

REDINGTON FROGNAL
NEIGHBOURHOOD FORUM

Mr Nathaniel Young
Planning Solutions Team

14 December, 2020

Dear Mr Young,

Application: 2019/2263/P - objection

Since this planning application was submitted, planning precedent and various planning frameworks have evolved considerably and there are a number of important further precedents to consider. The Neighbourhood Forum sets some of these out below and asks they are fully considered by Camden in the ongoing appraisal of this planning application:

1. Planning Inspectorate case APP/Y5420/W/20/3254270 – Sept 2020

This involved an application in an area where generously sized dwellings are set within spacious plots. The area for the erection of a new dwelling was described by the Council as back land/infill development, which the Inspector considered to be a built-up area where there is a small parcel of land that is both built upon and part garden land, between buildings.

The main issues included:

- The effect of the character and appearance of the area with regards to the loss of garden land, and of a new dwelling;
- The effect on the living condition of occupiers with regards to internal conditions, outlook, privacy levels and day light and sunlight levels.

The Inspector found that “the prevailing local character of the area consists of two storey houses of similar design characteristics set in spacious plots with a strong street scene presence. This dwelling would not follow this defining pattern as it would be screened from public view via the high gates. Nor would it appear similar to the local vernacular, with the design of which further highlights its discordant nature, in stark contrast to the design of neighbouring houses.” It was concluded that “the proposal would be viewed as an incongruous dwelling that would not be a sympathetic addition to the street scene. It would not harmonise with the character and appearance of the area” and “.....that the development would erode the area’s defining characteristics, and thus harmful to the character and appearance of the area.”

2. Planning Inspectorate case of September 2019

Inspector, Ahsan Ghafoor, judged that a green living roof cannot mitigate biodiversity effects the loss of open space and harm to the character and appearance of the area and visual amenity.

The proposal comprised a single dwelling of contemporary appearance with a grass roof at a site judged to be of no particular ecological value. Although the appellant argued the green living roof and garden would mitigate biodiversity effects, the inspector agreed this would be difficult to control and the proposal would be in conflict with policy requiring development to provide mitigation.

An enclosed domestic curtilage would be to the detriment of the character and appearance of the area and visual amenity.

Inspector: Ahsan Ghafoor; Written representations

3. James Hall v Bradford MDC [2019] EWHC 2899 (Admin) dated 1 November 2019.

The court quashed a planning permission on the basis that the Council had failed to consider the impact of development on the setting of a heritage asset.

4. APP/X5210/W/17/3177331, decision date 5 December 2017

The development proposal was for the construction of a new family single dwellinghouse in an area characterised by historic Victorian terraced, detached and semi-detached properties that have reasonable sized gardens.

The main issues included:

- whether the proposal would preserve or enhance the character or appearance of the Elsworthy Conservation Area (ECA), including the effect of the proposal on trees subject to a Tree Preservation Order (TPO);
- the effect of the proposal on the living conditions of future occupants and neighbours with particular reference to outlook.

The Inspector considered that, “Whilst the harm of the proposal to the ECA would be less than substantial, the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that such harm should be given considerable importance and weight. In this context, the considerable weight afforded to the harm of the proposal to the ECA would outweigh the combined weight afforded to the benefits described above.”

It was judged that the proposal would neither preserve nor enhance the character or appearance of the ECA nor meet the requirements of Local Plan policies which require development to secure a high quality design that preserves and enhances the character or appearance of the conservation area.

5. Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015)

In January 2016 the High Court upheld the decision of a planning inspector that residential gardens in built-up areas constitute greenfield land, which means they cannot be developed.

National Planning Policy Framework, February 2019

Para 70 “. Plans should consider the case for setting out policies to resist inappropriate development of “residential gardens, for example where development would cause harm to the local area.”

Para. 122 “Planning policies and decisions should support development that makes efficient use of land, taking into account:

- d “the desirability of maintaining an area’s prevailing character and setting (including residential gardens)”

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, as Amended

This imposes a General duty as respects conservation areas in exercise of planning functions.

(1) “In the exercise, with respect to any buildings or other land in a conservation area, of any [F1functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Camden Local Plan Policy A2 Protection of other undeveloped areas including gardens

Para 6.37 Development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area. The Council will protect such spaces in accordance with paragraph 74 of the National Planning Policy Framework. Gardens help shape their local area, provide a setting for buildings, provide visual interest and may support natural habitats. Therefore they can be an important element in the character and identity of an area (its ‘sense of place’). We will resist development that occupies an excessive part of the garden, and the loss of garden space which contributes to the character of the townscape. Part of the established character of these spaces may also be defined through features such as railings and garden walls. We will seek the retention of these features where they make a positive contribution to townscape value.

Redington Froggnal Conservation Area Appraisals

Backland development is contrary to the Redington Froggnal Conservation Area Guidelines (Guideline RF 1) and has caused considerable harm to the conservation area character and to the local ecological network.

The garden suburb character of the Redington Froggnal Conservation Area is also emphasised in the Redington Froggnal Conservation Area Character Appraisal and Management Plan, May 2020.

Section 3.4 Townscape and Landscape Character notes the landscape is part of the “special architectural or historic interest and character of the conservation area”, which is “characterised by smaller front gardens and extensive rear gardens” and “Street trees, garden trees, hedges and sometimes extensive rear gardens are important characteristics of the area.”

An extract relating to harm is copied below:

Loss of rear gardens: Loss of rear garden space and the open character of rear gardens through rear extensions, swimming pools, large garden buildings and excessive hard surfaced areas. Some of these have involved loss of trees.

Source: Alan Wito, Senior Planner (Conservation)

In the context of the Redington Froggnal Conservation Area, gardens are significant assets and great weight should be given to their conservation. Gardens are also of importance to the settings of the non-designated heritage assets

Revised Camden Constitution, September 2020

The relevant section of Constitution of LB Camden is Article 14.02 Principles of decision making, which is copied below:

Article 14.02 (page 51) of Camden's new Constitution requires that,

“When taking any decision that may have an environmental impact, the Council will consider the likely environmental consequences of the relevant decision. This will include making the most of opportunities to minimise negative impacts, to enhance the natural environment, and to act to mitigate and adapt to climate change, recording and detailing that consideration within the decision-making report.”

Together these are highly compelling grounds for refusal of planning at this backland garden site.

Yours sincerely,

Nancy Mayo

Secretary

Redington Froggal Neighbourhood Forum
<http://www.redfrogforum.org/>