



Appeal Decision

Site visit made on 25 November 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/X5210/W/20/3255855

6 Lawn Road, London NW3 2XS

- 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 Katz against the decision of the Council of the London Borough of Camden.
 - The application Ref 2019/6380/P, dated 19 December 2019, was refused by notice dated 11 March 2020.
 - The development proposed is creation of a new crossover, together with the removal of a portion of the existing boundary wall; installation of new iron gates and railings. Provision of additional planting.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Parkhill and Upper Park Conservation Area ('CA'); and,
 - The effect of the proposed development on the promotion of sustainable transport modes.

Reasons

Character and appearance of the CA

3. The appeal property is located within the CA and comprises a semi-detached building on the eastern side of Lawn Road. It is one of a group of Italianate villas which sit slightly back from the highway with well defined, and in certain instances well vegetated front gardens, located at the back of the pavement.
4. Based on the Parkhill and Upper Park Conservation Area Appraisal and Management Strategy ('CA Appraisal and Management Strategy') and my observations, the significance of this CA is largely derived from its high-quality period buildings, which together form cohesive street scenes that provide a strong visual link to the past.
5. In particular, within the CA Appraisal and Management Strategy, the host property and other nearby villas are identified as making a positive contribution to the character and appearance of the CA. These include their respective front gardens which are generally enclosed by low walls, railings, and hedges, and

are also predominantly free of vehicle parking areas. Together, the architecture of these buildings and their front gardens contribute to the quality of the streetscape.

6. Similarly, the appeal property incorporates a low wall and metal fenced front boundary. Despite showing some signs of alteration and incorporating a pedestrian gate, this boundary treatment has a cohesive appearance and encloses the front garden. Part of the garden proposed for the parking area comprises hardstanding, this includes potted plants and is partly screened by a large overhanging rose bush. Therefore, despite being different to the soft landscaped parts of the front garden, it still forms and functions as part of it and contributes to its overall quality.
7. For the above reasons, the appeal property including its enclosed front garden positively contribute to the character and appearance of the CA and its significance.
8. While frontage parking does exist within properties in the CA, I do not have the full details and the circumstances in which these came about. In any event, these are not as prevalent as properties which are without parking and incorporate enclosed frontages. Furthermore, and as identified in the CA Appraisal and Management Strategy, where crossover parking has replaced front gardens, this detracts from the character and appearance of the CA.
9. Notwithstanding some reference to the existing design and materials, the proposal would result in the part removal of the existing low wall and railings to facilitate an appreciable gated access. There would also be the loss of part of the rose bush. Cumulatively, these works would compromise the form and degree of enclosure offered by the existing boundary treatment. Moreover, the parking of a vehicle within the garden would be a significant visual detractor to the streetscape which would diminish the quality of this enclosed garden, along with the legibility and definition of the historic boundary treatment.
10. Any visibility maintained by the design of the proposed gates would only highlight the use of the proposed parking area when occupied by a vehicle. Moreover, the proposed gated access and parking area would be adjacent to the parking area and vehicular access at 7 Lawn Road ('No 7'). Therefore, the proposal would compound the effects of frontage parking to the detriment of the quality of the street scene.
11. On the available information, I cannot be certain that the extent of the proposed soft landscaping would have any appreciable positive effect on the appeal property and area. In any event this landscaping would take time to establish.
12. The appellants assert that the installation of a vehicle crossover to the front of the property would preserve the future possibility of developing the front garden to re-introduce soft landscaping. Nevertheless, there is nothing in the evidence to suggest that the proposal would be temporary and therefore once implemented it is unlikely that the area proposed for parking would continue to function as enclosed garden space.
13. For the above reasons, the proposed development would harm the character and appearance, and the significance of the CA.

14. The harm the proposal would cause to the significance of the CA would be less than substantial. Paragraph 196 of the National Planning Policy Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
15. In this case the proposal would provide off-street parking benefits for the appellants. Given the modest scale of the proposal, any environmental benefits associated with the proposed landscaping and the inclusion of an electric charging point, which could be secured by condition if the appeal were to succeed, would be limited.
16. Having special regard to the desirability of preserving or enhancing the character or appearance of the CA¹, despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. Having given limited weight to the public benefits identified in this instance, these are not sufficiently forceful to outweigh the less than substantial harm that I have identified.
17. Drawing on the above reasons, the proposal would harm the character and appearance of the CA, contrary to the aims of Policies D1 and D2 of the Camden Local Plan 2017 ('LP'). Together, these policies seek to secure high quality developments which sustain and enhance the significance of designated heritage assets.

Promotion of sustainable transport

18. LP Policy T2 seeks to limit opportunities for parking within the borough in order to encourage alternative modes of transport. This Policy only supports on-site parking for essential operational needs and for spaces designated for disabled persons where necessary. It also states that the Council will resist the development of boundary treatments and gardens to provide crossovers and on-site parking.
19. The proposal would result in the creation of an on-site parking space which is intended for a disabled resident of the appeal property. However, there are resident permit bays directly adjacent to the property which could be utilised by the occupiers of appeal property. Also, the appellant's evidence shows that parking stress in the area is not at an unacceptable level. As such, it has not been clearly shown that the proposed on-site parking space is deemed to be necessary.
20. Furthermore, the proposal signifies the appellants' intention to rely on private motorised vehicle ownership. This, along with the convenience of a dedicated on-site parking space, would incentivise the appellants and future occupiers of the appeal property to own and rely on the use of a car, irrespective of the accessibility of the appeal site to shops, services and public transport. The availability of on-street parking along with an additional on-site parking space also encourage greater car ownership for the appeal property.
21. The appellants are prepared to accept a condition requiring the parking space to benefit from an electric charging point, this would still lie outside the Council's policy aim to reduce car ownership and would not address concerns in

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

relation to traffic congestion. It would not, therefore, prioritise sustainable modes of transport.

22. The proposed vehicle crossover would result in the reduction in the length of an existing parking bay by about 2m. However, this would not significantly change the overall capacity of this bay to accommodate two parking spaces.
23. Drawing on the above reasons, 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, contrary to LP Policy T1 which aims to promote sustainable transport choices. I also find conflict with LP Policy T2.

Other Matters

24. By referring to planning permissions granted at No 7 and 10 Lawn Road, the appellants assert that despite the provisions of the CA Appraisal and Management Strategy, the Council has not resisted the continued use of an existing crossover and the enlargement of another. However, on the information before me, at both these sites, vehicle crossovers already existed. As such, these proposals are not directly comparable to the appeal scheme, which is for the creation of a new vehicle crossover. In any event, I have determined the appeal scheme on its merits. As such, these examples and some local support for the proposal do not outweigh the harm I have already identified.
25. As already stated, the proposal is intended for the benefit of a disabled person. Although I have had regard to the Public Sector Equality Duty, I consider the personal circumstances of the resident are not a basis to allow the scheme in light of my concerns.
26. Given the limited usage associated with the proposed vehicle crossover, this is unlikely to have any significant effect on pedestrian safety. Therefore, I find no conflict with LP Policy A1, insofar as it is concerned with transport impacts.

Conclusion

27. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR