

## Appeal Decision

Site visit made on 2 December 2019 by C Brennan BAE (Hons) M.PLAN

### **Decision by Andrew Owen BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 February 2020**

---

### **Appeal Ref: APP/X5210/W/19/3233752**

#### **6 Cleve Road, London NW6 3RR**

- 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 H Mackover against the decision of the Council of the London Borough of Camden.
  - The application Ref 2019/0829/P, dated 8 February 2019, was refused by notice dated 30 April 2019.
  - The proposed development was originally described as improvement to front driveway.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for replacement of front boundary wall and gates and creation of new vehicle entrance to access driveway at 6 Cleve Road, London NW6 3RR, in accordance with the terms of the application, Ref 2019/0829/P, dated 8 February 2019, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the colour and texture of those of the existing dwelling as closely as possible.
  3. The development hereby permitted shall be carried out in accordance with the approved plans: plan at 1:1250 scale, plan at 1:500 scale, 2019-1-14 P01, 2019-1-14 E01, 2019-2-25 P02A and 2018-1-14 E01.

### **Appeal Procedure**

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### **Procedural Matters**

3. The name of the appellant was not included on the application form. Therefore, the name of the appellant included above has been taken from the appeal form.
  4. The description of the proposed development set out within the above banner heading has been taken from the application form. However, for clarity and precision, the description of the proposed development set out within the above decision has been taken from the decision notice and appeal form.
-

5. The appeal was originally submitted via the Householder Appeals Service procedure. However, on 2 September 2019, the Council requested that the appeal should be determined via the S78 Written Representations procedure so that they may respond to evidence provided in the appellant's grounds of appeal. This was agreed, and so the appeal has followed the procedure for S78 Written Representations.

### **Main Issues**

6. The main issues are:
- i) the effect of the proposed development on the character and appearance of the site, surrounding area and South Hampstead Conservation Area;
  - ii) whether the proposed development would encourage sustainable modes of transport;
  - iii) the effect of the proposed development on highway safety.

### **Reasons for the Recommendation**

#### *Character and appearance*

7. The appeal site comprises a three-storey semi-detached dwellinghouse on the northern side of Cleve Road. The western side of the front boundary wall has been replaced by foldable board panels, while the remaining wall and pillars are in poor condition. The forecourt is formed of hardstanding and gravel, with no shrubbery or landscape features other than some small potted shrubs. The appeal site is located within the South Hampstead Conservation Area, whose significance is derived from the merit of its Victorian architecture and the verdant quality of its front gardens, which are typically bounded by low walls.
8. Properties on Cleve Road commonly feature low brick front boundary walls as well as soft landscape features within their front gardens. As the proposal would introduce these elements, particularly the low wall along a greater length of the front boundary than at present, it would represent a clear improvement over the current arrangement and would complement the character and appearance of the surrounding street scene. The proposal would therefore enhance the character and appearance of the appeal site, surrounding area and South Hampstead Conservation Area.
9. I understand that the original front boundary wall extended across the western side of the front boundary, with vehicular access limited to the eastern side. While the proposal would not reinstate this original arrangement, it would nevertheless improve upon the current appearance of the appeal site and relate positively to the character, appearance and significance of the surrounding Conservation Area.
10. For the above reasons, I conclude that the proposed development would not cause harm to the character and appearance of the site, surrounding area or South Hampstead Conservation Area, whose significance would be preserved. The proposed development would therefore comply with Policies D1 and D2 of the Camden Local Plan (2017) and Policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan (2015), which require that development should be designed to the highest quality, respect local context, and preserve or enhance heritage assets such as Conservation Areas.

*Sustainable modes of transport*

11. The Council assert that the proposal would promote the use of private vehicles and fail to encourage the use of sustainable modes of transport by introducing an additional off-street parking space. However, I saw at my site visit that, despite the presence of some bins, the western area of the existing forecourt can already be used as a parking space, which is confirmed by the appellant in a statutory declaration submitted as part of this appeal. Therefore, the proposal would not result in an additional on-site parking space. As the occupancy of the appeal property and the number of parking spaces within the forecourt would remain unchanged, the number of vehicular movements to and from the site would likely remain the same. As such, the proposal would not facilitate an increase in use of private vehicles or discourage the use of sustainable modes.
12. Furthermore, the proposal would provide cycle parking facilities for the occupants which would promote sustainable modes of transport. While the cycle parking as shown on the submitted plans isn't sheltered, there would be ample room within the buildings on site for cycles to be stored should covered parking be required.
13. For the above reasons, I conclude that the proposed development would not discourage sustainable modes of transport. The proposed development would therefore not conflict with Policy T1 of the Camden Local Plan (2017), which states that the Council will promote sustainable transport such as cycling.

*Highway safety*

14. The frequency of vehicular movements to and from the site would generally remain unchanged. However, the additional crossover would increase the number of points of potential pedestrian/vehicle conflict. Nonetheless, the proposal would allow the appellant, a registered blue badge holder, to safely and comfortably enter and leave the site in forward gear. As vehicles would no longer have to enter or leave the site by reversing, pedestrian and vehicular safety would be improved by the proposal. I acknowledge neighbours may reverse into and out of their own drives without causing a hazard, but nevertheless, the elimination of the need for reversing manoeuvres would be beneficial to highway safety.
15. The proposal would result in the loss of one on-street parking space. A lack of sufficient on-street parking could lead to drivers parking in unsafe positions and hence harm highway safety. The appeal site lies within the Swiss Cottage: West End Lane (CA-R(a))/Q controlled parking zone (CPZ), with 55 on-street parking spaces along Cleve Road. According to the appellant's evidence and the table on page 5 of the Council's statement, only 38 parking permits have been issued within the CPZ as of February 2019, representing an occupancy rate of 69%. This broadly corresponds with the results of the appellants parking survey which calculated an occupancy rate of 71.5%. As this indicates that there is a sufficient supply of on-street parking spaces within the CPZ, I am satisfied that the loss of one on-street parking space would not create a more hazardous environment for pedestrians and road users. On Page 4 of their statement, the Council state that 83 parking permits have been issued within the CPZ. However, this would appear to be a simple typographical error, as it conflicts with the table on page 5 and the appellants evidence.

16. Furthermore, while the Council suggest on-street parking spaces along Cleve Road were fully occupied on the afternoon of 21 September 2019, the photos provided to support that do not appear to relate to Cleve Road, not least because the speedbumps in the photos are of a different style to those on Cleve Road. In any case, the parking survey submitted by the appellant provides a more comprehensive analysis of parking availability over a period of six months and therefore offers a more accurate representation of the use of and demand for on-street parking spaces within the CPZ. On the basis of this evidence, I am satisfied that the CPZ is not under parking stress. Furthermore, while there may be a limited availability of on-street parking spaces within the wider area, it is clear from the evidence before me that Cleve Road is not under significant parking stress when considered on its own. The loss of one parking space along Cleve Road would not significantly affect the availability of on-street parking spaces within the wider area.
17. For the above reasons, I conclude that the proposed development would not be harmful to highway safety. The proposed development would therefore comply with Policies T1 and A1 of the Camden Local Plan (2017) and Policy 7 of the Fortune Green and West Hampstead Neighbourhood Plan (2015), which state that the Council will support development which promotes safer road environments and adequately addresses impacts on the existing transport network. The proposal would also broadly comply with Policy T2, as no additional onsite parking would be created.

### **Other Matters**

18. The Council has drawn my attention to two recent appeal decisions. Regarding the appeal at 1 Lyndhurst Road, Ref APP/X5210/W/19/3229977, the proposal sought to remove a section of an existing front boundary wall for a vehicular access. In contrast, the proposal before me seeks to construct a new wall and vehicular access, and so this does not provide a directly comparable precedent. Furthermore, while the Inspector in that case may have had concerns about the incremental reduction in the availability of on-street parking, I am satisfied from the appellant's evidence that sufficient on-street parking would remain available following implementation of the proposal. The appeal at 13 Fitzjohn's Avenue, Ref APP/X5210/W/17/3178421, would have resulted in the loss of 3 on-street parking spaces so it is not comparable to the proposal in terms of its quantitative effects on parking and highway safety. Also, both of these sites are in a different Conservation Area with, no doubt, different characteristics, so are not comparable.
19. I am aware that there are disabled parking bays along Cleve Road. However, as the proposal would allow the appellant to enter and leave the site safely while using the existing off-street parking spaces, which would represent an improvement over the existing arrangement in terms of highway safety, these disabled bays are of limited relevance.
20. There is no evidence to suggest that an application to convert the appeal property to flats will be submitted. Regardless, the proposal has been determined on its own merits.

### **Conditions**

21. The conditions which are imposed are those which have been suggested by the Council, but with some variation in the interest of clarity and precision having

regard to the advice on imposing conditions in the Framework and Planning Practice Guidance.

22. In addition to the standard timescale condition, I have imposed a condition requiring that the scheme be built in accordance with the approved plans for the avoidance of doubt.
23. In their questionnaire, the Council have suggested a condition requiring that the external surfaces to be used in construction should match those used in the existing building. They subsequently suggested a slightly amended version of this condition in Appendix 4 of their statement which states that all new external work should be carried out in materials that resemble existing building in terms of colour and texture as close as possible. I consider this would be necessary in the interests of preserving the character and appearance of the appeal property and the surrounding Conservation Area. In an email sent on 10 December 2019, they suggested a further revision, specifying that all new external work should be carried out in materials that resemble those of the existing wall. But as this would result in a white rendered wall, which would not reflect the majority of the other walls in the street, I do not consider this condition necessary.

### **Conclusion and Recommendation**

24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

*C Brennan*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*Andrew Owen*

INSPECTOR