

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL**

BY

Mr Harold Mackover BSc FRICS

OF

**6 Cleve Road
London
NW6 3RR**

HOUSEHOLDER PLANNING APPLICATION

FOR

**'Replacement of front boundary wall and gates and
creation of new vehicle entrance to access driveway'**

LPA REF: 2019/0829/P

STATEMENT OF CASE

JULY 2019

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1. INTRODUCTION

- 1.1 This appeal is submitted on behalf of Mr Harold Mackover BSc FRICS (The Appellant) in regards to the recent refusal of planning permission by the London Borough of Camden (the Council) for the proposed works at 6 Cleve Road (the Appeal site). The application sought the following:

Replacement of front boundary wall and gates and creation of new vehicle entrance to access driveway

- 1.2 As well as the creation of an additional vehicular entrance point, the proposal includes improvement to the boundary treatment including the construction of a new section of low boundary wall and hedge, new pillars, traditional railings and associated landscaping. As highlighted on the submitted drawings and shown in Appendix 3 the scheme also incorporates new permeable paving, 5 new cycle spaces and the reinstatement of two electric car charging points.
- 1.3 The application was registered by the Council on 6 March 2019 and was exempt from payment of a planning application fee as the Appellant is registered disabled.
- 1.4 The scheme does not seek to increase or alter the existing parking arrangements or existing hardstanding area, rather enable the Appellant, who is registered disabled to safely access and egress the driveway in forward gear. As detailed in Appendix 6 the Appellant's severely impaired mobility and reliant upon his car for his daily living needs.
- 1.5 The application (reference 2019/0829/P) was refused by the Council on 30th April 2019 for the following two reasons;

Reason for Refusal 1 - Impact upon surrounding highway network;

The creation of an additional vehicular entrance would promote the use of private motor vehicles, fail to encourage the use of sustainable modes of transport, create an additional hazard for pedestrians and result in the loss of on-street parking in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car free development) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017 and policy 7 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

Reason for Refusal 2 – Impact upon the Character and Appearance of the Surrounding Conservation Area;

The proposed vehicular entrance by reason of lack of provision of traditional means of enclosure to the front boundary such as hedges and/or low garden walls would be harmful to the character and appearance of the South Hampstead Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 1.6 The Appeal is supported by the following documents submitted as part of the original planning application:

Table 1: List of document submitted with the application

Document Name
OS Map
Planning Application form
Complete set of existing and proposed plans
Design and Access Statement
Details of permeable paving proposed and SuDS system to be installed on front hardstanding
Brick sample for new garden wall and pillars (Forterra Atherstone)

- 1.7 A comprehensive Parking Survey was being undertaken (as referenced within the submitted Design and Access Statement) however it has since been completed following the determination of the planning application and is now included within the Appendix 1 of this Statement.

- 1.8 A signed Statutory Declaration confirming the lawfulness of the existing boundary treatment has also been included in Appendix 2.

2. THE SITE AND SURROUNDING AREA

- 2.1 The site is located within the South Hampstead Conservation Area (formerly known as Swiss Cottage Conservation Area) designated in November 1988. The building is not listed.
- 2.2 The Appeal property is a large, 1930s semi-detached house on the north side of Cleve Road, a narrow, one-way residential public highway.
- 2.3 The property benefits from a 14 metre wide concrete hardstanding to the front and side of the property, used to accommodate up to 3 vehicles via a single, narrow vehicular crossover.
- 2.4 Cleve Road has a mixed residential character. Many of the properties on Cleve Road and the surrounding streets have lost their front gardens to hardstanding resulting in off-street parking to be a prevalent feature of the area. Given the variety in building age and style there is no uniform design or approach to the boundary treatment with a variety of frontages with differing materials, wall heights and landscaping extent. Photos of the neighbouring properties is included within Appendix 8 of this Statement.
- 2.5 Cleve Road is within Controlled Parking Zone (CPZ) CA-R(a) which operates Monday-Friday 8.30-18.30. The number of existing off-street parking and garages in the street results in a relatively good level of on-street parking availability for the remaining permit holders in the street.
- 2.6 The front boundary of the Appeal property is in a poor state (see site photo in Appendix 3). Only a small section of low boundary wall and the gate pilasters remain following the removal of the section of wall in 2010 following subsidence.

3. PLANNING HISTORY

The Appeal Site

3.1 The planning history of the appeal site is provided in Table 1 below.

Table 2: Planning history for the Appeal Site

Application Reference	Site Address	Description of Development	Decision/Date
2019/0830/P	6 Cleve Road, London, NW6 3RR	Erection of replacement single storey rear extension.	GRANTED 2 May 2019
PWX0302116	6 Cleve Road, London, NW6 3RR	Change of use and works of conversion from 3 self-contained flats to a single dwelling house	GRANTED 3 April 2003
2003/1033/P	6 Cleve Road, London, NW6 3RR	Removal of condition 1 attached to planning permission PWX0302116 dated 3/4/03 for conversion to dwelling house, relating to removal of permitted development rights under Part 1 (Class F) and Part 2 (Class B) of the General Permitted Development Order	GRANTED 26 August 2003

Planning History for Surrounding Area

Immediate Vicinity

- 3.2 A variety of applications have been granted for boundary alterations to enable off-street parking / dropped kerb elsewhere within South Hampstead Conservation Area and the wider Borough.
- 3.3 Each decision detailed in Table 3 are within the immediate vicinity of the Appeal Site. The proximity and directly comparable nature of the issues by virtue of their context only a few streets away from the Appeal Site makes these decisions particularly relevant to the Appeal Scheme.
- 3.4 A summary of each is detailed below and the decision notice or appeal report for each of these cases is attached in the appendix.

Table 3: Planning History of the Surrounding Streets

Application Reference	Site Address and proximity from Appeal Site	Description of Development	Decision/Date
2012/6189/P	166 Goldhurst Terrace, NW6 3HP Approx. 150m from Appeal Site	Alterations to front boundary wall and creation of hard surface in front garden to provide off-street car parking space (including formation of a dropped kerb) in connection with existing dwelling.	PP GRANTED 25 March 2013
APP/X5210/D/10/2139890	211 Goldhurst Terrace NW6 3ER Approx. 150m from Appeal Site	Hard and soft landscaping to create a new car parking space to the front elevation.	APPEAL ALLOWED 12 January 2011
APP/X5210/A/04/1146943	123 Canfield Gardens NW6 3DY Less than 50m from Appeal Site	Creation of new vehicular entrance with gates in boundary wall at east end of garden, in connection with the formation of one parking space.	APPEAL ALLOWED 4 October 2004

Neighbouring conservation areas within the London Borough of Camden

3.5 The decisions detailed in Table 4 below, are all within the Borough located within neighbouring Conservation Areas. Again, these decisions are considered particularly relevant given the recent and comparable nature of the issues considered.

3.6 A summary of each decision is also detailed below.

Table 4: Relevant Planning History within Neighbouring Conservation Area

Application Reference	Site Address	Description of Development	Decision/Date
2015/3124/P	38 Avenue Road, NW8 6HS	Creation of a second vehicular access and crossover .	PP GRANTED 10 August 2015
2015/7025/P	6 Nutley Terrace, NW3 5BX	Erection of 2 x three storey plus basement single-family dwellinghouses (Class C3), new crossover and associated	PP GRANTED

		landscaping (following demolition of existing dwellinghouse) [Resubmission of approved application 2012/2632/P]	14 January 2016
2012/4009/P	16 Elsworthy Road NW3 3DJ	Alterations to front boundary treatment and landscaping of front garden to create combined vehicular and pedestrian entrance and 1 x off-street car parking space.	PP GRANTED 26 November 2012

166 Goldhurst Terrace, NW6 3HP

3.7 Application Ref: 2012/6189 granted by Camden on 25 March 2013 including;

- removal of part of front wall
- removal of on street residents controlled parking bay
- new vehicle crossover
- creation of new vehicular hardstanding to front garden

3.8 This application is located approximately 150m from the Appeal site within the same CPZ (CA-R).

Design considerations

3.9 During the assessment of the application the Officer considered the impact of the proposal upon the existing highway network and the character and appearance of the Conservation Area.

3.10 The extent of existing hardstanding and degree of landscaping proposed to soften the appearance, much like the Appeal site was noted to be a key consideration regarding the acceptability of the scheme.

Impact upon the Highway

3.11 With regards to highway matters Officers noted the 'unique situation of the area' demonstrated by the Applicant's independent transport assessment of the parking stress in the area. The assessment concluded sufficient on-street capacity.

3.12 Officers also noted the proposal would 'allow for the safe access to enter and egress the application property'.

211 Goldhurst Terrace NW6 3ER

3.13 Appeal Ref: APP/X5210/D/10/2139890 granted dated 12 January 2011.

- alterations to front wall
- removal of on street residents controlled parking bay
- new vehicle crossover
- creation Camden of new vehicular hardstanding and landscaping to front garden

3.14 This Appeal again related to a site approximately 150m from the Appeal site within the same CPZ (CA-R).

Design considerations

3.15 The inspector considers the existing appearance of the property including the extent of hardstanding already in place and concludes in paragraph 6, the landscaping proposed would 'soften' the overall appearance and create an 'attractive front garden'.

Highway considerations

3.16 The inspector notes that whilst the proposal will result in the loss of one on-street parking space and notes in paragraph 8 of the decision '*I am not persuaded that this would result in any significant harm to the street's overall parking conditions*'.

123 Canfield Gardens NW6 3DY

3.17 Appeal Ref: APP/X5210/A/04/1146943 granted by Appeal Inspector 4 October 2004

- removal of part of street facing wall
- removal of on street residents controlled parking bay
- new vehicle crossover
- creation of new vehicular hardstanding to garden

3.18 This site is located within extremely close proximity to the Appeal site, less than 50m away, within the same CPZ (CA-R).

Design considerations

3.19 When considering the proposed loss of a section of boundary wall the inspector noted within paragraph 3 noted the boundary wall did 'not appear to form any kind of unifying function' and so the loss of a small section of boundary wall would not be harmful to the character and appearance of the street scene.

Highway considerations

3.20 As noted in paragraph 5 of the decision, the inspector noted the on-street parking pressure in the area however the loss of only one on-street space would 'neutral' impact on the functioning of the surrounding CPZ.

38 Avenue Road, NW8 6HS

3.21 Application Ref: 2015/3124/P (Elsworthy Conservation Area) granted by Camden 10 August 2015

- removal of part of street facing wall
- new (second) vehicle crossover

Highway considerations

3.22 Whilst the Council's delegated report for this decision is not publically available, the acceptability of the creation of a second vehicular crossing point was considered on highway grounds by the Council's Transport Officer, Marina Rochette who stated,

"The proposal would not have any impact on the operation of the public highway and indeed may improve road safety, as vehicles would be able to enter and exit the site in a forward gear. In addition, parking within the site would be more efficient as the need for 3 point turns would be removed. This would be beneficial for a future resident who is registered as disabled."

3.23 As discussed in more detail in section 5 of this Statement the circumstances of the Appeal site are comparable to this decision.

6 Nutley Terrace NW3 5BX

3.24 Application Ref: 2012/2710/C (Fitzjohns/Netherhall Conservation Area)

3.25 Resubmitted Ref: 2015/7025/P amongst many other works the proposal included:-

- removal of part of front wall
- removal of on street residents controlled parking bay
- new (second) vehicle crossover
- creation of additional vehicular hardstanding to front garden

3.26 Granted by Camden 12 February 2013 & 1 March 2017

3.27 During the consideration of highway issues Camden accepted the applicant commissioned transport assessment with a single day parking survey data that there was sufficient on street parking in light of the 55% occupancy rate on the street.

16 Elsworthy Road NW3 3DJ

3.28 Application Ref: 2012/4009/P (Elsworthy Conservation Area)

- removal of part of front wall
- removal of on street residents controlled parking bay
- new vehicle crossover
- creation of new vehicular hardstanding to front garden

3.29 Granted by Camden 26 November 2012

3.30 Despite the proposed loss of on-street parking the Highways Officer found the impact on parking stress acceptable in this zone as there is less than 90 permits issued per 100 bays.

- 3.31 This 90% stress threshold is important benchmark when considering the Appeal Scheme as the average stress levels shown within Cleve Road via the Parking Survey (Appendix 1) was found to be 73%, we within this threshold.

4. PLANNING POLICY FRAMEWORK

- 4.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 4.2 The statutory development plan comprises the London Borough of Camden comprises the London Plan (2016), the Local Plan (2017), the Fortune Green and West Hampstead Neighbourhood Plan (2015) and the Camden Planning Guidance Documents.
- 4.3 Other policy documents that are material considerations in the determination of planning applications include the National Planning Policy Framework (NPPF) (2019), National Planning Policy Guidance (NPPG), the London Plan Supplementary Planning Guidance (SPG) and the Westminster Supplementary Planning Documents (SPDs).
- 4.4 In the Council's refusal of the original application, the Council determined that the proposals did not comply with the following policies:

London Borough of Camden Local Plan (2017)

- Policy T1 – Prioritising Walking, Cycling and Public Transport
 - Policy T2 – Parking and Car Free Development
 - Policy A1 – Managing the Impact of Development
 - Policy D1 – Design
 - Policy D2 – Heritage
- 4.5 Policy T1 states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. Paragraph 10.21 of Local Plan Policy T2 and 7.54 of Design Policy D2 states developments seeking to replace garden areas and/or traditional boundary treatments for the purposes of providing on-site parking will be resisted.
- 4.6 It is important to note the Appeal Scheme neither promotes the use of motor vehicles over other forms of more sustainable transport nor will it result in the loss of any existing garden area or boundary treatments. As discussed in more detail in Section 5, the Scheme merely seeks the efficient and safe use of the existing hardstanding area as well as improvements to the appearance of the boundary treatment.
- 4.7 Policy A1 promotes development does not unacceptably impact the existing highway network which includes adding unacceptable parking pressure. Whilst the proposed development will result in the loss of one on-street car parking space, it is important to note the findings of the Appellant on-street parking survey (see Appendix 1) which finds the Scheme will not cause any loss in the ability to park on resident's parking in Cleve Road, rather the scheme proposes notable improvements to highway safety.

- 4.8 Lastly, it is also important to note both Policies T2 and A1 make special provisions for the needs of vulnerable or disabled road users.

Fortune Green and West Hampstead Neighbourhood Plan (2015)

- Policy 2 – Design and Character
- Policy 3 – Safeguarding and Enhancing Conservation Areas and Heritage Assets
- Policy 7 – Sustainable Transport

- 4.9 Section 5 of this Appeal Statement considers these policies in detail and confirms that the proposals accord with policy.

Camden Planning Guidance (2019)

- 4.10 The London Borough of Camden has numerous planning guidance documents and which provides advice and information on how to apply planning policies. Of relevance to this appeal is:

- Draft Transport CPG
- Draft Design CPG

South Hampstead Conservation Area Character Appraisal (2011)

- 4.11 Paragraphs 13.48 – 13.50 of the Character Appraisal are most relevant as they consider alterations to front boundaries and the creation of parking cross overs. Paragraph 13.48 states the *'Council will resist the loss of original boundary treatments and the iron and wooden elements and planted greenery associated with them.'*

5. APPELLANT'S RESPONSE TO THE REASONS FOR REFUSAL

5.1 The following section sets out the Appellant's response to the reason for refusal utilising comparable appeal decisions and planning policy to justify the acceptability of the proposals.

The Main Issues

5.2 The main points raised in the reason for refusal are;

- Impact upon the surrounding highway safety
- Impact upon the character and appearance of the surrounding Conservation Area

5.3 Each of these elements will be considered in turn, in the following sections.

Reason 1 - Impact upon surrounding highway safety

5.4 The reason for refusal as detailed within section 1 of this statement can be broken down into three issues;

- *'promote the use of private motor vehicles'* which in turn *'fails to encourage more sustainable modes of transport'*;
- *'create an additional hazard for pedestrians'*; and
- *'an unacceptable loss of on-street parking'*.

5.5 The Council specifically reference Local Policies T1, T2 and A1 of the Camden Local Plan with the reason for refusal as well as Policy 7 of the Fortune Green and West Hampstead Neighbourhood Plan 2015. Accordingly, the Appellant's response to the first reason for refusal will address each issue raised in turn, carefully considering the Local Plan and Neighbourhood Plan policies referenced by the Council.

Promotion of the use of private motor vehicles

5.6 The Council makes specific reference to Local Plan Policy T1 with regard to this issue which states the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.

5.7 The appeal scheme does not promote the use of motor vehicles over other forms of more sustainable transport as asserted by the Council. The Council conclude the scheme will *'provide an additional space within the site'* which is incorrect. The scheme simply seeks to rationalize and improve the existing, long standing, off-street parking car arrangements serving the single dwelling.

- 5.8 The use of the Appeal site remains unchanged and so it cannot be reasonably suggested the scheme will 'promote' or increase the number or use of the existing motor vehicles. Rather, the scheme will improve the accessibility of the driveway and entrance points for the Appellant, a registered blue badge holder who relies upon his vehicle for his day to day living needs.
- 5.9 The existing single crossover point was created in the 1930s and is extremely narrow. Over the years the width of motor vehicles has increased which makes such access points increasingly difficult to maneuver. This is in addition to the current requirement to reverse out onto the narrow, single lane highway raises increasing highway safety concerns.
- 5.10 The creation of a second cross over point will enable the Appellant to enter and exit the Site in forward gear and so improve road safety for the Appellant, other road users and pedestrians, as discussed in more detail below.
- 5.11 As detailed within the submitted Design and Access Statement and noted within the Officer's delegated report, the scheme also incorporates measures to encourage the use of more sustainable modes of transport within the improved driveway area including parking 5 cycles and two electric car charging points.

Create an additional hazard for pedestrians

- 5.12 The only reference made by the Council within the delegated report with regards to this issue is the scheme would '*create an unnecessary hazard on the public highway with additional vehicles potentially crossing the pavement*' (see Appendix 4).
- 5.13 It is incorrect to conclude the scheme would result in additional vehicles crossing the pavement. As discussed above, the scheme does not promote or result in additional vehicles parking on the existing forecourt; rather it will accommodate the same number of vehicles and so the same number of vehicles movements that currently exist. All that is changed is all movements from the site will be in forward gear. In the Appellant's judgement this represents an improvement to highway safety.
- 5.14 In the absence of any publically available comment from the Council's Highways Officer on this issue, the Appellant notes past comments made on a comparable neighbouring scheme for the creation of a second vehicular crossover (38 Avenue Road – LPA ref: Ref: 2015/3124/P; Appendix 7). During the consideration of this issue Camden's Planning Transport Officer stated the proposed arrangement would actually improve the safety of pedestrians:

“The proposal would not have any impact on the operation of the public highway and indeed may improve road safety, as vehicles would be able to enter and exit the site in a forward gear. In addition, parking within the site would be more efficient as the need for 3 point turns would be removed.”

- 5.15 Furthermore, this issue was considered within the Parking Survey conducted by Fidelity Surveys (see Appendix 1) which notes;

The comprehensive 2005-2018 TfL accident database for Camden does not identify crossovers as a source of any pedestrian injury. Any potential risk of harm to pedestrians would be best mitigated by a motorist’s ability to drive forwards out of a driveway to join the carriageway.

- 5.16 As per the views of the Council’s own Highway Officer, and the findings of the TfL accident database the highway safety principle is sound. In the absence of any evidence or details to suggest otherwise the Council have shown to be inconsistent on this issue in the application of their own transport policies.

Loss of one on-street parking space on Cleve Road

- 5.17 When considering this issue, the Officer’s delegated report specifically notes the aims of Local Plan policies T2 and A1. The Council concluded the Scheme would ‘*create a shortfall to existing on-street parking conditions and would have detrimental impact on the controlled parking zone*’.
- 5.18 While it is not disputed that there would be an immediate reduction of one on-street parking space via the creation of the second dropped curb, it is strongly argued that there would be no loss of ability for a resident of Cleve Road to park on-street. This is evidenced by the findings of the comprehensive parking survey data and policy research as detailed within the Fidelity Parking Survey in Appendix 1.

- 5.19 As per the conclusion of this report;

The reduction of one on street resident’s parking space will not cause any loss in the ability to park on resident’s parking in Cleve Road. Based on the survey findings over 137 days the availability rate will be 26.7%, well above any stress level.

- 5.20 The relevant data is taken over six months of daily recording of parking availability and clearly provides a compelling record that there would be no meaningful loss in the ability to use on street resident’s permit parking in the surrounding area. As detailed in Figure 2 and 3 of the Parking Survey, there is already a strong provision of off-street parking along Cleve Road providing 63 spaces and 29 individual garages. It is therefore not surprising that only 38 active resident’s permits have been issued in Cleve Road, against the 55 on street resident’s parking spaces.

- 5.21 It is important to consider the current on-street parking stress levels in conjunction with past planning decisions in the Borough. As noted in section 4 and referenced in Appendix 7 the Council's Highway Officer considered the impact of a new crossover during the assessment of application reference 2012/4009/P at 16 Elsworthy Road and stated a 90% threshold should not be exceeded when assessing impacts upon on-street parking stress. As noted above, the Appeal scheme falls well within this threshold with an existing on-street parking stress level of 73%.
- 5.22 Furthermore, as detailed within the Parking Survey data, the uptake for parking permits being purchased within the CA-R(a) CPZ is continuing to decline. This is in line with the Council's aims to reduce the number of vehicles across the Borough by 12% by 2031. The continued increase in Parking Permit costs is specifically targeted to help achieve this.
- 5.23 It is also important to highlight the potential mitigation measure available to Camden to provide an additional on-street parking space in place of the single on-street CPZ that will be lost to the appeal scheme. As highlighted in photo 1 below there is a single space between the dropped curbs outside no. 18 Cleve Road measuring 4.8m in length, located only 50 metres from the Appeal site.
- 5.24 This potential mitigation measure is consistent with the approach taken by the Council during the consideration of planning application ref. 2012/6189 at 166 Goldhurst Terrace (see Section 4 and Appendix 7) for which the potential to create an additional on-street space near to the Appeal Site was identified by the applicant and secured by the permission to mitigate against the loss of the single CPZ space.



Photo 1: Potential new CPZ space outside 18 Cleve Road

5.25 In the absence of any evidence to the contrary, the Council has made no assessment of the specific parking conditions, rather has imposed a blanket application of the policy with no regard or proper consideration of the impact upon on-street parking stress in the area. This approach is both uninformed and inconsistent with other decisions in the area. Notably, the planning and Appeal decisions within the immediate vicinity as noted in Section 4 (166 and 211 Goldhurst Terrace; 123 Canfield Gardens 6 Nutley Terrace and 16 Elsworthy Road – See Appendix 7).

Reason 2 – Impact upon the Character and Appearance of the surrounding South Hampstead Conservation Area

- 5.26 The Council cites the *'lack of provision of traditional means of enclosure to the front boundary such as hedges and/or low garden walls'* within the reason for refusal. This is slightly at odds with the conclusions within the Officer's delegated report which states it is *'the loss of original boundary treatments and the planted greenery associated with them'*. The Officer's report concludes, *'The proposed reduced boundary wall is contrary to the aims of policies D1 and D2 of the Local Plan and policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan'*.
- 5.27 The Appellant is aware that it is the loss or removal of traditional boundary features and/or front garden areas to car parking is contrary to the aim of the Council's design policies, however as detailed within earlier sections of this Statement, the Scheme does not propose the loss or reduction to any garden wall, garden area or other traditional boundary feature. Rather, the Scheme will repair and reinstate these features and so make a positive contribution to the Conservation Area.
- 5.28 The improvements proposed to the front boundary treatment will be complemented by the reintroduction of garden planting at both sides and across the front of the house, and the replacement of existing impermeable hard concrete standing with SuDS compliant permeable blocks.
- 5.29 The Officer notes the boundary treatment *'has been removed and replaced with temporary cardboard'*. As explained by the Appellant within the submitted Design and Access Statement, the front boundary treatment has been much altered over the years following periods of subsidence which led to the collapse of a section of front boundary wall and pillars in 2010 (see Appendix 2). It is important to note the current appearance of the property is longstanding (and lawful) with no involvement from the Council's Enforcement Team.
- 5.30 Again the blanket approach by the Council to refuse the scheme without the proper consideration of site specifics is both inconsistent with the aims of relevant design policies as well as past decisions along Goldhurst Terrace and Canfield Gardens (see Section 4 and Appendix 7).

6. CONCLUSION

- 6.1 The single narrow crossover and boundary treatment serving the existing hardstanding area of the Appeal property is both unsafe and unsightly. The Appeal scheme therefore rationalises and improves the accessibility, highway safety and the overall character and appearance of the property and surrounding Conservation Area.
- 6.2 The scheme utilises the existing long standing car parking area so does not promote or increase the number of off-street vehicles or vehicle movements; rather it will accommodate the same number of vehicles and so the same number of vehicles movements that currently exist. The scheme therefore clearly meets the aims of Local Plan policies T1 and A1 as well as Neighbourhood Plan Policy 7 in this regard.
- 6.3 The scheme will enable all vehicular movement from the site in forward gear which will improve highway safety for both the Appellant, a blue badge holder, as well as other road users, as confirmed by the Council's own Highway Officer.
- 6.4 This Appeal is supported by a comprehensive Parking Stress Survey prepared by Fidelity Surveys which clearly demonstrates the loss of one on-street car parking space will not have any impact upon the ability of permit holders to park.
- 6.5 The Appeal Scheme will also have a positive impact upon the character and appearance of the Site and surrounding Conservation Area by virtue of the existing, lawful appearance of the property and the landscaping, boundary and paving improvements proposed to the hardstanding area and frontage. The Scheme therefore meets the aims of Local Plan policies T2, D1 and D2 as well as the South Hampstead Conservation Area Appraisal in this regard.
- 6.6 Moreover, this Statement demonstrates the Council's rigid and inappropriate application of their policies that fails to properly consider the specific contextual features of the site or provide any evidence to substantiate the issues raised.
- 6.7 Overall, the proposed development represents a positive improvement to both highway safety and the character and appearance of the Appeal site and the surrounding Conservation Area, with no undue harm caused to the surrounding highway network in accordance with the relevant Development Plan policies and guidance.
- 6.8 Considering the evidence contained within this Statement and the original planning application, it is respectfully requested the Planning Inspectorate allow this appeal.