

Ref: 132.1LYN

Laura Hazelton

Senior Planning Officer

Camden Council

5 Pancras Square,

Kings Cross,

London N1C 4AG

4th April, 2019

Re. 2019/0969/P - 1 Lyndhurst Road - Creation of off-street parking

Dear Laura Hazelton,

We write further to your e-mail of March 8 2019, our response letter of March 11, and your e-mail response of March 12.

We respond under the various heading below and will be grateful if you will take account of these points, along with our earlier correspondence, in reaching your decision.

1. Local Plan Policies

There is a general presumption against new off-street parking at Local Plan Policies T1 and T2. However, the local planning authority (LPA) may depart from development plan policy where material considerations indicate that the plan should not be followed.

The material considerations summarised below are directly relevant to the particular circumstances of the site and this application. We suggest that these should carry considerable weight - and point to an exception being made to policies T1 and T2.

Policy T2 is not framed in such a way so as to justify refusal in all circumstances on the basis of a precautionary principle that environmental harm might theoretically result. The LPA, in applying policy T2, is therefore obliged to interpret and apply the policies and assess the impact of the specific scheme in front of them, taking account of all materials considerations.

Paragraph 10.21 of Local Plan Policy T2 states that parking can cause damage to the environment. It goes on to list examples of such harm. It is therefore necessary to consider whether any harm will result from the development and, if so, the degree and significance of that harm.

The attached appeal decision for 11 Mansion Gardens, London NW3 7NG dated 14th February 2018 (Ref: APP/X5210/D/17/3186971) was determined in light of policies T1 and T2. The Inspector gave considerable weight to other materials considerations, including the former car parking on site. The inspector concluded:

'Given these considerations and the historical situation, it seems to me that this is an instance where there are material considerations that point to an exception being made to Policies T1 and T2.'

The approach of the Inspector was, we would argue, the correct one.

Whilst the appeal was ultimately dismissed, this was on the narrower ground of impact character and appearance.

2. On-street parking provision

The submitted parking survey demonstrates that the proposal will not lead to a shortfall in on street parking provision measured against overnight demand. The survey indicates that there are surplus on-street parking spaces that in effect encourage further car ownership and car use with all the associated congestion and pollution those policies T1 and T2 are specifically framed to try to limit.

3. Amount of on-street spaces lost

The submission indicates that up to 2 spaces will be lost. However, this is a maximum and is calculated on the basis of the linear length of the existing parking bay lost in order to form an access.

The existing parking bay has a linear length of 32.46m (measured from GoogleEarth). This can accommodate 6 cars (based upon a standard parking space length of 5m).

When the length of the remaining two bays are measured, they amount to 12.46m, (providing 2 spaces), and 15.48 m (providing 3 spaces). The number cars than can typically be parked in the two bays will therefore reduce by only one space.

4. Front garden paving

The summary page of Local Plan 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.'

In the case of this application, the front garden is already partly paved, as it was when the house was originally built with a 'in and out' horse drawn carriage entrance.

Some 44sq m of the front garden is already hard paved. This will rise to 52 sq. m. The modest 12% increase is the result of meeting conservation area guidance to create a separate pedestrian gate and footpath aligned with the entrance steps.

The quality of surface materials will be increased over and above the unsightly and historically inappropriate 'crazy' concrete paving in place at present.

5. Air pollution and congestion

Policy T2 of the Council's Local Plan 2017 seeks to limit the availability of parking within the Borough in order to reduce air pollution and congestion. The provision of a single off-street parking space and loss of up to two on-street spaces will not result in any significant increase in air pollution or congestion.

6. Electric vehicle charging point

The application has been amended to include an electric vehicle charging point. The provision of an electric vehicle charging point is likely to encourage electric vehicle use that will reduce air pollution in line with the aims of policies T1 and T2.

7. Safety

The proposed width of the vehicle entrance is 4m. The dimensions are such that adequate sightlines will be maintained at both the property boundary and the kerb line in accordance with accepted standards (the older DB 32 and the more up to date Manual for Streets 1 and 2). No hazard will therefore be created on the public highway.

The appeal inspector in relation to 11 Mansion Gardens (paragraph 13) confirms that Policy T1 of the Local Plan 2017 is not directly relevant to highway safety, since that policy deals with prioritising walking, cycling and public transport.

8. Historic form of vehicle entrance

The conservation area guidance specifically references the 'in and out' horse drawn carriage entrances that are characteristic of the historic form of the area.

The attached Ordnance Survey Plan of 1871 shows that Nos. 1 and 2 were served by an 'in and out' carriage entrance.

The proposals partly reinstate this historic form and will therefore enhance the setting of the building and the general street scene.

9. Enhancement of the host building

1 Lyndhurst Road is noted as a building that makes a positive contribution to the conservation area. Alterations to the front boundary and garden have diminished this contribution. The proposals seek to reinstate original features and thereby enhance the host building and its setting and the conservation area as a whole.

The proposals reinstate the historic form of the front garden, boundary and carriage gateway. This respects and enhances the character of the area in accordance with Hampstead Neighbourhood Plan policy DH1 Design.

The proposals restore original gate piers and copings and thereby enhance the host building in accordance with Neighbourhood Plan Policy DH2.

The proposals also help to reinstate the balance with the matching pair of semi-detached properties and align the pedestrian gate with the entrance steps.

10. Trees

All existing trees will be retained.

A substantial area of front garden planting will be retained that will permit the future planting of trees in accordance with Neighbourhood Plan Policy NE2 (4).

The scheme has been amended to include the planting of up to two front garden trees. The species, maturity and position of the trees can be refined by way of a planning condition.

11. Sustainable urban drainage

The existing hard paving is non-permeable.

The proposals increase the use of permeable surfaces, a sustainable drainage measure, in accordance with Neighbourhood Plan Policy NE4 (1) – Supporting Biodiversity. The volume and speed of surface water run-off will be significantly reduced as a result of the proposals. A slot drain at the entrance will prevent run-off into the street, as occurs at present, that will connect to a soak-away, a further sustainable drainage measure. The proposals will therefore decrease the risk of flooding from surface water.

12. Amendments

We will happily supplement and amend our submission to take account of any specific concerns you may wish to raise, such as further tree and shrub planting; further details of sustainable drainage measures; materials palette; further details of sight lines, swept path analysis etc.

13. Legal agreement

The owner of the ground floor flat (the applicant) is willing to enter into a legal agreement to prohibit access to on-street parking permits.

Thank you for your further consideration.

Yours sincerely,



Michael Doyle

Partner

cc.

Revised proposed site layout plan showing the position of an electric vehicle charging point and up to two new trees to be planted (final position, maturity and species to be determined).

Ordnance Survey Plan of 1871.

Appeal decision for 11 Mansion Gardens, London NW3 7NG Ref: APP/X5210/D/17/3186971 (14th February 2018).