



Appeal Decision

Site visit made on 14 February 2018

by **Mr Kim Bennett DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 March 2018

Appeal Ref: APP/X5210/D/17/3186971

11 Mansion Gardens, London NW3 7NG

- 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 Mr S Bloomfield against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/0896/P, dated 14 February 2017, was refused by notice dated 25 July 2017.
 - The development is the relocation of parking space to garden adjacent to house and erection of vertical boarded fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are; the effect of the proposal on the character and appearance of the host dwelling and the surrounding Mansion Gardens estate; whether it would fail to encourage sustainable modes of transport; and whether it would cause highway safety issues.

Reasons

Character and appearance

3. The appeal property comprises a detached house forming part of a self-contained group of individually designed houses located within the gated estate of Mansion Gardens. The estate was constructed in the 1980s and has a strong architectural character based around a shared vehicular/pedestrian roadway and with generous and open plots with a large amount of landscaping. The latter is very much part of the character of the estate.
4. The majority of the properties appear to have been built with integral garages, including the appeal property, but that was recently converted to living accommodation. There have been a number of other alterations to the property as well as some apparent enforcement investigations. However those issues are not before me.
5. A recent planning permission granted on 29 November 2016¹ included (amongst other proposals) provision for a boundary fence along the south west boundary of the garden to the property, adjoining the shared roadway.

¹ Application reference 2017/4977/P

Condition 4 attached to that permission required details of the fencing which the Council advises, in its officer report, remains outstanding. Despite that, fencing was subsequently erected and which was in place at the time of my site visit. The parking space had also been substantially constructed although did not appear to be in use.

6. The appellant advises that the fence now constructed is made from wood/plastic composite and is similar to a fence which had been approved along the north east boundary adjacent to the main road which is beyond the estate itself. It is also acknowledged that the then project manager did not secure approval of details from the Council for the fence which is the subject of this appeal, prior to its erection.
7. I noted that there are other tall boundary fences enclosing gardens around the estate, but that they are generally slatted fencing with landscaping behind so that they give a soft feel to the boundary whilst still providing privacy. In contrast, the fence which has been erected, because it is solid in nature and is finished in a bright colour, provides a very harsh appearance for the full length of the boundary which is particularly prominent as it runs along the entrance to the estate. It contrasts strongly with the softer feel elsewhere and in my view causes visual harm as a result. Because the south west boundary is closely related to the remainder of the estate, it raises different issues from the north east boundary which backs on to the main road.
8. The above harm has been compounded by the parking space constructed, and particularly the lengths of return fencing either side of the space which add to the overall harsh appearance.
9. I note that the appellant recognises that the fence currently has a raw rectilinear character in the grounds of appeal. In order to mitigate that, the appellant has suggested that landscaping could be provided to give a softer feel and that such provisions could be secured through a condition. However, for the reasons above, it is also the nature of the fence itself which is the concern and which is so out of character with other fencing on the estate. I do not consider therefore that landscaping alone would solve the problem. Although I note that it is suggested that an opaque fence is required to avoid car headlights shining into the appellant's accommodation as vehicles come down the drive, I consider that an appropriately designed alternative fence, in conjunction with landscaping, could secure the same requirement.

Sustainable modes of transport

10. 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. Because of that the Council suggests that the additional parking space would be contrary to that objective, particularly as third party interests have suggested the applicant benefits from alternative off street parking arrangements.
11. The latter point appears to be a matter of some dispute as the appellant states that there are no other parking facilities within their ownership. Certainly I observed no other parking available within the curtilage of the site. However, the fact is that there was previously on-site parking associated with the site in the form of the integral garage prior to its conversion. There would therefore be no net additional parking on the site compared to its original longstanding

provision. All the other properties on the estate have on-site parking and I note that the Council acknowledges that the PTAL rating for the site is unusually low compared to the wider Borough. 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 and as a result, I see no objection to the principle of replacement parking per se, subject of course to it being able to be designed in a satisfactory manner.

Highway Safety issues

12. The Council is also concerned about potential highway safety issues due to the narrow nature of the communal drive and limited space for manoeuvring from the parking space. However, a fundamental concept of the original design of the estate was for a shared vehicular/pedestrian roadway which encourages low traffic speeds. This is reinforced by the gated nature of the estate, the fact that it is a cul-de-sac and also no doubt the awareness of the situation by residents and other users of the estate. In that context I do not consider manoeuvring in and out of the space would provide any serious safety issues to persons or vehicles along the roadway or would prevent access to other properties. I acknowledge that the fence as positioned would restrict visibility and could be better designed in that respect. Indeed the appellant has suggested a means of achieving that which could no doubt be accommodated in any revised design. However, whilst it adds to my overall concerns, I do not consider it is decisive in its own right and consequently I am satisfied that there is no overriding highway safety issue as a result.
13. Although the Council has cited conflict with Policy T1 of the Local Plan 2017 in respect of this issue, that does not appear to be directly relevant to highway safety since that policy deals with prioritising walking, cycling and public transport.

Conclusion

14. I have found that there would be no objection to the principle of providing a replacement parking space and that there would be no adverse highway safety issue arising. However, the fence and parking space as constructed causes visual harm for the reasons set out above. Whilst no doubt an acceptable alternative and more suitable fence design could be agreed, whether a parking space could be satisfactorily accommodated from a design point of view would be a matter for further discussions between the appellant and the Council.
15. Finally, I have noted the appellant's supporting letter from his Doctor and am sympathetic to the distress that the rejection of the application may be causing. However, from the facts presented to me, the situation has not been helped by the advance construction of the fence and parking space which had not been previously approved. In this instance therefore, I attach greater weight to the visual harm which has been caused and am mindful that with regard to the fence in particular, it is not the principle of such which the Council objects to, but the manner in which it has been carried out.
16. For the above reasons the proposal would be contrary to Policies D1 of the Council's Local Plan 2017 in that it does not respect the local context, does not integrate well with the surrounding street and open space and has not maximised opportunities for greening through landscaping.

17. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR