



Appeal Decision

Site visit made on 12 June 2018

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2018

Appeal Ref: APP/X5210/ED/18/3196860

The Chestnuts, Branch Hill, London NW3 7NA

- 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 and Mrs Jason and Nadia Iley against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5846/P, dated 18 October 2017, was refused by notice dated 15 December 2017.
 - The development proposed is partial infill of existing front light-well and repositioning of front staircase to facilitate construction of new driveway and vehicle crossover.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity I have used the description given on the decision notice in the heading above.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the Hampstead Conservation Area (CA);
 - Whether the development would conform to local policies with regard to parking and car-free development; and,
 - The effect of the development on pedestrian and highway safety.

Reasons

Character and appearance

4. The appeal site is the paved front garden of a large semi-detached villa style dwelling (The Chestnuts), located on a narrow road directly opposite Hampstead Heath. A footway runs along one side of the road and there is an unbound grass verge on the other. A designated residents' parking bay on the road leaves space for one running lane of traffic only.
5. The development would comprise the extension of the garden into an existing basement entry area and its use as a parking space. The parking space would be accessed from existing double gates.

6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
7. The Chestnuts is one of a group of late 19th century buildings on Branch Hill identified in the CA appraisal¹ as making a positive contribution to the area. The appraisal also states that buildings play a subordinate role in this character area. I noted that notwithstanding the height and stature of the dwellings, the proximity of the Heath, its mature boundary trees, and the width and informality of the road gives the area an intimate and semi-rural character. This impression was reinforced by the low volume of either vehicular or pedestrian flow at my visit.
8. Moreover, the modest front gardens associated with the dwellings between Lower Lodge and Holme Vale House form a consistent separation and buffer between the period dwellings and the road. This is reinforced by the continuity of front boundary features, whether walls, gates or railings. Furthermore, the restriction of vehicles to the road minimises their visual influence in this context, allowing the imposing period buildings and vegetation to be the key features contributing to local distinctiveness. The appeal site is therefore of significance to the CA in that it falls within that continuous buffer and also provides a sympathetic setting for the appreciation of The Chestnuts and nearby dwellings.
9. A vehicle parked between the footway and the dwelling would intrude into this separation between the road and the underlying building pattern. It would also add visual clutter to views of The Chestnuts and nearby dwellings. Furthermore, the plans indicate that the space beyond the gate clearance would be barely 5 metres, which suggests that there could be times when the gate is left open. This would further disrupt the continuity of front boundary features and urbanise the street scene. I agree with the Heath and Hampstead Society that this would result in visual degradation of the CA.
10. The appellant argues that the area is already paved. However, the planning history suggests that when the dwelling was converted from a hotel in 2005 the Council did not include permission for on-site parking. Furthermore, whether paved or not, the site is a front garden.
11. The Council's SPD² states that front gardens and forecourt parking areas make a large impact on the character and attractiveness of an area, and in particular the street scene. This principle is reinforced by Policies T1 and T2 of the Local Plan³ (LP), referred to below.
12. I conclude that the development would be intrusive and would have an urbanising effect on this section of Branch Hill, which would fail to preserve or enhance the CA. It would also detract from the setting of the buildings noted as making a positive contribution to the character of the CA. This conclusion is supported by the CA appraisal which identifies the steady erosion of many of the attributes of the character and appearance of the area as a consequence of development pressure.

¹ London Borough of Camden, Conservation Area Statement - Hampstead

² Camden Planning Guidance, Design 1, July 2015

³ London Borough of Camden, Local Plan 2017

13. In the light of the above, I conclude that the development would have an adverse effect on the character and appearance of the CA. It would therefore conflict with LP Policy D1 which requires development to respect local context and character, and to preserve gardens and open space amongst other considerations, and LP Policy D2 which will not permit development that results in less than substantial harm to heritage assets unless the public benefits convincingly outweigh that harm. It would also fail to preserve or enhance the CA and would therefore be contrary to the Act. I have considered the planning balance later in my reasoning.

On-street parking

14. LP Policy T1 seeks to promote sustainable transport choices and LP Policy T2 seeks to limit opportunities for parking within the borough in order to encourage those alternative modes of transport. Specifically the policy restricts on-site parking to essential operational or health needs, and states that the Council will resist the development of boundary treatments and gardens to provide crossovers and on-site parking.
15. The proposed crossover would reduce the parking bay by slightly more than one standard vehicle length. The appellant argues that the development would have a neutral effect on parking demand as the off-street bay would compensate for the loss of the on-street bay. However, although this would be the case in numerical terms, the appellant's parking bay would be permanently unavailable to local people, whether a vehicle was parked there or not. As such, parking provision for the appellant would increase at the expense of a residents' parking bay.
16. There is conflicting information between the main parties as to the level of parking stress currently experienced. However, at my visit most of the on-street parking spaces outside The Chestnuts were occupied and although this is a snapshot in time, I would expect demand to be greater at evenings and weekends.
17. Furthermore, the fact that parking is restricted by permit suggests underlying parking stress. Even if I was satisfied that the parking stress is less than the Council's threshold of 90 per cent, it does not alter my reasoning that one space currently freely available to residents would be removed.
18. Consequently, I conclude that the development would have an adverse effect on parking demand, albeit limited, and would also provide additional on-site parking. This would conflict with local policies with regard to parking and car-free development, contrary to the general aims of LP Policies T1 and T2 which taken together seek to decrease reliance on private transport and limit on-site parking, amongst other considerations. It would also be contrary to LP Policy A1 which is concerned with achieving a balance between the impact of development and the needs and characteristics of local areas and communities, insofar as it is concerned with transport impacts.

Pedestrian and highway safety

19. The swept path analysis appears to indicate that the wheel base of a large car turning left out of the site would pass over what appears, on the road, to be a line of rough stone setts marking the edge of the carriageway. The swept path would overhang the informal verge. Furthermore, the geometry of this

manoeuvre is predicated upon parked vehicles keeping within the designated parking bay on each side of the gate, and the exiting vehicle emerging at an angle perpendicular to the footway.

20. I conclude that even with precise driving skills there would be little tolerance for turning in and out of the gate. Any deviation from the given path would require an additional manoeuvre, and at peak hours, this could cause congestion in an area where there is only space for single file traffic to pass the parking bay. Moreover, as the gate is largely central to the parking bay, at periods of congestion it would be difficult to gauge a break in the single file traffic, particularly as parked cars would also restrict sightlines.
21. I appreciate that periods of congestion may be limited to peak hours, but this does not diminish my concern in relation to the limited turning space.
22. I appreciate that there is a vehicular exit a short distance to the north, but Branch Hill appears to be two lanes wide at this point and the break in the parking bay is longer than would be the case here. The two situations are not comparable.
23. With regard to the safety of pedestrians, although sightlines would be limited at the gate I am satisfied that the pedestrian traffic is generally light and emerging vehicles are unlikely to constitute a serious hazard to pedestrians.
24. I conclude that the tight turning circles in and out of the gate giving access onto a single file of traffic could cause additional congestion at peak periods which would be detrimental to highway safety. Whilst this would not be sufficient to warrant dismissal of the appeal in the absence of other concerns, it reinforces my reasoning with regard to the character and appearance of the CA, and the conflict with policies that seek to restrict reliance on private cars. The development would therefore have an adverse effect on highway safety, contrary to LP Policy A1 as outlined above.

Planning balance

25. In respect of the CA, the development would represent less than substantial harm. Consequently the appellant argues that any adverse effects would be outweighed by the public benefits arising from the development, as set out in Paragraph 134 of the National Planning Policy Framework. These would comprise improvements to the kerb, the footway, the removal of the crossover outside the adjacent Leavesdown Cottage and improvements to traffic flow.
26. Planning Practice Guidance defines public benefit in this regard as *of a nature or scale to be of benefit to the public at large and should not just be a private benefit*. There is nothing before me to suggest that the footway is considered dangerous or unsightly by any other parties. I noted that although the kerb edge is slightly irregular and made up of a mix of large stone blocks and bespoke granite kerbs, I am satisfied that it is not dangerous. In any case, the appellant argues in regard to pedestrian safety, that footfall along Branch Hill is light.
27. With regard to the creation of an additional passing place at the site entrance, this could have a limited benefit at peak hours. However there could also be a conflict between vehicles that have temporarily pulled in and vehicles wishing the exit or enter the parking space. I am not satisfied that this would be a significant benefit to traffic flow sufficient to outweigh all other concerns. In

any case, responsibility for the maintenance of the highway estate and traffic flow lies with the Council and it has not indicated that these proposals have weighed in favour of the development. On the basis of the evidence before me I see no reason to disagree with the Council. Consequently, I conclude that the public benefits arising from the development would not be sufficient to outweigh the less than substantial harm to the CA.

Other matters

28. I appreciate that nearby dwellings have off-street parking. However, those examples do not have frontages directly facing Branch Hill and are not directly comparable to this appeal. In any case, each appeal is determined on its merits.
29. The appellant argues that there is no evidence of any consultation associated with the preparation or adoption of the CA appraisal. However, this is a supporting document rather than a policy and there is nothing before me to suggest that it does not carry the weight of a supporting document.
30. I acknowledge that the appraisal's street scene audit does not include Branch Hill. However, other roads within the CA are also omitted. I do not give this omission any particular significance as it remains that the site lies within the CA.

Conclusion

31. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan, national guidance and legislation and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR