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Dear Kate

RE: APPLICATION REFERENCE 2019/4214/P – FORMATION OF A NEW DRIVEWAY ACCESS INCLUDING A NEW VEHICLE CROSSOVER; ASSOCIATED BOUNDARY TREATMENT ALTERATION; RESURFACING OF THE EXISTING DRIVEWAY AT 28, HARLEY ROAD

We are instructed by and write on behalf of the Applicant Sheikh Mohamed and Sheikh Hamdan Shaya Alhamed concerning application reference 2019/4214/P. Thank you for sending on the comments made by the Council's Principal Transport Officer dated 14th January 2020. We have now reviewed these and respond accordingly below (our response in bold text).

Comment 1: The new vehicle crossover would result in the loss of at least one on-street Resident parking space from the parking bay in front of the property. This loss of spaces is not supported as it would lead to a reduction in the number of spaces available for residents in the adjacent houses and the surrounding area. The proposal would require an amendment to the Traffic Management Order (TMO) which regulates the control of parking on this street. This too is not supported.

The proposed development has been supported by a specific Parking Stress Survey (prepared by Markides Associates, who are qualified highways and parking experts) which has considered, in detail, the amount of on-street car parking in Harley Road compared to its actual usage at various days of the week and times of day. The conclusions of the Parking Stress Survey clearly demonstrates that the loss of two spaces in this location will not have a detrimental impact on the availability of parking in Harley Road or the surrounding area.

Guidance concerning the installation of dropped kerbs on the Council's website sets out the considerations when making an application for a vehicle crossover as follows:

"We take the following into account when assessing your application for a crossover:

- ***there should be a minimum distance of 4.8 metres from the front of the property to the back of the pavement. This allows for private motor vehicles to be parked without overhanging the pavement and obstructing pedestrian routes***



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- *site lines must be unimpeded by obstructions such as trees*
- *where the proposed crossover is located within a current controlled parking Zone (CPZ) or an area where the Council has formally agreed will become a CPZ, the application will not be approved if it requires any amendments to the CPZ that are detrimental to that scheme in traffic/parking management terms”.*

The last criterion is the only one which has been cited to form the objection as all the other criteria are clearly met. In this case, however, amendment to the CPZ would not have any detrimental impacts to that scheme in traffic or parking management terms as the Parking Stress Survey clearly shows that there would not be any detrimental impact arising. The Applicant therefore concludes that a suitable amendment to the relevant Traffic Management Order (TMO) can be approved.

Comment 2: The proposal would be contrary to various elements of Camden’s policy and guidance, as set out below.

- CPG Transport states that vehicular crossovers will not be acceptable where the installation of a crossover would result in the loss of on-street parking provision. The introduction of a crossover at this location will result in the loss of at least one on-street parking space.

Whilst the proposed development would result in the loss of one on-street car parking space the impact of this has been considered in the Parking Stress Survey specifically. The CPG Transport contradicts the guidance stated elsewhere (<https://www.camden.gov.uk/dropped-kerbs>) in relation to crossover applications, namely that: *“we generally require a parking beat survey to be undertaken for proposals which would require a loss of on-street parking bays within a CPZ. The results of such surveys should clearly demonstrate that the proposal would not be detrimental to the operation of the CPZ in which the site is located”.* This therefore indicates that a proposal for a dropped kerb can be accepted provided that the loss of parking is not detrimental to the operation of the CPZ. That is the situation in this instance.

- Policy T2 of the local Plan states that "Developments seeking to replace garden areas and/or boundary treatments for the purposes of providing on-site parking will therefore be resisted."

Point (d) of Policy T2 actually states *“resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking”.*

The amount of driveway area will not be increased by the application scheme. Indeed, there will be a slight net decrease once the landscaping proposals have been implemented. There is no intention of increasing private car parking capacity.

It is correct that in order to have the additional crossover the boundary treatment will need to be amended to provide a new gateway which can open and close. The application scheme plans show that the new gate will be identical in design and appearance to the existing gate

which provides access and egress for the Property; therefore, creating a symmetrical boundary treatment.

Having looked at the proposed gate and driveway in more detail since the comments were received, we are now of the opinion that the new gate elements could form permitted development by virtue of the General Permitted Development Order and would not therefore require planning permission.

The alterations to the boundary treatment, specifically the gate/fence could be undertaken under Schedule 2 Part 2 Minor Operations *Class A – gates, fences, walls etc. sub section (c) “the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater:...”* There are no restrictions to this permitted development right within a Conservation Area and the proposed new gate would be an alteration to the existing boundary treatment which maintains the status quo in terms of height, as opposed to a new boundary altogether.

The alterations to the driveway to a porous material to allow drainage could also be implanted under permitted development rights; specifically, Schedule 2, Part 1 Class F – hard surfaces incidental to the enjoyment of a dwelling house. The permitted rights can be used if the hard surface will be situated on land between a wall forming the principle elevation of the dwelling house and a highway and the area of ground covered by the hard surface, or the area of hard surface replaced would exceed 5 square metres. The existing dwelling at 28, Harley Road meets all these requirements as well as the proposed hard surfacing being made of porous materials within the curtilage of the dwelling.

Point C of the criteria set out in the Vehicular Crossover Application form states that where the proposed crossover is located within a current Controlled Parking Zone (CPZ) or an area which the Council has formally agreed will become a CPZ, the application will not be approved if it requires any amendments to the CPZ that are detrimental to that scheme in either Traffic management or Parking terms.

As stated previously, the assessment and conclusions drawn in the submitted Parking Stress Survey demonstrate that the existing on-street parking bay adjacent to the Property’s frontage can accommodate up to three parked cars (although this relies upon ‘efficient’ parking by drivers). On-site observations have also shown that at times only two parked cars can be accommodated. The proposed vehicle crossover would enable the remaining parking bay being able to accommodate one car (therefore a loss of one or two spaces depending upon the circumstances).

To reaffirm, the Parking Stress Survey submitted was undertaken in accordance with Council guidance, (using the recommended Lambeth Methodology for the on-site parking surveys) to identify the current parking supply and demand on Harley Road and other nearby streets. The key points from these surveys are summarised as:

- **12 out of 33 (36%) spaces on Harley Road being unoccupied during the first survey and 18 out of 34 (53%) spaces being unoccupied during the second survey;**
- **Within the whole study area 39% of spaces being unoccupied during the first survey and 48% of spaces being unoccupied during the second survey;**
- **Whilst both surveys recorded all 3 bays along the site frontage being occupied, this may in part be due to construction work restricting access to the site at the time of the surveys;**

Nevertheless, the surveys recorded:

- **An unoccupied space opposite the site;**
- **2 unoccupied spaces along the frontage of the property to the south of the site; and**
- **2 or 3 unoccupied spaces along the frontage of the property to the north of the site;**

On this basis, it is therefore considered that typically there are at least 5 unoccupied spaces in very close proximity to the Property, such that the loss of 2 spaces along the site frontage would not have a detrimental impact on the operation of the CPZ.

It is also worth noting that many of the properties within the surveyed area have large existing areas of off-street parking and this therefore explains the general pattern of moderate on-street parking demand within the local area.

Conclusions

The objections raised by the Principal Transport Officer have been reviewed and appropriate responses made. The Applicant refutes the concerns raised. The provision of the proposed access and vehicle cross-over (and therefore consequent amendment to the CPZ and Traffic Management Order) are fully justified as there is no evidence to show that the loss of one on-street car parking space will have a detrimental impact on the traffic/parking capacity of Harley Road or of the wider surrounding area.

The proposed changes to the boundary treatment and the driveway surface of 28, Harley Road, could, based on the GDPO (2015) undertaken under Permitted Development Rights, without the need to apply part (d) of Policy T2. The application needs to take this permitted right into consideration in assessing the scheme in relation to policy T2.

The installation of a new vehicle cross-over will result in the loss of one on street car parking space, but the submitted Parking Stress Survey demonstrates that there is unused capacity in the area and the loss would not be detrimental, hence the proposed development is consistent with the CPG Transport. The adopted guidance is clear that where there is no detrimental impact on the traffic management/parking of a CPZ as demonstrated by a Parking Stress Survey (as in this case), amendments can be made and on street parking spaces reorganised accordingly. In turn this allows appropriate amendments to a TMO to be made (although this is not strictly a town planning matter forming part of the determination of this application as it is subject to separate regulations).



Give the above response, the Applicant considers that the comments made by the Principal Transport Officer are outweighed by the approach and evidence set out in the submission and the appropriate application of the policies and guidance when taken together. Respectfully, the officer's comments do not represent a valid reason for refusal of the application.

If you have any queries or would like clarification on any aspect of our response, please do not hesitate to contact Renu Prashar Prinjha via email or on (0330) 223 1510.

Yours sincerely,

RENU PRASHAR PRINJHA BSc (Hons) MSc MRTPI

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