what has been built and what was approved and also what is now proposed.
5. The main issues are (i) the effect of the appeal proposal on the character and appearance of the area (ii) whether the loss of an on street parking space would be to the detriment of highway users (iii) the impact of the hardstanding on biodiversity and (iv) the effect of the proposed railings at first floor level on the living conditions of the occupiers of No 6 St Johns Wood Park.

Reasons

Character and appearance

6. The appeal dwelling is one of seven substantial dwellings on St Johns Wood Park. There are a number of permit controlled car parking spaces across the road from the dwellings and a limited number of spaces on the appeal dwelling side of the road.

7. Although set back, the dwellings are still visually prominent, due to both their size and also the uniformity of the dwellings. Apart from No 7 which has an open front and the appeal dwelling, the other five houses have similar boundary treatments. All seven houses have areas of hardstanding for parking for at least two cars with little or no greenery.
8. The front boundary walls of the houses generally follow a pattern of evenly spaced curved brick walls with insets of railings and brick piers and gates at either end. The piers together with the railings and walls form a rhythmic pattern along the boundary of No 6 to No 1 with the exception of the appeal dwelling.
9. The appeal dwelling currently has one single central wall element rather than two split elements that the other dwellings have and solid black metal screens rather than railings and the piers whilst made of brick, have fluted tops. It has four piers rather than the usual five due to the single central wall feature not being split. The prevailing pattern of two central elements rather than one is less visually dominant and breaks up the railings more effectively.
10. The combination of different materials and styles for the piers and a different number of piers from the other dwellings and the proposed expanse of railings with one central element wall would result in an incongruous boundary treatment.
11. The proposal also includes changes to the area behind the front boundary treatment to increase the amount of hardstanding. At my site visit, I saw little evidence of landscaped front garden areas other than some planting at the front of the seven houses for decorative purposes with some houses having a border treatment.
12. The Council's principal concern with the increased amount of hardstanding appears to be the potential loss of garden amenity space as the appeal dwelling is the last in this group of houses with soft landscaping although at the time of my site visit, that soft landscaping had been largely removed.
13. Whilst various figures are provided by the parties for the percentages of hardstanding and soft landscaping, the Front Garden as Proposed is designed behind a central wall element which I have found to not be in keeping with the character and appearance of the area. There would be only a small amount of planting to the front of the house.
14. The overall design fails to integrate with the surrounding boundary treatments which are largely uniform in terms of both layout and use of materials. This element of the proposal would materially harm the character appearance of the appeal dwelling and the street scene, causing harm to the character and appearance of the area.
15. It would therefore be contrary to Policy D1 of the Camden Local Plan 2017 (the Local Plan) which amongst other things, states that development will respect local context and character and refers to the use of materials that complement the local character.

On street car parking

16. The proposal is for the erection of a front boundary wall and railing with two sliding vehicle gates. At the time of my visit, two gates have already been erected.
17. The appeal dwelling is situated in a controlled parking zone area which operates between Monday to Friday between 830 and 1800 hours. There are permit controlled spaces outside the appeal dwelling. There are blocks of flats in the vicinity that have their own parking provision on site. The dwellings are also within walking distance of public transport.
18. At my mid-day visit, there was space in the permit controlled areas both outside the appeal dwelling and across the road. Whilst there is likely to be more demand on parking at weekends and evenings, the controlled car parking zone would not be in operation at those times. Two dropped kerbs with at least two cars on the hardstanding at the front of the house is the prevalent arrangement for the other houses in the row.
19. I note that Policy T2 of the Local Plan refers to the Council limiting the availability of car parking and resisting the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking. Whilst I can understand that that will be an issue in most areas, in this location, the prevalence of onsite parking for at least two cars in the immediate vicinity means that the on street resident car parking spaces are not always needed. There is no evidence before me from the Council to indicate that there is parking stress in the vicinity of the appeal site.
20. Policy T1 of the Local Plan promotes walking cycling and public transport and that includes the high quality footpaths. The footpath along the frontages is spacious and well maintained and the addition of a dropped kerb will not change that. Disruption to footpath users by the addition of one access in an area where gates are prevalent is likely to be minimal.
21. Whilst, the policy also discourages the use of the private car, this proposal does not increase the space available within this area as there is already ample space for two cars and a separate garage. The proposal will however potentially make exiting the appeal dwelling safer as reversing out onto the pavement can be avoided.
22. The Council states that all the other properties between No 1 and No 7 have double vehicle entrances and that has resulted in the loss of thirteen spaces and to lose another one would reduce this part of the street to one street parking bay. I note that the loss of these spaces occurred pre 2008 before the current policies were in place. However, the fact that all of the houses have off street parking for at least two cars suggests that, in this particular area, on street parking is not necessarily much needed. I acknowledge that any dropped kerb application to the Council would need to address the lamp post location.
23. I therefore conclude that the proposal would not be in conflict with Policy T1 as it is not necessarily promoting the use of the private car as at least two cars can already be accommodated at the appeal site ample space and a garage. I also conclude that whilst Policy T2 of the Local Plan, states amongst other things, that development of boundary treatments often

requires the loss of much need public on street parking bays to create crossovers in this particular location, the prevalence of off street parking does not suggest that the on street space is much needed.

24. I also find it not to be in conflict with Policy A1 of the Local Plan. The policy does refer to resisting development that fails adequately to assess and address transport impacts affecting neighbours and the existing transport network. I have however found that neighbours have adequate parking and the loss of one on-street parking space has to be balanced with the safer arrangements for access by removing the need for reversing over the pavement.

Biodiversity

25. Policy A3 of the Local Plan refers to expecting replacement trees or vegetation where the loss of significant trees and vegetation has been justified. The vegetation shown as existing on the plans has been largely removed and this is the baseline against which I must consider the appeal. The proposed plans show limited details of the proposed planting.
26. Policy CC3 (Water and Flooding) of the Local Plan seeks to ensure that development will not increase flood risk and the Council acknowledges that the proposed hardstanding will be permeable. Whilst the Council suggests that an increase in hardstanding would be less able to achieve a greenfield run off rate which could place additional pressure on the existing drainage, I have no substantive evidence that will be the case. In view of the amount of hardstanding shown on the existing plan, a comparison to a greenfield rate does not appear to be appropriate. The Council's reason for refusal does not in any event refer to Policy CC3 of the Local Plan but it has been addressed by the appellant.
27. As the planting shown on the existing plans has been largely removed, I do not find that the hardstanding element of the proposal would be in breach of Policy A3 of the Camden Local Plan 2017, which amongst other things, will protect and seek to secure additional trees and vegetation.

First floor Railings

28. The appellant proposes to add decorative railings to a narrow flat edge of the garage roof. The only access would be through a window which is approximately 0.8 metres above the garage roof so it would be difficult to gain access to the garage roof from the window. There is a side elevation window at No 6 but as it is higher than the garage roof and at a slight angle to the wall of the appeal dwelling, I consider it unlikely that significant overlooking would be an issue or that the garage roof would be used for amenity space.
29. I therefore find that by itself the railings element would not cause a loss of privacy to the occupiers of No 6 St Johns Wood Park and would not be contrary to Policy A1 (Managing the impact of development) of the Camden Local Plan 2017 which seeks to protect the quality of life of occupiers.

Conclusion

30. To conclude, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that that applications for planning permission and appeals must be determined in accordance with the development plan, unless material considerations indicate otherwise.
31. I have found that the appeal proposal would harm the character and appearance of the area. I have not found that the erection or railings would impact significantly upon the living conditions of the occupiers of No 6 due to overlooking or that the potential loss of an on street parking space would significantly impact on parking in the area. I have not found that the hardstanding element would impact upon biodiversity. As such, the appeal proposal is contrary to D1 of the Camden Local Plan and no material considerations have been identified that would indicate making a decision other than in accordance with the development plan.
32. For the reasons given, the appeal is dismissed.

Eileen Griffin

INSPECTOR