



Date: 03/11/2020  
Your Ref: APP/X5210/W/20/3255855  
Our Refs: 2019/6380/P  
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The Planning Inspectorate  
Room 3/23  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Dear Planning Inspectorate,

**6 Lawn Road, London, NW3 2XS**

**Appeal on behalf of Mr David Katz for the refusal of planning permission**

The Council refused planning permission under delegated powers on 11/03/2020, ref. 2019/6380/P

The description of development was as follows:

Creation of a new crossover; partial removal of the front boundary brick wall; installation of new iron gates and railings; and alterations to front garden landscaping including bin store screening.

The reasons for refusal are as follows:

1. The proposal would result in the loss of front garden space and part of the front boundary wall, which contributes to the character and appearance of the conservation area, and as such, would be harmful to the character and appearance of the streetscene and the wider Parkhill Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
2. The creation of an on-site parking space would promote the use of private motor vehicles and fails to encourage the use of sustainable modes of transport, as well as lead to additional parking stress through the removal of an on-street parking space, 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.

## **1. Site Description**

- 1.1. The site relates to a three-storey plus lower ground floor semi-detached building on the eastern side of Lawn Road. It is located within the Parkhill and Upper Park Conservation Area and the building is identified as making a positive contribution to the character and appearance of the conservation area in the Parkhill and Upper Park Conservation Area Appraisal and Management Strategy.
- 1.2. No. 6 Lawn Road, a residential flat, is located directly adjacent to No. 6A Lawn Road, a one and a half storey building, and both properties share a front garden and entrance gate. The Italianate villas sit slightly back within reasonably generous, well vegetated, plots with front boundaries located at the back of the pavement. These front walls contribute strongly to a sense of enclosure as well as the character and appearance of the streetscape and hence that of the conservation area.

## **2. Status of the Development Plan**

### **Development Plan**

For the purposes of s38(3) of the PCPA (Planning and Compulsory Purchase Act 2004), the development plan applying to the application sites comprises the London Plan 2016, the Camden Local Plan 2017 and the Fortune Green and West Hampstead Neighbourhood Plan 2015.

### **The London Plan 2016**

Minor alterations to the London Plan were formally published (adopted) in March 2016, and the incorporated into the London Plan 2016 (the Spatial Development Strategy for London consolidated with alterations since 2011). The London Plan 2016 is not considered to contain any policies of particular relevance to the application.

A new draft London Plan was considered at Examination in Public in 2019, and the Mayor of London issued an "intend to publish" draft in December 2019. The draft London Plan may be a material consideration in the determination of planning applications in some instances. However, the draft London Plan is not considered to contain any policies of particular relevance to the application.

**The Camden Local Plan was adopted in July 2017.** The relevant policies in the Camden Local Plan 2017 are:

- Policy A1 (Managing the impact of development)
- Policy D1 (Design)
- Policy D2 (Heritage)
- Policy T2 (Car free development)

- Policy T1 (Prioritising walking, cycling and public transport)

## **Other relevant policy and guidance**

### **NPPF 2019**

With reference to the National Planning Policy Framework 2019, policies and guidance contained within Camden's Plan 2017 are recent and up to date in accordance with paragraph 31-33 and 213.

There are no material differences between the NPPF and Camden Local Plan in relation to this appeal. Therefore Camden's policies should be given substantial weight in the decision of this appeal.

### **Camden Planning Guidance (CPG)**

CPG Altering and extending your home (March 2018)

CPG Transport (March 2019)

### **Parkhill and Upper Park Conservation Area Appraisal and Management Strategy (2011)**

## **3. COMMENTS ON APPELLANT'S GROUNDS OF APPEAL**

- 3.1. The appeal statement Appendix 1 is lengthy and covers the significance of the heritage asset and a review of reasons for refusal 1. The most pertinent points made in appeal statement are summarised below in italics and addressed beneath.
- 3.2. *The proposed gates and fencing will be in keeping with the traditional architectural character of the street, and also the conservation area more widely. The proposed design would maintain the existing permeable nature of the boundary treatment, ensuring that the visibility of No.6 is preserved from within the street-scene*
- 3.3. Officer Response: The existing brick wall provides solidity and definition between the front garden and footway. Brick walls and front boundaries generally make their greatest visual contribution when they are continuous. A boundary with many openings of different sizes has less of an appealing character to a solid boundary with consistent openings. This is born out on Lawn Road where the openings are largely consistent. Where gates or parking spaces have been introduced they appear like missing teeth in an otherwise continuous line.
- 3.4. The existing front boundary is low rise but still provides a solid demarcation with the street which would be lost with the introduction of

railings. The street view images below show that the existing 2.8m stretch of dwarf wall and railing makes a positive contribution to the street scene. The loss of this historic wall and its solid demarcation between the pavement and the front garden would represent a gradual erosion of the character and appearance of this part of the conservation area.



*Figure 1 view of appeal site*



*Figure 2 view northwards showing consistent low rise brick boundary treatments*



Figure 3 View northwards of low rise brick walls

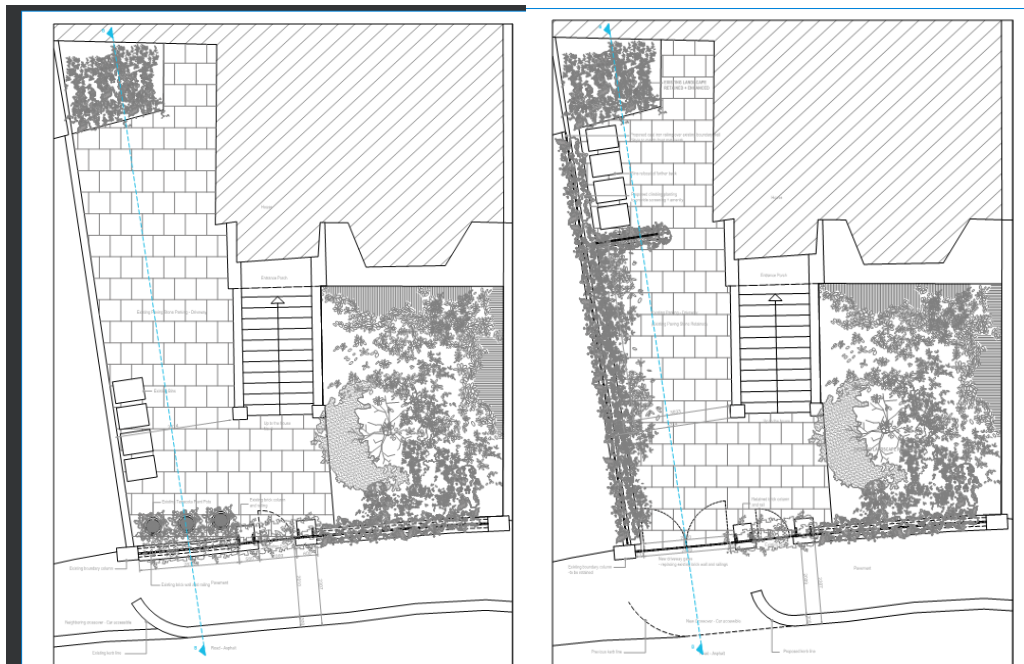


Figure 4 View northwards of low rise brick walls

- 3.5. *Many properties within the Parkhill and Upper Park Conservation Area have crossover parking alongside areas of soft landscaped front garden, and this is an established part of the character of the conservation area.*
- 3.6. Officer response: The above street images show that Lawn Road has largely retained its low rise boundary treatments and is considered worthy of preservation. It is disputed that crossovers are part of the character of the conservation area. The situations where they have been introduced provide an example of the harm this form of development can cause to the character and appearance of a building and conservation area. These properties have lost the spatial definition between the site and the street and an original architectural feature.
- 3.7. *The appeal proposal seeks to enforce the soft-landscaping within the front garden, with proposed climbing planting to the boundary with No.7 Lawn Road. As there is no built development proposed in the front garden, the garden space is also preserved. As such, the surface materials of the front garden will be retained and the garden space*

preserved. The proposed crossover parking will not, therefore, replace the front garden to No.6 Lawn Road.

- 3.8. **Officer Response:** The existing and proposed plans do not show a significant increase in soft landscaping. It is noted that the indicative planting to the boundary with No. 7 Lawn Road could be undertaken at any time and is not considered as a reason to allow the loss of the brick wall. There are no clear details of the extent of area of planting, it is clear that the soft landscaping does not take up the width shown on the plan, given the relationship with the front gate. It is instead just an overhang, with likely limited soil width. The loss of the front boundary removes the spatial definition between the street and front garden. The hard-landscaped front garden would be more visible with the loss of the wall. Its barren appearance would be more visible from the street. In addition the planting shown below is not considered to mitigate or outweigh the harm caused to the street scene through the loss of the front boundary wall.



Existing and proposed forecourt plan

- 3.9. With regards to point reasons refusal 2, transport consultant, Motion have provided an Appeal letter in Appendix 2 (ref. 6 Lawn Road, Camden, London, NW3 2XS: Proposed Vehicular Crossover to Serve Existing Property 26 June 2020) as a part of this submission, and have concluded the following:
- 3.10. *The provision of a crossover to serve one car parking space would not be at the detriment to more sustainable travel. The current occupier has the ability to park on-street at present, and so car usage is not expected to change. In any event, the site is in a highly sustainable location to both bus and underground services. The appellant is also*

*prepared to accept a condition requiring the installation of an electric charging point on site. Alterations to the existing parking bay on-street would not alter parking capacity, and therefore there would be no additional parking stress on-street as a result of the proposal. It is considered that any planning appeal decision should recognise the above commentary and not dismiss the appeal on highways grounds.*

- 3.11. Officer Response: A Transport Planner has reviewed the Appeal letter in Appendix 2 and makes the following response in relation to policies T1, T2 and A1
- 3.12. The appellant contests that the creation of an off-street car parking space would not detract the site owner or any future occupier from making sustainable travel choices, as their motivation to use a car, when required, would not alter. Policy T1 (Prioritising walking, cycling and public transport) of the Local Plan aims to promote sustainable transport by prioritising walking, cycling, and public transport. Introducing an additional off-street parking space would be contrary to Policy T1, and would do nothing to encourage the use of sustainable transport, as there would be the availability and incentive to park an additional vehicle on the off-street parking space as well as on the public highway. As the appellant had mentioned, the current occupier owns a resident parking permit which allows them to park on-street, and that they would continue to use a vehicle. Having an off-street parking space would facilitate an increase in the use of vehicles where occupiers could potentially purchase an additional vehicle due to the available space. The development's proposal to provide off-street parking for a vehicle would be contrary to Policy T1 as it fails to promote sustainable transport by providing off-street parking spaces, and in doing so it does not prioritise walking, cycling, and public transport.
- 3.13. The appellant suggests that the effect would be neutral in terms of car ownership and could offer improvements through the installation of an electric vehicle charging point. The Inspector for the Appeal Ref: APP/X5210/W/19/3229977 at Basement and Ground Floor Flat, 1 Lyndhurst Road (Appendix B) commented on the potential for use of an electric charging points. The Inspector stated that 'even if it were possible to limit the use of the space to a cleaner technology vehicle, this would still lie outside the policy aim to reduce car ownership and would not address concerns in relation to traffic congestion. It would not, therefore, prioritise sustainable modes of transport.'
- 3.14. CPG Transport (2019) paragraph 7.5 states that vehicular crossovers will not be acceptable where the installation would result in the loss of on-street parking provision and where the alterations to the boundary treatment would have a visually detrimental impact on the street. It is acknowledged that some surrounding properties benefit from crossovers and vehicle parking provisions, but the construction of such

predates the current Camden Local Plan (2017), CPG Transport (2019) and Parkhill and Upper Park Conservation Area Appraisal and Management Strategy (2011).

3.15. Policy T2 (Parking and car free development) of the Local Plan aims to limit the opportunities for parking within the borough as a means of reducing private car ownership and therefore reduce air pollution and congestion, and improve the attractiveness of an area for walking and cycling. Policy T2 clearly states that the Council will resist the creation of private parking, and the proposed development of creating an off-street parking space would not represent sustainable transport when read alongside Policy T1.

3.16. The Council will resist the development of boundary treatments to provide new crossovers and on-site parking. In addition, the Parkhill and Upper Park Conservation Area Appraisal and Management Strategy outlines the issue of crossover parking replacing front gardens despite the good transport links and provision of on-street parking in the area. It promotes the need to discourage the installation of crossover parking, and whenever possible, reinstate private front gardens, railing and boundaries. The development's proposal to provide off-street parking for a vehicle would be contrary to the car-free development Policy T2 and the Parkhill and Upper Park Conservation Area Appraisal and Management Strategy as it fails to limit off-street parking and resist boundary treatments.

3.17. Policy A1 (Managing the impact of development) of the Local Plan aims to protect the safety and quality of life of the community, occupiers and neighbours. The Council will resist any development or works that disrupts the highway network, and create a shortfall to existing on-street parking conditions or amendments to Controlled Parking Zones (CPZ). The table below indicates the ratio of resident permits to available parking spaces of streets near the property, which are suffering from parking stress, particularly on Lawn Road which has a 98% figure. This is considered to be significantly high therefore justifies our position on resisting the loss of any on-street parking.

Road Name	CPZ	resident permit holders only	paid-for / permit holders	loading / resident permit holders	paid-for / resident permit holders	permit holders only	resident permit holders only (street)	trader / permit holders	trader / resident permit holders	Total Resident Parking Spaces	Active Resident Permits	Active Business B Permits	Permits Ratio Just Residents	Permits Ratio Residents + Business B
Downside Crescent	CA-B	53	0	0	0	4	0	0	0	57	40	0	70%	70%
Lawn Road	CA-B	111	0	0	0	0	0	0	0	111	109	0	98%	98%
Upper Park Road	CA-B	116	0	0	0	0	0	0	0	116	106	0	91%	91%
<b>Total / Average %</b>		<b>280</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>284</b>	<b>255</b>	<b>0</b>	<b>86%</b>	<b>86%</b>



- 3.18. In accordance with Policy A1, the Council will focus on vulnerable and disabled road users, including provision of adequate sightlines for vehicles leaving the site. The introduction of another crossover on Lawn Road, which already has several crossovers along the road, would further disrupt the pedestrian movement. As stated in the appeal letter, it is expected that there would be up to two vehicle arrivals and two vehicle departures per typical day. This would increase the number of points of potential pedestrian/vehicle conflict. As part of the planning application, the appellant had suggested that there would be no obstructions to visibility. However, the appellant failed to take into account the small forecourt, where vehicles would have to conduct reversing manoeuvres each time it arrives or departs, which would be detrimental to pedestrians and other vehicles. The development's proposal to create a new crossover and to alter the front garden landscape and boundary wall to provide off-street parking for a vehicle would be contrary to Policy A1 as it fails to protect the safety and quality of life of the community, neighbours and pedestrians.

#### **4. Relevant Appeal decisions**

- 4.1. The Council notes that similar developments have been dismissed by Planning Inspectors at appeal. The below appeal decisions are attached as Appendix A and B
- 4.2. Chestnuts, Branch Hill, London, NW3 7NA (Appendix A) (ref: APP/X5210/D/18/3196860) for the construction of a new front driveway and vehicle crossover. In dismissing the appeal the Inspector made the following comments:

##### Character and appearance

- *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.*
- *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.*
- *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.*

##### Sustainable transport

- *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.*

- 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*
- 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.*

4.3. Flat Basement and Ground Floor, 1 Lyndhurst Road (Appendix B) (ref: APP/X5210/W/19/3229977) for the creation of off-street parking space and crossover with associated alterations to the front boundary wall. In dismissing the appeal the Inspector made the following comments:

#### Character and appearance

- The proposed development would reinstate an historic opening, possibly a cart access, shown on early OS mapping at the western end of the front boundary. This would require the removal of a faithfully replicated section of the wall, the replacement gate piers and the closest part of the original wall. The formation of a new vehicular access would be similar to the altered access at the adjoining villa such to provide some symmetry across the combined frontage. However, neither the proposed access or the existing access to no2, appear to be in the original form as illustrated on the historic map and therefore would not accurately reinstate a former site feature.*
- Furthermore, part of the original wall would be demolished to accommodate additional driveway width and the relocated pedestrian access. The removal of both the replicated section and part of the original detailed front boundary walls would remove elements of the site identified as contributing positively to the character and appearance of the CA.*
- 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. Combined with the presence of a parked vehicle this would become a visual detractor that compounds the effects of forecourt parking in the locality. The existing examples show a high propensity to impose on the relationship between the dwellings, their associated frontages and the characteristic enclosure by boundary walls. Together*

*these reduce the quality of the character and appearance of the street scene and therefore part of the identified significance of the CA.*

### Sustainable Transport

- *The proposal would provide one off-street private vehicle parking space in lieu of on-street parking currently available to wider residents. It is agreed that the annexing of part of the existing parking provision in the area would not currently result in any significant impact on residential parking stress in the vicinity. However, the development would incrementally reduce the availability of public parking and indicate an intent on the side of the appellant to persist with private motor vehicle use.*
- *The facilitation of car ownership beyond those accepted as necessary for mobility, operational or servicing requirements are identified by the Council as having the potential to maintain or adversely impact levels of air pollution and road congestion. None of these exceptions are claimed in this instance and taken with the requirement to remove part of the existing boundary wall and part of the garden would be contrary to the objective of Policy T1 and in direct conflict with Policy T2 of the CLP in the absence of other justification.*
- *The appellant suggests that the effect would be neutral in terms of car ownership and could offer improvements through the installation of an electric vehicle charging point. Even if it were possible to limit the use of the space to a cleaner technology vehicle, this would still lie outside the policy aim to reduce car ownership and would not address concerns in relation to traffic congestion. It would not, therefore, prioritise sustainable modes of transport.*

## **5. Conclusion**

- 5.1. The proposal would result in the loss of front garden space and a section the front boundary wall, which contributes to the consistent boundary treatments of Lawn Road and character and appearance of the conservation area. Therefore the Council maintains that the development would be harmful to the character and appearance of the streetscene and the wider Parkhill Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
- 5.2. The creation of an on-site parking space would promote the use of private motor vehicles and fails to encourage the use of sustainable modes of transport. The proposal would add to additional parking stress through the removal of an on-street parking space, 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.

- 5.3. Based on the above the Council respectfully request the Inspector to dismiss this appeal.
- 5.4. Should the Inspector be minded to allow the appeal the Council suggest the following conditions set out below:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans [Location Plan, 1818-S-OS-XP-0001; 1818-S-XP-SP-0001 REV A; 1818-S-GP-SP-0001 REV A]

Reason: For the avoidance of doubt and in the interest of proper planning.

2. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

3. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

If any further clarification of the appeal submissions is required please do not hesitate to contact Josh Lawlor on the above direct dial number or email address.

Yours sincerely,

Josh Lawlor  
Planning Officer