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| Delegated Report | | Analysis sheet | Expiry Date: | 21/01/2020 |
| | | N/A / attached | Consultation Expiry Date: | 12/01/2020 |
| Officer | | | Application Number(s) | |
| Kate Henry | | | 2019/4214/P | |
| Application Address | | | Drawing Numbers | |
| 28 Harley Road London NW3 3BN | | | Please refer to draft decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal(s) | | | | |
| Formation of a new driveway access including a new vehicle crossover; associated boundary treatment alterations; resurfacing of the existing driveway | | | | |
| Recommendation(s): | Refuse planning permission | | | |
| Application Type: | Householder Application | | | |

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|---|--|-----------|------------------|-----------|-------------------|-----------|
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 00 | No. of responses | 00 | No. of objections | 01 |
| Summary of consultation responses: | <p>Site notices were displayed on 13/12/2019 (consultation expiry date 06/01/2020) and a notice was placed in the local press on 19/12/2019 (consultation expiry date 12/01/2020).</p> <p>1 response has been received, summarised as follows:</p> <ul style="list-style-type: none"> • Agree with the objection as given by Elsworthy Residents Association • The removal of trees is not adequately compensated for in the suggested replanting scheme • Parking survey does not take into account upcoming HS2 works which will reduce parking bays in the area and mean more uptake of the parking spaces in Harley Road which tend to be full in daytime, not night time when the survey was conducted. | | | | | |
| Elsworthy Resident's Association | <p>Objection, summarised as follows:</p> <ul style="list-style-type: none"> • Application has not changed much since application reference 2018/1245/P • No justification for the additional vehicle access • It is an error to say the house dates from 1920 when I believe it is an original William Willett 1901/1903. "Inverclyde" or "Ruscombe". Willett was not a believer in "symmetry" and this is therefore no argument for creating an in and out drive. • There is ample room for manoeuvre within the hard standing as has been exemplified by all the contractors' vehicles these past three years. • The newly commissioned parking survey that attempts to justify the loss of three on-street parking spaces gives a false impression since it only covers the hours of weekday nights. It takes no account of visitors or contractors who use Camden residents' parking vouchers. They have completely ignored the needs of the relatives and friends who visit the old people's home, Compton Lodge, opposite number 28, and who use these Camden parking vouchers. The report also disregards the value of the free parking at weekends that facilitates visitors, not only to the houses but also to the Swiss Cottage leisure centre, library, hotel and events at Compton Lodge. The survey fails to mention there is no pay and display alternative in Harley Road, Wadham Gardens or Elsworthy Road for visitors. The survey is of very little value. • The loss of the parking spaces contravenes the Camden policy of March 2019. • Despite the extensive material submitted for the application there is very little detail of the proposed landscaping which is so essential to the Willett "garden suburb" ideal and to the street scene of the conservation area. • There are trees to be removed but no mention of any replacements | | | | | |

and the two that remain have not been respected and protected so far and there is little confidence that this will change in future. There is no detail of the type of hedge nor of the round blobs that indicate unspecified planting. Virtually the whole space is given to grey granite sets that will not be porous, and provide a very sterile environment.

- There is no pedestrian gate which would seem impractical.
- Camden now require bicycle storage and that is not apparent.
- More importantly it seems the bins will be parked somewhere on the hardstanding as there is no provision indicated to conceal them.
- Sadly the railings are shown to be like those that existed previously and which were not harmonious with the Willett house. Originally there was only privet hedging for boundaries and therefore it would be preferable to have the hedge planted in front of any new railings.

Site Description

The application site is 28 Harley Road, a large, detached, two storey, red brick residential dwelling on the western side of the road. The property has a driveway to the front with room to park a number of cars and a private garden to the rear.

The application site is within the Elsworthy Road Conservation Area. No. 28 Harley Road is identified in the Elsworthy Conservation Area Appraisal and Management Strategy (2009) as making a positive contribution to the character and appearance of the conservation area.

Relevant History

2019/5665/P: (Lawful development certificate) Excavation of single storey basement. **Decision pending.**

2019/6350/P: Installation of boiler flue and vents on the rear elevation and alterations to the roof of the existing summer room. **Decision pending.**

2019/4448/P: Non-material amendments to planning permission 2016/2889/P, dated 26/09/2016 (for Erection of part single storey part two storey rear extension. Installation of bi-folding doors to north facing ground floor closet wing, new windows to match the existing and the replacement of the roof tiles on the main roof), namely alterations to window and door openings. **Granted 13/12/2019.**

2018/1245/P: Formation of new driveway access including new vehicle crossover and associated boundary alterations, and removal of a tree. **Withdrawn 21/05/2019.**

2017/6500/P: Proposed Alterations to Existing First Floor Rear Bay Roof Detail and Alterations to Fascia to Include Dentil Details. **Granted 13/09/2018.**

2016/2889/P: Erection of part single storey part two storey rear extension. Installation of bi-folding doors to north facing ground floor closet wing, new windows to match the existing and the replacement of the roof tiles on the main roof. **Granted 26/09/2016.**

2015/5846/P: Erection of a part width single storey rear extension. Installation of a new front door and porch canopy. **Granted 25/04/2016.**

2004/5549/P: The erection of a single storey conservatory at rear ground floor level and infill roof extension at rear first floor level to the residential dwellinghouse. **Granted 11/02/2005.**

2003/0403/P: The erection of a single storey timber framed glazed conservatory. **Refused 07/10/2003.**

P9601769R1: Extension of roof, including new dormer window to form en-suite bathroom and formation of new window at first floor level on rear elevation of main building. **Granted 28/09/1996.**

9301559: The partial demolition of a first floor side addition above a garage and the construction of a larger side addition. **Granted 11/02/1994.**

9300546: The construction of a single storey rear extension to existing dwelling house. **Granted 13/08/1993.**

8905785: Erection of a two storey rear extension side extension and formation of underground swimming pool in rear garden of existing single family house. **Granted 31/05/1990.**

J8/1/3/8685: The erection of a single storey games room extension at the rear. **Granted 07/05/1970.**

Relevant policies

National Planning Policy Framework (2019)

London Plan 2016

The London Plan (Intend to Publish) 2019

Camden Local Plan (2017)

C5 Safety and security

A1 Managing the impact of development

A3 Biodiversity

D1 Design

D2 Heritage

CC3 Water and flooding

CC4 Air quality

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T3 Transport infrastructure

Camden Planning Guidance

Air quality (2019)

Altering and extending your home (2019)

Amenity (2018)

Biodiversity (2018)

Design (2019)

Transport (2019)

Trees (2019)

Elsworthy Road Conservation Area Appraisal and Management Strategy (2009)

Assessment

1. The proposal

1.1. This application seeks planning permission for the following:

- Formation of a new driveway access including a new vehicle crossover
- Associated boundary treatment alterations
- Resurfacing of the existing driveway

1.2. There is an existing vehicle access to the site at the southern end of the frontage which measures approximately 3.6 metres wide. The proposed additional vehicle access would be located at the northern end of the frontage and would measure just over 3.5 metres wide. The distance between the two access points would be approximately 11 metres. The new vehicle crossover would measure over 7 metres wide.

1.3. Currently, the application site's front boundary treatment is covered by hoarding associated with building works being carried out at the host property. However, when the hoarding is removed, the 'existing' boundary treatment at the front comprises a low red brick wall with black painted metal railings above (approximately 2 metres high) which allow views into the site. The access gate is also constructed with black painted metal and has brick piers to either side.

1.4. The proposed additional vehicle access would match the existing in terms of the design of the

gate and the brick piers.

- 1.5. Currently, there is an area of planting between the existing vehicle entrance and the northern corner of the property frontage which includes a mature Horse Chestnut tree, a semi-mature Palm tree, an early-mature Cherry Laurel and a semi-mature Prunus. The area of planting measures approximately 95 square metres.
- 1.6. It is proposed to remove part of the area of planting and replace it with hardstanding in association with the creation of an additional access to the site. An area of planting between the two access points would remain. This area would measure approximately 30 square metres. Another area of planting along the northern boundary of the application site would remain. This area would measure approximately 25 square metres.
- 1.7. It is also proposed to resurface the whole of the driveway with granite sets (the existing driveway is tarmac).
- 1.8. The Planning Agent has highlighted the fact that resurfacing the driveway would not require planning permission if the hard surface is either made of porous materials or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse (it is not clear from the plan whether this is the case). Similarly, the proposed changes to the front boundary treatment would not require planning permission, on the basis that the means of enclosure would be no taller than its existing height. Nevertheless, as these elements form part of the submitted application they will be assessed against the Council's planning policies and guidance.

2. Assessment

2.1. The principal considerations material to the determination of this application are summarised as follows:

- Impact on the character and appearance of the area (heritage and design)
- Trees and landscaping / biodiversity
- Highways / transport considerations
- Impact on neighbouring properties

3. Impact on the character and appearance of the area (heritage and design)

- 3.1. The application site is within the Elsworthy Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).
- 3.2. Policy D1 of the Local Plan seeks to secure high quality design which respects local context and character; preserves or enhances the historic environment and heritage assets in accordance with Policy D2; is sustainable in design and construction; comprises details and materials that are of high quality and complement the local character; integrates well with the surrounding streets and open spaces; is inclusive and accessible for all; promotes health; is secure and designed to minimise crime and antisocial behaviour; responds to natural features and preserves gardens and other open space; and incorporates high quality landscape design and maximises opportunities for greening for example through planting of trees and other soft landscaping. The policy also notes that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 3.3. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse

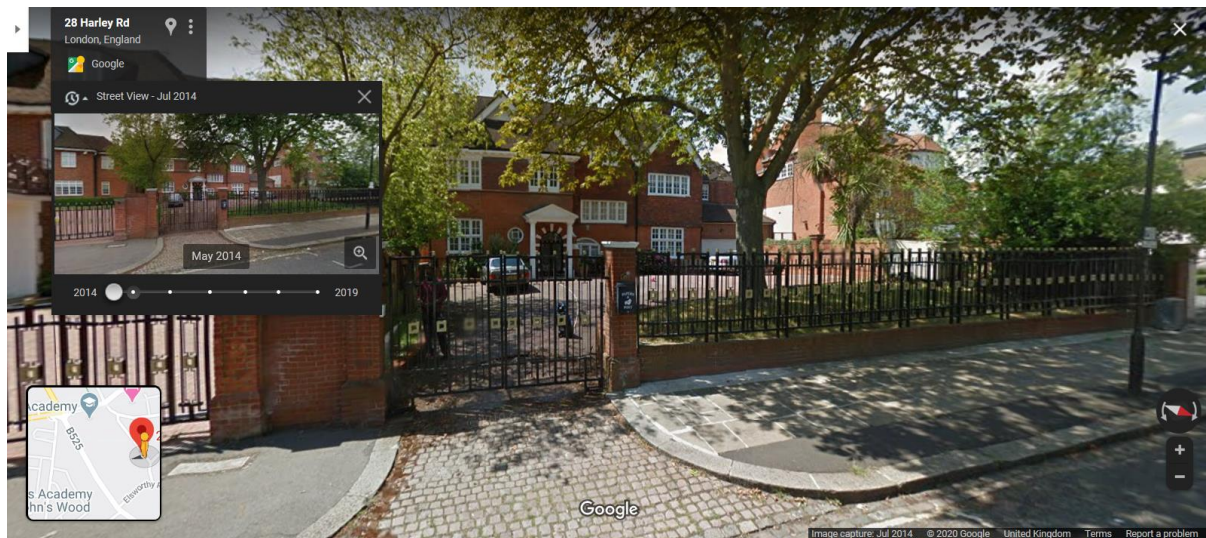
heritage assets and their settings, including conservation areas and listed buildings.

- 3.4. The Elsworthy Road Conservation Area Appraisal and Management Strategy (ERCACMS) (2009) notes that the area's character derives from the spacious leafy streets and generously laid out plot sizes. It notes that buildings are set back from the street and the original boundary treatments of small walls, privet hedging and wooden gates and gateposts were designed to increase the green, leafy environment of the quiet residential streets (paragraph 3.7). The view into the Conservation Area looking south-east along Harley Road is identified as a notable view in the area (paragraph 3.9).
- 3.5. The ERCACMS goes on to note that a notable characteristic of the area are the clear differences in the building styles and materials of each sub-area of the conservation area, which includes the styles and materials of the individual boundary treatments of properties in each sub-area, which are especially important as they create uniform and defining frontages that separate the pavement from front gardens, and act as a setting for the built form behind (paragraph 3.22).
- 3.6. The appraisal notes that: *"The predominance of low walling combined with hedges, usually in privet, creates a strong landscaped theme in front gardens which is complementary to the tree-lined streets. This characteristic is particularly evident in the western section of the Conservation Area which is home to an estate of houses built by William Willett, and designed as a garden suburb strongly influenced by the Bedford Park development of the architect Richard Norman Shaw and his pupil Sir Ernest Newton, built in Chiswick. Here the boundaries were originally planted with privet hedges interrupted by wooden gates and posts"* (paragraph 3.23).
- 3.7. It then notes: *"Traditional nineteenth-century boundary treatments, including railings and walls, show considerable detail. Gateposts in wood, brick, decorative tile, stucco and stone are banded and textured, contributing to the streetscape. The accompanying low walls, topped by railings or hedges, retain an important linearity at street level, the loss of which would damage the character of the Conservation Area"* (paragraph 3.24).
- 3.8. Harley Road is located within sub-area 3 of the Conservation Area: *'Willett Development'*. The area was laid out in the 1890s by the speculative builder William Willett who specialised in increasingly expensive upper middle class housing built to very high standards. The scale of development on the Willett streets differs to the rigid design of the Victorian terraces seen elsewhere in the conservation area and although the area has undergone changes over the years (e.g. sub-division of large houses to create smaller residential units), the ERCACMS notes that: *"the traditional pattern of frontages, with boundaries defined by hedges and wooden fences, rather than metal railings, has largely been retained although not always in their original form"* (paragraph 6.29).
- 3.9. The ERCACMS also notes that, in sub-area 3, *"The vernacular style of the architecture set back from the road by ample gardens is complemented by the predominance of mature street trees and hedges and other planting within the gardens themselves. The boundary treatments are formed by low walls, topped by hedges, combined with wooden gates and gate posts to form the predominant features in the division of street and garden which greens the streetscape considerably and softens the view. It is particularly the combination of hedges and wooden gates that defines the special character of the streetscape in the Willett area. However, only No 62 retains original wooden gateposts, with other properties having replaced original frontages with harder wearing and out-of-keeping materials such brick gateposts and metal railings, or having allowed the hedges to form a less structured natural boundary. Where front gardens have been removed completely for car parking and refuse containers, the boundary treatments and character have diminished"* (paragraph 6.60).
- 3.10. The Management Strategy which forms part of the ERCACMS identifies current issues affecting the conservation area and one of these is alterations to boundary treatments

(paragraph 12.1). Paragraph 12.10 notes: “Alterations to and the loss of original boundary treatments are to be discouraged and the removal of boundary treatments to create areas of hard-standing for parking is in most cases inappropriate”. Paragraph 13.21 also notes: “The boundary walls, gate posts and fencing whether in stone, wood, or iron along the majority of frontages are an important facet of the character of the area overall and of the different sub-areas specifically. The Council will resist the loss of original boundary treatments and the iron and wooden elements and planted greenery associated with them where this forms part of the area’s character”.

- 3.11. On the basis that front boundary treatments are such an important feature of the Elsworthy Conservation Area, particularly around the Willett designed streets, the proposed alterations to the front boundary treatment are considered to cause harm to the character and appearance of the conservation area. Whereas the application site currently features a well-defined and uniform frontage that is in keeping with the neighbouring properties’ frontages, the proposal to remove part of the front boundary treatment and add in another entrance only 11 metres away from the existing entrance to the site, would result in a cluttered and less ordered frontage.
- 3.12. It is recognised that the application site now features metal railings along its frontage (as do its immediate neighbours), whereas originally they would have been wooden; however, the ERCACMS clearly states that front boundaries, regardless of their materials, are an important part of the character of the area and the Council will resist their alteration or loss, particularly if it is in association with the creation of hardstanding or parking.
- 3.13. It is recognised that the neighbouring property to the north (No. 26) has two entrances to their driveway; however, that property benefits from a much longer frontage (approximately 45 metres compared to approximately 22 metres) and that site differs because there is a modern annexe building at the site, which appears as a separate building in some views of the site. On this basis, it is not unusual for the plot to have two entrances. The property to the south (No. 30) also has two entrances to their driveway; however, this property differs insofar as it occupies a corner plot and one of the entrances is on a different road (Wadham Gardens) and it is therefore difficult to appreciate the two entrances together. This property also benefits from a generously sized area of lawn at the front of the site. In contrast, the proposal to add in another entrance at the application site would create a cluttered frontage and would result in an increase in the amount of hardstanding to the front of the property.
- 3.14. The Car Parking Survey submitted with the application also refers to No. 9 Harley Road, on the opposite side of the road. However, whilst this property does have 3 gated entrances to the site (it is not clear whether the northernmost entrance is suitable for a vehicle) the property only has 1 dropped kerb to the front which stretches across the majority of the frontage. On the whole, the fact that other properties in the same street and wider area may benefit from more than one access is not sufficient reason to allow the proposed development at the application site, particularly given the harm that would be caused to the conservation area,
- 3.15. Not only would the proposals result in the loss of part of the front boundary treatment, but they would also result in the loss of a large area of planting at the front of the application site and this would also be to the detriment of the character and appearance of the application site, the streetscene along Harley Road and the wider Elsworthy Conservation Area.
- 3.16. As noted above, the ERCACMS highlights that, within sub-area 3 of the conservation area: “The vernacular style of the architecture set back from the road by ample gardens is complemented by the predominance of mature street trees and hedges and other planting within the gardens themselves”.
- 3.17. The existing area of planting, which is roughly triangular in shape, measures approximately 95 square metres and when the hoarding is removed from the frontage, it would be possible to appreciate this area of planting from the street (as shown in the Google

Streetview image from 2014, see below).



- 3.18. The proposals would see a reduction in the area of planting from approximately 95 square metres to approximately 55 square metres (a 58% reduction) (the area of planting between the two entrances would measure approximately 30 square metres and the area of planting along the northern boundary of the application site would measure approximately 25 square metres) and the two retained areas of planting would be separated by hardstanding associated with the new access to the site. The resultant frontage of the property would be largely dominated by hardstanding and this would be apparent when viewed from the street, thereby causing harm to the character and appearance of the Elsworthy Conservation Area.
- 3.19. Overall, it is considered that the proposals would cause harm to the character and appearance of the application site and the wider area, including the Elsworthy Conservation Area, which is a designated heritage asset. Paragraph 193 of the NPPF notes that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.
- 3.20. In this case, it is considered that the harm amounts to *“less than substantial harm”* and paragraph 196 of the NPPF guides that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*. The Council does not consider there to be any public benefits associated with the proposal that would outweigh the harm caused and therefore there is no justification for the proposed development and the application is recommended for refusal on this basis.
- 3.21. The proposals are contrary to the requirements of Policies D1 and D2 of the Local Plan, insofar as the proposals would not respect local context and character; they would fail to preserve or enhance Camden’s heritage assets and their settings; they would to contribute positively to the streetscene; and would fail to preserve the garden or promote greening.

4. Trees and landscaping / biodiversity

- 4.1. Policy A3 of the Local Plan seeks to protect and enhance sites of nature conservation and biodiversity. The policy notes that the Council will protect, and seek to secure additional, trees and vegetation. Policy D1 also seeks development which incorporates high quality landscape design and maximises opportunities for greening, for example through planting of trees and other soft landscaping.
- 4.2. Policy CC3 seeks to ensure that development does not increase flood risk and reduces the

risk of flooding where possible.

- 4.3. As noted, the proposals would see a reduction in the area of planting at the front of the site from approximately 95 square metres to approximately 55 square metres (a 58% reduction) and the two retained areas of planting would be separated by hardstanding associated with the new access to the site.
- 4.4. Although the area of planting is currently in a poor condition (bare soil and partly being used for storage) historic photographs show that it previously had a lawn which contributed positively to the character and appearance of the application site, the street scene and the wider area. The lawn would also have provided connections for wildlife and help reduce the impacts of flooding.
- 4.5. An Arboricultural Report has been submitted with the application. (It is noted that the proposed driveway plan shown on page 9 of the report differs to the proposed plans submitted as part of the planning application insofar as it shows a larger area of retained planting, see image below).

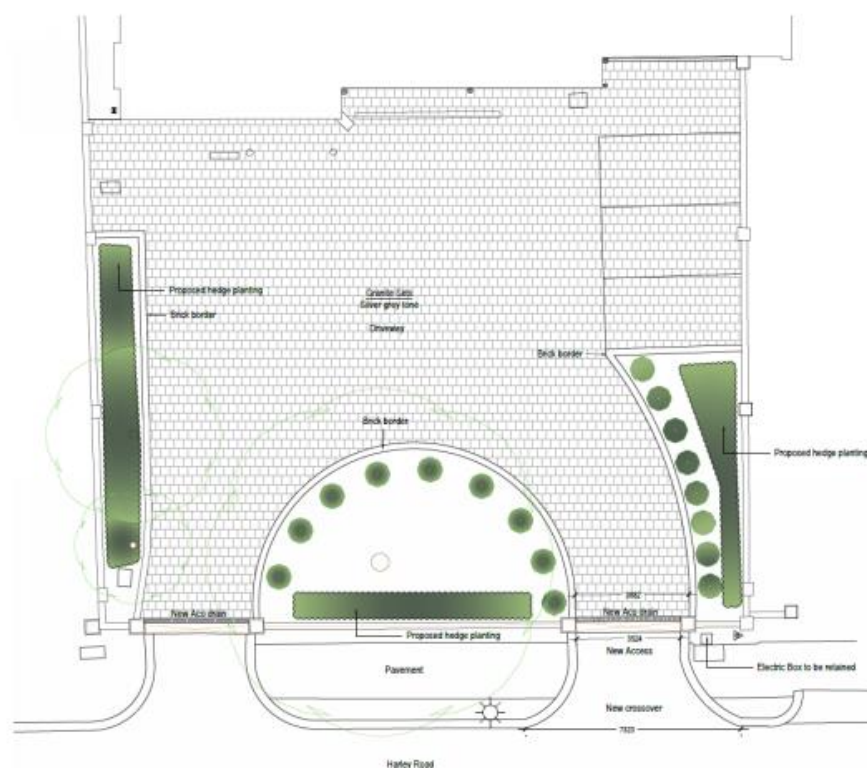


Fig 1 1163-211A_Proposed Driveway and Entrance Plans

- 4.6. The Arboricultural Report notes that 4 trees / groups need to be removed (T2, T4, T5 and T6). Tree T2 is to be removed due to its poor condition and the remaining trees are to be removed to facilitate the proposed new vehicle access to the site. Tree T2 (Oxelder maple) is a Category U tree (meaning its condition is such that it cannot realistically be retained as a living tree for longer than 10 years); Tree T4 (Palm) is Category B2 (moderate quality with a life expectancy of at least 20 years); Tree T5 (Cherry laurel) is Category C2 (low quality with a life expectancy of at least 10 years); and Tree T5 (Prunus) is also a Category U tree.
- 4.7. The report acknowledges that the removal of Trees T4, T5 and T6 will have “a minor negative impact on the local landscape and conservation area due to a reduction in ornamental ‘garden’ vegetation forming part of the streetscene along Harley Road” (paragraph 4.3); however, the report then justifies the removal by noting that “a new area of landscaping is included in the scheme to replace trees and shrubs lost along the north-west site boundary”. The Council disagrees that a new area of planting is being provided; rather the existing area of planting is

being significantly reduced in size and split into two by the creation of the new access. Also, the report seems to assume that the area of “new landscaping” will be larger than that actually proposed.

4.8. The proposed landscaping comprises hedge planting along the boundaries of the site with low level planting behind. Whilst the hedge planting is welcomed as the conservation area appraisal refers to hedges being a common feature of the area historically, overall, the level of replanting is not considered to be sufficient to outweigh the harm caused by the introduction of more hardstanding at the front of the property.

4.9. As noted above, it is considered that the reduction in size of the area of planting at the front of the property would have a detrimental impact on the character and appearance of the application site, the streetscene and the conservation area. The reduction in size of the area of planting and the removal of trees in order to facilitate the creation of the new driveway access would also be contrary to biodiversity aims, contrary to Policy A3, and would impact detrimentally on water run-off at the site, contrary to Policy CC3. The application is therefore recommended for refusal on this basis.

4.10. The Arboricultural Report also discusses the retained trees and whether or not they are at risk from activities related to demolition, construction or eventual operational use of the site. With regards to Tree T1 (the Horse Chestnut in the centre of the existing area of planting at the front of the site), it notes the following: “*The proposed development will see the loss of 11.8sqm of unsurfaced RPA to the new site access, and a gain of 7sqm reinstated unsurfaced RPA, currently forming part of the tarmac drive. Root Protection Area (RPA) and above ground parts of tree are at risk from movement of plant and machinery undertaking construction and demolition operations, and due to the resurfacing of the drive*”.

4.11. However, as noted above, the Arboricultural Report seems to assume that the resultant area of landscaping would be larger than that actually proposed as part of the application and therefore the Council considers that the impact on the root protection area is likely to be greater than stated in the report. The Horse Chestnut makes a positive contribution to the character and appearance of the application site, the streetscene along Harley Road and the Elsworthy Conservation Area and its loss if it were to be harmed by the proposed works would cause harm to the character and appearance of the conservation area. The loss would also be harmful in biodiversity terms. The application is therefore also refused based on the lack of sufficient information to properly assess the impact on the retained tree.

5. Highways / transport considerations

5.1. Policy T1 of the Local Plan seeks to encourage sustainable forms of transport (namely walking, cycling and public transport). Insofar as the proposals serve to benefit users of private motor vehicles, it is considered that the proposal fail to promote the use of sustainable modes of transport. The application is therefore recommended for refusal partly on this basis.

5.2. Policy T2 of the Local Plan seeks to limit the availability of parking. Part (d) of the policy specifically states that the Council will resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking.

5.3. The sub-text to the policy notes that parking can cause damage to the environment; trees, hedgerows and boundary walls often contribute to the character and appearance of the borough’s conservation areas; and the development of boundary treatments and gardens to provide on-site private parking often requires the loss of much needed public on-street parking bays to create vehicle crossovers. Furthermore, areas of paving can increase the volume and speed of water run-off, which can add to the pressure upon the drainage system and increase the risk of flooding from surface water.

5.4. The proposal to alter the front boundary treatment, provide an additional access to the

property and to provide a vehicle crossover is contrary to Policy T2(d) and the application is recommended for refusal on this basis.

6. Impact on neighbouring properties

- 6.1. Policy A1 of the Local Plan seeks to manage the impact of development. The policy notes that the Council will seek to protect the quality of life of occupiers and neighbours and will not grant permission for development if it causes unacceptable harm to amenity. Part (c) of the policy specifically notes that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network.
- 6.2. Policy CC4 of the Local Plan seeks to ensure that the impact of development on air quality is mitigated and ensure that exposure to poor air quality is reduced in the borough.
- 6.3. Chapter 7 of CPG Transport (2019) provides further guidance, specifically focussing on planning applications that include new footway crossovers and new access routes to enable access from the public highway to properties and sites. Paragraph 7.5 notes that vehicle crossovers will not be acceptable where the installation of a crossover would result in the loss of on-street parking provision; where alterations to the boundary treatment would have a visually detrimental impact on the street; or where there is a detrimental impact on amenity, such as felling of valuable trees.
- 6.4. There are currently 3 on-street parking spaces at the front of the application site (Permit Holder Only), although the Car Parking Survey which accompanies the planning application notes that whilst the parking bay can accommodate 3 cars, this relies on efficient parking and sometimes only 2 cars can park outside the application site. The proposals would result in there being only 1 parking space at the front of the application site. The proposals are contrary to the guidance in CPG Transport insofar as the installation of the crossover would result in the loss of on-street parking provision (a reduction from 3 or 2 to 1 space at the front of the property); and the alterations to the boundary treatment would have a visually detrimental impact on the street (see section 3 of this report). The application is recommended for refusal on this basis.
- 6.5. The Car Parking Survey which accompanies the application seeks to prove that the proposals would not cause parking stress in the local area (less than 50% of the permit parking bays were in use at the time of the survey); however, that is not relevant to the determination of the planning application as the guidance in paragraph 7.5 of CPG Transport clearly states that vehicle crossovers will not be acceptable where the installation of a crossover would result in the loss of on-street parking provision. Furthermore, Policy T2(d) resists the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking. No mention is made in the policy or supplementary planning guidance as to whether or not the loss of the on-street parking space would cause undue parking stress in the wider area.
- 6.6. The applicant also refers to guidance on the Council's website about creating new vehicle crossovers and the impact on Controlled Parking Zones, but again this is not relevant to the determination of the planning application. Not all vehicle crossovers require planning permission and associated amendments to the Traffic Management Order is not a planning consideration.
- 6.7. It is not considered that the proposals would cause undue harm to the amenities of neighbouring properties in terms of visual privacy or outlook; sunlight, daylight or overshadowing; noise and vibration; odour, fumes and dust etc. This is due to the nature of the proposed works, the circumstances of the application site and the fact the proposals relate to a single family dwelling. There would, however, be an impact on air quality, albeit minor, as a result of encouraging private vehicle usage and the application is recommended for refusal on

this basis.

7. Other considerations

- 7.1. Two recent appeal decisions in the borough are considered to be relevant. The first is 6 Cleve Road [planning application reference 2019/0829/P / appeal reference APP/X5210/W/19/3233752]. In that case, planning permission was sought to replace the front boundary wall and gates and create a new vehicle entrance. The appeal was allowed; however, there are clear differences between that case and the planning application which is the subject of this report. Firstly, the Inspector considered that the proposal would represent a visual improvement to the existing situation and would complement the character and appearance of the streetscene. He concluded that the proposal would enhance the character, appearance and significance of the South Hampstead Conservation Area. Secondly, the Inspector considered that the proposal would improve highway safety as the appellant (a registered Blue Badge holder) would no longer need to leave the site by reversing. In this case, the proposals would cause harm to the character, appearance and significance of the Elsworthy Conservation Area and there is nothing to suggest that the proposals would improve highway safety. It is already possible to leave the application site in a forward gear as there is plenty of space on site to manoeuvre and the creation of a new access to the public highway would merely create another point of potential conflict.
- 7.2. The second appeal decision of relevance is 1 Lyndhurst Road [planning application reference 2019/0969/P / appeal reference APP/X5210/W/19/3229977]. In that case, planning permission was sought for an off-street parking space and crossover with associated alterations to the front boundary wall. The appeal was dismissed. The Inspector noted that the removal of part of the front boundary wall would remove elements of the site identified as contributing positively to the character and appearance of the Fitzjohns Netherhall Conservation Area and the proposed works would also result in an expansion of the existing hardstanding that, whilst limited in scale, would be significantly more visible due to the increased width of openings within the front boundary. He concluded that the development would fail to preserve the character and appearance of the streetscape of Lyndhurst Road, and whilst the harm would be no greater than “*less than substantial harm*” within the context of paragraph 196 of the NPPF, the public benefits of the scheme (the reinstatement of gate piers, resurfacing the driveway in traditional materials, reinstatement of formal landscaping, improved drainage) would not outweigh the less than substantial harm identified. This case is similar insofar as the proposal would cause harm to the character and appearance of the conservation area and the less than substantial harm caused would not be outweighed by any public benefits of the scheme.

Recommendation: Refuse planning permission.