

Delegated Report	Analysis sheet	Expiry Date:	25/01/2022
	N/A	Consultation Expiry Date:	30/01/2022
Officer		Application Number(s)	
Josh Lawlor		2021/3191/P	
Application Address		Drawing Numbers	
31 Crediton Hill London NW6 1HS		See decision Notice	
Proposal(s)			
Enlarged driveway and hardstanding in front garden and associated widened dropped kerb as an amendment to planning permission 2019/0810/P dated 10.5.19 (for Alterations to the front driveway, front steps to property and front garden) (part-retrospective).			
Recommendation(s):	Refuse Planning Permission		
Application Type:	Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	0	No. of objections	0
Summary of consultation responses:	A site notice was displayed near to the site from on 23/12/2021 expiry 16/01/2022 The application was publicised in the local press on 23/12/2021 and expired on 30/01/2022					
Fortune Green and West Hampstead Neighbourhood Forum	No response received					

Site Description

The site is a two storey semi-detached dwelling on the Western side of Crediton Hill. The site is within the West End Green Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area. The site is within the Fortune Green and West Hampstead Neighbourhood Plan area.

Relevant Planning History:

2021/1278/P Extension to drop-kerb to front-drive and soft-landscaping. **Withdrawn 29/06/2021**

2021/3983/P Laying of hardstanding according to Schedule 2, Part 1, Class F. **Withdrawn 21/01/2021**

2019/0811/P Erection of a single storey rear extension with 2 rooflights; insertion of door to use roof of extension as terrace, 3 rooflights to main roof slope, demolition of existing conservatory **Granted permission 10/04/2019**

2019/0810/P Alterations to the front driveway, front steps to property and front garden **Granted permission 10/05/2019**

Relevant policies

The National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

- A1 Managing the Impact of Development
- D1 Design
- D2 Heritage
- CC2 Adapting to climate change
- CC3 Water and flooding
- A3 Biodiversity
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car free development

Fortune Green and West Hampstead Neighbourhood Plan 2016

- Policy 2 Design and Character
- Policy 7 Sustainable Transport

West End Green Conservation Area Appraisal and Management Strategy (CAAMS) Feb 2011

Assessment

1. The proposal and background

1.1. Planning permission is sought to make changes to the front drive and garden, which has been mostly implemented now (retrospective). Planning permission was granted under ref. 2019/0810/P dated 10/05/2019 for minor alterations to the front drive. The development was not carried out in accordance with the approved drawings as the extent of the hardstanding has been increased, a larger section of the low-rise brick has been demolished than was consented, and the stair and platform extends further into the driveway. Figure 1 shows the pre-existing layout and Figure 2 shows the approved and proposed layout and location of the stair. The proposal includes widening the dropped kerb by 120mm, which has not been carried out yet.

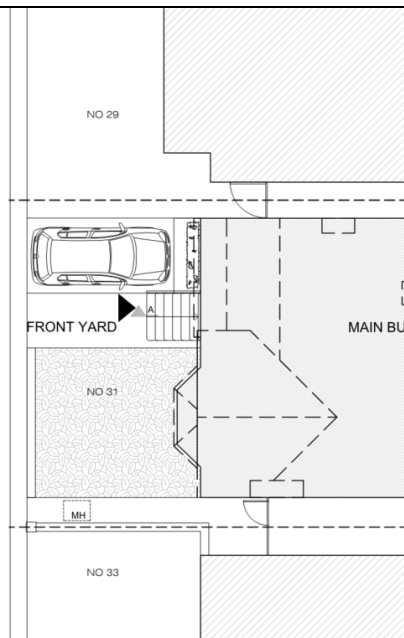


Figure 1. Pre-existing front drive

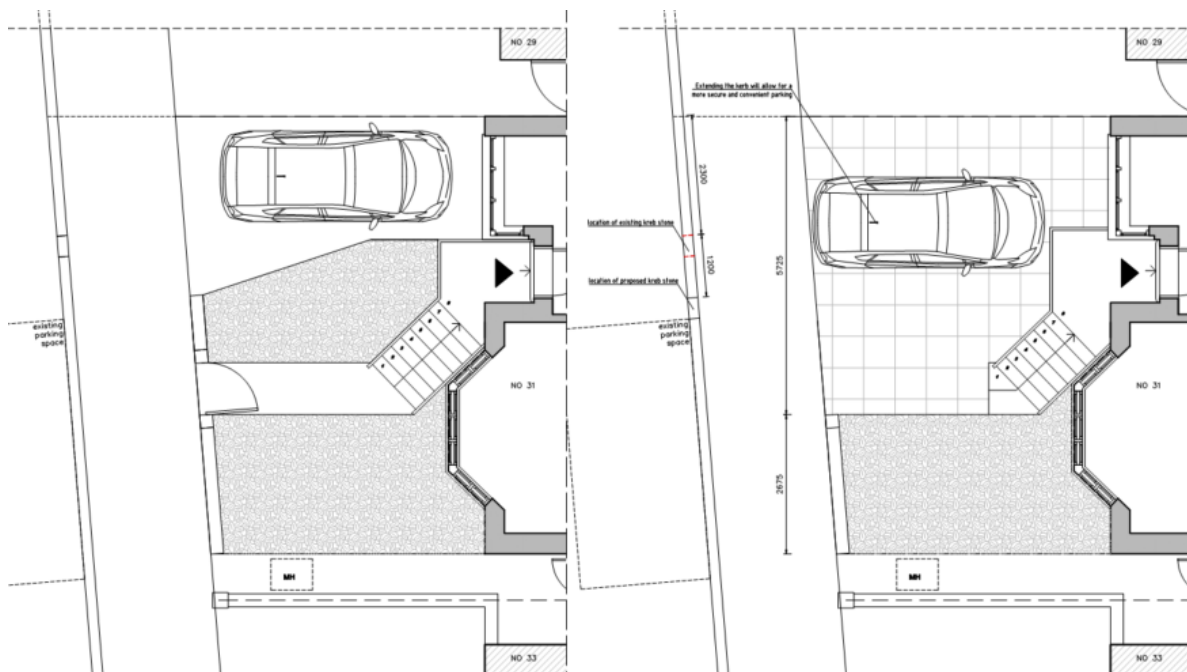


Figure 2. As approved (left) and as built drive with proposed changes to crossover (right)

2. Assessment

2.1. The General Permitted Development Order no longer allows the creation of more than 5 square metres of impermeable surfaces at the front of a dwelling house that would allow uncontrolled runoff of rainwater from front gardens onto roads without first obtaining planning permission.

2.2. The as-built surface does not appear to be porous (and measures have not been made to direct surface water to a permeable surface within the curtilage of the dwellinghouse). The changes are therefore not considered to be permitted development.

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

- The design impact on the building and West End Green Conservation Area
- Highways impact and compliance with policy T2 (Car-free development)

- Impacts on water-runoff and flood risk
- The impacts caused upon the amenities of the neighbouring properties

3. Design and Heritage

3.1. Local Plan Policy D1 seeks to secure high quality design in development which respects local context and character. The Council will not permit development that results in harm that is less than substantial to the significance of the heritage asset unless the public benefits of the proposal significantly outweigh that harm. CPG Design recommends that alterations take into account the character and design of the property and surroundings.



Figure 3. As built/existing (left) and pre-existing (right)

- 3.2. CPG Home Improvements states that the design of front gardens and forecourt parking areas make a large impact to the character and attractiveness of an area and is particularly important to the streetscene. A front garden and other similar forecourt spaces should consider a balance between hard and soft landscaping. Where changes take place, no more than 50% of the frontage area should become a hardstanding. Where parking areas form part of the forecourt, planting should be integrated into front garden structures where possible. If new materials are to be introduced they should be complementary to the setting.
- 3.3. The pre-existing green front garden contributed to the character and setting of the host building and provided an attractive visual interest to the street scene. The vegetation provided a soft and natural setting to the architecture behind. The pre-existing front garden is considered to contribute to the verdant character of the street.
- 3.4. Officers sought to retain a larger area of soft landscaping in the scheme granted planning permission Ref. 2019/0810/P dated 10/05/2019. This application was amended as a result in order to minimise the loss of soft landscaping. The approved scheme retained rather more than half coverage with greenery to the front garden, maintaining the leafy character of the conservation area. The as-built scheme is approximately two thirds hardstanding. This multiplies the effect of the inappropriate bright white stone that has been used as a surface. In addition, a section of the boundary wall and entrance gate that had been shown as separating the footpath from the drive have been omitted, meaning that the character of the garden has changed. The spatial definition between the front garden/area of hardstanding and the street has been lost. It has changed from a more or less traditional front garden containing a parking space to an uncharacteristic and incongruous Mediterranean-style yard, with what amounts to little more than

a planter off to one side.

- 3.5. The stair has been extended further than consented as the platform projects further across. This means that it appears more dominant and out of character.
- 3.6. The site is considered to make a positive contribution to the conservation area, and the house's verdant front garden is important to this contribution. The West End Green CAAMS notes regarding Crediton Hill that "*The private front gardens add colour and biodiversity to the residential street scene, particularly in areas of large houses but also in the narrow front gardens west of the Lane. The loss of any of these gardens through forecourt parking, hard-standing and neglect severely erodes the character of the streets*". It goes on to state that "*the loss of front gardens is devaluing the area*"; "*Established front gardens enhance the public spaces*". It is specifically this type of development that the CAS refers to as harmful.
- 3.7. The proposed alterations are considered unacceptable in terms of the heritage impacts and would harm the character and appearance of the host building, streetscene and conservation area. It would cause 'less than substantial' harm to the West End Green Conservation Area and its positively contributing host building. In accordance with paragraph 202 of the NPPF, 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. There are no demonstrable public benefits from the proposal and therefore refusal is recommended on this basis.
- 3.8. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance conservation area, under s. 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

4. Transport

- 4.1. Camden Local Plan Policy A1 seeks to ensure that new connections to the highway network from developments do not cause harm to the existing network, to its users or the environment. Creation of new accesses on the highway must not negatively impact on highway safety, with a focus on vulnerable and disabled road users and their needs.
- 4.2. It is essential that footway crossovers do not harm pedestrian movement and that there is minimum footway width of 1.8 metres between the carriageway and the site boundary. The implementation of crossovers where agreed will be undertaken by Camden's highways contractor at the expense of the developer. However, in this case the creation of a dropped kerb requires a crossover application to be submitted to the Local Highway Authority. Section 184 of the Highways Act (1980), allows an applicant to seek approval from the local highway authority (usually the Council) to construct a vehicular crossover to an existing development. Planning permission is not required for widening of the dropped kerb as this is a Highways matter.
- 4.3. However, it is noted that for information purposes that the Council's Highways Engineer visited the site and confirms that in the new layout the off-street parking space in front of the steps is too short at just 4m long (the minimum length for a carspace is 4.8m). It is noted that this on-site measurement is not consistent with the proposed drawings. As discussed above, the new stair was not approved to project as far into the driveway as it is now built, which reduces the space available to park. Transport officers state that there is insufficient space for a car to be parked in the proposed location. They are concerned that, should the proposal be allowed with both a wider paved area and a wider dropped kerb and crossover, a second car could potentially be parked next to the steps with the rear of the vehicle overhanging the footway. At present the vehicle parks beneath the front left window, where the site is deeper, and it does not overhang the footway.

5. Flood risk and water runoff

- 5.1. Camden has relatively few permeable surfaces and a very high population density. As a result it is deemed to have a high risk of surface water flooding, which is likely to be increased by further growth and intensification of the built environment as well as the increasing risk of heavy rainfall due to climate change. Surface water flooding is caused when the existing water infrastructure (drains and sewers) cannot cope with heavy rainfall.
- 5.2. The majority of the borough, as with London as a whole, is primarily underlain by clay soils, with the exception of higher ground on the north of the borough on Hampstead Heath. This means the soil beneath paving permits moderate infiltration. The site is recorded as having a number of hydrological constraints including:
- Underground development constraints -
 - Subterranean (groundwater) flow
 - Slope stability
- 5.3. Policy CC2 states that the Council will seek to ensure that development does not increase flood risk and reduces the risk of flooding where possible. Policy CC2 states that the Council will require development to be resilient to climate change. Policy CC3 states development should adopt appropriate climate change adaptation measures. The policy states developments should not increase, and wherever possible reduce, surface water run-off through increasing permeable surfaces and use of Sustainable Drainage Systems.
- 5.4. Permitted development rights exist for creating areas of hardstanding in front of dwellings; however they stipulate that where *'(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres: either the hard surface is 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'*.
- 5.5. Policy CC3 states development should consider the impact of development in areas at risk of flooding (including drainage) and should utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a green field run-off rate where feasible.
- 5.6. CPG Home Improvements states that front and rear gardens have become particularly prone to development pressure where loss of vegetation has resulted in the erosion of local character and amenity, biodiversity and their function as a sustainable drainage system to reduce local storm water run-off. The cumulative contribution of gardens with landscaping and trees towards Camden's green infrastructure has become even more significant over the last few decades because of their contribution to mitigating the effects of climate change which includes overheating. Additionally, gardens create green corridors for wildlife, aid the improvement of air quality and provide natural drainage for rainfall.
- 5.7. An on-site soakaway, using partial or no infiltration methods, set within permeable pavements is the preferable method by which the laying of hardstanding should be approached. The proposal has not used this approach. No consideration appears to have been given to introducing sub-surface means of water retention, or other measures which would avoid the reliance on using the street as a gully and the sewer system as the immediate point of water removal, without any on-site attenuation.
- 5.8. Replacement of the soft landscaping without any consequent mitigation of the resulting increase in surface water runoff does not meet the requirements of policy and is therefore constitutes a reason for refusal.

6. Residential Amenity

- 6.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, sense of enclosure and implications to natural light.
- 6.2. The proposal would not give rise to adverse impacts on residential amenity in terms of loss of light, outlook or privacy.

7. Recommendations

7.1. Refuse planning permission for the following two reasons:

1. The proposed development, by virtue of the loss of the front boundary wall and soft landscaping and its replacement with a large area of incongruous white stone paving, results in the loss of a traditional front garden landscape and boundary treatment thus harming the character and appearance of the host property, streetscene and West End Green Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Local Borough of Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2016.
2. In the absence of detailed measures to mitigate the loss of permeable green space, the development fails to be resilient to climate change and would contribute to the risk of surface water flooding, contrary to policies CC2 (Adapting to climate change) and CC3 (Water and flooding) of the Local Borough of Camden Local Plan 2017.

7.2. Issue a planning enforcement notice to require the removal of the unauthorised stone hardstanding and either reinstatement of the original front garden with soft landscaping and front boundary wall or implementation of the scheme as granted planning permission ref. 2019/0810/P dated 10/05/2019 for minor alterations to the front drive.

That the Director, Culture and Environment instruct the Head of Legal Services to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, requiring the removal of the hardstanding from the front forecourt area and the reinstatement of the front garden and soft landscaping to the property, and to pursue any legal action necessary to secure compliance. Additionally, officers are to be authorised that in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breaches of planning control:

1. Laying of hardstanding and demolition of front boundary wall

What you are required to do: either

1. Completely remove the white stone hardstanding and reinstate the original front garden with soft landscaping and front boundary wall to match the pre-existing condition; **or**
2. Implement completely the scheme granted planning permission on 10/05/2019 ref. 2019/0810/P for alterations to the front driveway, front steps to property and front garden.

Period of compliance:

3 Months

Reasons why the Council consider it expedient to issue the notice:

1. The proposed development, by virtue of the loss of the front boundary wall and soft landscaping and its replacement with a large area of incongruous white stone paving, results in the loss of a traditional front garden landscape and boundary treatment thus harming the character and appearance of the host property, streetscene and West End Green Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of London Borough of Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2016.
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